



Jersey
L.39/2005

EMPLOYMENT (AMENDMENT) (JERSEY) LAW 2005

Arrangement

Article

1	Interpretation.....	869
2	Article 1 amended.....	869
3	Article 10 amended.....	869
4	Article 62 amended.....	870
5	Article 73 amended.....	870
6	Article 74 amended.....	870
7	Article 88 amended.....	870
8	Article 89 amended.....	870
9	Article 90 amended.....	870
10	Article 93 amended.....	871
11	Article 97 amended.....	871
12	Schedule 3 amended.....	871
13	Schedule 4 amended.....	871
14	Repeal.....	871
15	Citation.....	871



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EMPLOYMENT (AMENDMENT) (JERSEY) LAW 2005

A LAW to amend the Employment (Jersey) Law 2003.

Adopted by the States

17th May 2005

Sanctioned by Order of Her Majesty in Council

15th November 2005

Registered by the Royal Court

23rd December 2005

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, “the principal Law” means the Employment (Jersey) Law 2003¹.

2 Article 1 amended

In Article 1(1) of the principal Law after the definition “employment dispute”, there shall be inserted the following definition –

“ ‘Employment Forum’ means the body that, under Article 21, is to be regarded for the purposes of this Law as being the Employment Forum;”.

3 Article 10 amended

(1) In Article 10(2) of the principal Law, after the words “If the employer and the employee so agree” there shall be inserted the words “in a relevant agreement”.

(2) For Article 10(6) of the principal Law there shall be substituted the following paragraph –

“(6) The States may by Regulations –

- (a) amend any of the periods of time, whether expressed in hours or days, mentioned in this Article; or
- (b) specify circumstances in which an employee shall not be entitled to a rest period under this Article.”.

4 Article 62 amended

In Article 62(1)(b) of the principal Law, the words “for less than such continuous period of time as may be prescribed,” shall be deleted.

5 Article 73 amended

- (1) In Article 73(2) of the principal Law, after the word “Article” there shall be inserted the figures “65, 66,”
- (2) In Article 73(3) of the principal Law, after the words “at least two-thirds of the fixed term” there shall be inserted the words “or 13 weeks (whichever is the longer)”.

6 Article 74 amended

In Article 74(2) of the principal Law, after the word “Article” there shall be inserted the figures “65, 66,”.

7 Article 88 amended

After Article 88(4) of the principal Law there shall be inserted the following paragraph –

- “(5) However, no award shall, whether by way of –
 - (a) a requirement as to the specific performance or specific implementation of a contract of employment; or
 - (b) a requirement that a person should refrain from committing a breach or threatened breach of such a contract,have the effect of compelling an employee to do any work or attend at any place for the doing of any work.”.

8 Article 89 amended

In Article 89(1)(c) of the principal Law, for the words “may appoint” there shall be substituted the word “appoint”.

9 Article 90 amended

In Article 90 of the principal Law, paragraphs (9) and (10) shall be repealed.

10 Article 93 amended

In Article 93(2) of the principal Law, after the word “may” there shall be inserted the words “(subject to Article 88(5))”.

11 Article 97 amended

In Article 97(2) of the principal Law –

- (a) the words “there are”, in the second place where they appear, shall be deleted;
- (b) in sub-paragraph (a), before the word “records” there shall be inserted the words “there are”.

12 Schedule 3 amended

In Schedule 3 to the principal Law, the words “The Terms of Employment (Jersey) Regulations 2001²” shall be deleted.

13 Schedule 4 amended

In Schedule 4 to the principal Law –

- (a) in paragraph 2, for the word “general” there shall be substituted the word “annual”;
- (b) paragraphs 4 and 9(2) shall be repealed;
- (c) in paragraph 9(3), the words “or (2)” shall be deleted.

14 Repeal

The Terms of Employment (Jersey) Regulations 2004³ are repealed.

15 Citation

This Law may be cited as the Employment (Amendment) (Jersey) Law 2005.

A.H. HARRIS

Deputy Greffier of the States

¹ *chapter 05.255*

² *R&O.32/2001*

³ *chapter 05.825*