



Jersey

EMPLOYMENT (MINIMUM WAGE) (JERSEY) ORDER 2007

Arrangement

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EMPLOYMENT (MINIMUM WAGE) (JERSEY) ORDER 2007

*Made**28th March 2007**Coming into force**1st April 2007*

THE MINISTER FOR SOCIAL SECURITY, in pursuance of Articles 16, 22, 33 and 104 of the Employment (Jersey) Law 2003¹, orders as follows –

1 Interpretation

In this Order –

“employee” means an employee who has ceased to be of compulsory school age;

“the Law” means the Employment (Jersey) Law 2003²;

“trainee” has the same meanings as it has in the Employment (Minimum Wage) (Jersey) Regulations 2004³.

2 The minimum wage

- (1) Except as otherwise provided by this Article, the minimum wage for an employee is an hourly rate of £5.40.
- (2) The minimum wage for an employee who is a trainee is an hourly rate of £4.05.
- (3) For the avoidance of doubt it is declared that this Article does not apply in respect of work undertaken by a person on behalf of another person where the work is being undertaken to gain experience as a required part of a course of education at an academic establishment.

3 Pay reference period

- (1) For the purposes of the Law, a pay reference period is –
 - (a) a period of one calendar month, where an employee is paid by reference to a period that is not shorter than one calendar month; or

- (b) where an employee is paid by reference to a period that is shorter than one calendar month, that shorter period.
- (2) Despite paragraph (1), where paragraph (3) applies, for the purpose of the Law, the pay reference period shall be one calendar month.
- (3) This paragraph applies where –
 - (a) an employee is paid at periods that are shorter than one calendar month but by reference to work undertaken during a period that is not shorter than one calendar month; and
 - (b) the employer and employee agree that this paragraph applies.

4 Records to be kept by employers

- (1) If an employee qualifies for the minimum wage, his or her employer must keep in respect of the employee records that are sufficient to establish, in accordance with Regulation 6 of the Employment (Minimum Wage) (Jersey) Regulations 2004, that the employer is remunerating the employee at a rate that is at least equal to the minimum wage.
- (2) The records must show the actual number of hours worked by the employee during each pay reference period (and not just the contractual hours worked).
- (3) The records must be in a form that enables the information that is to be kept about the employee in respect of a pay reference period to be produced in a single document.
- (4) The records that must be kept under this Article must be kept by the employer for a period of 10 years beginning with the day on which the pay reference period specified in paragraph (5) ends.
- (5) The pay reference period to which this paragraph refers is the one immediately following the pay reference period to which the records relate.
- (6) The records may be kept by means of a computer.

5 Maximum amount of compensation for detrimental treatment

The maximum amount of compensation that may be awarded under Article 33(1) of the Law shall not exceed the maximum amount of a payment that the Jersey Employment Tribunal may order under Article 86(6) of the Law.

6 Revocation

The Employment (Minimum Wage) (Jersey) Order 2004⁴ and the Employment (Minimum Wage) (Amendment) (Jersey) Order 2006⁵ are revoked.

7 Citation and commencement

- (1) This Order may be cited as the Employment (Minimum Wage) (Jersey) Order 2007.
- (2) This Order comes into force on 1st April 2007.

SENATOR P.F. ROUTIER

Minister for Social Security

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- 1 *chapter 05.255*
 - 2 *chapter 05.255*
 - 3 *chapter 05.255.45*
 - 4 *chapter 05.255.40 (R&O.108/2004)*
 - 5 *chapter 05.255.40 (R&O.20/2006)*