



Jersey

EMPLOYMENT (AMENDMENT No. 14) (JERSEY) LAW 202-

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EMPLOYMENT (AMENDMENT No. 14) (JERSEY) LAW 202-

A LAW to amend further the [Employment \(Jersey\) Law 2003](#).

Adopted by the States

3rd October 2023

Sanctioned by Order of His Majesty in Council

[date to be inserted]

Registered by the Royal Court

[date to be inserted]

Coming into force

[date to be inserted]

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

1 Part 5A of the [Employment \(Jersey\) Law 2003](#) (parental rights) amended

Articles 2 to 7 of this Law amend Part 5A of the [Employment \(Jersey\) Law 2003](#).

2 Article 55A (interpretation) amended

In Article 55A(1) –

- (a) after the definition “paid parental leave period” there is inserted –
“ “parental bereavement leave” means the leave to which a person is entitled under Article 55HA;”;
- (b) for the definition “partner” there is substituted –
“ “partner” means –
 - (a) in the case of parental leave, a person (whether of a different sex or the same sex) who lives with the mother or adopter and the child in an enduring family relationship but is not the mother’s or adopter’s relative;
 - (b) in the case of parental bereavement leave, a person (whether of a different sex or the same sex) who lives with a parent, adopter or surrogate parent and the child in an enduring family relationship but is not the parent’s or adopter’s or surrogate’s relative;”;
- (c) after the definition “registered nurse” there is inserted –
“ “relative”, in relation to a parent, adopter or surrogate parent means their parent, grandparent, sister, brother, aunt or uncle;”.

3 Article 55HA inserted

After Article 55H there is inserted –

“55HA Parental bereavement leave

- (1) The following employees are entitled to 2 weeks’ unpaid leave (“parental bereavement leave”), from the date of death of a child (or, in the case of a child that is stillborn after 24 weeks of pregnancy, the date of the child’s birth) up to and including 56 weeks after the death or birth –
 - (a) the mother of the child;
 - (b) the father of the child;
 - (c) an adopter of the child; or
 - (d) a surrogate parent of the child; or
 - (e) a person who is married to, or the civil partner or partner of, a person mentioned in any of sub-paragraphs (a) to (d), if that person had, or expected to have, responsibility for the upbringing of the child.
- (2) Parental bereavement leave may be taken without notice and may be taken in no more than 3 separate periods of any amount of time.
- (3) Parental bereavement leave applies in the case of any employer who employed the employee on the day the entitlement accrues.
- (4) But if the employee changes employer during the period in which the entitlement to the leave remains, the employee may still take the balance of the leave during the period of entitlement.
- (5) Entitlement to parental bereavement leave does not affect any right to parental leave or additional contractual entitlement to leave following the birth or adoption of a child.”.

4 Article 55I (application of terms and conditions during unpaid parental leave) amended

In Article 55I –

- (a) at the end of the heading there is inserted “or parental bereavement leave”;
- (b) in paragraph (1) after “parental leave” where first occurring there is inserted “or parental bereavement leave”;
- (c) in paragraphs (2), (3) and (4)(a) after “parental leave” there is inserted “or parental bereavement leave”;
- (d) for paragraph (4)(b) there is substituted –
 - “(b) to a period (other than a period of parental leave or parental bereavement leave) before the beginning of a period of the employee’s parental leave or parental bereavement leave, are not to be treated as remuneration.”.

5 Article 55L (right to return to work after parental leave) amended

In Article 55L in the heading and in paragraph (1) after “parental leave” there is inserted “or parental bereavement leave”.

6 Article 55R (contractual rights to time off for ante-natal and pre-adoption appointments and for parental leave) amended

In Article 55R –

- (a) in the heading, after “parental leave” there is inserted “and parental bereavement leave”;
- (b) in paragraph (1) after “parental leave” there is inserted “or parental bereavement leave”.

7 Article 55S (complaints to Tribunal for breach of requirement under Part 5A) amended

In Article 55S(4)(c) after “parental leave” (in both places) there is inserted “or parental bereavement leave”.

8 Consequential amendments to the [Employment \(Jersey\) Law 2003](#)

- (1) This Article amends the [Employment \(Jersey\) Law 2003](#).
- (2) In Article 31 (right not to suffer detriment), in paragraph (3)(c) (vi) after “parental leave” there is inserted “or parental bereavement leave”.
- (3) In Article 67 (dismissal for family or other reasons) in paragraph (1)(f) after “parental leave” there is inserted “or parental bereavement leave”.
- (4) in Article 71 (replacements), in paragraph (2)(a) after “parental leave” there is inserted “or parental bereavement leave”.

9 [Public Employees \(Pension Scheme\) \(Membership and Benefits\) \(Jersey\) Regulations 2015](#) amended

- (1) This Article amends the [Public Employees \(Pension Scheme\) \(Membership and Benefits\) \(Jersey\) Regulations 2015](#).
- (2) In Regulation 1 (interpretation), in the definition “child-related leave” –
 - (a) for “and parental leave” there is substituted “, “parental leave” and “parental bereavement leave” ”;
 - (b) after “birth” there is inserted “, death”.
- (3) In Regulation 16 –
 - (a) in paragraph (4), after “child-related leave” there is inserted “other than parental bereavement leave”;
 - (b) in paragraph (5) for “before giving notice” there is substituted “before giving any notice required”.

10 Citation and commencement

This Law may be cited as the Employment (Amendment No. 14) (Jersey) Law 202- and comes into force in accordance with an Order made by the Minister for Social Security.