



Jersey

## EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202-

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Jersey

## EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202-

A LAW to amend the [Employment \(Jersey\) Law 2003](#) and the [Discrimination \(Jersey\) Law 2013](#).

*Adopted by the States*

22 April 2025

*Sanctioned by Order of His Majesty in Council*

[date to be inserted]

*Registered by the Royal Court*

[date to be inserted]

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

### PART 1

#### AMENDMENT OF THE [EMPLOYMENT \(JERSEY\) LAW 2003](#)

**1 [Employment \(Jersey\) Law 2003](#) amended**

This Part amends the [Employment \(Jersey\) Law 2003](#).

**2 Article 1 (interpretation and application) amended**

In Article 1(1), after the definition “prescribed” there is inserted –

“reasons for dismissal” has the meaning given in Article 63A;

**3 Article 62 (circumstances in which an employee is dismissed) amended**

In Article 62(2) “and the reason for the dismissal is to be taken to be the reason for which the employer’s notice is given” is deleted.

**4 Articles 63A to 63C inserted**

After Article 63 (effective date of termination) there is inserted –

**63A Employer to give written statement of reasons for dismissal**

- (1) Paragraph (2) applies if an employer terminates –
  - (a) an employee’s contract of employment under Article 62(1)(a); or
  - (b) an employee’s fixed term contract of employment before the expiry of the fixed term.
- (2) The employer must give the employee a statement in writing setting out the reasons for the employee’s dismissal (the “reasons for dismissal”).
- (3) The reasons for dismissal must be –
  - (a) signed and dated by the employer, or if the employer is a body corporate, a limited liability company or a partnership, by an officer or partner authorised to sign the statement; and
  - (b) given to the employee not later than 7 days after the date of the employee’s last day of employment.
- (4) The reasons for dismissal must be given to the employee even if they have not been continuously employed in accordance with Article 73(1).
- (5) In this Article “given”, in relation to giving reasons for dismissal means –
  - (a) delivered to the employee in person; or
  - (b) sent to the employee by post or email.

**63B Reference to Tribunal for non-compliance with Article 63A**

- (1) Paragraph (2) applies if an employer does not give an employee reasons for dismissal as required by Article 63A(2), (3) and (4).
- (2) An employee may refer the matter to the Tribunal to determine –
  - (a) whether the employer had a reasonable excuse for not complying with the requirements of Article 63A(2), (3) and (4);
  - (b) whether the employer should pay compensation to the employee for failing to comply with those requirements; and
  - (c) the amount of compensation, if any, that is to be ordered, subject to Article 63C(2)(a).
- (3) If the employment has ended, the Tribunal may consider a reference only if it was made –
  - (a) not later than 8 weeks after the date that the employment ended; or
  - (b) within a further period that the Tribunal considers reasonable if it is satisfied that it was not reasonably practicable for the reference to be made within 8 weeks.

**63C Determination of Article 63A reference**

- (1) Paragraph (2) applies if, on a reference under Article 63B, the Tribunal determines that the employer has no reasonable excuse for not complying with Article 63A(2), (3) and (4).
- (2) The Tribunal may order the employer –
  - (a) to pay compensation to the employee of an amount not exceeding 8 weeks’ pay;

- (b) to give the reasons for dismissal.
- (3) If the Tribunal determines that the employer has a reasonable excuse for not complying with the requirements of Article 63A(2), (3) and (4), the Tribunal may, despite that determination, order the employer to give the reasons for dismissal.

## 5 Article 77F (compensation awards) amended

In Article 77F after paragraph (2) there is inserted –

- (2A) The Tribunal may –
  - (a) have regard to the employer’s conduct when making an award of compensation under Article 77(2), or Article 77E(3)(a); and
  - (b) if it considers it reasonable to do so, increase the amount of the award by up to 25%.

## 6 Amendment of Articles relating to payment of compensation

In the Articles listed in the table, for “4 weeks’ ” there is substituted “8 weeks’ ” –

Article 8 (determination of references)	paragraph (1)(b)
Article 10 (rest period)	paragraph (2E)
Article 15F (remedies)	sub-paragraph (b)
Article 15N (remedies for breach of Part 3B)	sub-paragraph (c)
Article 33 (remedies)	paragraph (1)(b)
Article 54 (determination of references)	paragraph (1A)
Article 55T (remedies for breach of Part 5A)	paragraph (1)(b)
Article 60P (complaints to Tribunal for breach of Article 60O)	paragraph (5)(a)
Article 78B (complaints to Tribunal)	paragraph (3)(a)

## PART 2

### AMENDMENT OF THE [DISCRIMINATION \(JERSEY\) LAW 2013](#)

## 7 [Discrimination \(Jersey\) Law 2013](#) amended

This Part amends the [Discrimination \(Jersey\) Law 2013](#).

## 8 Article 42 (remedies available) amended

- (1) For Article 42(1)(b) there is substituted –
  - (b) order the respondent to pay to the complainant compensation for financial loss, and hurt and distress;
- (2) After Article 42(1) there is inserted –
  - (1A) The amount of compensation that may be ordered under paragraph (1)(b) for –

- (a) financial loss, must not exceed the lesser of £30,000 or 52 weeks' pay; and
  - (b) hurt and distress, must not exceed £30,000.
- (1B) But the total amount of compensation ordered under paragraph (1A)(a) and (b) must not exceed the lesser of £30,000 or 52 weeks' pay.
- (3) After Article 42(2) there is inserted –
  - (2A) The Minister must review the maximum amounts of compensation that the Tribunal may order under this Article –
    - (a) not later than 3 years after the date on which the Employment and Discrimination (Jersey) Amendment Law 202- comes into force; and
    - (b) subsequently, not later than 3 years after the date of each previous review.
- (4) In Article 42(4), for “The States may by Regulations amend paragraph (1)(b) so as to” there is substituted “The States may by Regulations amend paragraph (1A) or (1B) to”.

### **PART 3**

#### **CLOSING**

#### **9 Citation and commencement**

This Law may be cited as the Employment and Discrimination (Jersey) Amendment Law 202- and comes into force 7 days after it is registered.