

In Brief: Jersey Employment Law Spring 2021

- 1 The States Assembly has approved a new **Migration Control Policy** to limit Jersey's inward migration. The key proposal is to restrict automatic graduation from one residency status to another, by replacing existing residential categories with 9-month, 4-year, 10-year and long term permissions. Unlike the current system, the proposed 9-month and 4-year permissions will not lead to permanent residency rights. If implemented the new system will require employers to apply for specific permission for any new employee who does not have long-term permission. There will be transitional provisions for existing workers.
- 2 In *Nolan v Voisins Department Store Limited, Voisin and Le Vesconte*, the Jersey Employment and Discrimination Tribunal awarded £2,500 in compensation against an individual who was found personally liable for disability discrimination. Personal liability for discrimination is not new, but is increasingly a feature of Tribunal litigation. Here, the finding related to a meeting between the claimant and the owner of the employer business. Arranged ostensibly as an absence review discussion, the Tribunal found that the real reason for the meeting was to discuss the employee's exit under settlement terms. On the facts, the Tribunal concluded that the meeting was an error of judgment on the owner's part, and upheld the claim against him.
- 3 In *Docherty v Bespoke Treasury Services Limited*, the Jersey Tribunal considered the interplay between summary dismissal and payment in lieu of notice. Asked to determine the disputed termination date, the Tribunal found that oral notice of termination was given to the claimant on 25 October 2019 but his employment did not end until 25 January 2020, despite the employer's position that there was a summary dismissal followed up by a letter. Unfortunately for the employer, the Tribunal decided that the letter was ambiguous as to when the employment ended, and that the ambiguity should be construed in the employee's favour. The later termination date was upheld, meaning that the claimant could claim unfair dismissal.
- 4 The **Employment Forum** has published recommendations for new statutory annual leave entitlements and rest breaks in Jersey. The recommendations would increase the statutory minimum annual leave entitlement from 2 weeks to a minimum of 3 weeks, and maintain the existing separate entitlement to public and bank holidays. The Forum has also recommended that employees should be entitled to an uninterrupted 15-minute rest break if they work 6 or more hours in any single work period. If approved, these changes would be expected to take effect by 1 January 2022.

Contacts



Laurie Child
Senior Associate
Mourant Ozannes (Jersey) LLP
+44 1534 676 067
laurie.child@mourant.com



Katie Phillips
Associate
Mourant Ozannes (Jersey) LLP
+44 1534 676 417
katie.phillips@mourant.com