

Government of Jersey

Essential Workers Scheme:

Legal Services

Note: This scheme applies to Members of the Law Society of Jersey and all Law Firms in Jersey.

Introduction

This 'Essential Worker: Legal Services' Scheme for legal services is a scheme to ensure that employees of law firms on the Island of Jersey are able to go freely to and from work to maintain essential services, including compliance with law and regulations and the maintenance of key services to clients.

Until further notice, law firms must, in line with Government advice, operate on the basis that the vast majority of employees should now work from home. This would mean that only a skeleton team of essential workers would go to the office. The 'office' means all work locations other than an employee's home.

It is the responsibility of firms to nominate such individuals and their responsibility to keep the number of such nominated persons to an absolute minimum to maintain essential services to clients in an orderly way from a pre-dominantly home-working staff pool, to support the financial stability and the international reputation of Jersey. To this end, firms should identify for themselves the activities, services or operations which, if interrupted, are likely to lead to the disruption of essential services. Firms should then identify a skeleton staff of individuals who will enable these functions to be conducted primarily on the basis of home working, if that skeleton staff has access to office or remote site working.

Where a firm is in doubt as to the definition of a particular term or process in this scheme, it should proceed on the basis of its own best-efforts interpretation having regard to the dual purpose of the scheme as being to limit social interaction, while supporting continuity of essential services. It should do this rather than submit queries either to the Government or the Law Society on the meaning of terms and processes.

Process

The Law Society invites firms to nominate by email to the following email address: ceo@jerseylawsociety.je, its 'Essential Workers Scheme Key Point of Contact' who will be the responsible person for arranging administration of the scheme, including issuing relevant notifications to staff, holding accurate records of the administration of the scheme and act as the key point of contact for the Law Society for further contact. This is likely to be the Principal or Senior Partner of the firm.

- Each 'Key Point of Contact' nomination must be received by **6pm on Monday, 30 March 2020**.
- The Key Point of Contact will then organise and oversee an internal process within the firm to identify the minimum number of staff to work in the office and arrange for these individuals to be notified and provided with appropriate letters of certification (in accordance with a pro forma letter to be issued by the Government).
- Letters of certification should be issued ideally before the beginning of work on Tuesday, 31 March 2020 and in any event not later than before the beginning of work on Wednesday, 1 April 2020. Firms must maintain a register of all authorisations (those active and those deactivated) which must be available for inspection by the Law Society or any other authorised body, including the States of Jersey Police;
- Each 'essential worker' must be advised to have certification and a form of identification available for inspection when travelling to and from work.

- Firms must have an alternate Key Point of Contact and must subsequently change the 'Key Point of Contact' if the initial Key Point of Contact is unable to act for a period of time. This must be advised immediately to the Law Society at ceo@jerseylawsociety.je.
- This scheme may be changed at any time in the interests of public health, which will be directed by the Government.

Overarching approach

The overarching approach to essential work must be the need to protect public health. Employees should only be designated an essential worker if it is absolutely necessary that they must visit the business premises to ensure the ongoing functionality of the firm. Any employee who enters the business premises must adhere to strict social distancing and hygiene guidance.

Criteria

The following criteria should be applied by firms in determining their list of essential workers:

- For law firms, up to a **maximum of five people** at any time, based on their essential need for the running of the firm. This should not be regularly changed and for many firms should be fewer than five (for some firms significantly fewer)
 - Advocates essential to ongoing Court matters¹ (matters still being heard by the Court)
 - Maintenance of core services – such as systems, mail collection and delivery and banking.
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¹ In this situation, the relevant Advocate will either secure authorisation from their firm or if that is not practical (which is should be in most instances) they should demonstrate possession of court papers – which may be checked.