

STATES OF JERSEY



DRAFT EMPLOYMENT (AMENDMENT No. 3) (JERSEY) LAW 200-

Lodged au Greffe on 24th October 2006
by the Minister for Social Security

STATES GREFFE



Jersey

DRAFT EMPLOYMENT (AMENDMENT No. 3) (JERSEY) LAW 200-

European Convention on Human Rights

The Minister for Social Security has made the following statement –

In the view of the Minister for Social Security the provisions of the Draft Employment (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator P.F. Routier**

REPORT

When the Employment Tribunal Regulations were being prepared in early 2005 and the rates of remuneration for Employment Tribunal members were under discussion, it was considered sensible to link the remuneration of people doing similar work and the rate paid to Commissioners of the Royal Court was deemed to be an appropriate comparator for the Employment Tribunal Chairman. The rate was therefore set at the Commissioners rate at that time – £686 per daily sitting, effective from 1st April 2004.

Since the Tribunal Regulations were drafted, the Commissioners rate has increased twice (on 1st April 2005 and 2006), and is due to increase again on 1st November 2006. The Tribunal Chairman's rate however has not increased.

The Minister recognises that it would be inappropriate to provide in the Employment Tribunal Regulations that Tribunal members' remuneration is related to the remuneration of a Commissioner. In practice, this would provide that the Minister for Treasury and Resources determines the Tribunal member's remuneration, rather than the States.

The Minister considers that increasing the remuneration of Tribunal members from time to time by amending Regulations is unnecessary and time-consuming and may lead to the Tribunal members pay falling behind the Commissioners rate, which is set by Order, and which is at a rate that will attract and retain competent qualified people.

The Minister therefore promotes this amendment to the Employment Law to allow Tribunal members' remunerations to be determined by the Minister by Order.

Financial and Manpower Statement

There are no resource or manpower implications arising from this amendment.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 20th October 2006 the Minister for Social Security made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Social Security the provisions of the Draft Employment (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This amendment would permit the States to make Regulations that would allow the Minister to make Orders determining, from time to time, the remuneration of members of the Employment Tribunal.



Jersey

DRAFT EMPLOYMENT (AMENDMENT No. 3) (JERSEY) LAW 200-

A LAW to amend further the Employment (Jersey) Law 2003.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

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

1 Article 82 of the Employment (Jersey) Law 2003 amended.

Article 82 of the Employment (Jersey) Law 2003¹ is amended by adding after paragraph (2) the following paragraph –

“(3) The Regulations may provide for the remuneration of members of the Tribunal to be determined by the Minister by Order.”.

2 Citation and commencement

- (1) This Law may be cited as the Employment (Amendment No. 3) (Jersey) Law 200-.
- (2) It shall come into force 7 days after registration.

¹ *chapter 05.255*