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New Parental Leave Legislation | 1

The States have approved the appointed day act for the Employment (Amendment No.11) (Jersey) Law 2020 which will introduce extended rights for parents in the workplace from 28 June 2020. Maternity, parental and adoption leave is now referred to as parental leave and is extended to 52 weeks of which 6 weeks is to be paid by the employer. The new legislation also introduces breastfeeding rights in the workplace. Employers will have to take reasonable steps to provide facilities at work for breastfeeding mothers to express and store milk, where an employee requests it. The new law takes into account the cost, the resources available to the employer and the size of the business when determining whether reasonable steps have been taken in this regard.

The States have also implemented an interim scheme to financially support employers with the change to the parental leave provisions until the new parental leave allowance is adopted. Parental leave allowance will replace the current maternity allowance provided by Social Security. It is anticipated that this will be introduced early next year.

The table below sets out the other family friendly changes that will be in force from 28 June.

Current Provisions	Effective from 28 June 2020
Maternity 26 weeks leave of which 6 weeks are paid. No qualifying period.	Maternity, parental and adoption leave now collectively referred to as Parental Leave. Includes surrogacy. Leave entitlement increased to 52 weeks' leave for all parents of which 6 weeks is paid by employer. Leave can be split into 3 blocks of no less than 2 weeks and taken from 11th week before baby due/placement of child up to 2 years after birth/placement.
Parental, Adoption and Surrogacy 26 weeks leave of which 2 weeks are paid. No qualifying period.	
Antenatal Appointments Unlimited paid time off for mother's attending antenatal appointments. Partners entitled to 10 hours paid, the rest unpaid.	Unlimited paid attendance for mother's at antenatal appointments, up to 10 hours paid time off for attendance at antenatal appointments for father/surrogate/adopter. Rights now apply to surrogate and adoptive parents.
Breastfeeding No rights	Right for breastfeeding mothers to request temporary changes to contract terms (hours, times, breaks) to accommodate breastfeeding. Paid breast feeding breaks. Employer to take all reasonable steps to provide breastfeeding facilities.
Health & Safety No rights	Right to paid absence when risk assessment prevents pregnant, breastfeeding or woman who has given birth in previous 6 months from attending work and she cannot be redeployed.

Employers should ensure that staff policies and handbooks are updated to reflect these changes and communicate them to staff, ensuring that managers understand how to manage temporary changes to terms and conditions and consider what reasonable steps, if any, they can take to provide breastfeeding/expressing facilities.

For further information on this or any other employment questions that you may have, please contact

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