

HR Toolkit for Startups and SMEs

About the Author

HR NOW

We are delighted to share the **HR Toolkit for startups and SMEs**, provided by [HR Now](#). This practical and insightful resource is tailored for small to medium-sized businesses, offering expert guidance to help you build or enhance your HR practices with clarity, confidence, and compliance.

To be aware of

Legal and statutory obligations [Read More](#) ▾

The main ones, all as amended from time to time, are listed below and the rest of the toolkit explains key elements of these in more detail.

- Employment (Jersey) Law 2003
- Employment Relations (Jersey) Law 2007
- Rehabilitation of Offenders (Jersey) Law 2001
- Jersey Advisory and Conciliation (Jersey) Law 2003
- Discrimination (Jersey) Law 2013
- Control of Housing and Work (Jersey) Law 2012
- Employment and Discrimination Tribunal (Procedure) 2016
- Health and Safety at Work (Jersey) Law, 1989
- Data Protection (Jersey) Law 2018
- General Data Protection Regulation (GDPR)

Employment (Jersey) Law 2003 [Read More](#) ▾

The Employment (Jersey) Law 2003 covers many of your obligations as an employer towards your employees and includes:

- Written terms of employment
- Minimum rest periods and annual leave
- Minimum wage
- Notice periods
- Payment of wages and provision of payslips
- Termination of employment and notice periods

- Redundancy
- Unfair dismissal protection
- Codes of practice
- Equal opportunities and discrimination
- Trade unions and staff associations
- Employment Tribunal
- Discrimination
- Flexible working

There have been several amendments to the Law which you need to be aware of and the most common issues to focus on are covered in this booklet.

Criminal Offences Read More ▾

Jersey has rules to facilitate the rehabilitation of offenders under the Rehabilitation of Offenders (Jersey) Law 2001.

Once a specified period has elapsed after certain convictions they are considered 'spent' and the person is then treated in law as if they had not committed or been convicted of the offence. A spent conviction need not be disclosed when the individual or any other person is asked a question about past convictions and it is an offence for a person, in the course of their official duties, to disclose a spent conviction without the individual's consent.

In addition, a spent conviction or its non-disclosure is not a reasonable ground for turning someone down for employment, dismissing them during employment, or excluding the person from any office or profession, subject to certain exceptions.

There are however exceptions to the law where certain categories of individuals or businesses can apply an exception. For example, people working with children and vulnerable people must not have a criminal record that would put these people at risk.

Further details can be found within the Rehabilitation of Offenders (Jersey) Law 2001 and available online at

[https://www.jacs.org.je/legislation/guide-to-rehabilitation-of-offenders-\(jersey\)-law-2001/](https://www.jacs.org.je/legislation/guide-to-rehabilitation-of-offenders-(jersey)-law-2001/)

JACS and The Jersey Advisory and Conciliation (Jersey) Law 2003 Read More ▾

This law established JACS as an organisation to promote the improvement of employment relations and to assist in the resolution of employment disputes.

JACS have provided a Code of Practice on Disciplinary and Grievance Procedures that is approved under the Employment (Jersey) Law 2003. The Employment Tribunal relies on this code when establishing whether an employer followed a fair procedure.

Data Protection Read More ▾

The Data Protection (Jersey) Law 2018 provides a framework for collecting and processing personal information about living people who are referred to as data subjects. The Law gives individuals specific rights in relation to their personal information and places obligations on the organisations responsible for controlling and processing it.

Employers naturally hold personal information about their employees. This information is classed as sensitive personal and/or special category data and includes both facts and opinions about an individual. As a result you must have appropriate processes and policies in place to collect and hold this information securely.

1. Core Principles for Employers

Employers must ensure that personal data is:

- Processed lawfully, fairly, and transparently.
- Collected for specified, explicit, and legitimate purposes.
- Adequate, relevant, and limited to what is necessary.
- Accurate and kept up to date.
- Retained only for as long as necessary.
- Processed securely to protect against unauthorised access or loss

2. Employee Data Rights

Employees have the right to:

- Access their personal data.
- Request correction of inaccurate data.
- Request erasure (the “right to be forgotten”) in certain circumstances.
- Restrict or object to processing.
- Data portability (where applicable).
- Be informed about how their data is used

3. Employer Obligations

Employers must:

- Register with the Jersey Office of the Information Commissioner (JOIC) if processing personal or sensitive data.
- Have clear privacy notices and data protection policies.
- Conduct Data Protection Impact Assessments (DPIAs) for high-risk processing (e.g. monitoring staff emails or CCTV).
- Ensure contracts with third-party processors include data protection clauses.
- Report data breaches to JOIC within 72 hours if there is a risk to individuals

4. Special Category Data

Employment records often include sensitive data (e.g. health, ethnicity, disciplinary records). Processing this type of data requires:

- A lawful basis (e.g. legal obligation, contract, consent).

- Additional safeguards due to its sensitivity

5. Practical Implications for HR

- HR teams must ensure secure storage and limited access to employee records.
- Recruitment, performance reviews, and disciplinary processes must comply with data minimisation and transparency principles.
- Employees should be informed of how long their data will be retained and the rationale behind it.

You must notify the Office of the Information Commissioner as soon as you start to hold sensitive data and registration can be completed online at www.oicjersey.org. You will be charged an annual fee for registering with the Data Commissioner.

For more information go to: The Office of the Information Commissioner
www.oicjersey.org

Things to know:

Brexit [Read More](#) ▾

Following Brexit, EU, EEA, and Swiss citizens (excluding Irish citizens) who were living in Jersey before 30 June 2021 were required to apply to the Jersey EU Settlement Scheme in order to retain their rights to live, work, and access services on the island

Key Points:

- The Jersey EU Settlement Scheme mirrors the UK's scheme but is administered locally.
 It applies to EU, EEA, and Swiss nationals and their family members who were resident in Jersey before 30 June 2021.
- Those who did not apply by the deadline may be considered unlawfully resident, which can affect their ability to:
 - Work
 - Access healthcare
 - Rent housing
 - Receive benefits
- Late applications are still accepted but must include reasonable grounds for missing the original deadline.
- British and Irish citizens do not need to apply.
- Children under 16 must be included in a parent's application; those 16 and over must apply individually

Ensure your employees are aware of the above information and they must apply for the Settlement Scheme.

If you have further questions you can speak to the Government of Jersey on 01534 448900 or go to www.gov.je/Government/Brexit/pages/settlementscheme or the Guernsey Border Agency on 01481 741417 or email passport@gba.gov.gg

Pre-employment Checks [Read More](#) ▾

You should carry out pre-employment checks before taking on employees. You must check they have a Registration card. This card shows their residential and employment status and will show if they are Entitled, Entitled to Work, Licenced or Registered. Making registration card and ID checks are a statutory requirements.

It is advisable you obtain references, copies of certificates, qualifications, driving licences and any other documents relevant to the role. You might also require further industry specific requirements, such as JFSC approval and or police checks.

Job Descriptions [Read More](#) ▾

Job descriptions allow the business to set out the main purpose of the position, key tasks, objectives, responsibilities and reporting lines for the role as well as allowing people to understand the expectations of the business. It is important to be familiar with the job description when interviewing or considering candidates for the role, carrying out appraisals, or managing poor performance.

Job descriptions should be updated periodically to ensure that the current business requirements are reflected. The important point is that your employees know what is expected of them before and during employment and the Job Description enables this.

Contracts of Employment [Read More](#) ▾

Otherwise known as a Written Statement of Main Terms and Conditions of Employment ("Statement") this is a statutory document that needs to include specific information and must be issued this within four weeks of commencement of work.

Be mindful that once an offer of employment has been made and accepted, a contract of employment exists, regardless of whether the offer or acceptance are made in writing or verbally.

Types of contracts

There are various types of contract and it is important to consider which is most appropriate for the role.

- Permanent: when the work is consistent and regular for a certain number of hours, for example, full-time Monday to Friday 9am-5pm, or part-time such as a 25 hour week.
- Fixed term: for a set period, for example, six months to cover maternity leave or three months for a busy business period.
- Variable: where there is a mutual commitment to be offered work and accept work, such as 4 days on 3 days off or term time only employees, but there is acknowledgement that the hours may vary.
- Zero hours: when there is no mutual requirement to offer work or accept it. It is

an "Agreement" or arrangement, not an employment contract.

Core terms

Some of the particulars that should be included in the Statement are terms and conditions relating to:

- Name and address of the employer and employee
- Date employment started and any continuous start date
- Hours of work per week or per year inc. rest periods
- Holiday entitlement
- Pay / salary and frequency
- Sick pay provision
- Termination notice period – what must be given and received
- Whether a pension is offered, even if it isn't
- Type of contract – permanent, fixed term, variable or zero hours
- If there are any collective agreements affecting employment
- The terms if the employee is to work outside Jersey for 4 weeks
- or more.
- And many more.

All employees have employment rights in relation to annual leave, notice periods, disciplinary and grievance processes, maternity and paternity leave amongst others. There is more information about these rights in the next section of this toolkit and more detailed information is available through JACS.

As your employment contract regulates your relationship with your employees it is really important to clearly state what the terms are and make sure these are understood and accepted by both parties. Getting proper HR advice when developing an employment contract will help you get this right from the start.

Zero Hours

A zero-hour contract is an agreement between a business and a worker / employee where the business is not obliged to provide work and the worker is not obliged to accept any work offered. Workers on zero-hour arrangements can support your business for example with unexpected or ad hoc temporary cover or additional seasonal business needs or project.

You cannot stop a zero-hour worker from working elsewhere. They are also entitled to a minimum of 15 days annual leave, but you can explain if this is part of or on top of their salary. If you wish to include this in their pay, this is calculated at 6% of their hourly salary.

It is important that you monitor your zero-hour workers. If a zero-hour worker starts to regularly work the same hours, same days etc. they effectively become entitled to be considered an employee, especially with the right to a six-month work pattern review where you may have to convert the zero hours arrangement to a contract of employment.

Employers Liability Insurance [Read More](#) ▾

The Employers' Liability (Compulsory Insurance) (Jersey) Law 1973 requires an

employer to have Employers' Liability Insurance with an authorised Insurance provider as soon as anyone is employed in the business. The Certificate of Insurance must be displayed in the office. The insurance provider will advise you in terms of minimum cover limits to cover any claims arising.

Any independent contractors or suppliers that you engage to provide services are not included under this cover as they are not employed by you. However, it is wise to obtain a copy of their own insurance for your reference.

You should also consider Directors and Officers Insurance to protect your business in the event that claims are made against you as a Director and Professional Indemnity Insurance if you provide professional advice.

Section 1:

Benefits [Read More](#) ▾

Do consider providing benefits to your staff as these can be used to differentiate you from other employers. Benefits can be monetary or non-monetary so consider what fits with your type of business and company culture. As your business grows, evaluate any benefits you offer to ensure you remain competitive in the market.

There are certain benefits in kind you may provide to employees that are tax deductible and for details of allowances or deductions on these benefits please see the Taxes Office www.gov.je .

Communication and Engagement [Read More](#) ▾

Building a culture of open, honest and clear communication is important in the workplace to ensure the smooth running of any business.

Positive, open communication and feedback promotes strong teams, improves productivity and mitigates the risk against tribunal claims or lawsuits.

Changes to Your Business [Read More](#) ▾

Changes you make will have an impact on your people. In law you must advise your employees of the legal entity they are employed by. If the business name is changed without any further changes to the terms of employment you can simply provide a letter or a new Statement of Terms with the updated new name.

Changing any terms of employment or changing contractual terms will likely involve:

- Issuing a new Statement of Terms and new Handbook detailing the changes;
- Consultation with the employees, giving them reasonable opportunity to consider and comment on the proposed changes.

Discrimination

Under the Discrimination (Jersey) Law 2013, as amended, it is unlawful to discriminate or treat someone less favourably than you would another because of a protected characteristic. Discrimination can be direct or indirect and includes harassment and victimisation.

The protected characteristics are:

- Race: nationality, national origins, colour or ethnicity
- Sex: gender, gender reassignment, sexual orientation, pregnancy, maternity and paternity
- Age
- Disability

Discrimination can occur prior to employment, for example, during advertising, interviewing, selection and recruitment. It can also occur in pay, benefits and in access to career opportunities such as promotion and training.

Employers are also liable for the actions of their employees if they discriminate against anyone. It is advisable therefore to provide discrimination training to ensure your people are aware of what is and isn't acceptable.

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Equal Opportunities [Read More](#) ▾

Equal opportunities within the workplace are important for fairness as well as justice. Everyone deserves to be treated equally with a fair approach across recruitment, selection, promotion and general working conditions.

Simply put, you need to treat everyone equally and ensure employees know what is

expected of them and what is not acceptable.

Diversity and equality has many benefits. Statistics show that diversity supports your business's products and services and enhances customer support. Employee turnover reduces if employees are comfortable, valued and happy in a workplace with an ethical culture.

Employer Returns Read More ▾

The Government of Jersey has a secure Employer Combined Return website that allows businesses to submit:

- IT IS returns: which must be paid no later than 15 days after the end of each month;
- Social Security returns: contribution schedules must be received on or before the 15th day of the month following the end of a quarter. E.g. 15 April for the months January, February and March.
- Manpower returns: which must be submitted by 31 January and 31 July each year and contain the information about the business as at 31 December and 30 June of the previous period.

Any information that is entered is stored and available for future returns and will pre-populate when you return to the site.

For more information go to Government of Jersey:

Employer Returns Platform: <https://empret.jsytax.je/EMPWEB>

Handbook, Policies, Procedures and Rules Read More ▾

Employee/HR Handbooks set out the employer's policies, procedures and rules according to statutory, contractual and non-contractual terms. They are required to ensure transparency, fairness and compliancy and are your opportunity to explain 'how it works around here'.

Contractual terms are legally enforceable involving obligations on the part of both parties.

Non-contractual policies and procedures are not legally enforceable but should be clear and understood so that employees know what is expected of them.

As legislation and best practice, change your Handbook should be reviewed and updated to reflect the changes.

It is important to follow the policies and procedures and to give staff and managers training so they are able to implement them properly.

Health and Wellbeing Read More ▾

Your responsibilities include a duty of care to employees. Consider how sickness or

absence is managed, the working practices and systems, hours of work and volumes of work for people. Determine how you will know if you are looking after your employee's health and wellbeing.

You will have many responsibilities under the Health and Safety at Work (Jersey) Law 1989 and other health and safety Approved Codes of Practice (ACoP). Consider your policies for things like fire, first aid, food hygiene, manual handling for example and tailor your policies to suit the nature of your business.

When workplace accidents, near-misses, injuries and illnesses occur, you need to know how these will be reported, to whom and how they are investigated. You should have a process for promptly reporting incidents, suggesting ways of reducing or eliminating risks and ways in which the business follows this up.

As soon as you have five or more employees you will need to prepare a health and safety policy statement and make this accessible to your staff.

Social Media [Read More](#) ▾

Social media sites, such as LinkedIn, Twitter and Facebook are fantastic for promoting and building a company's brand, knowing customer opinion and possibly recruiting.

However, it is very easy for companies to fall foul of data protection and employment laws when vetting potential recruits. You need to ensure that social media is used appropriately to successfully protect your business details from being shared or stolen online.

The business also needs to consider the actions of its employees. Derogatory or inappropriate comments being posted can have a damaging effect on a business, especially if the employee have the business linked as their place of employment. The business should have rules about employee's social media content and use. Training, Learning and Development

As a business you need to consider the training you require someone to undertake either prior to employment in order to be competent in the position, or during employment to bring their skills up to the required level for current and future roles. Some professions have requirements for ongoing Continual Professional Development (CPD) which some company's fund, or part fund.

When putting together a learning and development strategy think about all the different ways people can gain skills. Develop a strategy that includes a budget, people and skills requirement and a method for evaluating the effectiveness of the activities and outcomes.

Section 2:

Flexible Working [Read More](#) ▾

From day one of employment, all employees have the right to request a change in their working arrangements, including a change in their hours, times or location of work. Two FWA's can be made in any 12 months.

Flexible working arrangements include:

- Part time working
- Job sharing
- Working from home
- Term time working
- Shift working
- Flexitime
- Staggered hours (start and finishing times)
- Shifts
- Compressed working hours (e.g. a five-day week in four days)

You will need to arrange a meeting to discuss an employee's application and make a decision within 28 days of the request. Any agreement to the request is at the sole discretion of the business, provided it has given due consideration to the request.

In considering the request you are entitled to consider the needs of the business and decline the request. Any change is deemed permanent, unless you expressly confirm it is not.

Pandemic [Read More](#) ▾

The Covid-19 pandemic has resulted in businesses implementing new policies and procedures to ensure safety in the workplace. The list was longer but in 2025 we still see the following:

- Restricting access – if an employee has tested positive.
- Hand sanitiser stations, ensuring adequate physical distancing allowance within the office
- Lone working, this is defined by the Health & Safety Executive (HSE) as people who work by themselves without close or direct supervision. This doesn't necessarily mean that the worker is physically alone; it means they are in a separate location to the rest of their team or manager. For example, a retail worker putting stock away by themselves is classed as a lone worker the same as a meter reader entering someone's home. If an employee cannot be seen or heard by a colleague, they are a lone worker – whether that be for all or part of their working day. This also includes staff who work from home.
- Home working has resulted in companies carrying out regular health & safety checks and risk assessments for an employee's home working environment. Businesses have had to build a newfound trust with employees, they have had to ensure they are in regular communication, and that they are aware of loneliness, mental health and stress. HR departments have found themselves regularly checking annual leave entitlement and sickness to ensure employees are taking leave and winding down from work.

Health and Wellbeing [Read More](#) ▾

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work for people. Determine how you will know if you are looking after your employee's health and wellbeing.

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Pay and deductions [Read More](#) ▾

Minimum wage

Employers have a legal requirement to pay at least the current a minimum wage which applies to everyone above compulsory educational age, normally aged 16. Different rates apply for trainees who are doing approved training in a new job.

It is possible for employers to off-set the cost of accommodation, or accommodation and meals but tips and gratuities are not allowed to be included in the calculations for minimum wage.

Current minimum wage rates are published on the Government of Jersey's website here: <https://www.gov.je/Working/EmploymentRelations/Pages/MinimumWage.aspx>

Itemised pay statements

You are required by law to provide itemised pay statements either before or at the time of payment which should contain several elements, as follows:

- Gross amount of wages/salary;
- Details of variable deductions and fixed deductions;
- Details of variable payments such as overtime, commission or bonus payments and fixed payments such as shift pay;
- Net amount of wages/salary payable;
- Breakdown of payments if paid by different methods, for example, part cash and part cheque.

In addition, you need to keep a record of the actual number of hours worked by each individual.

Also see: Record Retention.

Making payments

Unless a specific exception applies, wages should be paid at regular intervals of no more

than one month. Wage payments can be made by cash, cheque or normally direct to their bank account. You should stipulate when and how you will pay your employee in the Statement of Terms.

A deduction from salary means an itemised amount removed or subtracted from pay and can only be made if allowed and required by:

The authority of any Law, Regulation or other Enactment containing such a requirement e.g. deduction of Social Security Contributions;

A judgement or order of the Royal Court of Petty Debts Court; or

With permission of the employee or by a specific clause in the contract of employment.

Income tax

Once you start employing people you will need to deduct income tax (ITIS) from their gross pay and pay this over to the taxes office monthly. To do this you need to register as an employer with the Taxes Office within one month of taking on your first employees as failure to do so is a criminal offence and can lead to prosecution and fines.

In order to deduct the right amount of income tax you will need the current Effective Rate Notice from your employee(s) which will detail their ITIS rate and tax reference number. From January 2022 you must include the employee and employer TIN number when completing the Combined Employer Return (CER). The CER combines the reporting for Social Security, Income Tax and Manpower.

For more information go to:

Government of Jersey: Creating an employer tax record:

<https://www.gov.je/TaxesMoney/IncomeTax/Employers/Returns/Pages/Information.aspx>

Also see: Employer Returns and Record Retention

Social security

As soon as you employ someone you will have to make social security payments and complete a contribution schedule every quarter detailing who is employed and how much the person has been paid each month. This is done monthly if you employ more than 75 employees.

Employers are responsible for the payment of both employer and employee contributions. Employee contribution are deducted directly from the employees' gross pay up to a Standard Earnings Limit (SEL) which applies to any employee aged between 16 and 65 working more than 8 hours per week.

Employer contributions, which are an additional cost to the business, are calculated based on the employees gross salary up to the Standard Earning Limit. An additional 2% is charged for employees whose gross earnings are between the monthly Standard Earnings Limit and the monthly Upper Earnings Limit.

The Government of Jersey's website has a contributions calculator that you can use to calculate the employee and employer payments. You can find it here:

<https://www.gov.je/working/contributions/employers/pages/tables.aspx>

When someone reaches pensionable age their card becomes a red registration card and they no longer pay social security. However, employers must continue to pay their

contribution.

Social Security schedules, tax and pension records, and itemised pay statements must be retained for 10 years.

Also see: Employer Returns and Record Retention

Redundancy [Read More](#) ▾

A redundancy occurs when a business ceases trading either completely or at a specific site or when there is a reduced requirement for employees to carry out work of a particular kind.

In the case of redundancy, the employer must follow the statutory requirements and procedures set out in the Employment (Jersey) Law 2003 relating to redundancy.

When the number of redundancy dismissals is less than 12, and prior to any decisions being made the employer should ensure it carries out a fair process by following four ordinary principles of fairness:

- The duty to consult with the employee;
- The duty to warn of redundancy;
- The duty to establish fair criteria for selection of employees for redundancy;
- The duty to explore alternatives to redundancy.
- Allow a right of appeal on any decision to terminate by reason of redundancy;
- Where there are more than 12 employees being dismissed as redundant, the law is much more complex, especially if your company recognises a Trade Union. Expert advice should always be sought in these circumstances.

An employee with a minimum of two years qualifying service who is dismissed by reason of redundancy has a right to:

- Receive a redundancy payment; statutory redundancy payments are subject to a weekly cap and are tax free up to a cap (these are reviewed from time to time but available on JACS)
- Take paid time off to seek work or arrange training for future employment;
- Individual consultation and in certain circumstances collective consultation;
- Enforce these provisions through a claim to the Tribunal.

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Retirement and Pensions [Read More](#) ▾

Jersey no longer has a default or normal retirement age (NRA), therefore people cannot be forced to retire when they reach a certain age. They can choose to retire voluntarily, provided they give you the appropriate period of notice of terminating employment. It is important that you discuss with your employees what their intentions are as they approach retirement so that mutual expectations can be met.

Jersey's State Pension Age is currently 65 and this will increase by two months each year up to 2031 by which time it will be 67.

Employers are not currently obliged to offer employees access to a pension scheme but many do and it can be a valuable benefit for most employees. You should seek professional advice on the type of pension that you could offer as any scheme will have financial consequences for the business.

Working Hours and Statutory Breaks [Read More](#) ▾

The European Union Working Time Directive does not apply to Jersey so there are no limits on the number of hours someone can work but you must provide one uninterrupted break of 20 minutes minimum after any shift of six hours. Travel time between appointments does not count as a break. However, asking someone to work a full-time day without a break would likely be deemed unreasonable and poor working practice. You should always clarify if a break is paid or unpaid.

That said, employers need to be mindful not only to be reasonable, but also to consider health and safety legislation, safe working practices and any business specific legislation applicable to your industry.

Although you do not need to provide work breaks, the Employment Law provides an entitlement to a minimum uninterrupted rest periods of not less than:

- one uninterrupted paid or unpaid break of 20 minutes minimum after any shift of six hours or more

- one uninterrupted 24-hour period off work in each seven-day period; or
- two uninterrupted 24-hour periods off work in each fourteen-day period; or
- one uninterrupted 48-hour period off work in each fourteen-day period.
- one unpaid 20-minute break in any six-hour period

Also see: [Holidays and Flexible Working](#).

Section 3:

Holidays [Read More](#) ▾

All employees are entitled to a minimum of three 'working weeks' annual leave, plus paid leave on Christmas Day, Boxing Day and Good Friday and on Public and Bank Holidays, or Time Off in Lieu (TOIL) if they are required to work on any of those days.

The annual leave year can begin on any date specified in the Statement, for example, 1 January through to 31 December or 1 April through to 31 March. If an employee commence or leave employment part way through the annual leave year their annual leave is prorated, for example, if the annual leave year is 1 January to 31 December and an employee starts or ends employment on 1 July with an annual entitlement of 20 days, they would be entitled to 6/12's of the annual leave entitlement which is 10 days. When pro-rating annual leave you must round up to the nearest full day.

You can specify periods when employees are unable to take annual leave, for example, during December due to the demands of Christmas on the business, or alternatively you can require employees to retain some annual leave for a period when the business will close, for example, between Christmas and New Year. You can also be specific that, for example, half of the entitlement must be taken by the mid point of the holiday year, to prevent build up near year end. Just be clear about these in the Statement.

Parental Leave [Read More](#) ▾

Jersey's family friendly employment rights are enshrined in the Employment (Jersey) Law and include;

- Parental Leave
- Ante-natal rights for the father/partner or the intended surrogate parents;
- Adoption appointments;
- Flexible working;
- Breast-feeding rights and
- Paid absence on health and safety grounds.

It is important to include your policies in relation to these rights in your Employee Handbook or Statement of Terms.

Parental Bereavement Leave [Read More](#) ▾

Employees are entitled to two weeks' unpaid leave ("parental bereavement leave"), in cases of the death of a child aged up to 18 years. Such leave can be taken from the date of death, up to and including 56 weeks after the death. In the case of a child that is stillborn after 24 weeks of pregnancy, the bereavement leave may be taken up to and including 56 weeks after the death. Parental bereavement leave that remains with the employee if they change employer and no notice is required.

Sick Leave, Absence and Lateness [Read More](#) ▾

There are many reasons why people take time off work including short-term or long-term sickness, unauthorised absence or persistent lateness.

There is no legal requirement in Jersey for employers to pay sick pay in addition to what the individual receives from the Social Security Department, but many employers offer an element of sick pay. Zero hours workers are not entitled to receive sick pay.

Your policy should include the process to explain how employees notify their absence, sick pay allowances, return to work procedure and where applicable, what might trigger dismissal. You also need to consider how to manage medical appointments such as dentist, doctors and hospital visits and the business should measure and record absence levels as part of the policy.

Section 4:

Performance Reviews and Appraisals [Read More](#) ▾

It is good practice to regularly review performance and engagement of employees at every level in the organisation and throughout their employment. You should think of this as a continuous process that integrates the individuals skills and achievements with the organisation's objectives and goals.

A wide range of review and appraisal tools of varying complexity are available to help you manage performance and appraisals, but perhaps the most effective method is to ensure managers have the skills to manage the performance within their team.

Probation

A probationary period is a period after the recruitment stage when both parties can assess the suitability of the job. A relatively short period of generally 3-6 months is set out in the employment contract and can be extended if necessary. Once the probationary period has been satisfactorily completed the employee can then be confirmed, in writing, as a member of staff and so it is important for the business to monitor, and record progress made by employees during this time.

Record Retention [Read More](#) ▾

As a business you will hold personal information for people, and you need to ensure

that the information held within their personnel file is accurate and current and justify the reason why the business is keeping it. Care needs to be taken in relation to how long data is held and where you store the information after employment. Statutory retention periods exist for some records such as social security schedules, tax and pension records and itemised pay statements which must be retained for 10 years.

Also see: Data Protection.

Training, Learning and Development [Read More](#) ▾

As a business you need to consider the training you require someone to undertake either prior to employment in order to be competent in the position, or during employment to bring their skills up to the required level for current and future roles. Some professions have requirements for ongoing Continual Professional Development (CPD) which some company's fund, or part fund.

When putting together a learning and development strategy think about all the different ways people can gain skills. Develop a strategy that includes a budget, people and skills requirement and a method for evaluating the effectiveness of the activities and outcomes.

Things to know:

Disciplinary [Read More](#) ▾

The need to invoke a disciplinary procedure often arises from poor conduct or following a failing capability or attendance procedure that becomes a conduct issue.

You must always do a thorough investigation before formally invoking the disciplinary procedure.

You may consider it necessary to suspend the employee during the investigation. Suspension is normally a neutral act so whilst someone is suspended, they are not required to work for the business and may be contacted for reasons of the investigation or business queries. You can suspend someone with or without pay depending on your policy.

Formal disciplinary procedures require a disciplinary hearing. The employee will need to be invited with sufficient notice and be advised of their right to representation.

The penalties given, if any, must be fair and appropriate to the severity of the conduct or breach. Previous breaches, file notes or sanctions may be considered in reaching a decision.

Employees have the right to appeal against any sanction given to them and a claim

can be made to the Jersey Employment and Discrimination Tribunal.

Dismissal [Read More](#) ▾

If you get to a situation where you need to dismiss an employee, you must have a fair reason to dismiss them and follow a fair process.

For a fair dismissal you must be able to demonstrate that the main reason for the dismissal was:

- The capability or qualifications of the person in relation to the role; or
- The conduct of the person; or
- They were redundant; or
- Continuing to employ the person would not be possible due to a restriction imposed by law; or
- Another substantial reason to justify the dismissal.

Normally an employee must accrue 52 weeks of continuous service in order to qualify for the right to claim unfair dismissal, however there are some 'automatic unfair dismissal' categories in the legislation for which no specific length of service is required. It is recommended to take expert advice before dismissing an employee.

Employment and Discrimination Tribunal [Read More](#) ▾

The Jersey Employment and Discrimination Tribunal ('Tribunal') deal with cases relating to the Jersey Employment Law, the Discrimination Law and the Employment Relations (Jersey) Law 2007, and handles employment disputes and discrimination claims, both in the workplace and otherwise.

The Tribunal service is a free service to all parties and consists of a legally qualified lawyer sitting alone or on a panel with two independent lay people.

The Tribunal has the authority to make awards against a number of claims for example unfair dismissal, discrimination, failure to provide payslips or employment contracts or unpaid wages. The awards can be significant if the Tribunal finds in favour of the Employee. Employers should therefore take advice to understand the risks of losing a claim.

Parties are encouraged to present their cases themselves as it is not necessary to be represented by a lawyer, however you need to be mindful that many employees do use a lawyer for legal support. At the end of a case a party can apply for a costs order for up to £10,000. Costs will only be awarded if the Tribunal considers that a party's conduct has been vexatious, abusive, disruptive or unreasonable.

Further information can be found at www.jerseyemploymenttribunal.org

Garden Leave [Read More](#) ▾

There may be occasions, including during a notice period, when the business might place their employee on garden leave. The business is not obliged to provide any work to the employee during garden leave and the employee is not required to attend work.

Grievance [Read More](#) ▾

Employees may encounter periods during their employment in which they feel they have been unfairly or unreasonably treated and wish to raise their concerns.

A grievance procedure aims to deal with these matters and should do so quickly and fairly. Grievances are ideally handled informally, however there are occasions where the matter cannot be resolved informally, and a formal procedure should be followed.

If the employee feels that the grievance has not been resolved to their satisfaction they can appeal and the company will need to have a policy and process in place which includes an appeal process.

See the appendix for the grievance process flow chart.

Managing Poor Performance (Capability) [Read More](#) ▾

Where performance is unacceptable, an informal discussion is always positive if it can resolve matters at the earliest opportunity. Where this is not possible, a formal process needs to commence.

Any capability procedure needs to be fair and reasonable and designed to help the individual reach an acceptable level of performance, or if no improvement occurs, enable a fair dismissal.

Where an employee believes that they have been treated unfairly under the capability procedure, they can use the grievance procedure to press their case, so it is important your business has robust procedures.

Alternatively, if the capability procedure does not produce the requirement improvement, it may result in the dismissal of the employee.

It is worth remembering that a thorough recruitment procedure plays an important part in ensuring the capability of employees.

Termination of Contract and Notice Periods [Read More](#) ▾

A contract may be ended for various reasons including by mutual agreement, redundancy or by dismissal through misconduct or incapability. At the time of writing it is a statutory requirement to give notice in writing and set out the reasons and terms of leaving.

The Employment (Jersey) Law 2003 details minimum notice periods. Contractual notice may be different but can never be less than those set within the law and notice must be given in writing by either party.

At the time of writing, notice given by an employer shall not be less than:

- 1 weeks' notice if continuous employment is less than 2 years;
- 2 weeks' notice if continuous employment is 2 years or more but less than 3 years;
- Then an additional 1 weeks' notice for each year of continuous service up to a maximum of 12 weeks

An employee is required to give not less than:

- 1 week notice if continuous employment is less than 26 weeks;
- 2 weeks' notice if continuous employment is 26 weeks or more, but less than 5 years;
- 4 weeks' notice if continuous employment is 5 years or more.

The business may consider providing a Payment In Lieu of Notice (PILON), allowing termination of employment early by paying the salary and any additional contractual benefits upfront.

At some point in 2025 (exact date TBC), Employees will have day 1 right to receive written reasons for the termination of their employment.

Trade Unions [Read More](#) ▾

A Trade Union represents employees, protecting the interests of its members by negotiating agreements with employers on pay and conditions of work. The Union's principle purpose is the regulation of relations between employees and employers and it may also provide legal advice, financial assistance, sickness benefits and educational facilities to its members.

All employees are free to join a Trade Union and when an employer 'recognises' a Trade Union it agrees to negotiate with that union on employment matters.

Businesses may establish a Staff Association as a means of communicating and negotiating with employees which would usually include both employee and employer representatives.

An employee has the right to have an authorised Trade Union official, or a fellow colleague, representing them at a grievance, disciplinary or capability proceeding.

Please note that this briefing is only intended to provide a very general overview of the matters to which it relates. It is not intended as legal advice and should not be relied on as such.

Appendix | [Download toolkit](#)

This helpful document has detailed flowcharts on flexible working, disciplinary process and

grievance process.

Useful contacts

- HR Now
- Population Office (Business Licensing)
- Social Security Office
- Office of the Information Commissioner
- Jersey Advisory and Conciliation Service
- Jersey Employment and Discrimination Tribunal