



**Topics covered:** Family Friendly Rights / Flexible Working / Maternity Leave / Parental Leave

## Family Friendly Rights

On 1st September 2015, Amendment No. 8 to the Employment (Jersey) Law 2003 came into force, introducing a number of family friendly rights including flexible working, maternity leave, parental leave and adoption leave.

## Flexible Working

For the first time ever, Jersey employees have the right to request flexible working. A statutory regime has been put in place for the consideration of such applications by employers. Employees who have been employed for 15 months or more may request a change to their hours, times or place of work, if the reason for the change is to enable them to care for another person. This effectively allows employees to request a change to their terms and conditions of employment. The Law sets out the basis upon which such requests may be denied.

However, the rights given to employees are quite limited. They largely consist of:

- > A right to make a request to work flexibly;
- > An obligation on the employer to consider the request properly; and
- > A limited number of grounds on which the employer can refuse the request.

It is important to note that Amendment No. 8 does not create a right to work flexibly or part-time. It simply provides a statutory framework through which an employee may apply to work flexibly and which an employer must consider.

## Maternity Leave

From 1st September 2015, statutory maternity leave applies regardless of the length of an employee's service. All employees who have given birth are entitled to 2 weeks' paid leave (which is compulsory) following the birth of a child. Employees are also entitled to a further period or unpaid leave, subject to certain conditions relating to an employee's length of service. Where an employee has less than 15 months' continuous service, they may take up to 6 weeks' further maternity leave (in addition to the compulsory leave) and where an employee has 15 months' or more continuous service, they may take up to 16 weeks' further maternity leave (in addition to the compulsory leave).

Those returning to work after maternity leave can return to their previous employment role and on no less favourable terms than those which would have applied had they not been absent.

## Parental Leave

Parental leave is available to any employees who are the father of a child or; married to, the civil partner of, or the partner of the child's mother/adopter. They must have, or expect to have, the responsibility for the upbringing of the child and they must comply with certain notification requirements.

## Adoption Leave

Amendment No. 8 also introduces adoption leave on similar terms to those applied to the new maternity leave provisions, save that there is no compulsory leave element. The adoption leave periods are, however, extended to take account of this and are therefore 8 weeks and 18 weeks respectively for employees with less than 15 months' continuous service and employees with more than 15 months' continuous service.

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