

JERSEY FAMILY FRIENDLY LEGISLATION



New legislation was introduced in June 2020. There is no longer a differentiation between types of leave – all now fall under Parental Leave.

What you need to know...

- There is no qualifying period, but parental leave cannot be transferred from a previous employer
- Benefits must continue to accrue as normal, including holiday. The only exemption from this is if the benefit is linked to salary (e.g. pension) and this can be stopped during the unpaid period

Antenatal Appointments

Antenatal appointments are supported – the birth mother is entitled to be paid to attend all antenatal appointments and anyone with a qualifying relationship is entitled to a maximum of 10 hours' paid leave to attend antenatal appointments with any attendance to any additional appointments be being unpaid.

Parental Leave

- Right to leave and pay is now equal for both parents – six weeks full pay and 46 weeks unpaid leave to be taken before the child's/children's second birthday and a right to return to the same role
- Leave can be taken in three blocks; each block a minimum of two weeks
- Employees must notify employers of the intention to take Parental Leave 15 weeks before baby due or seven days before for adoption
- Dates can be changed with 42 days' notice
- Paid statutory parental leave for birth mothers must start on the day the baby is born and the six weeks must be taken together.

Keeping in Touch (KIT) days

- From January 2021, employees on Parental Leave can work 14 hours in a week and a maximum of 70 hours in total before impacting their benefit eligibility.
- This cannot happen in the first six weeks after birth for the birth mother

Eligibility

Employees are eligible if they have a qualifying relationship with the baby - married to, or the civil partner or partner of:

- the child's mother
- where one person only is matched with the child, the child's adopter
- the father of the child
- a surrogate parent of the child



Parental Allowance

Statutory benefit paid by the Government of Jersey:

- Maximum of 32 weeks which can be shared between two parents
- The employee can claim this allowance starting from 11 weeks before the baby is due but must have finished work and be on leave to receive it
- Each parent will receive six weeks each and then the remaining 20 weeks is available to be shared between the parents

Additional rights for breastfeeding mothers

- For a period of 52 weeks after the birth of their child, breastfeeding mothers are entitled to paid breaks at work for the purpose of breastfeeding and/or expressing milk
- They have the right to apply for a temporary change to terms of employment, following the Flexible Working process, but with shortened timescales.

Paid absence on Health and Safety grounds

- Applicable to pregnant employees or employees who have given birth within six months and are breastfeeding
- Entitled to paid absence if a H&S risk assessment prevents them from carrying out their normal job and they cannot be allocated to other duties. Medical advice and qualified job assessments are recommended

What you need to do...

- Make sure you review your Handbooks, policies, and procedures to reflect new legislation
- Communicate these to your employees, making sure they understand the new notice periods
- Consider if anyone needs specific training
- Implement Parental Leave checklist to support your managers.
- Update or implement Parental Leave application and Breastfeeding Temporary Variation request forms



When someone tells you that they are expecting

- Talk to them openly and encourage them to share their plans with you.
- Consider if a H&S risk assessment is needed for pregnant employees.
- Discuss KIT days.
- Agree a communication plan while they are off.
- Do not be afraid to talk about their plans for their return to work.

Breastfeeding mothers

If the birth mother would like to breastfeed:

- Make reasonable adjustments to your facilities to allow someone to breastfeed or express milk in comfort (e.g. a room designated as a breast-feeding room, a fridge for storing breast milk).
- If they request a temporary change in terms,

ensure you follow the process using the correct, shorter time periods;

- Meet within seven days, communicate decision within 14 days of the application date – they can appeal and this must be heard by someone independent

Parental Allowance

If you deduct the statutory benefit, ask the employee for evidence of what they are receiving and the split of the entitlement, so you know what to deduct. You cannot deduct a default rate as it is not clear.



While someone is on Parental Leave

- Do not contact them excessively – stick to the agreed communication plan and planned KIT days, except in exceptional circumstances
- Ensure employees on Parental Leave continue to be included in communications and that their employment and / or opportunities are not adversely impacted due to their leave
- Consider if a H&S risk assessment will be required
- Get ready for their return;
 - Prepare a return-to-work plan.
 - Ensure their desk is ready for them.
 - Invite them to key meetings and social events.
 - Keep a file of key updates for their return.

if you'd like to know more call 747559 and let's chat!