



At the Court at St James's

THE 1st DAY OF APRIL 2026

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with the Royal Assent to Legislation and Petitions (Bailiwick of Jersey) Order 2022 the Committee have considered a letter from the Deputy Greffier of the States of Jersey transmitting an Act passed on 3rd February 2026 entitled the Employment and Discrimination (Jersey) Amendment Law 2026:

The Committee have considered the Act and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

His Majesty, having taken the report into consideration, was pleased, by and with the advice of His Privy Council, to approve and ratify the Act (a copy of which is annexed to this Order) and to order that it, together with this Order, shall be entered on the Register of the Island of Jersey and observed accordingly. His Majesty's Officers in the Island, and all others whom it may concern, are therefore to take notice of His Majesty's Order and to proceed accordingly.

Ceri King, LVO



Jersey

EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202-

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Jersey

EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202-

A LAW to amend further the [Employment \(Jersey\) Law 2003](#) and the [Discrimination \(Jersey\) Law 2013](#).

<i>Adopted by the States</i>	<i>3 February 2026</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

1 [Employment \(Jersey\) Law 2003](#) amended

Articles 2 to 10 amend the [Employment \(Jersey\) Law 2003](#).

2 Article 1 (interpretation) amended

(1) In Article 1(1) –

(a) after the definition “company” there is inserted –

“compulsory school age” has the meaning given in Article 2 of the [Education \(Jersey\) Law 1999](#);

(b) for the definition “minimum wage” there is substituted –

“minimum wage” means the rate of pay specified by the Minister by Order under Article 17A(1)(a);

(c) for the definition “pay reference period” there is substituted –

“pay reference period” is construed in accordance with Article 17A(1)(b);

(2) After Article 1(8) there is inserted –

(9) Wherever this Law refers to a period of time in days, weeks, months or years, the period expires at the end of the day that completes the number of days, weeks, months or years specified.

Example: the act complained of takes place on Thursday 1 January 2026. The complainant has 8 weeks to make a claim to the Tribunal. The 8-week period

begins at the start of Friday 2 January and ends at the end of Thursday 26 February 2026.

3 Article 3 (statement of initial terms of employment) amended

In Article 3(2)(g)(iv), for “maternity leave” there is substituted “parental leave”.

4 Cross-headings amended

(1) For the cross-heading immediately above Article 16 there is substituted –

DIVISION 1 – ENTITLEMENT TO AND DETERMINATION OF MINIMUM WAGE

(2) The cross-heading immediately before Article 17 is deleted.

(3) For the cross-heading immediately before Article 18 there is substituted –

DIVISION 2 – EMPLOYMENT FORUM

(4) For the cross-heading immediately before Article 22 there is substituted –

DIVISION 3 – RECORDS

(5) For the cross-heading immediately before Article 26 there is substituted –

DIVISION 4 – ENFORCEMENT

(6) For the cross-heading immediately before Article 31 there is substituted –

DIVISION 5 – RIGHTS NOT TO SUFFER DETRIMENT

(7) For the cross-heading immediately before Article 35 there is substituted –

DIVISION 6 – MISCELLANEOUS

(8) The cross-headings immediately before Articles 37 and 38 are deleted.

(9) Article 38 is renumbered as Article 42A and relocated immediately before Article 43.

(10) For the cross-heading immediately before Article 39 there is substituted –

DIVISION 7 – EXCLUSIONS

(11) For the cross-heading immediately before Article 43 there is substituted –

DIVISION 8 – APPLICATION OF PART 4

5 Articles 16 to 17A (minimum wage) substituted

For Articles 16 to 17A there is substituted –

16 Employees to be paid at least minimum wage

- (1) If a person qualifies for the minimum wage, their employer must remunerate them in respect of their work in any pay reference period at a rate that is not less than the minimum wage.
- (2) A person qualifies for the minimum wage if they –
 - (a) are an employee;
 - (b) are working, or ordinarily work, in Jersey or in the territorial waters of Jersey, under a contract; and
 - (c) have ceased to be of compulsory school age.
- (3) The States may by Regulations amend the classes of individual who qualify under paragraph (2) for the minimum wage.
- (4) Despite Article 9(2) to (4) of the [Legislation \(Jersey\) Law 2021](#), the Regulations under paragraph (3) must not make provision that treats people differently in relation to –
 - (a) different areas of Jersey;
 - (b) different sectors of employment;
 - (c) undertakings of different sizes;
 - (d) different occupations; or
 - (e) a protected characteristic in Schedule 1 to the [Discrimination \(Jersey\) Law 2013](#), except for age.

17 Regulations to determine hourly rate of remuneration

- (1) The States may by Regulations determine what counts towards the hourly rate at which an individual is to be regarded, for the purposes of this Law, as remunerated by their employer in respect of work in any pay reference period.
- (2) The Regulations may include provision for determining the hourly rate –
 - (a) if the remuneration, to the extent that it is at a periodic rate, is at a single rate;
 - (b) if the remuneration is, in whole or in part, at different rates applicable at different times or in different circumstances;
 - (c) if the remuneration is, in whole or in part, otherwise than at a periodic rate or rates;
 - (d) if the remuneration consists, in whole or in part, of benefits in kind.
- (3) The Regulations may also make provision for –
 - (a) circumstances in which, times at which, or the time for which, an individual is to be treated as, or as not, working, and the extent to which they are so treated (for example when travelling or training);

- (b) the treatment of periods of paid or unpaid absence from, or lack of, work and of remuneration in respect of those periods; and
 - (c) circumstances in which an individual is treated as a trainee.
- (4) The provision that may be made under paragraph (3)(a) includes provision for or in connection with –
 - (a) treating an individual as, or as not, working for a maximum or minimum time, or for a proportion of the time, in any period; and
 - (b) determining any matter to which that paragraph relates by reference to the terms of an agreement.
- (5) The Regulations may make provision for –
 - (a) what is to be treated as, or as not, forming part of an individual's remuneration, and the extent to which it is to be so treated;
 - (b) the valuation of benefits in kind, except in relation to the maximum monetary amount to be attributed under Article 17A;
 - (c) the treatment of deductions from earnings; and
 - (d) the treatment of any charges or expenses that an individual is required to bear.
- (6) The Regulations may make provision for –
 - (a) the attribution to a period, or the apportionment between 2 or more periods, of the whole or any part of any remuneration or work, whether or not the remuneration is received or the work is done within the period or periods in question;
 - (b) the aggregation of the whole or any part of the remuneration for different periods; and
 - (c) the time at which remuneration is to be treated as received or accruing.
- (7) Despite Article 9(2) to (4) of the [Legislation \(Jersey\) Law 2021](#), Regulations must not make provision that treats the same circumstances differently in relation to –
 - (a) different areas of Jersey;
 - (b) different sectors of employment;
 - (c) undertakings of different sizes;
 - (d) people with different occupations; or
 - (e) a protected characteristic in Schedule 1 to the [Discrimination \(Jersey\) Law 2013](#), except for age.

17A Orders relating to minimum wage

- (1) The Minister must by Order –
 - (a) specify the minimum wage as an hourly rate of remuneration;
 - (b) define what is a pay reference period for the purposes of this Law and Regulations made under Article 17.
- (2) An Order may provide for a different rate for trainees or by reason of a person's age, but this does not limit Article 9(2) to (4) of the [Legislation \(Jersey\) Law 2021](#).

- (3) If Regulations under Article 17 make provision in relation to benefits in kind, the Minister must prescribe the maximum monetary amount to be attributed to those benefits in kind when determining the hourly rate at which an individual is to be regarded, for the purposes of this Law, as remunerated by their employer in respect of their work in any pay reference period.
- (4) Despite Article 9(2) to (4) of the [Legislation \(Jersey\) Law 2021](#), an Order must not make provision that treats the same circumstances differently in relation to –
 - (a) different areas of Jersey;
 - (b) different sectors of employment;
 - (c) undertakings of different sizes;
 - (d) people with different occupations; or
 - (e) a protected characteristic in Schedule 1 to the [Discrimination \(Jersey\) Law 2013](#), except for age.
- (5) An Order made before the substitution of this Article by the Employment and Discrimination (Jersey) Amendment Law 202- in relation to the minimum wage is treated as made under this Article.

6 Article 18 (Regulations and Orders: referral to the Employment Forum) amended

- (1) This Article amends Article 18.
- (2) For paragraph (1) there is substituted –
 - (1) Before the States make Regulations under Article 16(3) or 17 or the Minister makes an Order under Article 17A(1) or (3), the Minister must refer the matters specified in paragraph (2) to the Employment Forum for their consideration.
- (3) In paragraph (2) –
 - (a) in sub-paragraph (a), for “Article 16(3)” there is substituted “Article 17A(1)(a)”;
 - (b) in sub-paragraph (b), for “Article 16(4)” there is substituted “Article 17A(1)(b)”;
 - (c) in sub-paragraph (ba), for “Article 17A” there is substituted “Article 17A(3)”;
 - (d) after sub-paragraph (ba) there is inserted –
 - (bb) what different rate should be provided for trainees or by reason of a person’s age under Article 17A(1)(a);
- (4) In paragraph (4) –
 - (a) in sub-paragraph (c), for “Article 16(3)” there is substituted “Article 17A(1)(a)”;
 - (b) in sub-paragraph (ca), for “Article 17A” there is substituted “Article 17A(3)”;
 - (c) after sub-paragraph (ca) there is inserted –
 - (cb) to make an Order under Article 17A(1)(a) prescribing a different rate for trainees or by reason of a person’s age that is different from the rate recommended by the Forum;

7 Article 82 (constitution, membership and administration of the Tribunal) amended

In Article 82(2)(a), for “Chairman” there is substituted “chair”.

8 Article 100 (publicity) amended

In Article 100(2)(a), for “Article 16” there is substituted “Article 17A(1)(a)”.

9 Article 104 (Regulations and Orders) amended

In Article 104(5), for “Orders under Article 16(3) or 17A” there is substituted “Regulations under Article 16(3) or 17 or Orders under Article 17A(1)”.

10 Schedule 2 (the employment forum) amended

In paragraph 1 (membership) of Schedule 2, in sub-paragraph (1) for “chairman” there is substituted “chair”.

11 [Discrimination \(Jersey\) Law 2013](#) amended

Article 12 amends the [Discrimination \(Jersey\) Law 2013](#).

12 Article 1 (interpretation) amended

After Article 1(4) there is inserted –

- (5) Wherever this Law refers to a period of time in days, weeks, months or years, the period expires at the end of the day that completes the number of days, weeks, months or years specified.

Example: the act complained of takes place on Thursday 1 January 2026. The complainant has 8 weeks to make a claim to the Tribunal. The 8-week period begins at the start of Friday 2 January and ends at the end of Thursday 26 February 2026.

13 Citation and commencement

This Law may be cited as the Employment and Discrimination (Jersey) Amendment Law 202- and comes into force 7 days after it is registered.