

# **STATES OF JERSEY**

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## **PAYMENT OF STATUTORY NOTICE PAYMENTS: ESTABLISHMENT OF PRECEDENT (P.34/2009) – AMENDMENT**

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**Lodged au Greffe on 18th March 2009  
by the Minister for Social Security**

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**STATES GREFFE**

PAYMENT OF STATUTORY NOTICE PAYMENTS: ESTABLISHMENT OF PRECEDENT (P.34/2009) –  
AMENDMENT

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**PAGE 2, paragraph (b) –**

- (a) for the date “1st December 2008” substitute the date “4th February 2009”;
- (b) for the words “the Employment (Amendment No. 5) (Jersey) Law 200- relating to redundancy comes into force” substitute the words “an Insolvency Scheme is in place”.

MINISTER FOR SOCIAL SECURITY

## **REPORT**

The Report which accompanies the Proposition does not explain why the precedent set by the States decision to support P.9/2009 would apply from 1st December 2008. Paragraph (a) of the Proposition itself notes that the decision of the States setting this precedent was made on 4th February 2009. The Social Security Minister considers that the precedent can not apply to cases of insolvency that occurred prior to the date on which the States decision was made.

The Report does not explain why a system of payments should remain in place only until legislation introducing statutory redundancy has been enacted. The redundancy legislation will not make provisions relating to insolvency and would not protect an employee's entitlement to a notice payment where their employer has become insolvent. The Social Security Minister is concerned that the interim system of payments that he is putting in place should be maintained until a statutory insolvency scheme is in place.

### **Financial/Manpower Implications**

If the States adopt the proposed amendment to the effective date of the application of the precedent, the financial and manpower implications may be less significant than if the proposition were adopted without the amendment.