

2.5 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding proposals for maternity leave:

Given that the first 6-month period is vital to the well being of babies, can the Minister justify his proposals for maternity leave?

Deputy I.J. Gorst of St. Clement (The Minister for Social Security):

My proposals for law drafting derive from the recommendations of the Employment Forum, which were developed following extensive public consultation. The forum's reasons for their recommendations and my response to those recommendations are available on the website and are in the public domain. The forum recommended that new rights should be introduced in 2 stages, because the consultation revealed concerns that it would be excessive to introduce the full range of family friendly rights at one time. It is essential to allow the business community time to adapt to any impact and to assess the impact of any new rights, particularly in the absence of sex discrimination legislation. Stage 1 would include the right to take a reasonable period of maternity leave in accordance with the existing 18-week period in which the Social Security benefit - Maternity Allowance - may be claimed.

2.5.1 Deputy G.P. Southern:

Does the Minister accept that his proposals are severely limited compared to those that exist in the Western world?

Deputy I.J. Gorst:

I do not accept that they are severely limited. Members will have seen that there have been arguments on both sides. They are a 2-stage appropriate response. I believe that this is a fundamental protection that we should have in our community. But in these times of economic difficulty, while I still want to introduce the protection, we must do so carefully and proportionately, Sir.

2.5.2 Deputy P.V.F. Le Claire:

May I follow up by asking the Minister to circulate for us the provisions that are made within the other countries within the European Union? Interestingly Romania has these provisions and they are suffering the economic effects of the downturn as well. It would be interesting to see what we can afford and what they can afford.

Deputy I.J. Gorst:

I am not aware of the particular country mentioned and what their provisions are. It is not always helpful for us to benchmark ourselves against other European jurisdictions. However, it can be helpful for us to benchmark against similar Island communities. I can certainly have a look to see what those provisions are in the country that the Deputy mentioned. But I still maintain that this is an appropriate first stage, as recommended by the Independent Employment Forum. I do believe it is an appropriate protection that we should have in our community and that is why I am bringing it forward, Sir.

2.5.3 Deputy P.V.F. Le Claire:

Appropriate to the Independent Employment Forum, what about the Independent Mothers Forum? Would he please agree to circulate all member states of the European Union not just have a look at what Romania is doing? So that we can be appraised of what the situation is in other countries and take a view other than that of the Independent Employers Forum.

Deputy I.J. Gorst:

I must correct the Deputy it is not the Independent Employers Forum, it is the Independent Employment Forum, made up of employee and employer representatives and they consult widely and they did consult widely and their recommendation was that we should do it in a 2-stage approach. I do believe that what I am proposing is appropriate for a small jurisdiction and once we have had time to let that bed in then I have committed in principle to reviewing and looking again at that second stage. We are often told in this Assembly that we should not be looking at large jurisdictions and just importing legislating from other jurisdictions. This is a case where we are not doing that. We are trying to bring forward something which is an appropriate protection and it is appropriate for Jersey, Sir.

2.5.4 Deputy D.J.A. Wimberley of St. Mary:

It is nice to hear the Minister justifying this very, very cautious approach on the basis that we are a small, small jurisdiction and therefore by implication do not have too much economic means to do anything about it. When I first looked at this question, I scanned it. I thought I saw the word paternity leave. I thought that is what we are talking about, because maternity leave, surely we have sorted that, have we not? Could the Minister give a date for action on paternity leave?

Deputy I.J. Gorst:

Paternity leave, as I am sure the Deputy will be aware from reading the Employment Forum's recommendation and my response to that recommendation, is part of stage 2 of their proposals. Therefore, I am not in a position to give an actual date.

2.5.5 Deputy J.A. Hilton:

The Minister talked about the second stage. Could the Minister advise Members when he believes that we will be at the second stage? Is he prepared to say what he personally thinks is an adequate amount of maternity leave?

Deputy I.J. Gorst:

I, in my role as Minister for Social Security, must take the appropriate independent advice and that is what I am doing. I am very firmly nailing my colours to the mast and saying that this is a basic provision which we ought to have in our community and I am bringing it forward despite the fact that it was always intended that it would be brought forward in line with sex discrimination to ensure that there were not any inappropriate consequences of it. I am continuing to bring it forward, despite the fact that that is not going to be in place. We must then wait and see how it operates in the absence of that piece of legislation, which I personally believe is necessary to make it work in a better and more protective environment. I do not think that 18 weeks, which is what I am proposing, which is in line with the maternity allowance that you can get from the Social Security fund is inappropriate. We know that other jurisdictions have probably around 26 weeks. That is what we would be looking for in the longer term. I suppose the question ultimately is who then is going to pay for it? What is the balance going to be between employer and the States? If we look at the second phase of the Employment Forum's proposals, they are proposing that the States pays more of that maternity provision and not less and not necessarily putting the onus upon the employer *per se*. So we must, I believe, firstly put this fundamental protection in place and then we can move forward after that, Sir.

The Bailiff:

One supplementary, Deputy Southern.

2.5.6 Deputy G.P. Southern:

One final supplementary are we? Does the Minister consider that moving ahead on this particular issue without an anti-discrimination law is putting the cart very much before the horse?

Deputy I.J. Gorst:

I know in politics one is told that one can never win. I feel a little bit like that in regard to answering that question. I have said that I am prepared and I am committed to bringing this forward despite the absence of sex discrimination legislation. I believe that they should be coming forward, hand-in-hand I recognise why that is not so. I am not being deterred from bringing this forward in the absence of that legislation and I hope that it will work in the way that I wish to see it work, despite not having that in place. Sir, thank you.

The Bailiff:

We now come to question 6, which Deputy Trevor Pitman will ask of the Minister for Social Security.