

2.6 Deputy J.A. Martin of St. Helier of the Minister for Social Security regarding proposals for a new Maternity and Paternity leave scheme:

Will the Minister outline what proposals he has for a new maternity and paternity leave scheme and advise when these will be lodged for consideration by the Assembly?

Senator F. du H. Le Gresley (The Minister for Social Security):

Proposals for family-friendly legislation are already in the public domain on the States website. The Employment Forum submitted a detailed recommendation to the former Minister for Social Security in 2008 and the Minister responded to that recommendation in June 2010. The first stage of family-friendly legislation includes the following proposals for maternity leave. From the start of employment, employees will be entitled to 2 weeks' compulsory leave immediately after childbirth at full pay paid by the employer subject to the deduction of maternity allowance and 6 additional weeks' unpaid maternity leave which may be taken at the employee's discretion before or after the birth. Employees with a 15-month qualifying period of service will have the right to an additional 10 weeks' unpaid leave. For paternity leave, from the start of employment, an employee will have the right to 2 weeks' unpaid leave, either male or female, if they have or expect to have parental responsibility for the child. I support the existing proposals and I intend to bring a proposition to the States during 2013 which we will progress in conjunction with our work on sex discrimination legislation.

2.6.1 Deputy J.A. Martin:

Did the Minister say maternity leave, 2 weeks' full pay immediately after birth, and can he confirm that this is completely in contradiction with the U.K. where you cannot work at least 4 weeks before the birth? I do not think the companies can get insured. Can he confirm this is the same or are we completely different?

Senator F. du H. Le Gresley:

I can only confirm that I did say that it would be 2 weeks' compulsory leave immediately after childbirth.

2.6.2 Senator S.C. Ferguson:

Will there be a *de minimis* for small and very small companies because if we are not careful, this will prevent employment?

Senator F. du H. Le Gresley:

Under the current proposals, there are no exemptions for small businesses.

2.6.3 Deputy M. Tadier:

Perhaps the female employees of small businesses could have a 7 month gestation period rather than a 9 month period. I am sure that could be arranged. [Laughter] The question, and the Minister did allude to it at the end of his answer, was about the discrimination legislation and in the absence of discrimination legislation which specifically relates to gender, how will the new maternity and paternity leave scheme be brought in and what is the timescale for those 2 to work together?

Senator F. du H. Le Gresley:

The Deputy is absolutely right, the 2 need to work together and that is why, assuming that we do get the States to approve our discrimination law which we hope to lodge before the end of the year, the second phase of that will be to introduce sex discrimination legislation, which will be a schedule to the new law. Once we have that in place, we will be able to bring forward our proposals for maternity and paternity leave so that we will have sex discrimination legislation hopefully before we bring in our maternity and paternity proposals.

2.6.4 Deputy M. Tadier:

Would the Minister not give consideration to prioritising the gender element of the discrimination law, given that I think that Jersey's Citizens Advice Bureau and anyone in the know would clearly acknowledge that the gender part is the most obvious priority and it also has a knock-on effect on this piece of legislation? Therefore any delays to the discrimination law will also have a knock-on effect with the maternity and paternity schemes, both of which we are decades behind other countries, including the U.K.

Senator F. du H. Le Gresley:

The discrimination law is primary legislation and if the States approve that law, it will have to go to the Privy Council for approval. We have the opportunity during that period to bring forward our proposals for sex discrimination so that when the new law comes into force, is registered in the Royal Court, we can lodge for debate our proposals for sex discrimination and the 2, race and sex, will come in at the same time under the law.

2.6.5 Deputy G.P. Southern:

Is the Minister aware that our maternity leave arrangements have fallen way behind those of the U.K. and that this is increasingly likely to cause problems in recruitment where we recruit professionals from the U.K.?

Senator F. du H. Le Gresley:

Yes.

2.6.6 Deputy R.G. Le Hérisier:

In the hope springs eternal department, could the Minister indicate when he will be bringing forward the sex and discrimination law? We know that this has become the subject of another one of these never-ending sagas. Could he give the deadline that he has given himself and his department?

Senator F. du H. Le Gresley:

I think the Deputy may not have been listening to me, which is unusual in his case. I did say that we hope to lodge our discrimination law, primary law, by the end of this year. If we do not achieve that, it will certainly be in January. The first characteristic or attribute will be race. After that, we will introduce the attribute of sex discrimination. We hope to be able to do that in 2013 so that when the new law comes into force, we will have both race and sex discrimination characteristics within the new law.

[10:15]

2.6.7 Deputy R.G. Le Hérisier:

2013 is a long time. What part of 2013?

Senator F. du H. Le Gresley:

I do not think 2013 is too far away. We are in the middle of October. The fact is that primary legislation takes at least 6 months from the date that it is approved in this House to come back for registering in the Royal Court. We plan to move immediately on to dealing with family-friendly legislation and sex discrimination at the same time so that we can achieve, hopefully by the end of 2013, a fit for purpose discrimination law with race and sex as the 2 attributes and also our family-friendly legislation that I have already outlined.

2.6.8 Deputy J.H. Young:

I wonder if I could ask the Minister to clarify whether his answer on the subject of introducing the primary legislation, whether it is his intention that when the primary legislation becomes law, that we will effectively be in a situation that still discriminates against other groups, for example, age discrimination which he has not mentioned at all today?

Senator F. du H. Le Gresley:

In answer to the Deputy's question, we can only do as much as the staff available in our department. We realise that age and disability discrimination will be the next 2 characteristics that we will be progressing and that will be in 2014.

2.6.9 Deputy J.A. Martin:

Will the Minister not admit maternity could be split from paternity? It is not primary legislation. It is sexist because only women have babies and they are of a certain age. Will the Minister not bring forward this legislation sooner rather than later and stop hiding behind every other piece of primary legislation that should come to this House which is also already behind?

Senator F. du H. Le Gresley:

The Deputy is very cross with me. I do not quite know why. **[Laughter]** I have been in office nearly a year now and I think we have brought forward lots of legislation to this Assembly. We can only do what our resources allow us to do. I have said categorically that we will progress maternity and paternity leave during 2013. We have only 3 months left of this year, and not even that, and I think that timescale is the best that I can say and I hope the Deputy will accept that.