

#### **5.14 Deputy G.P. Southern of the Minister for Social Security regarding statutory maternity leave provisions:**

Given the prevalence of U.K. candidates in recruitment to professions such as teaching and nursing in the Island, will the Minister inform Members what aspirations, if any, he has to bring Jersey's public sector and statutory maternity leave provisions into closer alignment with those that exist in the U.K. and if none, why not?

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

While I cannot answer for aspirations in respect to public sector maternity leave entitlements, I do aspire to bring forward statutory maternity leave provisions. This aspiration is reflected in our department business plan which states that work will continue this year to prepare family-friendly legislation. As the business plan also notes, this will be undertaken in conjunction with work to introduce protection against discrimination on the grounds of sex. By the middle of 2014 I expect to present family-friendly legislation to the States as an amendment to the employment law. The legislation will be based upon the rights the Employment Forum recommended following public consultation, which included time off work for ante-natal care appointments for pregnant women, a period of maternity, paternity or adoption leave for parents, the right to return to their job after that leave and protection against dismissal on the grounds of claiming these rights. The new maternity rights will not be as extensive as those that are available in the U.K. which have been developed over decades. However, I believe that we must take this first step as soon as possible to give vital protection to parents but with minimal cost to employers.

#### **5.14.1 Deputy G.P. Southern:**

Does the Minister have any aims in the following areas? 1. Extending what he proposes for 2014 and in what timescale? 2. Ameliorating the cost of business by examining whether Government has a role in paying for statutory maternity leave?

[11:30]

#### **Senator F. du H. Le Gresley:**

The very minimum rights that we are proposing, I have no intention of extending although, I have to be honest, I would like to. But we would have to have a complete round of new consultation with the employer groups and employee groups, *et cetera*, and the public if we were to go further than the proposals that were recommended by the Forum some 3 to 4 years ago now. As far as ameliorating the cost to businesses, I have no intention of introducing a statutory maternity pay. We do have maternity allowance and if we were to bring in our maternity leave rights we would have to make some changes to maternity allowance.

#### **5.14.2 Deputy J.A. Hilton:**

The Minister has just said that he does not intend to extend, I believe, the same rights to Jersey as currently in the U.K. but would the Minister consider whether he would agree to extend the period of unpaid leave with regard to maternity leave? Also, secondly, has he any concerns around this coming forward in 2014 as there are currently reports that there is a backlog of legislation that the Law Officers are dealing with, and has he any concerns this might not happen in 2014 for that reason.

#### **Senator F. du H. Le Gresley:**

In answer to the Deputy's question I will be putting forward changes to the Employment Law which comply with the Forum's recommendations, which is 2 weeks compulsory leave at full pay, 6 additional weeks of unpaid maternity leave and, subject to a 15-month qualifying period, a further 10 weeks of unpaid leave. I will not be making proposals to extend those periods at the current time. Insofar as the backlog of legislation and drafting, this amendment to the

Employment Law is already with the law draftsmen and we will be accelerating the work on this in the New Year.

**5.14.3 Deputy J.A. Hilton:**

Can the Minister confirm that he is proposing 14 weeks' leave currently, a combination of paid and unpaid? I did not quite catch that. If that is the case, does he not believe that really to assist families that he should be considering a far greater period of unpaid leave for pregnant women or women who have just newly given birth?

**Senator F. du H. Le Gresley:**

I did not say 14 weeks, I said 6 weeks unpaid as of right but subject to a 15-month qualifying period of employment a further 10 weeks so it is a total of 16 weeks if you have been employed for more than 15 months.

**5.14.4 Deputy G.P. Southern:**

Does the Minister accept that there is a risk by encouraging early return of mothers to the workplace as a risk to the wellbeing of both the mother and the baby?

**Senator F. du H. Le Gresley:**

I think that depends on the general health of mother prior to childbirth and it is a medical question which I am not qualified to answer.

**5.14.5 Deputy G.P. Southern:**

In terms of what is advised, in terms of the length of maintaining breastfeeding, that presents a problem in the timescale he is talking about.

**Senator F. du H. Le Gresley:**

I am certainly not an expert on breastfeeding, maybe Deputy Southern is. I really cannot answer that question, I am not familiar with all the details of childcare in the sense of everybody's different, a lot of mothers now use bottles so breastfeeding is not an issue I can comment on in this Assembly.