

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY K.F. MOREL OF ST. LAWRENCE
ANSWER TO BE TABLED ON TUESDAY 26th FEBRUARY 2019**

Question

In undertaking the consultation process for the new parental leave regulations, as described in the report accompanying the 'Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.17/2019), how many individual businesses did the Employment Forum consult on behalf of the Minister and, of these, how many contained –

- (a) between 1 and 5 employees;
- (b) between 6 and 10 employees;
- (c) between 11 and 20 employees; and
- (d) 21 or more employees?

Answer

The Employment Forum has been consulting and making recommendations on employment legislation for 20 years. The Forum is an independent body that was established under the Employment Law for the purpose of consulting on issues relating to that Law. The Employment Law requires the Forum to consult –

- “(a) such organisations representative of employers as they think fit;
- (b) such organisations representative of employees as they think fit; and
- (c) if they think fit, any other body or person.”

The Minister is responsible for referring matters to the Forum, but once the Forum has been directed to make a recommendation to the Minister, any consultation is conducted on the Forum's own behalf, not on behalf of the Minister.

The Forum's review of family friendly employment rights in 2017 attracted significant publicity during the course of the consultation period, giving every opportunity for employers, employees and other stakeholders to engage.

As well as sending details of the review to those individuals and businesses included on the Forum's own database - which includes bodies representing both employers and employees - the consultation was promoted via traditional media and social media platforms, including LinkedIn which is aimed at the business community, encouraging members of the public to provide their views. This contributed to an excellent response across the range of respondent types, both in writing and at the well-attended public meetings. For example, responses were received from a number of employer associations, which together represent around 1,700 local employers.

It is not possible to provide the requested break-down for the following reasons –

- a. The Forum's database contains contact details for those who have requested to be consulted by the Forum. The information contained in that database cannot be presented by business size. The Forum's consultations are not designed to consult representative samples of employers and employees from which we would draw statistics. The Forum is guided by the reasons that people give for their responses, the qualitative data.
- b. Any information provided by respondents is processed by the Forum for the purposes of a specific consultation and recommendation in compliance with data protection legislation. The

Forum is a separate data controller under that legislation. Respondents are not required to provide specific information about themselves but many do, sometimes anonymously.

The Minister is satisfied that the Forum's consultation, conducted in 2017, took a balanced view of all the evidence. Further information can be found in the Forum's recommendation¹ which provides the public statement of the consultation outcomes, including respondents' details where permission was given. In all of its recommendations, the Forum strives to provide a balanced view of the evidence provided by stakeholders, including employers of all sizes and sectors. This consultation was no different.

¹www.gov.je/SiteCollectionDocuments/Benefits%20and%20financial%20support/R%20Review%20of%20Family%20Friendly%20Employment%20Rights%2020171218%20AC.pdf