

2019.02.26

**9 Deputy K.F. Morel of the Minister for Social Security regarding the consultation undertaken in preparation of the Draft Employment (Amendment No. 11) (Jersey) Law 201- (P.172019): [OQ.48/2019]**

When the consultation for the Draft Employment (Amendment No. 11) (Jersey) Law was undertaken, were businesses and organisations specifically asked whether they agreed with the idea of allowing 4 separate periods of parental leave within the 3-year entitlement period?

**Deputy J.A. Martin of St. Helier (The Minister for Social Security):**

The forum has recommended a system that would give parents more options and choices, improve gender balance in parenting and ensure the rights are suitable for a range of different family circumstances. The forum's written survey did not include a specific question about a 3-year period in which up to 4 separate blocks of parental leave may be taken. At the time of preparing the survey, the forum had no preconceptions about what they might hear from stakeholders. Having consulted, the forum discovered that there was a strong theme and a key factor for parents was to have more choice and flexibility. The survey revealed that 78 per cent of employees responding said that there was too little flexibility in the current parental leave system. The forum recommended that the 4 blocks of leave should be available to ensure that parents can use extended period of leave to suit the needs of their family. In September last year, the period of parental leave for fathers and partners was extended to 26 weeks and already can be taken up to 52 weeks in 3 separate blocks.

**4.9.1 Deputy K.F. Morel:**

It is interesting to hear that 78 per cent of employees responded because I have been trying to get answers from the Minister's department to find out how many employers have been spoken to. Unfortunately, as you can see from the answer to written question 120, I am not getting answers on that front. Does the Minister agree that this outsourced approach to consultation using the Employment Forum is deeply unsatisfactory precisely because I am not receiving clear answers to the questions that I am asking with regard to the numbers of employers that have been consulted?

**Deputy J.A. Martin:**

No, I am absolutely confident in the way that all employment legislation for the last 20 years has been, in the Deputy's words, outsourced to the Employment Forum. This is nothing new. The Employment Forum has a load of stakeholders and it represents about 1,700 small employers on their database. This has been out there. This will give parents a meaningful choice to sit down and discuss who takes the leave, when they take the leave. This has had front page news in the *J.E.P.* (*Jersey Evening Post*), a massive article in the *J.E.P.* I have had 2 different employers write to me as Minister and none of them are concerned about the extended leave for fathers or the other parent.

**4.9.2 Deputy K.F. Morel:**

I believe, first of all, that the Minister inadvertently just misled the Assembly by claiming that the Employment Forum has 1,700 employers on its database. They have said to me they have 300 employers on their database, or 300 people on their database, and in the answer to written question 120 it said that the Employment Forum has received responses from a number of employer associations which together represent around 1,700 local employers. So before I ask the question, please could I ask the Minister to correct her inadvertent mistake?

**The Deputy Bailiff:**

Well, I think if you ask your question as well, then the Minister can deal with it all in one, because it is only a ...

**Deputy K.F. Morel:**

Yes. In which case unfortunately I have yet to speak to particularly a small employer who believes they will be able to find cover for 4 13-week periods. Every employer I have spoken to is extremely concerned about this. So, given that the Minister is so confident in the consultation process, will she commit to publishing the findings of this consultation or will I, as a fellow Member of this Assembly, be forced to use a Freedom of Information request in order to get this information?

**Deputy J.A. Martin:**

Firstly, it is the Chamber, I.o.D. (Institute of Directors), Farmers Union, Jersey Hospitality, *et cetera*, together represent around 1,700 local employers. It is not employees. The Deputy is right, the Deputy can ask for a Freedom of Information request. The Employment Forum go out to consult. They did not go out purposely to say: "This is what we think people need." In fact, they went out talking about shared leave and they found out there are so many unhappy employees out there, and employers even said: "We do not really want 52 weeks in one block. We think we could work it better." When the Deputy talks about 4 blocks of 13 weeks, they can only take it 4 times. They have to give 4 months' notice. Employers have to deal with people becoming sick for a lot longer than that with no notice. This is something that the Deputy, I would have thought, with the gender balance that we all want, would be fantastic for people to decide who takes the leave, who is in that absolutely pivotal point in their career when they need to take the leave or the father takes the leave, and they can change this over a 1, 2 and 3-year period. I am confident that this will work and I have not heard... and if the Deputy is hearing all these things, I wish the people who are concerned would come to me and they absolutely have not.