



Jersey

# **EMPLOYMENT (AWARDS) (JERSEY) ORDER 2009**

## **Official Consolidated Version**

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Jersey

## EMPLOYMENT (AWARDS) (JERSEY) ORDER 2009

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Jersey

## EMPLOYMENT (AWARDS) (JERSEY) ORDER 2009

**THE MINISTER FOR SOCIAL SECURITY**, in pursuance of Articles 77F, 86 and 104 of the [Employment \(Jersey\) Law 2003](#), orders as follows –

Commencement [[see endnotes](#)]

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### 1 Interpretation

In this Order, “Law” means the [Employment \(Jersey\) Law 2003](#).

### 2 Calculation of weekly pay

- (1) For the purposes of this Order, one week’s pay shall be calculated in the same way as one week’s pay is calculated under Schedule 1 to the Law, subject to –
  - (a) the modifications of that Schedule in paragraphs (2), (3), (4), and (5) of this Article; and
  - (b) paragraph (6) of this Article.
- (2) If by virtue of Article 63(2) or (4) of the Law a date later than the effective date of termination as defined in paragraph (1) of that Article is to be treated as the effective date of termination, that later date shall be taken (instead of the date specified in paragraph 5 of Schedule 1 to the Law) as being the calculation date.
- (3) If paragraph (2) does not apply, the date determined in accordance with paragraph (4) shall be taken (instead of the date specified in paragraph 5 of Schedule 1 to the Law) as being the calculation date.
- (4) The date to which this paragraph refers is the date on which notice would have been given if –
  - (a) the contract had been terminable by notice, and had been terminated by the employer giving such notice as is required by Article 56 of the Law to terminate the contract; and
  - (b) the notice had expired on the effective date of termination, whether or not those conditions were in fact fulfilled.

- (5) In paragraph 6(2) of Schedule 1 to the Law, the reference to the employer shall be taken as being a reference to the Jersey Employment Tribunal.
- (6) For the purposes of this Order, “pay” includes, in addition to basic pay –
  - (a) any overtime allowance in respect of any hours of overtime work that the employer is bound to provide, and the employee is bound to work, under the contract of employment; and
  - (b) any shift allowance in respect of any hours of shift work that the employer is bound to provide, and the employee is bound to work, under the contract of employment,but does not include any other allowance or benefit in kind.

### **3 Scale of compensation in cases of unfair dismissal**

The scale of compensation specified for the purposes of Article 77F(2) of the Law is set out in the Schedule to this Order.

### **4 Maximum award by Tribunal**

- (1) The amount that is prescribed for the purposes of Article 86(6) of the Law is the aggregate of –
  - (a) £10,000;
  - (b) the amount specified in paragraph (2) or (3); and
  - (c) the amount of each payment to which the individual who is a party to the proceedings is entitled under this Law from his or her employer, such payment –
    - (i) being the subject of the proceedings in which the award is made,
    - (ii) being of the minimum amount specified in this Law to which the individual is entitled (whether or not such amount is deemed to be a contractual entitlement under this Law and disregarding any amount specified in a contract of employment or relevant agreement that exceeds the minimum amount), and
    - (iii) not being a payment of an amount described in subparagraph (b).<sup>1</sup>
- (2) If the Tribunal makes an award under Article 77(2) of the Law, the amount of compensation awarded by the Tribunal determined in accordance with the scale set out in the Schedule to this Order.
- (3) If the Tribunal makes an award under Article 77E(3) of the Law –
  - (a) the amount of compensation determined in accordance with the scale set out in the Schedule to this Order that the Tribunal awards under Article 77E(3)(a) of the Law; and
  - (b) the amount (if any) of compensation that the Tribunal awards under Article 77E(3)(b) of the Law.

**5 Citation**

This Order may be cited as the Employment (Awards) (Jersey) Order 2009.

**SCHEDULE**

(Article 3)

**SCALE OF COMPENSATION**

<b>Duration of service completed in the employer's service by the employee</b>	<b>Amount of wages to be awarded</b>
Not more than 26 weeks	An amount not exceeding 4 weeks' pay, in the discretion of the Tribunal, having regard to the actual length of service
More than 26 weeks but not more than 1 year	4 weeks' pay
More than 1 year but not more than 2 years	8 weeks' pay
More than 2 years but not more than 3 years	12 weeks' pay
More than 3 years but not more than 4 years	16 weeks' pay
More than 4 years but not more than 5 years	21 weeks' pay
More than 5 years	26 weeks' pay



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Employment (Awards) (Jersey) Order 2009	<a href="#">R&amp;O.93/2009</a>	1 October 2009
Employment (Awards) (Amendment) (Jersey) Order 2011	<a href="#">R&amp;O.76/2011</a>	17 June 2011

### Table of Renumbered Provisions

Original	Current
5	Spent, omitted
6	5

### Table of Endnote References

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<sup>1</sup> Article 4(1) substituted by R&O.76/2011