



# Employment Guide: Employment Rights

Note: This publication is intended to provide general guidance only. It does not constitute legal advice and should not be relied upon as doing so.

**Advisory Officers, at the Employment Relations Service, can offer confidential and free advice on all aspects of employment law and employment relations.**

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## Overview

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This employment guide is intended to provide a summary of the **statutory provision** relating to employment rights in Guernsey.<sup>1</sup> The laws referred to are available on the following website: [www.guernseylegalresources.gg](http://www.guernseylegalresources.gg)

### Right to a Written Statement of Terms and Conditions of Employment

All employees are entitled to receive a written statement within four weeks of the commencement of employment. The written statement **must** contain information relating to 12 terms of employment.

- The Conditions of Employment (Guernsey) Law, 1985 (as amended)

### Right to a Statement of Pay (Payslip)

All employees are entitled to receive a payslip on or before the day the employee is due to be paid.

- The Conditions of Employment (Guernsey) Law, 1985 (as amended)

### Right to Minimum Periods of Notice

Employees and employers are entitled to give and receive **minimum** periods of notice based on length of service as follows:

Period of Employment	Notice to be given
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<sup>1</sup> The laws referred to apply in Guernsey, Herm and Jethou **except** The Conditions of Employment (Guernsey) Law, 1985 (as amended) which applies in Guernsey and Herm. The laws do not apply in Sark or Alderney.

One month to 2 years	1 week
2 – 5 years	2 weeks
More than 5 years	4 weeks

- The Employment Protection (Guernsey) Law, 1998 (as amended)

## Right not to be Unfairly Dismissed

Employees who have been employed for one year or more with the same employer have the right not to be unfairly dismissed. In certain circumstances the qualifying period can be waived.

Complaints must be made to the Employment and Discrimination Tribunal within three months of the effective date of termination and, if upheld, an award of up to six months' pay will be made.

- The Employment Protection (Guernsey) Law, 1998 (as amended)
- The Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005

## Right to a Written Statement of Reasons for Dismissal

Subject to a one year qualifying period, employees have the right, on request, within seven days of that request, to a written statement of reasons for dismissal. **Pregnant** employees have this right **regardless** of length of service and **without** a request.

Complaints are made to the Employment and Discrimination Tribunal and if upheld an award of two weeks' pay will be made.

- The Employment Protection (Guernsey) Law, 1998 (as amended)
- The Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005

## Right not to be Discriminated Against

Employees have the right not to be discriminated against in employment on the grounds of sex, marriage, or because they intend to undergo, are undergoing or have undergone a sex change (gender reassignment).

This right also covers other workers such as temporary agency staff, contract workers and partnerships.

Complaints are made to the Employment and Discrimination Tribunal and, if upheld, an award of 6 months' pay will be made for dismissals on the grounds of sex discrimination. If the applicant has suffered a detriment short of dismissal, the award is 3 months' pay.

- The Sex Discrimination (Employment) (Guernsey) Ordinance, 2005
- The Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005

Protection from discrimination also extends to pre-employment issues including advertising and recruitment.

## Right not to suffer a Detriment for Refusing to work in a Shop on Sundays

This right applies to employees who may be required to work in a shop, which is open for the serving of customers on a Sunday, as part of their contract of employment. It does not apply to Sunday only workers.

Complaints are made to the Employment and Discrimination Tribunal and, if upheld, an award of 6 months' pay will be made for dismissals for refusing to work in a shop on a Sunday. If the applicant has suffered a detriment short of dismissal, the award is 1 month's pay.

- The Employment Protection (Guernsey) Law, 1998 (as amended)
- The Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005

## Right to be Paid the Minimum Wage

The right to receive a minimum wage came into effect in 1 October 2010. All qualifying workers have a right to be paid not less than the rates approved by the States of Guernsey. **The rates applicable from 1 October 2023** are:

**£10.65 per hour:** Adult Minimum Wage Rate for workers aged 18 and older

**£9.65 per hour:** Young Persons' Minimum Wage Rate (workers aged 16 and 17)

Note: All apprentices above the age of 18 must be paid the Adult Minimum Wage.

- The Minimum Wage (Guernsey) Law, 2009

## Right to Statutory Maternity and Adoption Leave

The Maternity Leave and Adoption Leave (Guernsey) Ordinance, 2016, in force from 1 April 2016, gives the following statutory rights to pregnant employees and employees who are adopting a child. It applies to those employees whose due date or expected placement date for adoption is **7 August 2016 or later**:

- basic leave of 12 weeks
- an enhanced period of 26 weeks leave for employees who have worked continuously for the same employer for at least 15 months
- a period of two weeks compulsory statutory leave which forms part of basic maternity/adoption leave
- the right to return to the employee's original job or a suitable alternative
- up to ten days keeping in touch days
- the right to time off for ante-natal appointments during working hours (applies to pregnant employees)

In addition the partner of a woman who is entitled to basic maternity leave or basic adoption leave has a right to take two weeks' maternity support leave. To qualify the partner must have 15 months' continuous service at the beginning of the eleventh week before the woman's due date or placement date.

An employee also has the right not to suffer a detriment for taking, or seeking to take, maternity support leave or adoption support leave.

- The Maternity Leave and Adoption Leave (Guernsey) Ordinance, 2016

## Employment Related Legislation

The Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993 allows for disputes between employers and employees (or between an employee and employees) to be referred, through the Industrial Disputes Officer, for resolution by a third party, voluntarily by conciliation or arbitration or ultimately by a compulsory independent Industrial Tribunal.

## Other Publications

Publications can be downloaded from the website on a wide range of employment relations subjects, including local employment legislation and best practice guidance on other employment related matters.

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## Contact Information

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### For further advice

- Check [www.gov.gg/employmentrelations](http://www.gov.gg/employmentrelations)
- Email [employmentrelations@gov.gg](mailto:employmentrelations@gov.gg)
- Contact the **Employment Relations Service**, Edward T Wheadon House, Le Truchot, St Peter Port, GY1 3WH
- Telephone number: **01481 220026**