

Jersey Employment Frequently Asked Questions (International Employment Lawyer)

Briefing Summary: Carey Olsen is pleased to have authored the Jersey section of International Employment Lawyer's (IEL) FAQs guide. IEL's International Employment FAQs provide concise answers to commonly asked employment law questions.

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Does your country have a statutory retirement age, if so, what is it?

There is no mandatory retirement age in Jersey. Jersey residents may claim a state pension (condition upon their Social Security contribution record from their pensionable age (although in some circumstances a reduced pension may be claimed at an earlier age). For those born before 1 January 1955, their pensionable age will be 65. Women who registered with Social Security before 1 January 1975 may claim a state pension from age 60. For everyone else their pensionable age will be between 65 and 67 depending on their date of birth.

Are employers permitted to specify a contractual retirement age within an employee's contract of employment?

Setting a contractual retirement age is permitted in terms of contract but may be discriminatory on the basis of age under the Discrimination (Jersey) Law 2013 unless such a provision can be objectively justified as being a "proportionate means of achieving a legitimate aim".

What are the legal implications for employers that enforce a mandatory retirement age?

Enforcing a mandatory retirement age may be discriminatory on the basis of age under the Discrimination (Jersey) Law 2013, unless such a provision can be objectively justified as being a "proportionate means of achieving a legitimate aim". Legitimate aims in this context may include maintaining safety in safety critical roles or for the purposes of workforce planning. A discriminatory dismissal will be automatically unfair. A non-discriminatory dismissal will be a potentially fair one on the grounds of "some other substantial reason" but an employer must still follow an appropriate process to ensure fairness.

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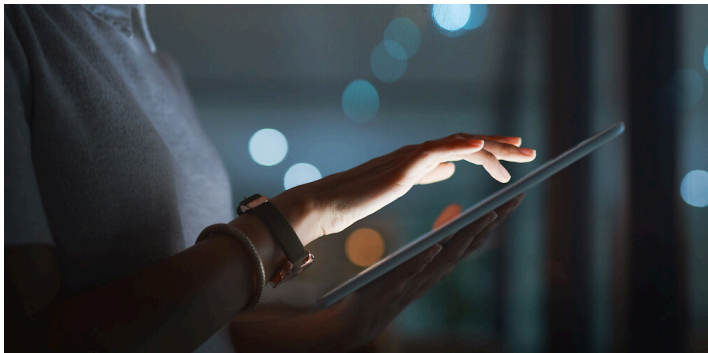
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Are 'early retirement incentive packages' allowed? If yes, are taxes imposed on them?

An early retirement incentive package may be discriminatory on the grounds of age unless such a provision can be objectively justified as being a "proportionate means of achieving a legitimate aim". There are ways in which such an incentive may be structured to minimise the risks of challenge on discrimination grounds. Income Taxes and Security are generally levied on any employment related incentive packages, although there may be structuring options available to manage this exposure.

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