

• EMPLOYERS SHOULD REVIEW POLICIES TO TAKE ACCOUNT OF NEW RIGHTS OF CIVIL PARTNERS IN JERSEY, SAY EMPLOYMENT LAW EXPERTS

Collas Crill's Carl Ashcroft and Emma Parr consider the impact of Jersey's new Civil Partnerships law on island employers.

6 January 2012 saw the Civil Partnership (Jersey) Law 2012 become law, enabling same sex "marriages" to be formed in Jersey and for existing civil partnerships celebrated in other jurisdictions to be recognised locally.

Collas Crill employment specialist Emma Parr is encouraging employers to review their policies and procedures to ensure that they take account of the new rights of civil partners.

'Civil partners must be treated in the same way as married employees,' said Ms Parr. 'Jersey employers must now recognise that civil partners are entitled to employment benefits, including pensions for example, in the same way as a married couple.'

The firm's Carl Ashcroft explained the law, which follows similar legislation in the UK six years ago: 'The legislation gives civil partnerships the same legal recognition as marriage; wherever the law was based on the notion of 'spouse', those laws will be changed to include civil partners.

'From adoptions to wills and all eventualities in between, including income tax, the law ensures that all aspects of civil partnerships are fully recognised.'

Employers must be on top of the implications for their business, said Ms Parr, since employment tribunals in both Jersey and Guernsey rely heavily on English decisions.

'Employers should review the benefits that they make available to spouses of employees to ensure they are made available to civil partners, including in-house or third party discounts, travel concessions and insurance based benefits including healthcare and private medical cover.'

The Civil Partnership (Jersey) Law 2012 could also impact on pensions – for example can civil partners secure survivor's benefits?

And as well as recognising civil partnerships in the same way as they do marriages, employers must also ensure that civil partners are not subject to any discrimination in the workplace because of their sexual orientation, should their status as a civil partner become known among the workforce, said Ms Parr.

For anyone needing further information about the ceremony itself, Mr Ashcroft says that the Office of the Superintendent Registrar can supply further information.

He added: 'Civil ceremonies will be celebrated in much the same way as marriages taking place before the Registrar, although the law specifically forbids any religious element. Anyone 16 or over may enter into a civil partnership, although consent of a parent or guardian is required for those who are not yet 18.

'The law also ensures by specific reference to the Gender Recognition (Jersey) Law 2010 that anyone, regardless of birth gender, may now enter into fully solemnised and recognised relations with their partner of choice.'

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FOR MORE INFORMATION, PLEASE CONTACT:



EMMA PARR
SENIOR ASSOCIATE
t: +44 (0)1481 734229
e: emma.parr@collascrill.com



CARL ASHCROFT
ASSOCIATE
t: +44 (0)1534 601734
e: carl.ashcroft@collascrill.com

Collas Crill **Guernsey**

Gategny Court, PO Box 140,
Gategny Esplanade, St Peter Port,
Guernsey, GY1 4EW
t: +44 (0) 1481 723191
f: +44 (0) 1481 711880
e: guernsey@collascrill.com
w: www.collascrill.com