

**THE EMPLOYMENT AND DISCRIMINATION TRIBUNAL (GUERNSEY) (AMENDMENT)  
ORDINANCE, 2018**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Employment and Discrimination Tribunal (Guernsey) (Amendment) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**EXPLANATORY MEMORANDUM**

This Ordinance amends section 1(6) of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005 in order to remove the requirement for members of the Employment and Discrimination Panel to retire on reaching the age of 70.



# **The Employment and Discrimination Tribunal (Guernsey) (Amendment) Ordinance, 2018**

THE STATES, in pursuance of their Resolution of the 6<sup>th</sup> September, 2017<sup>a</sup>,  
hereby order:-

## **Amendment of Ordinance.**

1. For section 1(6) of the Employment and Discrimination Tribunal  
(Guernsey) Ordinance, 2005<sup>b</sup>, substitute –

"(6) Members of the Panel shall be appointed for a term of  
three years (or such shorter period as the States may specify).".

## **Interpretation.**

2. (1) In this Ordinance -

"**enactment**" includes a Law, an Ordinance and any subordinate  
legislation and includes any provision or portion of a Law, an Ordinance or  
any subordinate legislation, and

"**subordinate legislation**" means any regulation, rule, order, rule of  
court, resolution, scheme, byelaw or other instrument made under any  
statutory, customary or inherent power and having legislative effect, but  
does not include an Ordinance.

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<sup>a</sup> Article III of Billet d'État No. XV of 2017.

<sup>b</sup> Ordinance No. XXX of 2005; as amended by Ordinance No. IX of 2016.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Citation and commencement.**

3. This Ordinance may be cited as the Employment and Discrimination Tribunal (Guernsey) (Amendment) Ordinance, 2018, and shall come into force on the 12<sup>th</sup> February, 2018.

**THE STATES OF DELIBERATION  
of the  
ISLAND OF GUERNSEY**

**THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

**EMPLOYMENT AND DISCRIMINATION TRIBUNAL (GUERNSEY) (AMENDMENT) ORDINANCE, 2018**

The President  
Policy & Resources Committee  
Sir Charles Frossard House  
La Charroterie  
St. Peter Port  
GY1 1FH

29<sup>th</sup> December 2017

Dear Deputy St Pier

**Preferred date for consideration by the States of Deliberation**

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, it is requested that the legislation entitled 'Employment and Discrimination Tribunal (Guernsey) (Amendment) Ordinance, 2018' be considered by the States of Deliberation at its meeting on 7<sup>th</sup> February 2018.

The request is made because the terms of office for the current Tribunal Panel members expire on 28<sup>th</sup> February. Two of the people that the Committee is recommending be reappointed as members of the Tribunal Panel can only be reappointed if the current retirement age for Panel members is removed via this Ordinance. The Policy Letter to approve the appointments has been requested to be considered by the States of Deliberation on 7<sup>th</sup> February 2018. The Ordinance will need to be approved before the States can consider the recommendations in the Policy Letter. In the event that the appointments are not approved by the States before their term of office expires, the Tribunal will be unable to convene until appointments are made.

Yours faithfully



Michelle Le Clerc  
President

Shane Langlois  
Vice President  
Matthew Fallaize, John Gollop, Emilie Yerby

Mike Brown, Andrew Le Lievre  
Non-States Members