

## Article 22 of the Constitution of the ILO

### REPORT

For the period 1 June 2016 to 31 May 2019, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

#### WORKMEN'S COMPENSATION (AGRICULTURE) CONVENTION, 1921 (No.12)

##### PART I

Relevant legislation:

The Social Security (Guernsey) Law, 1978

The Social Insurance (Guernsey) (Amendment) Law, 2019 [hyperlink](#)

The Social Insurance (Guernsey) Law (Amendment) Ordinance 2017 ([hyperlink](#)).

The Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 [hyperlink](#)

##### PART II

###### Article 1

The term 'invalidity' has been substituted for 'incapacity' in the Social Insurance (Guernsey) Law, 1978 (enacted by the Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017).

An amendment to the Social Security (Guernsey) Law, 1978 to extend benefit provision by providing industrial injury benefits to those participating in an employment training programme operated by or on behalf of the Committee *for* Employment & Social Security. [This amendment was approved by the States in March 2019](#) before seeking Royal Sanction which is required before it can come into force.

###### Articles 2-9

No changes since the previous report.

##### PART III

- a) The Social Insurance Law (Guernsey), 1978 continues to have two main statutory authorities entrusted with its administration. The processing of claims for industrial injuries compensation under the law is under the mandate of the Committee *for* Employment & Social Security, and the Office of the Administrator.
- b) The Health & Safety Executive is a department under the mandate of the Committee *for* Employment & Social Security, which investigates incidents at work. There has not been a change since 2016.
- c) A change since the previous report – The mandate in respect of contributions compliance by individuals and employers has been removed from the Committee *for* Employment & Social Security. This now lies with the Revenue Service, which is under the mandate of the Policy & Resource Committee.

##### PART IV

No decisions since the previous report.

##### PART V

No changes since the previous report.

##### PART VI

No relevant observations have been received.

Copies of this report have been made available on the States of Guernsey website for local employer and worker organisations (<https://www.gov.gg/conventions>).

States of Guernsey  
The Committee *for* Employment & Social Security  
Edward T Wheadon House  
St Peter Port  
GY1 3WH

Submitted on 23<sup>rd</sup> August 2019

## Article 22 of the Constitution of the ILO

### REPORT

For the period 1 June 2016 to 31 May 2019, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

#### WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925 (No.17)

##### PART I

Relevant legislation:

The Social Insurance (Guernsey) Law, 1978

The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017 [hyperlink](#)

The Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978

The Social Insurance (Benefits) (Amendment) Regulations, 2018 [hyperlink](#)

The Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984 ([consolidated text](#))

The Severe Disability Benefit and Carer's Allowance (Guernsey) (Amendment) Law, 2019 [hyperlink](#)

##### PART II

###### **Article 1**

The term 'invalidity' has been substituted for 'incapacity' in the Social Insurance (Guernsey) Law, 1978 (enacted by the Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017).

An amendment to the Social Security (Guernsey) Law, 1978 to extend benefit provision by providing industrial injury benefits to those participating in an employment training programme operated by or on behalf of the Committee for Employment & Social Security. [This amendment was approved by the States in March 2019](#) before seeking Royal Sanction which is required before it can come into force.

###### **Article 2 - 4**

No change since the previous report.

###### **Article 5**

No change since previous report, except uprating of rates for incapacity benefits (Regulation to amend Social Security (Guernsey) Law, 1978).

###### **Article 6**

No change since the previous report.

###### **Article 7**

An amendment to the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984 to allow carer's allowance to be received at the same time as other benefits under the Social Insurance (Guernsey) Law, 1978 has been passed by the States of Deliberation and is awaiting Royal Sanction before it can be brought in to force.

###### **Article 8 - 11**

No change since previous report.

##### PART III

No change since the previous report.

The Committee *for* Employment & Social Security continues to apply the legislation. The Administrator supervises the operational application of the legislation, and also handles appeals. Appeals may further be referred to the Committee, who makes the final decision on a case.

**PART IV**

No change since previous report.

**PART V**

Sub-parts 1-5: No change since previous report.

**PART VI**

No relevant observations.

Copies of this report have been made available on the States of Guernsey's website (<https://www.gov.gg/conventions>) for local employer and worker organisations.

States of Guernsey

The Committee *for* Employment & Social Security

Edward T Wheadon House

St Peter Port

GY1 3WH

Submitted 23<sup>rd</sup> August 2019

## Article 22 of the Constitution of the ILO

### REPORT

For the period 1 June 2016 to 31 May 2019, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

#### EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925 (No.19)

##### PART I

Relevant legislation:

The Social Insurance (Guernsey) Law, 1978

The Social Insurance (Guernsey) (Amendment) Law, 2019 [hyperlink](#)

The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017 [hyperlink](#)

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018 [hyperlink](#)

##### PART II

###### Article 1

The applicable legislation for the convention is the Social Insurance (Guernsey) Law, 1978, as amended, which provides for the equal treatment of all insured employed persons without regard to nationality or length of residence.

The term 'invalidity' has been substituted for 'incapacity' in the Social Insurance (Guernsey) Law, 1978 (enacted by the Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017).

An amendment to the Social Security (Guernsey) Law, 1978 to extend benefit provision by providing industrial injury benefits to those participating in an employment training programme operated by or on behalf of the Committee for Employment & Social Security. [This amendment was approved by the States in March 2019](#) before seeking Royal Sanction which is required before it can come into force.

###### Article 2 -3

No change.

###### Article 4

The term 'invalidity' has been substituted for 'incapacity' in the Social Insurance (Guernsey) Law, 1978 (enacted by the Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017).

Benefit rates for Industrial Injury Benefit, Industrial Medical Benefit, and Industrial Disablement Benefit have increased in line with Guernsey Index of Retail Prices (RPIX). This is in The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018 Otherwise, there is no relevant change.

**Direct Request (CEACR) - adopted 2016, published 106th ILC session (2017)**  
***Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) - Guernsey***

**Article 1(2) of the Convention. Payment of benefits abroad.** In its previous comments, the Committee requested information on the arrangements governing the payment of accident compensation benefits in the event of residence abroad with regard to nationals of countries which have ratified Convention No. 19 but have not concluded a bilateral social security agreement with UK/Guernsey. The Government replies that, with the exception of industrial injuries disablement benefits, there are currently no arrangements in place that enable the payment of accident compensation benefits in case of residence abroad under the Social Insurance (Guernsey) Law, 1978. ***The Committee asks the Government to explain how payment of industrial injuries disablement benefits abroad operates in practice, in case the victim of an industrial accident or his or her dependants reside abroad. Please also provide, as required by Part V of the report form, statistics, if any, on the amount of accident compensation benefits paid to persons residing abroad, indicating the country of destination.***

Those in receipt of Industrial Injuries Disablement Benefit continued to be paid, even if residing abroad. The industrial injuries disablement benefit is not applicable to dependents.

## Article 22 of the Constitution of the ILO

### REPORT

For the period 1 June 2016 to 31 May 2019, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

#### SICKNESS INSURANCE (INDUSTRY) CONVENTION, 1927 (No.24)

##### PART I

###### Relevant legislation:

The Social Insurance (Guernsey) Law, 1978

The Social Insurance (Guernsey) (Amendment) Law, 2016 [hyperlink](#)

The Social Insurance (Guernsey) (Amendment) Law, 2019 [hyperlink](#)

The Health Service (Specialist Medical Benefit) Ordinance, 1990

The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017 [hyperlink](#)

The Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978

The Social Insurance (Benefits) (Amendment) Regulations, 2018 [hyperlink](#)

##### PART II

###### Articles 1-2

There has been no new legislation applying the provisions of the Convention, nor any new administrative regulations since the report submitted in 2016.

###### Article 3

The term 'invalidity' has been substituted for 'incapacity' in the Social Insurance (Guernsey) Law, 1978 (enacted by Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017).

An amendment to the Social Security (Guernsey) Law, 1978 to extend benefit provision by providing industrial injury benefits to those participating in an employment training programme operated by or on behalf of the Committee *for* Employment & Social Security. [This amendment was approved by the States in March 2019](#) before seeking Royal Sanction which is required before it can come into force.

There have been a number of policy changes that the Office *for* Employment and Social Security continue to try and apply to these types of claims. The Supporting Occupational Health and Wellbeing (SOHWELL) programme was launched by the Committee *for* Employment and Social Security (ESS) in response to a rising trend in long-term incapacity benefit claims. The programme recognised that in order to stem the rising trend in long-term incapacity, there was a need to transform the way short-term incapacity claims were managed. Phase one of SOHWELL introduced a biopsychosocial model as its foundation and transformed the way key processes had been managed for many years which resulted in case managers and doctors working in a different way and with a greater focus on occupational health and work rehabilitation. Intervention is now staged much earlier. Interaction with an Occupational Health Therapist takes place at 5 weeks from the start of the incapacity, and a work capability assessment within 6 months.

Phase one of SOHWELL delivered a redesigned medical certificate and work capability assessment and bespoke training for doctors. This training focused upon the concepts of the new medical certificate as well as occupational health, case management and vocational rehabilitation.

The medical certificate and training was well received by doctors, the new work capability assessment has proved effective and employers have found the occupational health-related advice conveyed through the medical certificate helpful in terms of appropriate adjustment.

Phase two of the SOHWELL programme will commence in 2019 and will be driven by a multi-agency team which is expected to result in further benefits being driven out of the programme.

In connection with the Longer Working Lives Programme, employers will be encouraged to invest in occupational health.

#### **Articles 4-10**

Under the Health Service (Benefit) (Guernsey) Law, 1990, the Committee *for* Employment and Social Security funds the Healthy Minds service (previously PCMHWS) to give people early access to talking therapy support.

#### **Articles 5-10**

There have been no changes since the last report.

#### **PART III**

There have been no appeals to the Social Insurance Tribunal in connection with a person's incapacity for work since the last reporting period.

#### **PART IV**

Statistics on entitlements to sickness benefits are available; however, expenditure on sickness insurance is not broken by economic sector.

#### **PART V**

There are no relevant observations to report.

Copies of this report have been made available on the States of Guernsey's website (<https://www.gov.gg/conventions>) for local employer and worker organisations.

States of Guernsey  
The Committee *for* Employment & Social Security  
Edward T Wheadon House  
St Peter Port  
GY1 3WH

Submitted 23<sup>rd</sup> August 2019

## Article 22 of the Constitution of the ILO

### REPORT

For the period 1 June 2016 to 31 May 2019, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

#### SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927 (No.25)

##### PART I

Relevant legislation and policy:

The Social Insurance (Guernsey) Law, 1978

The Social Insurance (Guernsey) (Amendment) Law, 2016 [hyperlink](#)

The Social Insurance (Guernsey) (Amendment) Law, 2019 [hyperlink](#)

The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017 [hyperlink](#)

The Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 [hyperlink](#)

##### PART II

###### Articles 1-2

There has been no new legislation applying the provisions of the Convention, nor any new administrative regulations since the last reporting period.

###### Article 3

The term 'invalidity' has been substituted for 'incapacity' in the Social Insurance (Guernsey) Law, 1978 (enacted by Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017).

An amendment to the Social Security (Guernsey) Law, 1978 to extend benefit provision by providing industrial injury benefits to those participating in an employment training programme operated by or on behalf of the Committee for Employment & Social Security has been passed by the States of Deliberation and will shortly come into force. For example, Guernsey's Rural Occupational Workshop (GROW), which provides training and a sheltered work environment in horticulture for people with a learning disability. [This amendment was approved by the States in March 2019](#) before seeking Royal Sanction which is required before it can come into force.

The Supporting Occupational Health and Wellbeing (SOHWELL) programme was launched by the Committee for Employment and Social Security in response to a rising trend in long-term incapacity benefit claims. The programme recognised that in order to stem the rising trend in long-term incapacity, there was a need to transform the way short-term incapacity claims were managed. Phase one of SOHWELL introduced a biopsychosocial model as its foundation and transformed the way key processes had been managed for many years which resulted in case managers and doctors working in a different way and with a greater focus on occupational health and work rehabilitation. Intervention is now staged much earlier. Interaction with an Occupational Health Therapist takes place at 5 weeks from the start of the incapacity, and a work capability assessment within 6 months.

Phase one of SOHWELL delivered a redesigned medical certificate and work capability assessment and bespoke training for doctors. This training focused upon the concepts of the new medical certificate as well as occupational health, case management and vocational rehabilitation.

The medical certificate and training was well received by doctors, the new work capability assessment has proved effective and employers have found the occupational health-related advice conveyed through the medical certificate helpful in terms of appropriate adjustment.

Phase two of the SOHWELL programme will commence in 2019 and will be driven by a multi-agency team which is expected to result in further benefits being driven out of the programme.

#### **Articles 4-17**

Under the Health Service (Benefit) (Guernsey) Law, 1990, the Committee *for* Employment and Social Security fund the Healthy Minds service (previously the Primary Care Mental Health and Wellbeing Service) to give people early access to talking therapy support.

#### **Article 5-17**

There have been no changes since the last report.

#### **PART III**

There have been no appeals to the Social Insurance Tribunal in connection with a person's incapacity for work since the last reporting period.

#### **PART IV**

Statistics on entitlements to sickness benefits are available ([hyperlink](#)); however, expenditure on sickness insurance is not broken by economic sector.

#### **PART V**

There are no relevant observations to report.

Copies of this report have been made available on the States of Guernsey's website (<https://www.gov.gg/conventions>) for local employer and worker organisations.

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Submitted 23<sup>rd</sup> August 2019