

Article 22 of the Constitution of the ILO

Report for the period from 2 September 2011 to 1 September 2013 made by the States of Guernsey

on the

FORCED LABOUR CONVENTION, 1930 (No. 29)

(extension registered on 3 June 1931)

Part I

[The Human Rights \(Bailiwick of Guernsey\) Law, 2000](#)

This legislation was enacted after ratification of the Convention.

Part II

Article 1(1)

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

The extant legislation that prohibits forced and compulsory labour is the Human Rights (Bailiwick of Guernsey) Law, 2000. This Law gives effect within the Bailiwick of Guernsey to Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Article 2

1. For the purposes of this Convention the term “forced or compulsory labour” shall mean all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term “forced or compulsory labour” shall not include:

- (a) any work or service extracted in virtue of compulsory military service laws for work of a purely military character;*
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;*
- (c) any work or service extracted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;*
- (d) any work or service extracted in cases of emergency, that is to say, in the event of war or a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or well-being of the whole or part of the population;*

- (e) *minor communal services of a kind which, being performed by the members of the community in the direct interests of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.*

Request – please provide information on measures taken by the competent authority to establish and enforce a distinction between the forms of compulsory service which are, in accordance with this Article, excepted from the definition of the term “forced and compulsory labour” and other forms of compulsory service. Please state in particular what guarantees are provided to ensure that services extracted for military purposes are used for purely military ends; to ensure that work extracted in case of emergency shall cease as soon as the circumstances that endanger the population or its normal living conditions no longer exist; and to prevent any confusion between “minor communal services” and public works which are normally the responsibility of Government.

Enforced labour may arise as a consequence of a conviction in a court of law and may involve either a Community Service Order or work undertaken during a term of imprisonment. Rules governing work and related matters for individuals who are subject to Community Service Orders are set out in the [Criminal Justice \(Community Service Orders\) \(Bailiwick of Guernsey\) Law, 2006](#) and [Criminal Justice \(Community Service Orders\) \(Bailiwick of Guernsey\) Regulations 2007](#). Rules governing work to be undertaken by prisoners are provided for under the [Prison Administration \(Guernsey\) Law, 1949](#) as amended.

Penal servitude and hard labour were abolished by the [Criminal Justice \(Bailiwick of Guernsey\) Law, 1979](#).

The Bailiwick of Guernsey has no military forces and no service is extracted for military purposes.

In the case of emergencies, the Civil Contingencies Authority has the power to make emergency regulations, which might require some individuals to undertake activities which might amount to forced labour however, the conditions in which such regulations can be made, the scope of such regulations and the limitations and duration of such regulations are specified in sections 12 to 16 of the [Civil Contingencies \(Bailiwick of Guernsey\) Law, 2012](#).

Request - please state whether certain forms of compulsory work or service mentioned in this Article to which the citizens of the metropolitan territory are not liable have in fact been extracted during the period under review from the inhabitants of the non-metropolitan territories. If so, please furnish any information on the nature and importance of the work or services performed.

As a condition of the receipt of some social benefits in certain cases individual claimants of benefits are required to undertake work based training. Training schemes of this type are organised by the States of Guernsey Social Security Department.

Article 25

25. The illegal extraction of forced or compulsory labour shall be punishable as a penal offence and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Request – please furnish information on any legal proceedings which have been instituted as a consequence of the application of this Article and any penalties imposed.

There have been no relevant legal proceedings.

Part III

There have been no relevant decisions.

Part IV

The Human Rights (Bailiwick of Guernsey) Law, 2000 provides for the protection of various human rights (the rights specified in the European Convention for the Protection of Human Rights which includes a prohibition of slavery and forced labour).

The law prevents a public body from acting in a manner, without statutory excuse, that is incompatible with the human rights Convention. In the case of litigation between private individuals, the courts have a duty to interpret the law so as to accord with that Convention.

There have been no practical difficulties encountered in the application of the forced labour Convention and there are no relevant official reports.

Copies of this report have been circulated to the Confederation of British Industry and the Trade Union Congress

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Article 22 of the Constitution of the ILO

Report for the period from 2 September 2009 to 1 September 2013 made by the States of Guernsey

on the

LABOUR INSPECTION CONVENTION, 1947 (No. 81) (extension registered on 28 June 1949)

Part I

The Health and Safety and Welfare of Employees Law, 1950, as amended
The Health and Safety at Work (Guernsey) Law, 1979, as amended
The Health and Safety at Work (General) (Guernsey) Ordinance, 1987, as amended

Part II

Article 2

1. *The system of labour inspection in industrial workplaces shall apply to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.*

2. *National laws or regulations may exempt mining and transport undertakings or parts of such undertakings from the application of the Convention.*

Request – please indicate any undertakings, or parts of undertakings, which have been exempted in virtue of the provisions of paragraph 2 of article 2.

The system of inspection under the legislation referred to in Part I of this report extends generally to all premises that are subject to regulation. There is a specific exemption in relation to the employment of a domestic servant in a private household.

Article 3

1. *The functions of the system of labour inspection shall be:*

(a) *to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, health and welfare, the employment of children and young persons and other connected matters, in so far as such provisions are enforceable by labour inspectors;*

(b) *to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;*

(c) *to bring to the notice of the competent authority defects and other abuses not specifically covered by existing legal provisions.*

2. *Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.*

Request – please indicate any duties entrusted to labour inspectors other than those provided for in paragraph 1 of this Article.

No additional duties are assigned to inspectors.

Article 4

1. So far as is compatible with the administrative practice of the Member, labour inspection shall be placed under the supervision and control of a central authority.

2. In the case of a federal State, the term “central authority” may mean either a federal authority or a central authority of a federal unit.

Request –

1. please indicate the authority under whose supervision and control the system of labour inspection is placed.

2. in the case of federal States please indicate any arrangements that may exist for cooperation between federal and state authorities in regard to matters of labour inspection.

Labour inspection in Guernsey is under the supervision and control of the Health and Safety Executive of the States of Guernsey Commerce and Employment Department.

Article 5

The competent authority shall make appropriate arrangements to promote:

(a) effective co-operation between the inspection services and other government services and public or private institutions engaged in similar activities; and

(b) collaboration between officials of the labour inspectorate and employers and workers of their organisations.

Request – please give particulars concerning the arrangements made to give effect to the promotion of this Article.

The staff of the Health and Safety Executive maintains regular contacts with relevant staff of the other government departments and with the private sector, including private sector organisations that provide health and safety related services. Such contacts are both formal and informal, depending on the circumstances.

There is thorough consultation with interested parties on any changes in legislation that are proposed or any codes of practice that were to be introduced.

Article 6

The inspection staff shall be composed of public officials whose status and conditions of service are such that they are ensured stability of employment and are independent of changes of government and of improper external influences.

Request – please give details as to the status and conditions of service of the inspection staff.

Inspectors are employed on a full-time basis in accordance with the normal terms and conditions of the employment of civil servants by the States of Guernsey.

There are no political parties in Guernsey and the Government consists entirely of independent members. Whilst individual members may change at a general election, there are no changes in government to the extent that there are changes in other jurisdictions when control of the government changes from one political group to another.

Article 7

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors shall be recruited with sole regard to their qualifications for the performance of their duties.

2. The means of ascertaining such qualifications shall be determined by the competent authority.

3. Labour inspectors shall be adequately trained for the performance of their duties.

Request –

1 and 2 please indicate what conditions, if any, other than their qualifications for the performance of their duties, are applied in the recruitment of labour inspectors.

3. please indicate, in so far as possible, the arrangements made to ensure the training of labour inspectors for the performance of their duties, including both:

(a) arrangements for their initial training at the appointment to the service; and

(b) arrangements for subsequent training.

Qualified inspectors are employed not only on the basis of qualifications, but also against key criteria that are set by the Commerce and Employment Department. Trainees are also selected against key criteria and provided with initial training in the United Kingdom with the UK Health and Safety Executive. All new inspectors now hold a post-graduate diploma in regulatory occupational health and safety.

Qualified inspectors undergo additional specialist training and attend relevant conferences on a regular basis.

Article 9

Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, including specialists in medicine, engineering, electricity and chemistry, are associated in the work of inspection, in such manner as may be deemed most appropriate under national conditions, for the purpose of securing the enforcement of the legal provisions relating to the protection of health and safety of workers while engaged in their work and of investigating the effects of processes, materials and methods of work on the health and safety of workers.

Request – please give details as to the measures taken to give effect to Article 9, including the extent to which staff carrying out visits of inspection includes technical experts and specialists in the fields of specialization mentioned, or in related technical fields.

If, and to the extent that, technical experts and specialists are not included in the staff carrying out visits of inspection, please give particulars as to the arrangements made to ensure that such experts and specialists are associated with the work of inspection.

The specialisations of current staff include pesticides, health services, agriculture and horticulture, highly flammable liquids, education, construction, play equipment, explosives, quarrying, diving and asbestos.

MOUs are in place between the Guernsey authorities and their counterparts in Jersey and the UK which provide access to specialist inspectors and services which can be called upon to address any shortfall in local knowledge.

Article 10

The number of labour inspectors shall be sufficient to ensure the effective discharge of the duties of the inspectorate and shall be determined with due regard for:

- (a) the importance of the duties which inspectors have to perform, in particular:
 - (i) the number, nature, size and situation of the workplaces liable to inspection;*
 - (ii) the number and classes of workers employed in such workplaces; and*
 - (iii) the number and complexity of the legal provisions to be enforced;**
- (b) the material means placed at the disposal of the inspectors; and*
- (c) the practical conditions under which visits of inspection must be carried out in order to be effective.*

Request – please indicate the strength of the inspection staff and give general information concerning the numbers of inspectors of different categories, including inspectors to whom special or technical functions may be assigned, and particulars of the geographical distribution of the inspection staff.

If this information is given in the reports transmitted to the International Labour Office in accordance with the provisions of Article 20, reference may be made to such reports in replying to this question.

The current establishment of the Health and Safety Executive is:

- 1 Chief Health and Safety at Work Inspector.
- 3 Health and Safety at Work Inspectors.
- 1 Trainee Health and Safety at Work Inspector.
- 1 Technical Officer.
- 1 Inspectors Clerk.

All inspectors carry out general health and safety functions under the 1987 Ordinance, however, they may be assigned particular tasks according to their expertise. The geographical area of the Island is 25 square miles which means that all staff can be co-located.

Article 11

1. *The competent authority shall make the necessary arrangements to furnish labour inspectors with:*

- (a) *local offices suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned;*
- (b) *the transport facilities necessary for the performance of their duties in cases where suitable public services do not exist.*

2. *The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.*

Request- please indicate in general the arrangements made to give effect to the provisions of this Article.

Offices and equipment are provided by the government of the Island and inspectors are also provided with leased vehicles and can claim any other travel and incidental expenses that arise from their work.

Article 13

1. *Labour inspectors shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health and safety of workers.*

2. *In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a judicial or administrative authority which may be provided by law, to make or have made orders requiring:*

- (a) *such alterations to the installation or plant, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to the health and safety of the workers; or*
- (b) *measures with immediate executor force in the event of imminent danger to the health and safety of workers.*

3. *Where the procedure prescribed in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executor force.*

Request – please indicate whether labour inspectors have the powers provided for in paragraph 2 of Article 13. If not please give particulars concerning the procedure followed in accordance with paragraph 3.

Section 19 of the 1987 Ordinance provides inspectors with the power to issue improvement notices. However Section 19(5) of the Ordinance also provides inspectors with the power to issue a prohibition notice that has immediate effect if the inspector believes that there is an imminent risk of serious personal injury, but these are subject to confirmation by the Department.

Article 14

The labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations.

Request – please state in particular what measures have been taken to give effect to the provisions of this Article.

Section 9 of the 1987 Ordinance provides for a general obligation to report injuries, diseases and dangerous occurrences subject to certain exceptions that are specified in section 11 of the Ordinance.

Article 16

Workplaces shall be inspected as often and as thoroughly as is necessary to ensure effective application of the relevant legal provisions.

Request – please indicate the measures taken to ensure adequate frequency and thoroughness of inspection visits.

Inspections are generally organised on the basis of assessed risk, reported incidents and intelligence received. However, the Health and Safety Inspectorate also undertakes proactive inspections that may focus on a particular type of business or business activities in a particular sector of the economy.

Article 18

Adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be prescribed for by national laws or regulations and effectively enforced.

Request – please indicate the measures taken to give effect to the provisions of this Article.

The intentional obstruction of an inspector is specified as an offence in section 25(g) of the 1987 Ordinance. A person convicted of such an offence is liable to a fine of up to £20,000.

Article 19

1. *Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their inspection activities.*

2. *These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.*

Request – please indicate the measures taken to give effect to the provisions of this Article. If possible please attach sample copies of the reports or labour inspectors or local inspection offices.

The Health and Safety Executive submits an annual report to the Commerce and Employment Department. A copy of the latest report is attached.

Article 26

In any case in which it is doubtful whether any undertaking, part or service of an undertaking or workplace is an undertaking, part, service or workplace to which this Convention applies, the question shall be settled by the competent authority.

Request – please give particulars concerning decisions, if any, made by the competent authority in relation to this Article.

There have been no relevant decisions.

Article 29

Request –

1 and 2 – if this is the first annual report of your Government upon the application of the Convention please indicate any areas which, in virtue of the authorisation given in paragraph 1 of Article 29, have been excluded, in whole or in part, from the application of the Convention, together with the reasons for their exclusion.

3 – if this is a report subsequent to annual report please indicate any areas in respect of which the right to have recourse to the provisions of this Article have been renounced.

Given the small geographical area of Guernsey and the size of its population, it would not be possible to apply the exemption in article 1. Accordingly no such exemptions apply.

Part III

The application of the 1987 Ordinance is the responsibility of the Commerce and Employment Department acting through the Health and Safety Executive. The Executive reports through the Chief Executive of the Department to the Department's political Board.

Day to day application is the responsibility of the Executive and inspectors have particular powers as specified in legislation. The Board has certain enforcement powers and these are usually exercised on the recommendation of the Executive.

The core activities of the Executive are –

- inspecting workplaces to ensure compliance with health and safety legislation,
- inspecting reported incidents and dangerous occurrences in the workplace,
- providing relevant information, guidance and support to employers and employees,
- promoting good practice in the workplace,
- issuing licences and permits to control high risk activities, and
- promoting risk assessment and technical knowledge as the basis to setting standards and guiding enforcement activities.

Inspections are carried out by the Executive when incidents are reported in accordance with the 1987 Ordinance, at the request of employers and on its own initiative. In the latter case inspections may be carried out on the basis of assessed risk or may be targeted at particular types of work place or economic sectors in order to maintain awareness of health and safety issues.

Part IV

No practical difficulties have been encountered.

DIRECT REQUEST (CEACR) – adopted 2011, published 101st ILC session (2012)

Articles 10 and 16

Noting the abovementioned trends and the slight increase in the number of workplaces liable to inspection, the Committee would be grateful if the Government would provide an evaluation of the needs of the labour inspectorate in human resources in the light of the criteria provided in Article 10 of the Convention, and if it would indicate the proportion of the budget allocated to labour inspection, and the measures taken or envisaged to ensure that workplaces are inspected as often and as thoroughly as necessary (Article 16). The Committee would also be grateful if the Government would provide detailed information on the number of inspection visits per category of workplaces, and on the different types of inspections carried out during the last two years.

The Department is confident that the current establishment of the Health and Safety Executive is sufficient to ensure the effective implementation of the 1987 Ordinance. Approximately £400,000 was allocated to the budget of the Health and Safety Executive in 2012. This is about 8% of the overall budget allocated to the provision of various inspection and other services provided by the Commerce and Employment Department.

The attached annual report provides statistics for 2011 and 2012 for the number of inspection visits per category of workplaces and on the different types of inspections carried out during the last two years.

Article 12

Noting that, according to the report of the Government, inspections are made during the day, the Committee would be grateful if the Government would provide a copy of the legal provisions investing labour inspectors with right of access to workplaces at any hour of the day or night, and to indicate how effect has been given to each of the provisions of Article 12.

The powers of entry are set out in section 16 of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, as amended. Section 17 makes additional provision for the taking of samples.

Article 12

- 1. Labour inspectors provided with proper credentials shall be empowered:
 - (a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection; S16(2)(a) – at a reasonable time or at any time if he suspects a dangerous situation
 - (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and S16(2)(a)
 - (c) to carry out any examination, test or enquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular— S16(2)(d) and (f) ?
 - (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions; S16(2)(k)
 - (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them; S16(2)(l)
 - (iii) to enforce the posting of notices required by the legal provisions; S16(2)(n) ?
 - (iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose. S16(2)(g) and (h), S16(5) and S17
- 2. On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties. S16(3) ?

Articles 20 and 21

The Committee requests the Government to indicate the measures taken or envisaged in order to ensure that annual reports contain more detailed information as requested under Article 21(e)–(g). Alternatively, the Committee would be grateful if the Government would indicate the difficulties encountered in the implementation of the provisions of this Article and the measures taken or envisaged to overcome them.

The Annual Report is attached to this report.

Article 21

The annual report published by the central inspection authority shall deal with the following and other relevant subjects in so far as they are under the control of the said authority:

- (a) laws and regulations relevant to the work of the inspection service;
- (b) staff of the labour inspection service;
- (c) statistics of workplaces liable to inspection and the number of workers employed therein; **all workplaces are liable to inspection, however we do not maintain statistics on the number of persons they employ**
- (d) statistics of inspection visits;
- (e) statistics of violations and penalties imposed;
- (f) statistics of industrial accidents;
- (g) statistics of occupational diseases.

Copies of this report have been circulated to the Confederation of British Industry and the Trade Union Congress

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Article 22 of the Constitution of the ILO

Report for the period from 2 September 2011 to 1 September 2013 made by the States of Guernsey

on the

ABOLITION OF FORCED LABOUR CONVENTION, 1957 (No. 105)

(extension registered on 17 March 1959)

Part I

[The Human Rights \(Bailiwick of Guernsey\) Law, 2000](#)

Part II

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not make use of any form of forced or compulsory labour:

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;*
- (b) as a method of mobilizing and using labour for the purposes of economic development;*
- (c) as a means of labour discipline,*
- (d) as a punishment for having participated in strikes;*
- (e) as a means of racial, social, national or religious discrimination.*

Request -

A(a) Please indicate whether persons holding or expressing political views or views ideologically opposed to the established political, social or economic system may be subjected to forced or compulsory labour as a means of political coercion or education or as a punishment.

No. The 2000 Law implements in the Bailiwick of Guernsey Article 5 (Right to liberty and security) and Article 10 (Freedom of expression) of the European Convention for the Protection of Human Rights and Fundamental Freedoms

A(b) Please indicate whether use may be made of forced or compulsory labour as method of mobilising and using labour for purposes of economic development; please indicate any measures which have been taken in practice in this connection (particularly as regards the manner in which the workers in question are recruited, the period for which they are engaged etc).

No. The 2000 Law implements in the Bailiwick of Guernsey Article 4 (Prohibition of slavery and forced labour) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

A(c) *Please state whether use may be made of forced or compulsory labour as a means of labour discipline and, if so, indicate the legislative provisions or regulations in virtue of which this is authorised.*

This type of coercion does not form part of the organisation and functioning of the labour market in Guernsey and workers have some statutory protections from discriminatory and unfair acts by employers.

A(d) *Please indicate whether participation in a strike, or in certain strikes, may be punished by the extraction of forced or compulsory labour and, if so, under what conditions.*

No. As referred to above, the 2000 Law implements in the Bailiwick of Guernsey Article 4 (Prohibition of slavery and forced labour) of the European Convention for the Protection of Human Rights and Fundamental Freedoms. It also implements Article 11 (Freedom of assembly and association).

A(e) *Please indicate whether there exist any special provisions in the legislation or regulations or whether special measures have been taken with regard to given racial, social, national or religious groups, regarding the possibility of extracting forced or compulsory labour from members of such groups.*

No special provisions, regulation or measures have been taken. The 2000 Law provides protections against the possibility of extracting forced or compulsory labour from members of such groups.

B *If any person may be subjected to forced or compulsory labour in cases other than those set out above, please indicate the circumstances in which such measures may be authorised and state what precautions are taken to ensure that these measures do not lead to a violation of the Convention.*

A person convicted of an offence in a court may be required to carry out work under a Community Service Order and a person who is imprisoned may be required to undertake prison organised work.

As a condition of the receipt of some social benefits in certain cases individual claimants of benefits are required to undertake work based training. Training schemes of this type are organised by the States of Guernsey Social Security Department.

Article 2

2. *Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in article 1 of this Convention.*

Request -

Please indicate what measures, if any, have been taken with a view to giving effect to this article.

The government has enacted the Human Rights (Bailiwick of Guernsey) Law, 2000.

Please indicate, in particular, what penal provisions and sanctions are applicable in cases of illegal extraction of forced or compulsory labour (i) by a public official or body; (ii) by private individuals or associations.

A person who claims that a public authority has acted, or proposes to act, in a manner that is unlawful under the 2000 law can bring proceedings against the authority in an appropriate court or tribunal. If an act is found to be unlawful, a court may grant such relief or remedy or make such an order as are within its powers to grant or make.

Part III

Request – please state to what authority or authorities the application of the abovementioned legislation and administrative regulations, etc is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

The Commerce and Employment Department of the States of Guernsey is responsible for the administration and implementation of legislation relating to employment. In respect of any criminal offences including kidnap and false imprisonment the Guernsey Police authorities have the power to investigate any alleged offences and where necessary have the power to enter premises and arrest individuals suspected of committing any offence.

Part IV

There have been no relevant decisions.

Part V

Request – please give a general appreciation of the manner in which the Convention is applied in your country and supply copies of the reports of the competent services, such as judicial administrations etc. Please supply also all available statistics concerning the number of persons on whom forced or compulsory labour has been imposed, the nature of the work carried out, by the persons in question, the reasons for which the said persons have been subjected to such work, the number of working hours effected during the period under review, the wages paid to those persons. Please state also whether the persons in question enjoy the same conditions of work as free workers and, if not, indicate in what respects their conditions differ.

Since the end of the Second World War, when Guernsey was occupied by invading German Forces, the authorities in Guernsey are not aware of any matter relating to forced labour within Guernsey.

Some criminal penal sanctions such as obligations to perform work further to community service orders are made by the Guernsey Courts and in addition, convicted prisoners are obliged to perform some work training schemes for some benefits.

Copies of this report have been circulated to the Confederation of British Industry and the Trade Union Congress

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on the

HUMAN RESOURCES DEVELOPMENT CONVENTION, 1975 (No. 142) (extension registered on 20 February 1979)

Part I

No changes have occurred in respect of any legislation affecting the application of the Convention since the previous report.

Part II

Article 1 paragraphs 1-4

Co-ordinated Policies

The Bailiwick of Guernsey established a cross Department Skills Agency in 2011 that is responsible for:

- the development of a Skills Strategy for Guernsey
- The implementation and monitoring of that Strategy

Skills Guernsey¹ is a partnership between business members from large and small local businesses, individuals with skills related experience, community representatives and Guernsey government departments and training providers (Commerce and Employment Department, Education Department, Social Security Department, Health and Social Services Department, College of Further Education, and the GTA University Centre).

Skills Guernsey has responsibility for ensuring that strategy and policy for skills and participation in the workforce takes account of, and is allied to, the broader aims for education, social cohesion and economic development expressed in Departmental strategies and plans, and the wider States Strategic Plan;

Two main aims have been established:

- To improve the skills of the working population, in line with the needs of employers in all sectors
- To increase workforce participation i.e. to enable everyone who is willing and able to find employment

The Vision for Education 2013

In July 2013 the States of Guernsey approved the Education Department's Vision for the future delivery of education in the Bailiwick: Today's Learners Tomorrow's World.

Education's vision is to create an education system for the Bailiwick of Guernsey which will meet the challenges and demands of the future and provide our greatest asset, our people, with the knowledge, skills and tools to face a complex and challenging future with enthusiasm and confidence.

¹ www.gov.gg/skillsguernsey

Core Values

High quality education is central to the future of Guernsey, both economically and socially, and is essential for the wellbeing of our community.

The Education Department will:

- Develop educational centres of excellence across all our institutions based on high standards of teaching and learning and high expectations for all, where:
 - Learners enjoy learning
 - Teachers enjoy teaching
 - Parents and carers are embraced as partners
 - The wider community is welcomed and encouraged to contribute
- Provide an inclusive system that puts learners of any age at the centre, establishes equality of opportunity for all to realise their potential and ensures that each learner develops the knowledge, understanding and skills they need to pursue a happy and fulfilling life.
- Encourage and enable learners to become creative, innovative and critical thinkers. To establish a strong work-ethic and to equip them morally, socially, physically and academically to participate in their local community and the evolving global society in the areas best-suited to their interests, talents and aspirations.
- Provide and encourage participation in a wide range of experiences such as sport, music, arts, activity and volunteer programmes, where mutual respect and collaboration is fostered, both in and out of school

The Bailiwick of Guernsey Curriculum Statement

The Bailiwick of Guernsey Curriculum is designed to enable all students to learn and achieve whilst promoting their spiritual, moral, social and cultural development in preparation for the opportunities, responsibilities and experiences of life.

Our learners will become: Confident individuals, successful learners, effective contributors and responsible citizens who are: safe, healthy and nurtured, achieving and active, respected and responsible, included.

Copies of this report have been circulated to the Confederation of British Industry and the Trade Union Congress

States of Guernsey
Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey
GY1 1FH

Article 22 of the Constitution of the ILO

Report for the period from 2 September 2011 to 1 September 2013 made by the States of Guernsey
on the

WORST FORMS OF CHILD LABOUR CONVENTION, 1999 (No. 182) (extension registered on 15 October 2001)

Part I

The [Children \(Guernsey and Alderney\) Law, 2008](#) came into force in January 2010, updating in its entirety the legislation dealing with the care and protection of children and young persons.

Part II

Article 8

The 2012 Guernsey Overseas Aid Annual Report is attached to this Report.

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

Article 1

The Committee requests the Government to take the necessary measures to ensure the elaboration and development of the Proposed Framework and to pursue efforts to translate these proposals into legislative measures, in order to secure the prohibition of the worst forms of child labour.

In 2010 the Commerce and Employment Department carried out a consultation reviewing Guernsey employment law and protections, the results of which were reviewed in 2011. As a result of this process, consideration is being given to prioritisation of policies and the preparation of legislation designed to protect employees against discrimination in the work place and individuals generally against unfair or harmful employment practices. It should be observed that the results of the consultation showed that amongst members of the public in Guernsey there are a number of other employment issues (including in particular disability issues) that are of greater concern than those relating to the employment of children.

Article 3

Clause (a)

Noting that the draft Proposed Framework remains a staff working document, the Committee requests the Government to take the necessary measures to ensure the development and adoption of legislation based on the Proposed Framework, prohibiting and penalizing the sale and trafficking of all children under 18 years.

Section 74 of [The Children \(Guernsey and Alderney\) Law, 2008](#) provides for the offence of the abduction of a child out of the jurisdiction. The Education Department has a duty to ensure it knows where people are moving from and to when jurisdictions change. The Department endeavours to make contact and notify areas where a child is moving to ensure they do not become missing children. Where children move to Guernsey who have been on a child protection register elsewhere notification is made – normally to the Education Department – and appropriate action taken.

The Guernsey Border Agency's [Cross Border Crime Division](#) is also set up to tackle serious and organised crime, which would include organised crime involving the trafficking of children.

Clause (b)

The Committee accordingly requests the Government to take the necessary measures to ensure the elaboration and adoption of legislation, based on the draft Proposed Framework, to prohibit the

use, procuring or offering of children under the age of 18 for prostitution or for the production of pornography or for pornographic performances.

The [Protection of Children and Young Persons \(Amendment\) Law, 1955](#) prohibits causing, encouraging or allowing seduction, prostitution, unlawful carnal knowledge of, or indecent assault upon, a young girl

The [Protection of Children \(Bailiwick of Guernsey\), 1985](#) as amended protects children from indecent conduct and prohibits the possession and making of indecent photographs and the [Children \(Guernsey and Alderney\) Law, 2008](#) provides for compulsory intervention if a child under 18 years of age has suffered or is likely to suffer from sexual abuse. Following the adoption of Children (Guernsey and Alderney) Law, 2008 the States of Guernsey produced the [Children and Young People's Plan \(2011 – 2013\) which](#) provides a framework for co-ordination of policy affecting children in Guernsey and Alderney at all levels of government and has prioritised the protection of children from abuse. It is due to be replaced with a new plan at the beginning of 2014.

Clause (d) and Article 4

The Committee requests the Government to take the necessary measures to ensure the adoption, in the near future, of this list of hazardous types of work prohibited for children under the age of 18 years, pursuant to Articles 3(d) and 4 of the Convention.

The Education Department ensures people are trained to provide for the care and protection of children. Accidents, incidents, dangers, etc. are required to be reported under the [Health and Safety at Work etc. \(Guernsey\) Law, 1979](#) in Guernsey and the legislation must be complied with. Under section 47 of the [Education \(Guernsey\) Law, 1970](#), the Education Council also has the power to prohibit or restrict employment of registered pupils. Section 53 (1) of the [Merchant Shipping \(Bailiwick of Guernsey\) Law, 2002](#) prohibits anyone under school leaving age being employed in any Guernsey ship except as permitted under regulation.

Article 7 (1)

The Committee requests the Government to ensure that any legislation adopted pursuant to the draft Proposed Framework contains sufficiently effective and dissuasive penalties for persons who engage children in the worst forms of child labour. In this regard, the Committee encourages the Government to take Recommendation No. 190 into account when further elaborating the draft Proposed Framework and any subsequent legislation.

The consultation carried out by the Commerce and Employment Department in 2010 review Guernsey's employment law and protections, the results of which were reviewed in 2011. As a result of this process, consideration is being given to prioritisation of policies and the preparation of legislation and work is ongoing.

Copies of this report have been circulated to the Confederation of British Industry and the Trade Union Congress

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