

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period 1 July 2006 to 1 September 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provisions of the:

RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION (NO. 11)

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

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

States of Guernsey
Raymond Falla House
La Longue Rue
St. Martin
Guernsey
August 2011

ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period from 1 June 1999 to 31 August 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provision of the:

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

(ratification registered on 6th August 1923)

As this is not a first report to the Committee, this document only refers to articles of the Convention under which changes to legislation have been made since 1999.

Article 2

- I. No relevant change.
- II. Article 1. The Convention provisions are implemented under the Social Insurance (Guernsey) Law, 1978, as amended, which provides for equal treatment of all employed persons without regard to nationality or length of residence.

Social Insurance

Since the previous report to the Committee in 1999, the Social Insurance legislation has changed substantially in order to incorporate gender equality changes (including termination of dependency benefits) made in 2003 with effect from 2004 and changes in pension age approved in 2009 to take effect from 2020. A copy of the continuous text of the Social Insurance (Guernsey) Law, 1978 is attached to this report.

Article 2. The Reciprocal convention with the Netherlands came into force on the 1st June 2007; a convention with the Republic of Ireland came into force on 1st October 2007.

Article 3. No relevant change.

Article 4. Benefit rates have been increased by at least the Guernsey Index of Retail Prices, otherwise no relevant change.

- III. Guernsey Social Security Department: compliance with the provisions of the Social Insurance (Guernsey) Law, 1978 is monitored by regular inspection of the records of employers.

- IV. No relevant decisions have been given.
- V. As the Law relates to all employees without distinction, no statistics are available in respect of foreign workers.
- VI. There are no Island-wide employers or workers organisations to whom it is appropriate for copies of this report to be sent and no observations have been received from employers or workers organisations.

Documents appended:

Convention on Social Security with the Netherlands.

Convention on Social Security with the Republic of Ireland.

Continuous text of the Social Insurance (Guernsey) Law, 1978, as amended.

Social Security Department
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey

September 2011

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period from 1 June 1999 to 31 August 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provision of the:

**WORKMAN'S COMPENSATION (ACCIDENTS) CONVENTION, 1921
(No.17)**

(ratification registered on 28th June 1949)

As this is not a first report to the Committee, this document only refers to articles of the Convention under which changes to legislation have been made since 1999.

- I. No relevant change.
- II. Article 1. The Convention provisions are implemented under the Social Insurance (Guernsey) Law, 1978, as amended, which provides for equal treatment of all employed persons without regard to nationality or length of residence.

Social Insurance

Since the previous report to the Committee in 1999, the Social Insurance legislation has changed substantially in order to incorporate gender equality changes (including termination of dependency benefits) made in 2003 with effect from 2004 and changes in pension age approved in 2009 to take effect from 2020. A copy of the continuous text of the Social Insurance (Guernsey) Law, 1978, as amended, is attached to this report.

Article 2. The Reciprocal convention with the Netherlands came into force on the 1st June 2007; a convention with the Republic of Ireland came into force on 1st October 2007.

Article 3. No relevant change.

Article 4. Benefit rates have been increased by at least the Guernsey Index of Retail Prices, otherwise no relevant change.

- III. Guernsey Social Security Department: compliance with the provisions of the Social Insurance (Guernsey) Law, 1978 is monitored by regular inspection of the records of employers.
- IV. No relevant decisions have been given.
- V. As the Law relates to all employees without distinction, no statistics are available in respect of foreign workers.
- VI. There are no Island-wide employers or workers organisations to whom it is appropriate for copies of this report to be sent and no observations have been received from employers or workers organisations.

Industrial Disablement Benefit

The award of industrial disablement benefit is determined by a medical board whose decision was final has been repealed with effect of the 1st January 2004.

The benefit shall not be available to an insured person until after the third day of the period of 26 weeks.

Survivor's Benefit in Respect of Industrial Accidents

Survivor's benefit is granted to the spouse of an insured person who dies as the result of the relevant injury even if he is over the pensionable age at the date of his death. A death grant shall be also be granted. This came into effect on 1st January 2004.

Documents appended:

Convention on Social Security with the Netherlands.

Convention on Social Security with the Republic of Ireland.

Continuous text of the Social Insurance (Guernsey) Law, 1978, as amended.

Direct Request

Report of the Committee of Experts on the Application of Conventions and Recommendations

Workmen's Compensation (Accidents) Convention, 1925 (No. 17)

United Kingdom Guernsey

Direct request , CEACR 2006/77th Session

The Committee notes the information provided by the Government in its report. It notes, in particular, the amendments made to the Social Security (Guernsey) Law, 1978, during the period under review and wishes to draw the Government's attention to the following points.

Article 7 of the Convention. The Government indicates in its report that the additional allowance payable where constant attendance is required for a person receiving 100 per cent industrial disablement benefit has been repealed with effect from 1 January 2002. It further indicates that no award of 100 per cent industrial disablement benefit had been made for many years and that the additional allowance had consequently never been awarded. The Government nevertheless considers that adequate provision can be made from other benefits, including those payable on a discretionary basis by the Social Security Department. The Committee takes note of this information. It recalls that, according to this provision of the Convention, additional compensation shall be provided *as of right* in cases where an industrial injury results in incapacity of such a nature that the injured worker must have the constant help of another person. ***The Committee therefore requests the Government to keep it informed in its future reports of the manner in which it guarantees to victims of industrial accidents in need of the constant help of another person the additional compensation provided for by the Convention.***

The Social Security Department asks the Committee to note the existence, under Guernsey social security legislation, of a benefit called Attendance Allowance which would certainly apply to an insured worker who would have been entitled to the now repealed Constant Attendance Allowance. Attendance Allowance is a residence-based benefit, with a wider coverage than for insured workers.

Social Security Department
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey

September 2011

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period from 1 July 2001 to 31 August 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provision of the:

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

(ratification registered on 6th October 1926)

As this is not a first report to the Committee, this document only refers to articles of the Convention under which changes to legislation have been made since 2001.

- I.** No relevant change.
- II.** Article 1. The Convention provisions are implemented under the Social Insurance (Guernsey) Law, 1978, as amended, which provides for equal treatment of all employed persons without regard to nationality or length of residence.

Social Insurance

Since the previous report to the Committee in 2001, the Social Insurance legislation has changed substantially in order to incorporate gender equality changes (including termination of dependency benefits) made in 2003 with effect from 2004 and changes in pension age approved in 2009 to take effect from 2020. A copy of the continuous text of the Social Insurance (Guernsey) Law, 1978, as amended, is attached to this report.

Article 2. The Reciprocal convention with the Netherlands came into force on the 1st June 2007; a convention with the Republic of Ireland came into force on 1st October 2007.

Article 3. No relevant change.

Article 4. Benefit rates have been increased by at least the Guernsey Index of Retail Prices, otherwise no relevant change.

- III.** Guernsey Social Security Department: compliance with the provisions of the Social Insurance (Guernsey) Law, 1978 is monitored by regular inspection of the records of employers.
- IV.** No relevant decisions have been given.

- V. As the Law relates to all employees without distinction, no statistics are available in respect of foreign workers.
- VI. There are no Island-wide employers or workers organisations to whom it is appropriate for copies of this report to be sent and no observations have been received from employers or workers organisations.

Documents appended:

Convention on Social Security with the Netherlands.

Convention on Social Security with the Republic of Ireland.

Continuous text of the Social Insurance (Guernsey) Law, 1978, as amended.

Social Security Department
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey

September 2011

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period from 1 June 2000 to 31 August 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provision of the:

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

(ratification registered on 20th February 1931)

As this is not a first report to the Committee, this document only refers to articles of the Convention under which changes to legislation have been made since 2000.

- I. No relevant change.
- II. Article 1. The Convention provisions are implemented under the Social Insurance (Guernsey) Law, 1978, as amended, which provides for equal treatment of all employed persons without regard to nationality or length of residence.

Social Insurance

Since the previous report to the Committee in 2000, the Social Insurance legislation has changed substantially in order to incorporate gender equality changes (including termination of dependency benefits) made in 2003 with effect from 2004 and changes in pension age approved in 2009 to take effect from 2020. A copy of the continuous text of the Social Insurance (Guernsey) Law, 1978, as amended, is attached to this report.

Article 2. The Reciprocal convention with the Netherlands came into force on the 1st June 2007; a convention with the Republic of Ireland came into force on 1st October 2007.

Article 3. No relevant change.

Article 4. Benefit rates have been increased by at least the Guernsey Index of Retail Prices, otherwise no relevant change.

Unemployment and Sickness Benefit

Regulations were put in place that prescribe exceptions to the entitlement to unemployment benefit and to sickness benefit was implemented with effect on the 1st January 2004, to repeal the restriction on benefit for the first three days any period of interruption of employment or (as the case may be) any period of incapacity for work. The amount payable shall be calculated in such manner as the regulations prescribe.

Sunday shall not be treated as a day for unemployment or incapacity for work was repealed with effect the 1st January 2004.

Industrial Disablement Benefit

The award of industrial disablement benefit is determined by a medical board whose decision was final has been repealed with effect of the 1st January 2004.

The benefit shall not be available to an insured person until after the third day of the period of 26 weeks.

Survivor's Benefit in Respect of Industrial Accidents

Survivor's benefit is granted to the spouse of an insured person who dies as the result of the relevant injury even if he is over the pensionable age at the date of his death. A death grant shall also be granted. This came into effect on 1st January 2004.

- III.** Guernsey Social Security Department: compliance with the provisions of the Social Insurance (Guernsey) Law, 1978 is monitored by regular inspection of the records of employers.
- IV.** No relevant decisions have been given.
- V.** As the Law relates to all employees without distinction, no statistics are available in respect of foreign workers.
- VI.** There are no Island-wide employers or workers organisations to whom it is appropriate for copies of this report to be sent and no observations have been received from employers or workers organisations.

Documents appended:

Convention on Social Security with the Netherlands.

Convention on Social Security with the Republic of Ireland.

Continuous text of the Social Insurance (Guernsey) Law, 1978, as amended.

Social Security Department
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey

September 2011

INTERNATIONAL LABOUR ORGANISATION

ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period from 1 June 2000 to 31 August 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provision of the:

SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927 (NO.25)

(ratification registered on 20th February 1931)

As this is not a first report to the Committee, this document only refers to articles of the Convention under which changes to legislation have been made since 1999.

- I. No relevant change.
- II. Article 1. The Convention provisions are implemented under the Social Insurance (Guernsey) Law, 1978, as amended, which provides for equal treatment of all employed persons without regard to nationality or length of residence.

Social Insurance

Since the previous report to the Committee in 2000, the Social Insurance legislation has changed substantially in order to incorporate gender equality changes (including termination of dependency benefits) made in 2003 with effect from 2004 and changes in pension age approved in 2009 to take effect from 2020. A copy of the continuous text of the Social Insurance (Guernsey) Law, 1978, as amended, is attached to this report.

Article 2. The Reciprocal convention with the Netherlands came into force on the 1st June 2007; a convention with the Republic of Ireland came into force on 1st October 2007.

Article 3. No relevant change.

Article 4. Benefit rates have been increased by at least the Guernsey Index of Retail Prices, otherwise no relevant change.

- III. Guernsey Social Security Department: compliance with the provisions of the Social Insurance (Guernsey) Law, 1978 is monitored by regular inspection of the records of employers.
- IV. No relevant decisions have been given.

- V. As the Law relates to all employees without distinction, no statistics are available in respect of foreign workers.

- VI. There are no Island-wide employers or workers organisations to whom it is appropriate for copies of this report to be sent and no observations have been received from employers or workers organisations.

Social Security Department
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey

September 2011

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period 2 September 2009 to 1 September 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provisions of the:

FORCED LABOUR CONVENTION, 1930 (NO. 29)

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

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

States of Guernsey
Raymond Falla House
La Longue Rue
St. Martin
Guernsey

August 2011.

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period from 1 June 1999 to 31 August 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provision of the:

**WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES)
CONVENTION (REVISED), 1934 (NO.42)**

(ratification registered on 29th April 1936)

As this is not a first report to the Committee, this document only refers to articles of the Convention under which changes to legislation have been made since 1999.

- I.** No relevant change.
- II.** Article 1. The Convention provisions are implemented under the Social Insurance (Guernsey) Law, 1978, as amended, which provides for equal treatment of all employed persons without regard to nationality or length of residence.

Social Insurance

Since the previous report to the Committee in 1999, the Social Insurance legislation has changed substantially in order to incorporate gender equality changes (including termination of dependency benefits) made in 2003 with effect from 2004 and changes in pension age approved in 2009 to take effect from 2020. A copy of the continuous text of the Social Insurance (Guernsey) Law, 1978, as amended, is attached to this report.

Article 2. The Reciprocal convention with the Netherlands came into force on the 1st June 2007; a convention with the Republic of Ireland came into force on 1st October 2007.

Article 3. No relevant change.

Article 4. Benefit rates have been increased by at least the Guernsey Index of Retail Prices, otherwise no relevant change.

- III.** Guernsey Social Security Department: compliance with the provisions of the Social Insurance (Guernsey) Law, 1978 is monitored by regular inspection of the records of employers.

- IV. No relevant decisions have been given.
- V. As the Law relates to all employees without distinction, no statistics are available in respect of foreign workers.
- VI. There are no Island-wide employers or workers organisations to whom it is appropriate for copies of this report to be sent and no observations have been received from employers or workers organisations.

Direct Request

Report of the Committee of Experts on the Application of Conventions and Recommendations

Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)

United Kingdom Guernsey

Direct request , CEACR 2007/78th Session

The Committee notes the information provided by the Government in its report and in particular with respect to the modifications made to the schedule of occupational diseases by the incorporation as of 1 January 2003 of all the occupational diseases prescribed in the United Kingdom. It would be grateful if the Government would provide complementary information on the following points.

Pathological manifestations due to radium and other radioactive substances and to X-rays. With regard to pathological manifestations due to radium and other radioactive substances and to X-rays, the Committee notes that the list of occupational diseases mentions under items A1 and A2 *only a number of disorders caused by electromagnetic radiation*, whereas the Schedule to the Convention covers *all* pathological manifestations due to radium and other radioactive substances and to X-rays thus avoiding a restrictive enumeration of certain diseases. Referring to its 2006 direct request concerning the application of the Convention in the United Kingdom, the Committee invites the Government to consider revising the list of occupational diseases so as to establish the occupational nature of all pathological manifestations due to radium and other radioactive substances and to X-rays.

Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series. The Committee notes that the new schedule of occupational diseases covers under items C10 and C26 to C28 *only certain halogen derivatives of hydrocarbons of the aliphatic series* (for example, tetrachlorethane), whereas the Convention was drafted in general terms so as to cover poisoning by all halogen derivatives of hydrocarbons of the aliphatic series. Furthermore, the Committee notes that the new schedule

gives, under the abovementioned items, *a restrictive enumeration of diseases caused by the substances mentioned*, whereas the Convention covers *all* pathological manifestations due to poisoning by the halogen derivatives of hydrocarbons of the aliphatic series. With reference to its comments concerning the application of the Convention in the United Kingdom, the Committee wishes to point out that the Convention is deliberately worded in very general terms so as to cover all the pathological manifestations caused by the substances or agents listed in its Schedule whenever they affect workers engaged in the trades, industries or processes listed in the same schedule. By restrictively listing only certain symptoms and pathological manifestations, the legislation introduces a more limited system of coverage than the one provided for in the Convention which aims at ensuring compensation for all disorders, even atypical or new ones, which might occur as the result of poisoning by or the action of an agent. The legislation might thereby deprive certain workers of the presumption of the occupational origin of the disease. ***Consequently, the Committee invites the Government to consider completing the list of prescribed occupational diseases so as to cover all diseases caused by any halogen derivatives of hydrocarbons of the aliphatic series.***

The Social Security Department is grateful for these observations. Given the passage of time since the schedule of occupational diseases was brought into line with that of the United Kingdom (2003) it is appropriate to consider, in the light of the Committee's observations, any differences that now exist in this area between Guernsey and the UK. The Social Security Department will undertake this exercise.

Primary epitheliomatous cancer of the skin. The Committee notes that while item C21 of the list of occupational diseases covers skin cancer, it includes only squamous-cell carcinoma of the skin due to the use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product or residue of any of these substances, except quinine or hydroquinone. ***It wishes to recall in this respect that the table of occupational diseases established by Convention No. 42 is not limited to squamous-cell carcinoma of the skin but covers also other types of epitheliomatous cancer of the skin.***

The Social Security Department is grateful for the observations of the Committee in this area and will give due consideration to its suggestion.

The Committee would also be grateful if the Government would provide further information on whether the word "poisoning" in items C1, C5, C7, C8 of the Schedule of occupational diseases also covers the sequelae caused by the relevant toxic substances.

The Social Security Department confirms that the sequelae are also covered.

The Committee also takes this opportunity to observe that Convention No. 42 has been applicable to the territory of the United Kingdom Guernsey since 1938 and draw the Government's attention to the decision of the Governing Body to invite all the countries parties to Convention No. 42 to contemplate ratifying the Employment Injury Benefits Convention, 1964 (No. 121) (Schedule I amended in 1980), the ratification of which would ipso jure involve the immediate denunciation of Convention No. 42. ***It would therefore be grateful if the Government would supply information in this respect with its next report.***

The Social Security department notes this comment and will discuss with the relevant Departments of the States of Guernsey the merits of ratification of Convention No. 121, to replace Convention No. 42.

Social Security Department
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey

September 2011

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period from 1 September 2010 to 31 August 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provision of the:

SICKNESS INSURANCE (SEA) CONVENTION, 1936 (NO.56)

(ratification registered on 30th September 1944)

- I. No relevant change.

- II. Article 1. The Convention provisions are implemented under the Social Insurance (Guernsey) Law, 1978, as amended, which provides for equal treatment of all employed persons without regard to nationality or length of residence.

Article 2. The Reciprocal convention with the Netherlands came into force on the 1st June 2007; a convention with the Republic of Ireland came into force on 1st October 2007.

Article 3. No relevant change.

Article 4. Benefit rates have been increased by at least the Guernsey Index of Retail Prices, otherwise no relevant change.

- III. Guernsey Social Security Department: compliance with the provisions of the Social Insurance (Guernsey) Law, 1978 is monitored by regular inspection of the records of employers.

- IV. No relevant decisions have been given.

- V. As the Law relates to all employees without distinction, no statistics are available in respect of foreign workers.

- VI. There are no Island-wide employers or workers organisations to whom it is appropriate for copies of this report to be sent and no observations have been received from employers or workers organisations.

Le Truchot
St Peter Port
Guernsey

INTERNATIONAL LABOUR ORGANISATION

ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period 2 September 2009 to 1 September 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provisions of the:

LABOUR INSPECTION CONVENTION, 1947 (NO. 81)

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

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

States of Guernsey
Raymond Falla House
La Longue Rue
St. Martin
Guernsey

August 2011

Direct request , CEACR 2009/80th Session

*Articles 20 and 21 of the Convention. Annual labour inspection report. **Noting the information and statistics on the labour inspection activities carried out and the results of those activities, the Committee requests the Government to ensure that the central labour inspection authority publishes and sends to the Office an annual inspection report prepared in accordance with the conditions set out in Article 20 and containing the information required by Article 21. The Committee also requests the Government to refer to Paragraph 9 of the Labour Inspection Recommendation, 1947 (No. 81), which provides invaluable guidance on the manner in which the information required may be presented in the annual report.***

A report for 2010 is attached.

Appendix to ILO Article 22 Report- Labour Inspection Convention, 1947 (No. 81)

States of Guernsey Annual Report on Inspection 2010

(a) a list of the laws and regulations bearing on the work of the inspection system not mentioned in previous reports;

Health & Safety at Work (General)(Guernsey) Ordinance, 1987

(b) particulars of the staff of the labour inspection system, including:

(i) the aggregate number of inspectors;

5 (full-time).

(ii) the numbers of inspectors of different categories;

Although inspectors have individual areas of expertise, they are not categorised separately.

(iii) the number of women inspectors;

1.

(iv) particulars of the geographical distribution of inspection services;

All inspectors are based at one location.

(c) statistics of workplaces liable to inspection and of the number of persons therein employed, including:

(i) the number of workplaces liable to inspection;

There were 2,238 employing organisations in 2010 with workforces ranging in size from 1 to in excess of 250. 1749 of those organisations employed 10 or fewer employees.

(ii) the average number of persons employed in such workplaces during the year;

The average workforce of employing organisations was 14 in 2010.

(iii) particulars of the classification of persons employed under the following headings: men, women, young persons, and children;

The Island workforce in 2010 was 31,605, of which 17152 were male and 14453 were female.

(d) statistics of inspection visits, including:

(i) the number of workplaces visited;

772 individual premises were inspected.

(ii) the number of inspection visits made, classified according to whether they were made by day or by night;

983 inspections were made in 2010. Inspections are normally made by day.

(iii) the number of persons employed in the workplaces visited;

(iv) the number of workplaces visited more than once during the year;

211 follow-up inspections were made in 2010.

(e) statistics of violations and penalties, including:

(i) the number of infringements reported to the competent authorities;

2.

(ii) particulars of the classification of such infringements according to the legal provisions to which they relate;

Infringements are in relation to the Health & Safety at Work (General)(Guernsey) Ordinance, 1987

(iii) the number of convictions;

There was one conviction in 2010.

(iv) particulars of the nature of the penalties imposed by the competent authorities in the various cases (fines, imprisonment, etc.);

The penalty was a £3,000 fine.

(f) statistics of industrial accidents, including the number of industrial accidents notified and particulars of the classification of such accidents:

(i) by industry and occupation;

Injuries by nature of trade, business or undertaking - standard industrial classification

		3.3.11	25.8.11
	Taken from Civica -25.8.2011	2009	2010
0	Agriculture, horticulture, arboriculture and fishing	16	13
1	Energy and water supply industries	15	7
2	Extraction of minerals, manufacture of metals, mineral products and chemicals	1	1
3	Metal goods and engineering industries	12	11
4	Other manufacturing industries	6	13
5	Construction	97	83
6	Wholesale and retail distribution, hotels and catering repairs (vehicles and consumer goods)	89	86
7	Transport and communication	48	37
8	Banking, finance, insurance, business (and other services and States administration)	14	12
9	Other services and States Administration	130	125
10	Miscellaneous	2	11

(ii) according to cause:

Agent (s) Involved	3.3.11	25.8.11
Taken from Civica - 25.8.2011	2009	2010
Machinery / equipment for lifting and conveying	18	15
Portable power or hand tools	29	27
Any vehicle or associated equipment / machinery	35	23
Other machinery	14	8
Process plant, pipework or bulk storage	4	4
Any material, substance or product being handled used or stored	89	79
Gas, vapor, dust, fume or oxygen deficient atmosphere	1	1
Pathogen or infected material	0	0
Live animal	1	2
Moveable container or package of any kind	58	48
Floor, ground, stairs or any working surface	61	64
Building, engineering structure, excavation / underground working	12	5
Ladder or scaffolding	24	14
Construction formwork, shuttering and falsework	1	1
Electricity supply cable, wiring apparatus or equipment	3	2
Entertainment or sporting facilities or equipment	2	5
Any other agent	76	101
Unspecified	2	0
TOTAL	430	399

(iii) according to whether fatal or non-fatal:

No accidents were fatal

(g) statistics of occupational diseases, including:

(i) the number of cases of occupational disease notified:

This information is not available at this time.

(ii) particulars of the classification of such cases according to industry and occupation:

This information is not available at this time.

(iii) particulars of the classification of such cases according to their cause or character, such as the nature of the disease, poisonous substance or unhealthy process to which the disease is due.

This information is not available at this time.

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period 2 September 2009 to 1 September 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provisions of the:

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

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

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

States of Guernsey
Raymond Falla House
La Longue Rue
St. Martin
Guernsey

August 2011

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period up to 1 September 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provisions of the:

**FISHERMAN'S ARTICLES OF AGREEMENT CONVENTION, 1959
(NO. 114)**

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

In response to the following direct request:

Direct request , CEACR 2007 / 78th Session

The Committee notes that, according to the Government's report, there have been no changes affecting the application of the Convention in either law or practice. The Committee understands, however, that a consolidated Merchant Shipping Act was adopted in 1995, section 109 of which refers to the engagement and discharge of crews of fishing vessels and provides for regulations relating to crew agreements. It also understands that the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Fishing Vessels) Regulations, 1972, which had been issued under the Merchant Shipping Act of 1970, continue to apply. ***The Committee requests the Government to clarify whether the provisions of the Merchant Shipping Act 1995 – especially those of Part V on fishing vessels – have been extended to Guernsey, as provided for in section 315(2) of the Act and, if so, to transmit a copy of the relevant Order in Council.***

The Committee also notes that since the ratification of the Convention, no general information has ever been made available regarding its application in practice. ***The Committee would therefore be grateful if the Government would provide in its next report, in accordance with Part V of the report form, up to date information on the practical application of the Convention including, for instance, statistics concerning the overall number of fishers to whom the Convention applies, the average number of fishers signed on per year, extracts from reports of the labour inspection services showing the number and nature of any contraventions reported, a copy of the standard***

form of crew agreement currently in use, as well as copies of any collective agreements in force regulating matters dealt with in the Convention.

The Committee also draws the Government's attention to the new Work in Fishing Convention, 2007 (No. 188), which was adopted by the International Labour Conference at its 96th Session (June 2007) and revises and updates most ILO instruments on fishing, including Convention No. 114. **The Committee requests the Government to pay all due attention to this new global instrument on the working and living conditions of fishers and to keep the Office informed of any decision which it might take with a view to its ratification.**

- 1) The UK Merchant Shipping Act 1995 has not been extended to Guernsey. The Bailiwick has the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 ('the Guernsey Law') which closely reflects the content of the UK Act. As with the UK Act, Part V of the Guernsey Law addresses fishing vessels. A copy of this law is appended to this report and is available at <http://www.guernseylegalresources.gg/ccm/legal-resources/laws/shipping-and-harbours/merchant-shipping-bailiwick-of-guernsey-law-2002-consolidated-text.en>
- 2) There are no registered fishing vessels having a length of 80 feet or more and so the convention does not apply to Guernsey fishers, consequently there is no practical application to report.
- 3) The insular authorities notes the request give attention to the Work in Fishing Convention, 2007 (No. 188) and will consider whether the instrument should be extended to the Bailiwick taking into account whether it will have any practical application.

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October 2011

INTERNATIONAL LABOUR ORGANISATION
ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period 2 July 2006 to 1 September 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provisions of the:

RURAL WORKER'S ORGANISATIONS CONVENTION (NO. 141)

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

The following statistical information is relevant:

2010	Male	Female	Total
Farmers and Farm Workers	90	35	125
Horticultural Workers	160	210	370
Economically Active Population	17152	14453	31605

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

States of Guernsey
Raymond Falla House
La Longue Rue
St. Martin
Guernsey

August 2011

INTERNATIONAL LABOUR ORGANISATION

ARTICLE 22 OF THE CONSTITUTION OF THE ILO

REPORT

For the period 2 September 2009 to 1 September 2011, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provisions of the:

WORST FORMS OF CHILD LABOUR CONVENTION, 1999 (No 182)

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

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

States of Guernsey
Raymond Falla House
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August 2011

DIRECT REQUEST – CEACR 2009/80TH SESSION

The Committee trusts that these legislative proposals include measures to prohibit the worst forms of child labour, in conformity with Article 1 of the Convention. The Committee requests the Government to redouble its efforts to ensure that legislation prohibiting the worst forms of child labour is adopted as a matter of urgency, and requests the Government to supply a copy thereof once it has been adopted.

Attached is a staff working document setting out a proposed framework of measures in relation to various aspects of child labour and the employment of children and young persons. This document is intended to outline the range of provisions that should be considered in relation to insular legislation.

This is still a working document that has not progressed to the stage of political approval and it is possible that any proposals for legislation would need to be considered by more than one department of government.

Noting that no such copy of the draft framework is attached, the Committee urges the Government to take the necessary measures to ensure that the proposed legislation includes provisions prohibiting the use, procuring or offering of children under 18 years of age for prostitution, in conformity with Article 3(b) of the Convention. It requests the Government to provide information on developments in this regard.

It accordingly requests the Government to take measures to ensure that the use, procuring, or offering a person under the age of 18 for the production of pornography or for pornographic performances is prohibited in the draft framework, in accordance with Article 3(b) of the Convention. The Committee also requests the Government to clarify the meaning of the term “gross indecency” found in section 1 of the Protection of Children Law

The draft framework includes reference to protection from involvement in prostitution, pornography and any other aspect of the sex trade.

Insular legislation currently prohibits causing, encouraging or allowing seduction, prostitution, unlawful carnal knowledge of, or indecent assault upon, a young girl (the Protection of Children and Young Persons (Amendment) Law, 1955) and protects children from indecent acts and the making, possession and distribution and publication of indecent photos (the Protection of Children (Guernsey) Law, 1985).

The Committee encourages the Government to complete this review, and, following consultation with the organizations of employers and workers concerned, to take the necessary measures to ensure the adoption of this list of hazardous types of work prohibited for children under the age of 18, pursuant to Articles 3(d) and 4 of the Convention.

The draft framework includes provisions for the protection of children and young persons from exposure to hazards and various environmental conditions.

The law relating to the protection of children and young persons 1917 provides protection from employment in work likely to cause injury or hazardous to life and health

Noting these provisions, the Committee requests the Government to provide information on the activities of the ICPC and the Office of the Children's Convenor, with regard to the monitoring of the worst forms of child labour

The Children's Convenor is the gatekeeper to the Child Youth and Community Tribunal (the tribunal). Referrals can be made to the Convenor when it is thought that the child may be in need of compulsory intervention. The Children's Convenor will investigate the case and decide whether to refer on to the tribunal.

The Children's Convenor will refer to the Child Youth Community Tribunal when she is satisfied that compulsory intervention is necessary to ensure that the child receives sufficient care, protection guidance or control. In relation to child protection, a referral may be made to the Children's Convenor when a parent, or carer, is not complying with the specific parts of the child protection plan that prevent serious harm happening to their child. The recommendation to make this referral can be made at a child protection conference.

Within HSSD referrals to the Children's Convenor will be made through the Service Manager responsible for the Assessment and Intervention Team.

Permanent Arrangements:

The Tribunal does not have the power to make any requirement that would provide permanent arrangements for a child. To achieve this an application needs to be made to the court for a Community Parenting Order. This is an order made by the Court (and not the Child Youth and Community Tribunal) and an application can only be made by HSSD (and not the Children's Convenor).

The Committee requests the Government to continue to provide information on developments with regards to the adoption of legislation containing penalties which will give effect to this Convention, and to provide a copy of this legislation when it is adopted

The Committee accordingly requests the Government to take the necessary measures to ensure that sufficiently effective and dissuasive penalties are provided for the infringement of the prohibition of using, procuring or offering a child for the production of pornography or for pornographic performances.

Penalties have not been determined at this stage.

The Committee requests the Government to provide a copy of the most recently issued annual Overseas Aid Commission Annual Report with its next report.

A copy of the 2010 report is attached.

