

Article 22 of the Constitution of the ILO

REPORT

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

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

PART I

Relevant legislation:

The Social Insurance (Guernsey) Law, 1978 [hyperlink](#)

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

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

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

PART II

Article 1

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

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

Articles 2-9

No changes since the previous report.

PART III

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

PART IV

No decisions since the previous report.

PART V

No changes since the previous report.

PART VI

No relevant observations have been received.

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

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

Submitted on 23rd August 2019

Updates for the period 01 June 2019 to 31 May 2020

The Social Insurance (Guernsey) (Amendment) Law, 2019 ([hyperlink](#)) to extend benefit provision by providing industrial injury benefits to those participating in an employment training programme operated by or on behalf of the Committee *for* Employment & Social Security has received Royal Sanction. The Law change came into force on 9th December 2019)

References in Part I and Part II of this report to 'The Social Security (Guernsey) Law, 1978' have been changed to reflect the correct name of this Law, 'The Social Insurance (Guernsey) Law, 1978'.

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

Submitted on 11th August 2020

Article 22 of the Constitution of the ILO

REPORT

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

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

PART I

Relevant legislation:

The Social Insurance (Guernsey) Law, 1978 [hyperlink](#)

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

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

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

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

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

PART II

Article 1

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

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

Article 2 - 4

No change since the previous report.

Article 5

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

Article 6

No change since the previous report.

Article 7

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

Article 8 - 11

No change since previous report.

PART III

No change since the previous report.

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

PART IV

No change since previous report.

PART V

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

PART VI

No relevant observations.

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

States of Guernsey

The Committee *for* Employment & Social Security

Edward T Wheadon House

St Peter Port

GY1 3WH

Submitted 23rd August 2019

Updates for the period 01 June 2019 to 31 May 2020

The Social Insurance (Guernsey) (Amendment) Law, 2019 ([hyperlink](#)) to extend benefit provision by providing industrial injury benefits to those participating in an employment training programme operated by or on behalf of the Committee *for* Employment & Social Security has received Royal Sanction. The Law change came into force on 9th December 2019).

The Severe Disability Benefit and Carer's Allowance (Guernsey) (Amendment) Law 2019 ([hyperlink](#)) to allow carer's allowance to be received at the same time as other benefits under the Social Insurance (Guernsey) Law, 1978 has received Royal Sanction. The Law change came into force on 20th April 2020. Necessary changes were made to computer systems to enact all changes.

States of Guernsey

The Committee *for* Employment & Social Security

Edward T Wheadon House

St Peter Port

Guernsey

GY1 3WH

Submitted on 11th August 2020

Article 22 of the Constitution of the ILO

REPORT

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

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

PART I

Relevant legislation:

The Social Insurance (Guernsey) Law, 1978 [hyperlink](#)

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

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

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

PART II

Article 1

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

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

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

Article 2 -3

No change.

Article 4

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

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

PART III

The Committee *for* Employment & Social Security, the Administrator of the Social Insurance (Guernsey) Law, 1978. No change since last report on the structure or appeals process for the enforcement of the legislation.

PART IV

No relevant decisions since the previous report.

PART V

No change since last report.

PART VI

There have been no relevant observations.

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

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

Submitted on 23rd August 2019

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

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

Submitted on 11th August 2020

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

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

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

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

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

Submitted on 11th August 2020

Article 22 of the Constitution of the ILO

REPORT

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

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

PART I

Relevant legislation:

The Social Insurance (Guernsey) Law, 1978 [hyperlink](#)

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

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

The Health Service (Specialist Medical Benefit) Ordinance, 1995 [hyperlink](#)

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

The Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978 [hyperlink](#)

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

PART II

Articles 1-2

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

Article 3

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

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

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

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

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

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

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

Articles 4-10

Under the Health Service (Benefit) (Guernsey) Law, 1995, the Committee *for* Employment and Social Security funds the Healthy Minds service (previously PCMHWS) to give people early access to talking therapy support.

Articles 5-10

There have been no changes since the last report.

PART III

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

PART IV

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

PART V

There are no relevant observations to report.

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

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

Submitted 23rd August 2019

Updates for the period 01 June 2019 to 31 May 2020

The Social Insurance (Guernsey) (Amendment) Law, 2019 ([hyperlink](#)) to extend benefit provision by providing industrial injury benefits to those participating in an employment training programme operated by or on behalf of the Committee *for* Employment & Social Security has received Royal Sanction. The Law change came into force on 9th December 2019).

References in Part I and Part II of this report to 'The Health Service (Specialist Medical Benefit) Ordinance, 1990' have been changed to reflect the correct name of this Law, 'The Health Service (Specialist Medical Benefit) Ordinance, 1995'.

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

Submitted on 11th August 2020

Article 22 of the Constitution of the ILO

REPORT

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

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

PART I

Relevant legislation and policy:

The Social Insurance (Guernsey) Law, 1978 [hyperlink](#)

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

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

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

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

PART II

Articles 1-2

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

Article 3

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

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

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

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

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

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

Articles 4-17

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

Article 5-17

There have been no changes since the last report.

PART III

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

PART IV

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

PART V

There are no relevant observations to report.

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

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

Submitted 23rd August 2019

Updates for the period 01 June 2019 to 31 May 2020

The Social Insurance (Guernsey) (Amendment) Law, 2019 ([hyperlink](#)) to extend benefit provision by providing industrial injury benefits to those participating in an employment

training programme operated by or on behalf of the Committee *for* Employment & Social Security has received Royal Sanction. The Law change came into force on 9th December 2019).

Statistics on entitlements to sickness benefits in 2019 are available ([hyperlink](#)).

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

Submitted on 13th August 2020

Article 22 of the Constitution of the ILO

REPORT

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

FORCED LABOUR CONVENTION, 1930 (No.29)

(extension registered on 3 June 1931)

PART I

Relevant legislation:

Social Insurance (Guernsey) Law, 1978 ([hyperlink](#))

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

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

Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978 ([hyperlink](#)), as amended by the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002 ([hyperlink](#))

The Conditions of Employment (Guernsey) Law, 1985 ([hyperlink](#))

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

Health Service (Specialist Medical Benefit) Ordinance, 1995 ([hyperlink](#))

PART II

Article 1-26

There have been no material changes to the legislative and administrative regulations which apply the provisions of the Convention in Guernsey, or to the measures taken by the authorities to ensure the application of the relevant Articles since the report submitted in 2016.

The Bailiwick of Guernsey is a Crown dependency, and as such, the UK Government is responsible for the island's defence. Guernsey does not have its own military and therefore the question regarding services exacted for military purposes is not applicable.

There have not been any forms of compulsory work or service mentioned in this Article to which the citizens of the metropolitan territory have been exacted during the period under review from the inhabitants of the non-metropolitan territories.

PART III

There have been no relevant decisions.

PART IV

There have been no relevant changes.

PART V

Copies of this report have been made available on the States of Guernsey's website (<https://www.gov.gg/conventions>) for local employer and worker organisations. There are no relevant observations to report.

States of Guernsey
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey
GY1 3WH

Submitted as at 21st August 2019

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

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

Submitted on 13th August 2020

Article 22 of the Constitution of the ILO

REPORT

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

**WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION (REVISED),
1934 (No.42)**
(extension registered on 29 April 1936)

PART I

Relevant legislation:

Social Insurance (Guernsey) Law, 1978 ([hyperlink](#))

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

Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978 ([hyperlink](#)), as amended by the Social Insurance (Industrial Injuries Benefits) (Amendment) Regulations, 2002 ([hyperlink](#))

The Health and Safety at Work (Prescribed Diseases) (Guernsey) Regulations, 1987 ([hyperlink](#))

PART II

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 2016.

Article 1

- i) Part III of the Social Insurance Law, 1978, sets out the Social Security legislation in terms of 'Benefits for Industrial Injuries'. Industrial Injury Benefit is a weekly benefit that can be paid if someone is unable to work for at least four days due to an accident at work. It can also be paid if you are unable to work because for at least four days you have contracted certain diseases or conditions. Someone is incapable of work if there is no work that they can reasonably be expected to do.

Industrial Disablement Benefit is a weekly benefit that can be paid if you have a long-term disability (including disability as a result of certain diseases or conditions) as a direct result of an accident at work. Industrial Disablement Benefit is assessed, as set out in the Social Insurance Law, by a Medical Board. The constitution of the Medical Board is governed by Social Insurance Law and Regulations, and, while convened by Social Security, the Medical Board is independent in its decision making process. It is for the Administrator to decide whether an industrial accident occurred. The Medical Board has no jurisdiction over this decision but is not bound by any express or implied finding as to the personal injury sustained in the accident.

The Medical Board must adhere to the principles set down in the Second Schedule of the Social Insurance Law when making their assessment. They must assess the extent of disability by reference to the disabilities incurred as a result of the relevant loss of faculty. To do this the doctors must be satisfied that it is more probable than not that the claimant has suffered some loss of physical or mental faculty as a result of the relevant accident. The Board must come to its own conclusions as to the loss of faculty suffered by the claimant. It is, therefore, open to the Board to find that the consequences of the accident have disappeared, diminished or increased.

To become entitled to these benefits a person does not need a contribution record. But they must have been employed under a contract of service or been liable for self-employed contributions at the time they had the accident or contracted the condition or disease (s.40).

For the purpose of Industrial Injuries Benefits an accident is defined in Law as:

- a) a specific and unforeseen or unforeseen event causing, but being separate and distinct from, personal injury; or
- b) a specific instance of unusual physical exertion causing personal injury; excluding (for the removal of doubt) any case where :-
 - i) an illness or pathological change is caused otherwise than by any such event or exertion; or
 - ii) the only specific and unforeseen or unforeseen event is the personal injury itself.

Industrial Medical Benefit is a benefit that is used to pay for treatment connected with an accident at work or if the person contracts certain diseases or conditions at work.

- ii) Financial assistance to compensate for lack of faculty is worked out according to the percentage awarded by the Medical Board that indicates the effect of disability. The prescribed degrees of disablement per centum are contained in the First Schedule of the Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978.
- iii) There is a list of the prescribed diseases and conditions contained within the Third Schedule of the Regulations. The Medical Board will assess the rate of compensation in relation to the loss of faculty, which will determine the financial compensation.

Article 2

No relevant change.

PART III

The Social Insurance legislation in Guernsey has, in the main, two statutory authorities entrusted with its administration. The first is the Guernsey Committee *for* Employment & Social Security. The second is the Office of the Administrator.

The extended responsibilities of the Committee now include the Health & Safety Executive from which health and safety inspectors are appointed by the Policy & Resources Committee of the States of Guernsey. The Committee and the health and safety inspectors have statutory powers for ensuring compliance with legislation and standards concerning safety in the workplace.

PART IV

No decisions have been made.

PART V

The make-up of Guernsey's economy is focussed mainly on tertiary activities, such as finance and services. As such, there are very few cases of occupational diseases. A report of employment by economic sector can be found following this link:

<https://www.gov.gg/population>.

PART VI

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

There are no relevant observations to report.

States of Guernsey
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey
GY1 3WH

Submitted on 21st August 2019

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

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

Submitted on 11th August 2020

**Direct Request (CEACR) - adopted 2016, published 106th ILC session (2017)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
(No. 42) - Guernsey**

List of occupational diseases. *Notwithstanding its previous promises, the Government indicates that no relevant updates have been made to the schedule of occupational diseases. The Committee therefore reiterates its request to the Government to amend the schedule with respect to 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. ***The Committee invites the Government to consider revising the schedule 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.***

Response from Guernsey (22 July 2019)

The States of Guernsey acknowledges the Committee's request to revise the schedule of occupational diseases, including the occupational nature of all pathological manifestations.

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, tetrachloroethane), 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 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. 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.

Response from Guernsey (22 July 2019)

Part III of the Social Insurance Law, 1978, sets out the Social Security legislation in terms of 'Benefits for Industrial Injuries'. Within these regulations (Third Schedule) there is a list of the prescribed diseases that can be related to the work that a person is, or has, been doing. This list was last updated with effect from 1st January, 2003 and adopted directly from the UK so as to bring Guernsey's list of prescribed industrial diseases in line with the standard set by the UK.

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. ***The Committee 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.***

Response from Guernsey (22 July 2019)

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

Response from Guernsey (22 July 2019)

The States of Guernsey confirms that the word "poisoning" in items C1, C5, C7 and C8 of the Schedule of occupational diseases includes the sequelae caused by the relevant toxic substances where there is sufficient evidence to show the incapacity is directly related to the claimant's occupation. This is provided in the main body of the regulations set out in the Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978, under regulation 11 ([hyperlink](#)).

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

Article 22 of the Constitution of the ILO

REPORT

For the period 1 June 2015 to 31 May 2019, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

STATISTICS OF WAGES AND HOURS OF WORK CONVENTION, 1938 (NO.63) (extension registered on 26 May 1947)

PART I

Relevant Legislation and Policy:

The Electronic Census (Guernsey) Ordinance, 2013 ([hyperlink](#))

Policy to publish Quarterly Population, Employment and Earnings Bulletin

PART II

Article 1

There have been no changes to the legislative and administrative regulations which apply to the provisions of the Convention in Guernsey or to the measures taken by the authorities to ensure the application of the relevant Articles since the report submitted in 2015.

Statistics are published on the States website: <https://www.gov.gg/population>.

Article 2 – 24

No change since the last report.

PART III

The Policy & Resources Committee (via Data and Analysis section) are responsible for compiling statistics in accordance with this Convention.

PART IV

There are no relevant decisions.

PART V

There are no practical challenges to the implementation of the Convention.

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

There are no relevant observations to report.

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

Submitted on 21st August 2019

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

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

Submitted on 11th August 2020

Direct Request (CEACR) - adopted 2016, published 106th ILC session (2017)
Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63) -
Guernsey

Parts I and II of the Convention. The Government indicates in its report that headline data on average earnings have been published since 2011 in the States Strategic Monitoring Report and the Facts and Figures booklet, and in the Guernsey Earnings Bulletin, published annually since 2012. The Bulletin provides information on the average earnings of all employees, disaggregated by age, gender and sector. The Government further indicates that the data are supplied by the Social Security Department and include only employed persons. The averages reported relate to individuals (not households), and include full and part-time workers, providing a measure of underlying trends and changes in earnings. The Committee notes that information available to the ILO Department of Statistics indicates that labour market statistics are mainly compiled using data collated by the Rolling Electronic Census IT System and disseminated on a quarterly basis. Records from various official agencies are also used to derive statistics on labour-related topics, such as registered unemployment. ***The Committee welcomes the information provided by the Government in its report and invites the Government to continue to provide information on any developments regarding the application of the Convention.***

Response from Guernsey (22 July 2019)

There have been no further developments since the last report, and the data detailed above continues to be collated and published.

The Committee notes the recommendations of the Standards Review Mechanism Tripartite Working Group and the corresponding decision of the Governing Body at its 328th Session in October–November 2016 (GB.328/LILS/2/1) calling upon the Office to commence follow-up with member States that are still bound by the Convention, encouraging them to ratify the Labour Statistics Convention, 1985 (No. 160), as the most up-to-date instrument in this area, and resulting in the automatic denunciation of Convention No. 63. ***The Committee reminds the Government of the availability of ILO technical assistance in this regards.***

Response from Guernsey (22 July 2019)

The States of Guernsey thanks the Committee for their offer of technical assistance, and will consider whether to ratify the Labour Statistics Convention, 1985 (No.160).

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

Article 22 of the Constitution of the ILO

REPORT

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

LABOUR INSPECTION CONVENTION, 1947 (No.81)

(extension registered on 28 June 1949)

PART I

Relevant Legislation and Codes including recent Amendments::

The Transfrontier Shipment of Waste Ordinance 2002 has been repealed and replaced by the Transfrontier Shipment of Waste (Guernsey) Ordinance, 2018 ([hyperlink](#))

Health and Safety (Fees) (Guernsey) Law, 1993 ([hyperlink](#))

The Control of Poisonous Substances Regulations, 2014 (as amended) ([hyperlink](#)). The Control of Poisonous Substances (Amendment) Regulations, 2017 ([hyperlink](#)).

The Control of Asbestos Approved Code of Practice 2013 has been revised in 2017 ([hyperlink](#))

The Code of Practice referred to in the Organisation and Management of Health & Safety in Construction, 1996 continues to be used.

PART II

Articles 1 - 29

No changes since the last report.

PART III

No changes since the last report.

PART IV

No changes since the last report.

PART V

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

There are no relevant observations to report.

States of Guernsey
Edward T Wheadon House
Le Truchot
St Peter Port

Guernsey
GY1 3WH

Submitted on 21st August 2019

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

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

Submitted on 13th August 2020

Article 22 of the Constitution of the ILO

REPORT

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

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

PART I

The only legislative change is from Supplementary Benefit (Guernsey) Law, 1971 to Income Support (Guernsey) Law, 1971 ([hyperlink](#)). The details are below.

PART II

Article 1

No changes since the last report.

Enforced labour may continue to arise as a consequence of a conviction in a court of law and may involve with a Community Service Order or work undertaken during a term of imprisonment.

There continues to be Regulations governing compliance and deemed compliance with work requirements as a condition of entitlement to supplementary benefit under the Supplementary Benefit (Guernsey) Law, 1971.

There is a change in legislation, that the Supplementary Benefit (Guernsey) Law, 1971 has been renamed to be the Income Support (Guernsey) Law, 1971 (enacted through The Income Support (Guernsey) Law, 2017). All previous legislation and regulations from the Supplementary Benefit Law continue to apply, and have been renamed to Income Support (through The Income Support (Implementation) (Amendment) Ordinance, 2018).

Article 2

No change since the last report.

PART III

No change since the last report.

PART IV

There have been no relevant decisions.

PART V

There have been no practical difficulties in implementing this convention.

PART VI

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

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

States of Guernsey

Committee *for* Employment & Social Security
Edward T. Wheadon House
Le Truchot
St Peter Port
Guernsey
GY1 3WH

5 June 2019

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

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

Submitted on 13th August 2020

Article 22 of the Constitution of the ILO

REPORT

For the period 1 June 2014 to 31 May 2019, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the measures taken to give effect to the provisions of the:

RADIATION PROTECTION CONVENTION, 1960 (No.115) (extension registered on 7 June 1967)

PART I

No changes since the last report.

PART II

Articles 1-15

No changes since the last report.

PART III

The Health & Safety Executive ensures compliance with legislation and standards concerning safety in the workplace.

The most recent data regarding the 2017-2018 inspections made by the Health and Safety Executive is detailed below:

Total number of inspections made, by category, by the Health & Safety Executive in 2017 & 2018

		TOTALS	
		2017	2018
0	Agriculture, horticulture, fishing, Arboriculture	14	16
1	Energy & water supply	103	105
2	Extraction of minerals / manufacture of metals etc.	1	
3	Engineering / metal goods	16	14
4	Other manufacturing	11	8
5	Construction	315	295
6	Distribution / hotels / garages	95	87
7	Transport	23	25
8	Banking, Insurance etc.		
9	Other services	115	124

**Total number of inspections made, by topic, by the
Health & Safety Executive in 2017 & 2018**

		TOTALS	
		2017	2018
G1	Initial integrity – full inspection of premises		
L1	Licence (Petroleum)	33	32
L2	(Explosives)		
L3	(Pesticides)	9	13
L4	(Scaffold)	140	162
Z1	Major Hazard	2	4
C1	Conveyance (Import Explosives)		
C2	(Import LPG)	23	21
C3	(Import Petrol)	33	31
C4	(Import Pesticide)		
C5	(Import other Chemical)		
B1	Asbestos	82	95
D1	Disposal (Collection)		
D2	Disposal (Landfill)		
D3	Disposal (Export)	2	8
H1	Policy investigations	48	54
I1	Accident	67	71
I2	Dangerous Occurrence	45	42
I3	Complaint	106	113

**Total number of inspections made, by visit code, by the
Health & Safety Executive 2017 & 2018**

		TOTALS	
		2017	2018
P1	Preventative inspection (existing premises – whole inspection)	11	9
P2	Preventative inspection (new premises) – basic data required		
P3	Preventative inspection (Transient) – building / road sites	84	92
P4	Preventative inspection (spot checks on part of operation – scaffolding, Pesticide licensing, monitoring equipment)	119	121
S1	Special projects	17	19
F1	Follow-up check visits (ensure breach of law remedied)	65	72
F2	Follow-up other	27	20
A1	Advisory	40	43
V1	Investigation (accident, dangerous occurrence & complaint)	143	152
E1	Education / Promotion – Lectures	3	5
M1	Misc. admin visits to other States Departments	18	13

PART IV

There have been no relevant decisions.

PART V

There have been no practical difficulties in the implementation of the Convention.

PART VI

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

There are no relevant observations to report.

States of Guernsey
Edward T. Wheadon House
Le Truchot
St Peter Port
Guernsey
GY1 3WH

Submitted on 21st August 2019

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

The most recent data regarding the 2018-2019 inspections made by the Health and Safety Executive is detailed below:

Total number of inspections made, by category, by the Health & Safety Executive 2018 & 2019

TOTALS
2018 2019

0	Agriculture, horticulture, fishing, Arboriculture	16	10
1	Energy & water supply	105	62
2	Extraction of minerals / manufacture of metals etc.	0	2
3	Engineering / metal goods	14	20
4	Other manufacturing	8	2
5	Construction	295	203
6	Distribution / hotels / garages	87	47
7	Transport	25	12
8	Banking, Insurance etc.	0	12

9	Other services	124	87
---	----------------	-----	----

**Total number of inspections made, by topic, by the Health & Safety Executive
2018 & 2019**

**TOTALS
2018 2019**

G1	Initial integrity – full inspection of premises		1
L1	Licence (Petroleum)	32	39
L2	(Explosives)		6
L3	(Pesticides)	13	10
L4	(Scaffold)	162	180
Z1	Major Hazard	4	4
C1	Conveyance (Import Explosives)		
C2	(Import LPG)	21	28
C3	(Import Petrol)	31	34
C4	(Import Pesticide)		
C5	(Import other Chemical)		
B1	Asbestos	95	83
D1	Disposal (Collection)		
D2	Disposal (Landfill)		
D3	Disposal (Export)	8	
H1	Policy investigations	54	
I1	Accident	71	51
I2	Dangerous Occurrence	42	16
I3	Complaint	113	98

**Total number of inspections made, by visit code, by the Health & Safety Executive
2018 & 2019**

**TOTALS
2018 2019**

P1	Preventative inspection (existing premises – whole inspection)	9	31
P2	Preventative inspection (new premises) – basic data required		1
P3	Preventative inspection (Transient) – building / road sites	92	180
P4	Preventative inspection (spot checks on part of operation – scaffolding, Pesticide licensing, monitoring equipment)	121	203
S1	Special projects	19	13
F1	Follow-up check visits (ensure breach of law remedied)	72	65
F2	Follow-up other	20	14
A1	Advisory	43	80
V1	Investigation (accident, dangerous occurrence & complaint)	152	165
E1	Education / Promotion – Lectures	5	2

M1	Misc. admin visits to other States Departments	13	6
----	--	----	---

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

Submitted on 13th August 2020

Direct Request (CEACR) - adopted 2015, published 105th ILC session (2016)
Radiation Protection Convention, 1960 (No. 115) - Guernsey

General observation of 2015. *The Committee would like to draw the Government's attention to its general observation of 2015 under this Convention, including the request for information contained in paragraph 30 thereof.*

Articles 3(1) and 6(2) of the Convention. *Steps taken to ensure protection of workers, in light of available knowledge.* The Committee previously noted the Government's indication that it intended to undertake a review, in 2010, of the Approved Code of Practice relating to the Protection of Persons against Ionizing Radiations of 1995.

The Committee notes the Government's statement in its report that the review of the Code of Practice has been delayed. However, the Government still intends to undertake the review, taking into account the provisions of the Convention and other international standards. ***The Committee once again expresses the hope that the Government will ensure that the provisions of the Convention are taken into account during the review of the Code of Practice, in particular with respect to Article 6(2) of the Convention, on maximum permissible doses of ionizing radiations; Article 7(2) on employment of young workers under the age of 16; and Article 8 on maximum permissible doses for workers not directly engaged in radiation work. It invites the Government to refer to the guidance contained in the general observation of 2015, and requests it to provide a copy of the revised Code of Practice once it has been adopted.***

Response from Guernsey (22 July 2019)

Guernsey plans to mirror the UK Ionising Radiation Regulations 2017 and Ionising Radiations (Medical Exposure) Regulations 2017, which in turn implement *Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom.*

Resourcing for this will be reassessed in due course.

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

Article 22 of the Constitution of the ILO

REPORT

For the period 1 June 2014 to 31 May 2019, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

WORKING ENVIRONMENT (AIR POLLUTION, NOISE AND VIBRATION) CONVENTION, 1977 (No.148)

(extension registered on 4 June 1979)

PART I

Relevant Legislation:

Health and Safety at Work (General) (Guernsey) Ordinance, 1987 ([hyperlink](#))

Emergency Powers (Coronavirus) (Parochial Matters and Miscellaneous Provisions) (Guernsey) Regulations, 2020 ([hyperlink](#))

Emergency Powers (Coronavirus) (General provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020 ([hyperlink](#))

Relevant standards:

Air pollution in workplaces (not in the general environment): HSE L5

<http://www.hse.gov.uk/pubns/books/l5.htm> and HSE L24 (p17-18)

<http://www.hse.gov.uk/pubns/books/l24.htm>

Noise: HSE L108 <http://www.hse.gov.uk/pubns/books/l108.htm>

Vibration: HSE L140 (hand-arm vibration) <http://www.hse.gov.uk/pubns/books/l140.htm>

And HSE L141 (whole body vibration) <http://www.hse.gov.uk/pubns/books/l141.htm>

PART II

Articles 1-16

No changes since last report.

PART III

No relevant decisions since the last report.

PART IV

Staffing

Chief Health and Safety Officer: Robin Gonard

Senior Health and Safety Inspectors: Jon Colley

Health and Safety Inspectors: Matt Coggins

Trainee Health & Safety Inspector: Steve McCord

Health and Safety Enforcement Officer: Geoff Ingrouille

Complaints / Admin Officer: Jean Bourgaize

Note: All inspectors deal with the full range of industries present in the Bailiwick, with an inspector leading on areas of specialism (e.g. the licensing of chemicals, explosives and petroleum, the construction industry).

PART V

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

There are no relevant observations to report.

States of Guernsey
Health & Safety Executive
Raymond Falla House
Longue Rue
St Martin
Guernsey

Submitted on 21st August 2019

Updates for the period 01 June 2019 to 31 May 2020

Health and Safety provisions in the Coronavirus-related Regulations (as documented in Part I of this report) allowed the Chief Health and Safety Officer ("the Chief Officer") to grant a certificate disapplying certain statutory requirements for examination, testing and inspection in respect of equipment, occupier's installation or gas appliance and flue (as the case may be) specified in an application. A certificate may only be given where the Chief Officer is of the opinion that the disapplication will not prejudice the safety of any person operating the equipment etc. or any other person likely to be affected by its operation. The certificate may only disapply the relevant requirement for a period of up to 30 days, but does not disapply any other health and safety requirement (and, in particular, the requirement to keep the equipment etc. in a safe condition and good working order).

States of Guernsey
Health & Safety Executive
Raymond Falla House
Longue Rue
St Martin
Guernsey

Submitted on 11th August 2020

Article 22 of the Constitution of the ILO

REPORT

For the period 1 June 2015 to 31 May 2019, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

LABOUR ADMINISTRATION CONVENTION, 1978 (No. 150)

(extension registered on 12 May 1981)

PART I

Relevant Legislation:

The Employment Protection (Guernsey) Law, 1998 (as amended) ([hyperlink](#))

The Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993 (as amended) ([hyperlink](#))

The Employment and Discrimination Tribunal (Guernsey) (Amendment) Ordinance, 2018 ([hyperlink](#)) – amended the Tribunal so that members of the panel shall be appointed for a term of three years (or such shorter period as the States may specify).

PART II

Article 1

No change since the last report.

Article 2

No changes since the last report – labour administration continues to be entrusted in the Employment Relations Service, which is an arm's-length body to the Committee *for* Employment & Social Security to ensure its independence.

Cases continue to be assessed by the Employment Tribunal, and their secretariat is employed by the Committee *for* Employment & Social Security.

Article 3

No change since the last report.

Article 4

No changes since the last report. Labour administration continues to be coordinated by the Employment Relations Service, which acts as an organisation to give advice to islanders on employment matters.

The Secretariat to the Employment Tribunal continues to coordinate cases to be taken to the Tribunal. The Tribunal continues to conclude cases.

Article 5

Cooperation with stakeholders and representative organisations of employers/workers continue to be coordinated in regards to minimum wage. Consultation continues to be a cornerstone to the process of policy development.

Article 6

No changes since the last report.

- a) The Employment Relations service continues to prepare, administer and coordinate employment policy.
- b) The Job Centre pulls statistics on unemployment. The Employment Relations service reviews working conditions.
- c) Consultation and cooperation between public authorities and employers' and workers' organisations continues to be promoted by the Committee for Employment & Social Security.
- d) The Employment Relations service continues to make technical advice available to employers and workers.

Article 7

No change since the last report.

All workers are treated the same under Guernsey legislation, as shown in the Employment Protection (Guernsey) Law, 1998 (as amended) ([hyperlink](#)).

Protections continue in regards to minimum wage (Minimum Wage (Guernsey) Law, 2009 (as amended) ([hyperlink](#))) whereby a prescribed maximum accommodation and meals offset applies.

Article 8

No changes since the last report.

Article 9

No changes since the last report.

The Committee for Employment & Social Security has the Employment Relations Service under its mandate, therefore has a direct reporting link to the service area to ensure its national objectives are being correctly followed.

Article 10

No changes since the last report.

The Employment Relations service continues to employ valuable staff members, and continues to train staff to give correct advice regarding employment matters.

Those sitting on the Employment Tribunal continue to be distinguished professionals in the area, with a tough recruitment process to ensure only valuable candidates sit on the panel. Panel members are reimbursed a day-rate to sit on the panel.

PART III

Not applicable.

PART IV

Not applicable.

PART V

Not applicable.

PART VI

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

There are no relevant observations to report.

States of Guernsey
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey
GY1 3WH

Submitted on 21st August 2019

Updates for the period 01 June 2019 to 31 May 2020

There have been no relevant changes relating to the Convention the report relates to since the report last year was completed.

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

Submitted on 11th August 2020

Article 22 of the Constitution of the ILO

REPORT

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

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

PART I

Regarding Education, no changes have occurred in respect of any legislation affecting the application of the Convention since the previous report, however, Guernsey's States of Deliberation resolved in January 2018 "To agree that the Education (Guernsey) Law, 1970, as amended, must be repealed and replaced with legislation setting out, *inter alia*, the educational aims and aspirations of a modern democratic society, educational policies adopted by the States in recent years and the powers and duties expected of a government in relation to education as it approaches the third decade of the 21st century" ([hyperlink](#)).

PART II

Articles 1 -2

There have been no relevant changes.

Article 3

Education:

The Education (Guernsey) Law 1970 sets out, in Section 47, the power of the Committee for Education, Sport & Culture to prohibit or restrict employment of children.

In its application to the Island of Alderney, section 47 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Education) Ordinance, 1970, Section 1, Schedule, with effect from 28th October, 1970. In subsection (4) of Section 47 the words "the Bailiff" are hereby deleted and the words "the Chairman of the Court of Alderney" are hereby substituted thereof.

In practice, any concerns are taken up by the school with the parents of the young person, if the employment is impacting their attendance at school it may be referred to the Schools Attendance Service who will intervene with the parents and may contact the employer.

Overseas Aid:

The Overseas Aid & Development Commission already has in place policies and guidance to protect children against sexual exploitation and abuse, and is currently reviewing these policies and guidance to ensure they take into account the relevant obligations of the Convention.

Article 4-6

There are no relevant changes.

Article 7

Free access to education is already in place – there is nothing additional required.

The Islands Safeguarding Children Partnership (formerly the Islands Child Protection Committee) is a multi-agency committee with representatives from the public, private and voluntary sectors. It was given legal status in the **Children (Guernsey and Alderney) Law, 2008**. Its main purpose is to enhance the safety of children and young people in the islands through promoting effective co-ordination and co-operation between agencies providing services to children and families

The MASH (Multi Agency Support Hub) is the referral route for concerned professionals (where there is no evidence of offence) including for concerns relating to Child Sexual Exploitation (CSE). **The Bailiwick of Guernsey Child Sexual Exploitation Operating Protocol** sets out strategies for the prevention, intervention, disruption and investigation of CSE.

The Protection of Children and Young Persons Law, 1917 (section 12).

It is an offence for a person having the custody of a girl under the age of 16 to cause her to become involved in prostitution. The offence is committed if a person knowingly allows the said girl to consort with or be in the employment of a prostitute or person of known immoral character.

Article 8

Overseas Aid:

The Overseas Aid & Development Commission will continue to take into account the obligations of the Convention when considering funding applications. Recent examples are included in the latest Overseas Aid & Development Commission Annual Report (copy of 2017 Report attached).

PART III

PART IV

PART V

A hyperlink to the Overseas Aid & Development Commission Annual Report 2017 is [here](#).

PART VI

PART VII

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

States of Guernsey

The Committee *for* Employment & Social Security

Edward T Wheadon House

St Peter Port

GY1 3WH

Submitted on 23rd August 2019

Updates for the period 01 June 2019 to 31 May 2020

Part II Updates

Regarding Overseas Aid, the Overseas Aid & Development Commission (“the Commission”)’s due diligence procedures, which are a pre-requisite to any potential funding award, require charities to demonstrate that they have appropriate procedures and practices in place within its own charitable body and for any in-country partners co-delivering development projects, to ensure that all children are protected from all forms sexual exploitation and abuse. The Commission reviews its due diligence procedures annually basis, and in between should the need arise. For example, following the first reports of alleged sexual exploitation and abuse by staff working for Oxfam in Haiti, the Commission immediately suspended that charity from eligibility to apply for funding until the outcome of the various investigations was completed. Following the Charity Commission’s report into this matter, the Commission reviewed its policies and due diligence procedures to ensure that all the recommendations were reflected locally.

Regarding the Sexual Offences Law, on 17th June 2020, Guernsey’s Parliament, the States of Deliberation, approved the [draft law](#) “The Sexual Offences (Bailiwick of Guernsey) Law, 2020”. That Law requires Royal Assent from the Privy Council before it can be brought into force. Key parts of that law are:

- Chapter XVI of that draft Law criminalises trafficking of people for sexual exploitation (in any part of the world) and allows the detention or forfeiture of a relevant vehicle used for the purposes of trafficking.
- Chapter XV of that draft Law criminalises causing, inciting, or controlling prostitution and soliciting a person's sexual services as a prostitute or paying for the sexual services of a prostitute subject to exploitation.
- Chapter XIII of that draft Law introduces offences in relation to the sexual exploitation of children. This covers offences in relation to: paying for sexual services of a child, causing or inciting sexual exploitation of a child, controlling a child in relation to sexual exploitation and arranging or facilitating sexual exploitation of a child.

Further details regarding that draft Law can be found in the Explanatory Memorandum (which is available via this link: [Explanatory Memorandum](#)).

Part V Update

The Overseas Aid & Development Commission Annual Report 2018 has been published (it is available [here](#)).

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

Submitted on 18 September 2020

Direct Request (CEACR) - adopted 2015, published 106th ILC session (2017)
Worst Forms of Child Labour Convention, 1999 (No. 182) - Guernsey

Article 3 of the Convention. Worst forms of child labour. Clause (a). All forms of slavery or practices similar to slavery. Sale and trafficking of children. The Committee previously noted that section 74 of the Children (Guernsey and Alderney) Law, 2008 (Children Law of 2008), provides for penalties for the offences related to the abduction of a child which includes taking or sending of a child under the age of 16 years out of the jurisdiction of Guernsey and Alderney without the appropriate consent. The Committee noted the Government's indication that the Department of Education has a duty to know the movement of a child and to make contact and notify areas where a child is moving in order to ensure that children do not fall victim to trafficking. The Committee further noted from the Government's report that the Guernsey Border Agency's Cross Border Crime Division had taken measures to tackle organized crime involving the trafficking of children. The Committee observed, however, that section 74 of the Children Law of 2008 only covered the abduction and movement of children under 16 years of age and that there appeared to be no provisions which explicitly address the sale and trafficking of children under 18 years of age.

The Committee notes the Government's statement in its report that in 2011, the States of Deliberation resolved to modernize and reform the law regarding sexual offences generally in the Bailiwick of Guernsey. The new law will introduce offences similar to those prohibitions on trafficking in persons as set out in Part I, sections 57–59 of the UK Sexual Offences Act, 2003. Work on the new law is at an advanced stage and consultation on the legislation is planned to commence in 2017.

The Committee reminds the Government that, according to *Article 3(a)* of the Convention, the sale and trafficking of children under 18 years of age for labour or sexual exploitation constitutes one of the worst forms of child labour and that, by virtue of *Article 1*, immediate and effective measures must be taken as a matter of urgency to secure the prohibition and elimination of this worst form of child labour. ***The Committee therefore expresses the firm hope that the new law will prohibit the sale and trafficking of children under 18 years of age for the purposes of labour and sexual exploitation.***

Clause (b). Use, procuring or offering of a child for prostitution. In its previous comments, the Committee noted the Government's reference to section 12 of the Protection of Children and Young Persons (Amendment) Law, 1955 (Protection of Children's Act). According to this section, causing, encouraging or allowing seduction, unlawful carnal knowledge, or prostitution or the commission of an indecent assault upon a girl under the age of 16 years shall be punished. The Committee noted, however, that section 12 of the Protection of Children's Act did not seem to protect girls of 16 to 18 years of age, as well as boys under the age of 18 from prostitution.

The Committee notes the Government's indication in its report that the new law on sexual offences will introduce a variety of offences to protect children from being abused through prostitution and will contain similar measures with regard to prostitution to those set out in the UK Sexual Offences Act.

The Committee once again reminds the Government that by virtue of *Article 3(a)* of the Convention, the use, procuring or offering of both boys and girls below 18 years of age for prostitution should be prohibited. ***The Committee therefore expresses the firm hope that***

the new law on sexual offences will prohibit the use, procuring or offering of boys under the age of 18 years and girls between 16 and 18 years of age for prostitution.

The Committee requests the Government to provide information on progress made in the adoption of the new law on sexual offences.

In 2011 the States of Deliberation resolved to modernise and reform sexual offences legislation in the Bailiwick of Guernsey. The recommendations included:

- To modernise and reform sexual offences legislation to provide a clear and coherent framework of offences; and
- To formalise and extend measures already in place to protect the public and reduce the risk posed to vulnerable member of the community.

Work initially focused on the second of those two workstreams, proposals which would protect the public and reduce the risk posed to vulnerable members of the community. This resulted in 2015 with the implementation of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) law, 2013. This legislation put in place a robust system for the registration of sex offenders and introduced a range of preventative civil orders which protect the public by reducing the risk posed by those offenders and preventing the commission of further sexual offences.

The implementation of this Law in 2015 ensured that the people of the Bailiwick were afforded the same level of protection as exists in other similar jurisdictions providing authorities with the statutory powers to track, manage and monitor those convicted of sexual offences.

The subsequent focus has been on drafting of the new Sexual Offences Law which updates current Bailiwick sexual offences legislation. The new Sexual Offences Law will provide appropriate modern substantive legislation to criminalise inappropriate sexual behaviour. However, it should be emphasised that in the meantime, prosecutions have continued to take place under the current provisions as before.

In March 2018 the draft Sexual Offences (Bailiwick of Guernsey) Law, 2007 was circulated to stakeholders across government and the third sector for consideration and feedback. Despite the drafting of this legislation continuing to be assessed as a high priority, the implications of Brexit and specifically the pressure on drafting resources meant that no real progress was in 2018. It is anticipated that the new law will be presented to the States for approval by the end of 2019.

Whilst the new sexual offences legislation will introduce more targeted sexual offences legislation the public should be assured that it is not the case that defendants have been able to escape from prosecution as more general offences have been used to ensure that criminal behaviour has been prosecuted.

s.79 of the new legislation deals with trafficking people for sexual exploitation:

Trafficking people for sexual exploitation.

79. (1) A person ("A") commits an offence if A intentionally arranges or facilitates -

- (a) the arrival in, or entry into, the Bailiwick or another country of another person ("B"),
- (b) the departure of B from the Bailiwick or another country,
or
- (c) the travel of B within the Bailiwick or another country,

with a view to the sexual exploitation of B.

There is a 14 year maximum sentence on conviction on indictment.

Chapter XV deals with prostitution (in addition to Part VI which deals with child sex offences i.e. up to 16 even where it is consensual), making it an offence to cause or incite prostitution for gain, control prostitution for gain, and paying for sexual services of a prostitute subject to exploitation. "Gain" in this Chapter means:

- (i) any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount,
or
- (ii) the goodwill of any person which is or appears likely, in time, to bring financial advantage,

Updates for the period 01 June 2019 to 31 May 2020

On 17th June 2020, Guernsey's Parliament, the States of Deliberation, approved the [draft law](#) "The Sexual Offences (Bailiwick of Guernsey) Law, 2020". That Law requires Royal Assent from the Privy Council before it can be brought into force.

Key parts of that law are:

- Chapter XVI of the draft Law criminalises trafficking of people for sexual exploitation (in any part of the world) and allows the detention or forfeiture of a relevant vehicle used for the purposes of trafficking.
- Chapter XV of the draft Law criminalises causing, inciting, or controlling prostitution and soliciting a person's sexual services as a prostitute or paying for the sexual services of a prostitute subject to exploitation.
- Chapter XIII of the draft Law introduces offences in relation to the sexual exploitation of children. This covers offences in relation to: paying for sexual services of a child, causing or inciting sexual exploitation of a child, controlling a child in relation to sexual exploitation and arranging or facilitating sexual exploitation of a child.

Further details regarding the draft Law can be found in the Explanatory Memorandum (which is available via this link: [Explanatory Memorandum](#)).