

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

**THE HEALTH AND SAFETY AT WORK (EQUALITY PROVISIONS) ORDINANCE, 2021**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Health and Safety at Work (Equality Provisions) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

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

**EXPLANATORY MEMORANDUM**

This Ordinance amends several pieces of legislation to remove gender discriminatory references.

Section 1 amends the Quarries (Safety) Ordinance, 1954. It amends sections 10, 20, 33, 39 and 46 of the Ordinance to delete references to males.

Section 2 amends the Safety of Employees (Growing Properties) Ordinance, 1954. It amends sections 1 and 8 of the Ordinance to delete references to women.

Section 3 amends the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952. It amends section 6 of the Ordinance to remove references to women.

Section 4 amends the Loi ayant rapport á L'emploi de femmes, de jeunes personnes et d'enfants, 1926. Articles I to IV of the Law are amended to delete references to women. Article IV is further amended by replacing the definition of "industrial undertaking" to make it gender neutral. Part III of the Schedule to the Law is deleted.

The Ordinance shall come into force on the 15<sup>th</sup> July, 2021.



# The Health and Safety at Work (Equality Provisions) Ordinance, 2021

THE STATES, in pursuance of their Resolution of the 17<sup>th</sup> July 2020<sup>a</sup>, and in exercise of the powers conferred upon them by section 2 of the Health, Safety and Welfare of Employees Law, 1950<sup>b</sup> and section 7 of the Health and Safety at Work etc. (Guernsey) Law, 1979<sup>c</sup>, and all other powers enabling them in that behalf, hereby order:-

## Amendments to the Quarries (Safety) Ordinance, 1954.

1. (1) The Quarries (Safety) Ordinance, 1954<sup>d</sup> is further amended as follows.
  - (2) In section 10, delete "male" in the proviso to subsection (1) and in subsection (2)(b).
  - (3) In section 20(c), delete "male".

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<sup>a</sup> Article XV of Billet d'État No. XV of 2020.

<sup>b</sup> Ordres en Conseil Vol. XIV, p. 312; amended by Recueil d'Ordonnances Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; No. IX of 2016; and No. XXXVI of 2019.

<sup>c</sup> Ordres en Conseil Vol. XXVII, p. 155; amended by Vol. XXXIV, p. 586; Recueil d'Ordonnances Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; and No. IX of 2016.

<sup>d</sup> Recueil d'Ordonnances Tome XI, p. 3; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XIV, p. 4; Tome XXIV, p. 162; Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; and No. IX of 2016.

- (4) In section 33, delete "male".
- (5) In section 39, delete "male".
- (6) In section 46(4), delete "male".

**Amendments to the Safety of Employees (Growing Properties) Ordinance, 1954.**

2. (1) The Safety of Employees (Growing Properties) Ordinance, 1954<sup>e</sup> is further amended as follows.

- (2) In section 1, delete the definition of "woman".
- (3) In section 8 –
  - (a) in the heading delete "women and", and
  - (b) delete "woman or" wherever it appears.

**Amendments to the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952.**

3. (1) The Safety of Employees (Miscellaneous Provisions) Ordinance, 1952<sup>f</sup> is further amended as follows.

- (2) In section 6 –

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<sup>e</sup> Recueil d'Ordonnances Tome XI, p. 55; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XIII, p. 140; Tome XIV, p. 4; Tome XXIV, p. 162; Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; and No. IX of 2016.

<sup>f</sup> Recueil d'Ordonnances Tome X, p. 194; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XIV, p. 4; Tome XXIV, p. 162; Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; and No. IX of 2016.

- (a) in the heading delete " women and", and
- (b) delete " woman or" wherever it appears.

**Amendements to the Loi ayant rapport á L'emploi de femmes, de jeunes personnes et d'enfants, 1926**

4. (1) The Loi ayant rapport á L'emploi de femmes, de jeunes personnes et d'enfants, 1926<sup>§</sup> is further amended as follows.

- (2) In paragraph (3) of Article I, delete "or woman".
- (3) Delete Article II (e).
- (4) In paragraph (1) of Article III, delete "women,".
- (5) In Article IV –
  - (a) delete the definition of "woman", and
  - (b) for the definition of "industrial undertaking", substitute-  
  
"The expression "**industrial undertaking**" has, with respect to the employment of children and young persons, the meanings respectively assigned thereto in the conventions set out in Parts I and II of the Schedule to this Law."
- (6) In the Schedule, delete Part III.

**Citation.**

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<sup>§</sup> Ordres en Conseil Vol. VIII, p. 29; amended by Vol. XXXI, p. 278; and Ordinance No. VII of 2010.

5. This Ordinance may be cited as the Health and Safety at Work (Equality Provisions) Ordinance, 2021.

**Commencement.**

6. This Ordinance shall come into force on the 15<sup>th</sup> July, 2021.