

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2015 to 31 May 2021, 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:

SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926 (NO. 22)

PART I

Relevant legislation:

The Merchant Shipping (Bailiwick of Guernsey) Law, 2012 (Commencement) Ordinance, 2013 brought Part III of [the Merchant Shipping \(Bailiwick of Guernsey\) Law, 2002](#) into force on 4 February 2013. Part III of the Law contains section 23 (crew agreements) which further implements requirements of ILO 22 relating to articles of agreement.

[The Seafarer Recruitment and Placement Services \(Maritime Labour Convention 2006\) \(Guernsey and Alderney\) Ordinance, 2013](#) was brought into force on 1 November 2013. Part 3 of the Ordinance includes protections in respect of seafarers by a manning agency.

There have been no relevant legislative changes since the last report.

PART II

There have been no relevant changes since the last report.

PART III

The States Trading Supervisory Board has responsibility under the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 for the making of regulations regarding British Seamen's Cards. Prior to 1st May 2016 this was the function of the Public Services Department of the States of Guernsey.

Employment rights and unemployment, including initiatives to support the unemployed into meaningful work, are now the responsibility of the Committee *for* Employment & Social Security. The Committee oversees the operation of these functions in relation to this convention which were performed by the States of Guernsey's Commerce & Employment Department and Social Security Department respectively, prior to 1st May 2016.

PART IV

There are no relevant decisions.

PART V

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

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.

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

Submitted on 06 August 2021

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2017 to 31 May 2022, 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:

PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED), 1932 (NO. 32)

PART I

Relevant Legislation:

The Harbours Ordinance, 1988.

The Health and Safety at Work (General) (Guernsey) Ordinance 1987.

The Merchant Shipping (Bailiwick of Guernsey) Law, 2002.

The Health and Safety at Work (Freight Containers Safety Convention) Ordinance, 1992.

PART II

There have been no relevant changes since the last report.

PART III

There have been no relevant changes since the last report.

PART IV

There have been no relevant changes since the last report.

PART V

There have been no relevant changes since the last report.

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.

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Submitted on 06 August 2021

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2015 to 31 May 2021, 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:

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

PART I

Relevant legislation:

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

[The Health Service \(Benefit\) \(Guernsey\) Law, 1990](#)

[The Family Allowances \(Guernsey\) Law, 1950](#)

[\(including subordinate and amending legislation listed in the Appendices\)](#)

PART II

Article 1 and Article 2

With effect from 22 October 2018, The Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018 transferred the functions of the Committee for Employment & Social Security relating to the collection of social insurance contributions under the Social Insurance (Guernsey) Law, 1978 to the Policy & Resources Committee. Those functions are performed, on behalf of the Policy & Resources Committee, by the Director of the Revenue Service.

Under section 21 of the Social Insurance (Guernsey) Law, 1978, persons who are under pensionable age and who satisfy the relevant contribution conditions are entitled to sickness benefit in respect of any day of incapacity of work (following a waiting period of 3 days). Under section 2 of that Law, where a person has been entitled to sickness benefit (or industrial injury benefit) for an aggregate period of 26 weeks, then, if they are under pensionable age and satisfy the relevant contribution conditions, they are entitled to incapacity benefit for any subsequent day of incapacity for work that forms part of that period of interruption of employment. Prior to 20 September 2017, 'incapacity benefit' was called 'invalidity benefit'. The qualification criteria remained the same when the name of the benefit changed.

Benefit rates have been increased annually by an amount at least equal to the local index of retail prices.

A list of amending Social Insurance legislation is detailed in Appendix 1 to this report.

The continuous text of the Social Insurance (Guernsey) Law, 1978 is available by clicking [here](#).

Article 3

A person who is ordinarily resident in Guernsey, Alderney, Herm or Jethou and who is an insured person or the child of an insured person is entitled to various benefits under the Health Service (Benefit) (Guernsey) Law, 1990.

There have been no changes to medical benefit or specialist medical benefit since the last report. (The Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021, which will make relevant changes, was passed by the States of Deliberation – Guernsey's legislative assembly – earlier this year, within the review period, but was not brought into force in the review period.)

Pharmaceutical benefit is the drugs and medicines requisite for a person's treatment. A limited list of drugs and medicines available as pharmaceutical benefit which may be ordered to be supplied by medical prescriptions issued by medical practitioners or dentists are prescribed by Regulation. The limited list has been amended several times since the last report.

A list of amending Health Service legislation is detailed in Appendix 2.

The continuous text of the Health Service (Benefit) (Guernsey) Law, 1990 is available by clicking [here](#).

Article 4

In relation to sub-paragraph (a) of paragraph 2, a weekly allowance of £14.50 (2021 rate) per qualifying child is payable to families under [the Family Allowance \(Guernsey\) Law, 1950](#). With effect from 2 May 2017, changes consequential to [the Same Sex Marriage \(Guernsey\) Law 2016](#) were made to the Family Allowances (Guernsey) Law, 1950 arising from the introduction of the possibility that the parties to a marriage might be of the same-sex (e.g. terminology such as "husband and wife" was amended to read "spouses"). The application of the general principle of equivalence meant that the original wording would be read as also referring to same-sex couples, but this Law and others were changed upon the entry into force of [the Same Sex Marriage \(Guernsey\) Law 2016](#) to make the meaning clearer to the reader.

Article 5

With effect from 1 January 2017, maternity allowance, a weekly income-replacement benefit for pregnant women and new mothers, was replaced with two separate new benefits:

- Maternal health allowance, which can only be claimed by the birth mother while she is off work in the pre-birth or initial post-birth period;
- Newborn care allowance, which can be claimed by either qualifying parent. The newborn care allowance is flexible, enabling parents to split the allowance into two or three periods which can be switched between them.

Maternity allowance was available for a maximum period of 18 weeks. The combined maximum duration of the replacement benefits is 26 weeks. The maximum weekly rate of benefit increased from £150.43 to £204.82 (2016 rates), now £228.83 (2021 rate).

From 1 January 2017, all new parents have been able to claim a maternity grant, a single payment of £421 (2021 rate) to help with the cost of having a baby. Previously, insured persons had not been able to receive both a maternity allowance and a maternity grant.

Through these reforms, equivalent benefits were also made available to adoptive parents for the first time, including same sex couples.

Articles 6 to 11

There have been no relevant changes since the last report.

PART III

Social security is now the responsibility of the States of Guernsey's Committee *for* Employment & Social Security. These functions were performed by the States of Guernsey's Social Security Department prior to 1st May 2016.

PART IV

There have been no relevant changes since the last report.

PART V

There have been no relevant changes since the last 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
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Submitted on 06 August 2021

Appendix 1

Changes to Social Insurance Legislation – 1 June 2015 to 31 May 2021

The Social Insurance (Guernsey) (Amendment) Law, 2016

The Social Insurance (Guernsey) (Amendment) Law, 2019

The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2016

The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017

The Social Insurance (Reciprocal Agreement with the Republic of Chile) Ordinance, 2015

The Social Insurance (Reciprocal Agreement with the Republic of Latvia) Ordinance, 2020

The Social Insurance (States Pension) (Amendment) (Guernsey) Ordinance, 2021

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2015

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2016

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2017

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2019

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2020

S.I No. 58 of 2014 - The Social Insurance (Back to Work Benefits) (Amendment) Regulations, 2014

S.I No. 108 of 2015 - The Social Insurance (Benefits) (Amendment) Regulations, 2015

S.I No. 48 of 2016 - The Social Insurance (Benefits) (Amendment) Regulations, 2016

S.I No. 75 of 2016 - The Social Insurance (Benefits) (Amendment) (No.2) Regulations, 2016

S.I No. 74 of 2016 - The Social Insurance (Benefits) (Amendment) (No.3) Regulations, 2016

S.I No. 115 of 2017 - The Social Insurance (Benefits) (Amendment) Regulations, 2017

S.I No. 87 of 2018 - The Social Insurance (Benefits) (Amendment) Regulations, 2018

S.I No. 127 of 2019 - The Social Insurance (Benefits) (Amendment) Regulations, 2019

S.I No. 124 of 2020 - The Social Insurance (Benefits) (Amendment) Regulations, 2020

S.I No. 23 of 2021 - The Social Insurance (Benefits) (Amendment) Regulations, 2021

S.I No. 45 of 2018 - The Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018

S.I No. 57 of 2016 - The Social Insurance (Contributions) (Amendment) Regulations, 2016

S.I No. 2 of 2018 - The Social Insurance (Contributions) (Amendment) Regulations, 2018

S.I No. 28 of 2021 - The Social Insurance (Contributions) (Amendment) Regulations, 2021

S.I No. 75 of 2020 - The Social Insurance (Contributions) (Amendment and Transitional Provisions) Regulations, 2020

S.I No. 56 of 2016 - The Social Insurance (Determination of Claims and Questions) (Guernsey) (Amendment) Regulations, 2016

S.I No. 70 of 2017 - The Social Insurance (Miscellaneous Amendments) (Incapacity Benefit) Regulations, 2017

S.I No. 61 of 2016 - The Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2016

Appendix 2

Changes to Health Service Legislation - 1 June 2015 to 31 May 2021

The Health Service (Benefit) (Amendment) Ordinance, 2015

The Health Service (Benefit) (Amendment) Ordinance, 2016

The Health Service (Benefit) (Amendment) Ordinance, 2017

The Health Service (Benefit) (Amendment) Ordinance, 2018

The Health Service (Benefit) (Amendment) Ordinance, 2019

S.I. No. 125 of 2019 - The Health Service (Benefit) (General) (Amendment) Regulations, 2019

S.I. No. 107 of 2015 - The Health Service (Medical Appliances) (Amendment) Regulations, 2015

S.I. No. 60 of 2016 - The Health Service (Medical Appliances) (Amendment) Regulations, 2016

S.I. No. 113 of 2017 - The Health Service (Medical Appliances) (Amendment) Regulations, 2017

S.I. No. 86 of 2018 - The Health Service (Medical Appliances) (Amendment) Regulations, 2018

S.I. No. 126 of 2019 - The Health Service (Medical Appliances) (Amendment) Regulations, 2019

S.I. No. 124 of 2015 - The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2015

S.I. No. 4 of 2016 - The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2016

S.I. No. 114 of 2017 - The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2017

S.I. No. 85 of 2018 - The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2018

S.I. No. 129 of 2019 - The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2019

S.I. No. 146 of 2020 - The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2020

S.I. No. 123 of 2015 - The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2015

S.I. No. 78 of 2016 - The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2016

S.I. No. 116 of 2017 - The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2017

S.I. No. 84 of 2018 - The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2018

S.I. No. 128 of 2019 - The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2019

S.I. No. 145 of 2020 - The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2020

S.I. No. 32 of 2016 - The Health Service (Pharmaceutical Benefit) (Amendment) Regulations, 2016

S.I. No. 76 of 2016 - The Health Service (Pharmaceutical Benefit) (Amendment) (No.2) Regulations, 2016

S.I. No. 79 of 2017 - The Health Service (Pharmaceutical Benefit) (Amendment) Regulations, 2017

S.I. No. 54 of 2019 - The Health Service (Pharmaceutical Benefit) (Amendment) Regulations, 2019

S.I. No. 106 of 2015 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 3) Regulations, 2015

S.I. No. 10 of 2016 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2016

S.I. No. 17 of 2016 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 2) Regulations, 2016

S.I. No. 25 of 2016 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 3) Regulations, 2016

S.I. No. 31 of 2016 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 4) Regulations, 2016

S.I. No. 49 of 2016 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 5) Regulations, 2016

S.I. No. 48 of 2017 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2017

S.I. No. 69 of 2017 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 2) Regulations, 2017

S.I. No. 78 of 2017 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 3) Regulations, 2017

S.I. No. 88 of 2017 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 4) Regulations, 2017

S.I. No. 117 of 2017 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 5) Regulations, 2017

S.I. No. 6 of 2018 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2018

S.I. No. 9 of 2018 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 2) Regulations, 2018

S.I. No. 16 of 2018 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 3) Regulations, 2018

S.I. No. 28 of 2018 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 4) Regulations, 2018

S.I. No. 35 of 2018 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 5) Regulations, 2018

S.I. No. 40 of 2018 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 6) Regulations, 2018

S.I. No. 43 of 2018 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 7) Regulations, 2018

S.I. No. 1 of 2019 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2019

S.I. No. 68 of 2019 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 2) Regulations, 2019

S.I. No. 77 of 2019 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 3) Regulations, 2019

S.I. No. 82 of 2019 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 4) Regulations, 2019

S.I. No. 91 of 2019 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 5) Regulations, 2019

S.I. No. 106 of 2019 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 6) Regulations, 2019

S.I. No. 114 of 2019 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 7) Regulations, 2019

S.I. No. 3 of 2020 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2020

S.I. No. 55 of 2020 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 2) Regulations, 2020

S.I. No. 93 of 2020 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 3) Regulations, 2020

S.I. No. 144 of 2020 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 4) Regulations, 2020

S.I. No. 16 of 2021 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2021

S.I. No. 35 of 2021 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 2) Regulations, 2021

S.I. No. 60 of 2021 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 3) Regulations, 2021

S.I. No. 65 of 2021 - The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 4) Regulations, 2021

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2015 to 31 May 2021, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946 (No. 69)

PART I

Key legislation includes:

The Merchant Shipping (Bailiwick of Guernsey) Law, 2012, as amended

The Seafarer Recruitment and The Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013

PART II

Article 1 - In respect of an 'Employment Business' utilising recruitment and Placement agencies, the Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013 gives effect to Regulation 1.4 of the Maritime Labour Convention 2006, and offers further relevant protections as provided for in the Regulation, including in respect of the provision of information (relevant to guideline 3.2.2 of the Convention).

Articles 2-6 - There have been no relevant changes since the last report.

PART III

The States Trading Supervisory Board oversees the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, which was a function of the Public Services Department prior to 1st May 2016.

Employment rights and unemployment, including initiatives to support the unemployed into meaningful work, are now the responsibility of the Committee *for* Employment & Social Security. The Committee oversees the operation of these functions in relation to this convention which were performed by the States of Guernsey's Commerce & Employment Department and Social Security Department respectively, prior to 1st May 2016.

PART IV

There have been no relevant decisions since the last report.

PART V

There have been no relevant changes since the last report.

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.

States of Guernsey
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Submitted on 06 August 2021

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2015 to 31 May 2021, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958 (No. 108)

PART I

The Merchant Shipping (Bailiwick of Guernsey) Law, 2012 (Commencement) Ordinance, 2013 brought Part III of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 into force on 4.2.13. Part III of the Law contains section 76 (British Seamen's Cards) which further implements requirements of ILO 108 relating to Seaman's Identity Cards.

[The Seafarer Recruitment and Placement Services \(Maritime Labour Convention 2006\) \(Guernsey and Alderney\) Ordinance, 2013](#) was brought into force on 1 November 2013. Part III of the Law includes protections in respect of seafarers by a manning agency.

PART II

Articles 1 to 6

There have been no relevant changes since the last report.

PART III

The States Trading Supervisory Board has responsibility under the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 for the making of regulations regarding British Seamen's Cards. Prior to 1st May 2016 this was the function of the Public Services Department of the States of Guernsey.

Employment rights and unemployment, including initiatives to support the unemployed into meaningful work, are now the responsibility of the Committee for Employment & Social Security. The Committee oversees the operation of these functions in relation to this convention which were performed by the States of Guernsey's Commerce & Employment Department and Social Security Department respectively, prior to 1st May 2016.

PART IV

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

States of Guernsey
Guernsey Ports
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Submitted on 06 August 2021

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2016 to 31 May 2021, 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:

FISHERMEN'S ARTICLES OF AGREEMENT CONVENTION, 1959 (No.114)

PART I

Key legislation includes:

[Seafarer Recruitment and Placement Services \(Maritime Labour Convention 2006\) \(Guernsey and Alderney\) Ordinance, 2013](#)

[Conditions of Employment \(Guernsey\) Law, 1985](#), as amended

[Merchant Shipping \(Bailiwick of Guernsey\) Law, 2002](#), as amended

There have been no relevant legislative changes since the last report.

PART II

Articles 1 to 12 - There have been no relevant changes since the last report.

PART III

Social security is now the responsibility of the States of Guernsey's Committee *for* Employment & Social Security. These functions were performed by the States of Guernsey's Social Security Department or Commerce and Employment Department prior to 1st May 2016.

The States Trading Supervisory Board has responsibility under the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 for the making of regulations regarding seafarers', including fishermen's articles of agreement. Prior to 1st May 2016 this was the function of the Public Services Department of the States of Guernsey.

PART IV

There have been no relevant decisions since the last report.

PART V

There have been no relevant changes since the last report.

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.

States of Guernsey
The Committee *for* Employment & Social Security
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Submitted on 17 August 2021

Direct Request (CEACR) - adopted 2017, published 107th ILC session (2018)
Fishermen's Articles of Agreement Convention, 1959 (No. 114) - Guernsey

Implementing legislation. The Committee, in its previous comment, had requested the Government to indicate whether any regulation relating to fishing vessels' crew agreements had been issued under Section 111(1) of the Merchant Shipping (Bailiwick of Guernsey) Law of 2002 (hereinafter, the "Merchant Shipping Law"), or otherwise how effect was given to the principal requirements of the Convention. The Committee notes the Government's indication in its report that: (1) no such regulations have yet been made, and that at present effect is given to the principal requirements of the Convention mainly by the Conditions of Employment (Guernsey) Law, 1985 (hereinafter, the "Employment Conditions Law"); (2) sections 247 to 250 of the Merchant Shipping Law provide officers with powers of boarding, inspection and to require production of documents; and (3) sections 17 and 18 of the Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013 offer further relevant protections to fishers using recruitment and placement agencies. ***The Committee takes note of this information.***

Article 1(2). Exemptions. The Committee notes that, according to section 7(1)(a) of the Employment Conditions Law, sea-going British ships having a gross registered tonnage of 80 tons or more are exempted from the provisions of this Law. The Government has indicated that currently this exemption applies to one Guernsey fishing vessel. The Committee recalls that, under *Article 1(2)*, exemptions with respect to fishing vessels of a certain type or size may be granted if so decided by the competent authority after consultations with the fishing-boat owners' and fishers' organizations concerned. ***The Committee requests the Government to indicate whether the exemption was granted after consultations by the competent authority with the fishing-boat owners' and fishers' organizations.***

Response:

- Representatives of the Harbour Office have confirmed that there is only one fishing vessel over 80 gross tonnes that is registered in Guernsey.
- The exemption that is available under the Law applies in respect of the category of vessel.
- Nowadays, there is the opportunity for members of the public and all other stakeholders (which therefore includes fishing boat owners and fishers' organisations) to make representations in respect of legislation as legislation is published before it is approved by the States of Deliberation. A review of historic documentation at the time the Law was introduced indicates that that a consultative document in respect of the draft provisions of the Law was circulated by the then Labour and Welfare Committee as a basis for discussion with representatives of local employers and employees and other interested bodies. As such, it is highly likely that boat owners and fishermen's associations would have had the document circulated to them and been invited to comment.

Articles 3, 6 and 9. Articles of agreement. The Committee notes that the following requirements of the Convention are not covered by national law:

- (a) the provision of reasonable facilities to examine the articles of agreement before they are signed (*Article 3(1)*);
- (b) the conditions to be prescribed by national law in order to ensure adequate supervision by the competent authority of the signature of the agreement by the fisher (*Article 3(2)*);

-(c) the inclusion in the articles of the agreement of the following particulars: (i) the date of birth or the age, and the birthplace of the fisher (*Article 6(3)(a)*); (ii) the place at which the agreement was completed (*Article 6(3)(b)*); (iii) the name of the fishing vessel or vessels on board which the fisher undertakes to serve (*Article 6(3)(c)*); (iv) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement (*Article 6(3)(d)*); (v) if possible, the place at which the fisher is required to report on board for service (*Article 6(3)(f)*); and (vi) the scale of provisions to be supplied to the fisher, unless some alternative system is provided for by national law (*Article 6(3)(g)*);

-(d) the possibility to obtain information on board as to the conditions of employment (*Article 8*).

-(e) the circumstances for termination of the agreement (*Article 9*).

In view of the above, the Committee requests the Government to indicate the measures taken or envisaged to give effect to these requirements of the Convention.

- **Response:** The States of Guernsey's Government Work Plan establishes the political priority areas for legislative and policy development between 2021-2025 ([see this link](#)). There is scope within that Plan for legislative or policy development in order to meet international obligations, and the further enactment of measures relating to this Convention can be considered alongside other international obligation-related priority areas.