

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2017 to 31 May 2023, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

MINIMUM AGE (INDUSTRY) CONVENTION, 1919 (No. 5)

PART I

Key policy updates:

[Employment of Young People - Guidance from the Employment Relations Service Guernsey](#) as at October 2022 – attached.

PART II

The Guidance published by the Employment Relations Service in respect of the Employment of Young People was updated in October 2022 to reflect the increase in the Young Person's Minimum Wage Rate with effect from 1 October 2022.

There have been no other 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 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
Edward T. Wheadon House
Le Truchot
St Peter Port
Guernsey
GY1 3WH

Date submitted to UK Government: 31 August 2023

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2017 to 31 May 2023, made by the States of Guernsey in accordance with Article 22 of the Constitution of the International Labour Organisation on the:

MINIMUM AGE (AGRICULTURE) CONVENTION, 1921 (No. 10)

PART I

Key policy updates:

[Employment of Young People - Guidance from the Employment Relations Service Guernsey](#) as at October 2022 – attached.

PART II

The Guidance published by the Employment Relations Service in respect of the Employment of Young People was updated in October 2022 to reflect the increase in the Young Person's Minimum Wage Rate with effect from 1 October 2022.

There have been no other 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 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.

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

Date submitted to UK Government: 31 August 2023

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2020 to 31 May 2023, 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

There have been no relevant changes since the last report.

PART II

There have been no relevant changes since the last report.

PART III

There have been no relevant decisions since the last report.

PART IV

There have been no relevant 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.

No observations regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention have been received from employer or worker organisations.

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

Date submitted to UK Government: 31 August 2023

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2020 to 31 May 2023, 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

New legislation (or key legislative amendments) during the reporting period:

- [**Health and Safety at Work \(General\) \(Guernsey\) \(Amendment\) Ordinance, 2020**](#)
The Ordinance makes technical amendments to the existing regime, providing a route for certain exemptions to be made (this was enacted during the COVID-19 pandemic, to enable certain provisions, such as the weekly inspection of scaffoldings to be relaxed while workers were mandated to remain indoors at home for public health purposes).
- [**The Health and Safety at Work \(Prescribed Diseases\) \(Guernsey\) Regulations, 2021**](#)
The Regulations bring in line the Social Security reporting requirements for industrial injury benefit with the Health and Safety requirements. This also widens the scope of reporting for radiation exposure and injury in response to a previous direct request.
- [**The Health and Safety at Work \(Dangerous Substances\) \(Guernsey\) Regulations, 2021**](#)
The Regulations align the definition of dangerous substances with the United Kingdom and European Union's lists, removing the requirement for Guernsey to create its own list of dangerous substances for use at work.
- [**Health and Safety \(Fees\) Order, 2021**](#)
The Order provides for certain fees for licenses, permits and some non-statutory work undertaken by the Health and Safety Inspectors.
- [**Control of Poisonous Substances \(Fees\) \(Guernsey\) Regulations, 2021**](#)
This provides for certain fees for licenses in relation to the approval, importation and use of dangerous substances, pesticides and biocides.
- [**The Employment and Equal Opportunities Service \(Guernsey\) Law, 2023**](#)
This Law establishes the office of the Director of the Employment and Equal Opportunities Service. The Law also confers functions on, and transfers functions to, the holder of that office, the Director. This includes, but is not limited to, certain statutory functions under the Minimum Wage (Guernsey) Law, 2009 ('the Minimum Wage Law') (as referenced in more detail below). The Minimum Wage Law already provides that all workers who qualify for the minimum wage shall be remunerated by their employer in respect of their work at a rate which is not less than the minimum wage, and sets out mechanisms for setting the minimum wage rate and enforcement.

As the Director has been assigned functions under [the Prevention of Discrimination \(Guernsey\) Ordinance, 2022](#), the Law will come into force at the same time as that Ordinance (1 October 2023). Although entry into force of the Employment and Equal Opportunities Service (Guernsey) Law, 2023 is outside the reporting period, it has been referenced in this report as the draft Law was approved by Guernsey's Parliament during the reporting period, on 26 April 2023.

- **[The Minimum Wage \(Guernsey\) Law, 2009](#)**

Whilst this is not a new Law, there has been a key change that relates to the Convention. With effect from 1 October 2023, the function of the Committee *for* Employment & Social Security to provide conciliation services under section 11 of the Minimum Wage Law and the power to appoint officers under section 13 of that Law, will be transferred, through the provisions of the Employment and Equal Opportunities Service (Guernsey) Law, 2023, to the Director of the Employment & Equal Opportunities Service.

New Code of Practice issued during the reporting period:

- **[Guernsey Construction \(Design and Management\) Approved Code of Practice](#)**

The Construction (Design and Management) Approved Code of Practice (ACoP) sets out minimum health, safety and welfare requirements for temporary or mobile construction sites. It came into effect on 18 November 2020.

(Note: copies of the above-referenced legislation and policy have been attached in the submission to the ILO).

PART II

Article 3

Building on the information provided in Part I of this report, Section 11 of the Employment & Equal Opportunities Service (Guernsey) Law, 2023 confers some ancillary powers on the Director of the Employment and Equal Opportunities Service, including the power to require documents or information from a person. This supports the existing powers of "officers" appointed by Guernsey's Committee *for* Employment & Social Security under the Minimum Wage Law (which from 1 October 2023 will be appointed by the Director and will include the Director) to require the production of records and inspect and examine those records in the performance of their duties. A failure to provide documents or information to the Director under section 11 enables the Director, following representations, to impose a discretionary financial penalty.

Article 19

The Health & Safety Executive ('the HSE') submits annual reports to Guernsey's Committee *for* Employment & Social Security. A copy of the latest inspection report is attached to this report (entitled "Copy of ILO-Guernsey 2023 C081-Direct Request FINAL V1-Inspection Statistics").

From 1 October 2023, there will be a statutory obligation on the Director of the Employment and Equal Opportunities Service to submit to the Committee *for* Employment & Social Security, whenever directed, a report on the exercise of the Director's functions.

Articles 20 and 21

The HSE maintains a record of inspection statistics. The HSE's Inspection Statistics for 2021 are attached to this report (entitled "Copy of ILO-Guernsey 2023 C081-Direct Request FINAL V1-Inspection Statistics").

The HSE's Accident and Licence Statistics for 2021 are also attached to the report (entitled "Health and Safety Executive Annual Statistics 2021 – Accidents and Licences").

Legislation regarding other Articles

Please note that health and safety legislative updates are documented in Part I of this report.

Direct Request

The "Direct Request (CEACR) - adopted 2020, published 109th ILC session (2021)" is appended to this report.

PART III

The Committee *for* Employment & Social Security has responsibility for the development of policy and legislation in respect of health and safety in the workplace, employment rights, discrimination and unemployment, including initiatives to support the unemployed into meaningful work.

As advised in the 2016 report, the HSE is an operational unit of the States of Guernsey Committee *for* Employment & Social Security, which is responsible for inspections under this Convention.

The Employment Relations Service, an operational unit of the Committee *for* Employment & Social Security, is responsible for the day-to-day administration of legislation in respect of employment rights (including in respect of wages) and discrimination. When [the Prevention of Discrimination \(Guernsey\) Ordinance, 2022](#) comes into effect on 1 October 2023, it will become unlawful to discriminate against a person on the grounds of race, disability, carer status, sexual orientation and religion or belief in employment, the provision of goods and services, and of accommodation, and in the membership of clubs and associations. Provisions in respect of the field of education will come into force no earlier than 1 September 2025.

The Employment Relations Service is being developed into the Employment and Equal Opportunities Service to recognise its expanded function beyond the field of employment. The Employment and Equal Opportunities Service will be led by a public office holder, to be known as the Director of the Employment and Equal Opportunities Service (as referenced in Part I of this report). This position will replace an existing full-time post in the Employment Relations Service team. That team will transfer to the Employment & Equal Opportunities Service. This change in governance is being made to guarantee operational independence when managing employment-related and discrimination-related complaints which might involve the States of Guernsey.

The Committee *for* Education, Sport & Culture has responsibility for legislation regarding the employment of children.

PART IV

There have been no relevant changes since the last report.

Other attachments

HSE Business Plan. The HSE publishes a Business Plan every three years. A copy of the HSE Business Plan covering the period 2023 to 2025 is attached. The Plan outlines HSE's aims and intended activities/actions during the period to meet those aims, with a view to improving the health and safety performance of Guernsey and Alderney.

Guernsey Quarterly Population, Employment and Earnings Bulletin. Guernsey's government collates and publishes information on population, employment, unemployment and earnings in the form of a 'Guernsey Quarterly Population, Employment and Earnings Bulletin'. The latest Bulletin was issued on 1 August 2023 and is attached to this report. Earlier versions of that Bulletin are available online (see <https://www.gov.gg/population>). This Bulletin replaces the Labour Market Bulletin, copies of which were previously supplied to the ILO.

Appendix: Direct Request (CEACR) - adopted 2020, published 109th ILC session (2021)

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.

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

Date submitted to UK Government: 01 September 2023

Appendix: Direct Request (CEACR) - adopted 2020, published 109th ILC session (2021)

Labour Inspection Convention, 1947 (No. 81) – Guernsey

Articles 3(1), 10 and 16 of the Convention. Primary functions of the system of labour inspection. Number of labour inspectors. Frequency and thoroughness of inspections. The Committee takes note of the Business Plan 2020–2022 of the Health and Safety Executive (HSE) of Guernsey, which is available on the website of the HSE. This plan establishes five objectives to be achieved by the HSE, including leading others to improve health and safety at the workplace (objective 1) and securing compliance with the law (objective 3). The Committee notes that within the framework of these two objectives, the HSE plans to: (i) target and conduct inspections of sectors and activities which give rise to the most serious risks or where risks are least well controlled (including undertaking 20 annual inspections visits to four specific types of workplaces and 10 annual inspection visits to a fifth workplace type, as well as focusing inspections on specific key health risks) (objective 1(b)); and, (ii) investigate work-related complaints, accidents, incidents and ill-health, all within identified short time frames, enforce the law to prevent harm and secure justice where appropriate as well as enforce licence and permit conditions and hold licence and permit holders to account (objective 3(a) and (b)). The Committee also notes that, according to the HSE Business Plan 2020–2022, the HSE is composed of three health and safety inspectors and has one vacant position. ***The Committee requests the Government to provide information on the implementation of the HSE Business Plan 2020–2022, particularly in relation to progress towards objectives 1 and 3, as well as on their impact on the work of the HSE. It also requests the Government to provide up to date information on the number of health and safety inspectors employed and the number, type, and timing of inspection visits carried out, including those performed under the HSE Business Plan 2020–2022.***

1. Overall comments on the business plan, including reference to objectives 1 and 3.

The HSE Business Plan 2020-2022 contained four Core Aims (also known as Objectives) that each had several targets and metrics associated with them. The Core Aims were, intentionally, high-level as they were intended to last over a long time period and were intended to be achieved in the longer term rather than within the timeframe of one of HSE's Business Plans. The Core Aims from the HSE Business Plan 2020-2022 remain relevant priorities and, as such, continue to be used in the HSE Business Plan 2023-2025.

The Core Aims contain a number of measures and metrics that contribute to the relevant Core Aim. It was envisaged that these measures and metrics might change more frequently than the Core Aims to reflect the most recent priorities, practices and resourcing of the HSE.

The work of the HSE, including work in relation to Core Aims 1 and 3, was impacted by Covid-19 global pandemic. The HSE continued to operate throughout the pandemic and provided advice over the telephone and via email. In some instances, some aspects of the HSE's public-facing activities were restricted during Guernsey's two periods of 'lockdown' and when other measures, such as social distancing, were in place as contact with the public was reduced. During the pandemic and between then and the end of the current reporting

The HSE continues to implement, monitor and review the Core Actions, measures and metrics within its business plan. Despite the impacts of the pandemic, HSE is meeting the measures specified within its Core Aims.

As at 31 May 2023, the Health and Safety Executive comprised:

- ### 3. Inspections

Description		Quarter				
		Q1	Q2	Q3	Q4	Year
P1	Provisional findings issued on liability of providers - individual complaints	11	23	25	25	84
P2	Provisional findings issued on their providers - health data supplied	0	9	8	11	28
P3	Provisional findings issued on providers - handling / record of case	20	19	22	22	83
P4	Provisional findings issued on providers on point of completion - satisfaction, financial loss, handling of case (overall)	12	24	25	22	83
P5	Special projects	1	0	0	0	1
P6	Referrals accepted under (complaints under 12 months old)	15	8	22	11	56
P7	Referrals accepted	13	21	15	12	61
P8	Referrals	9	12	25	25	71
P9	Referrals under 12 months old (complaints under 12 months old)	14	9	13	12	48
P10	Referrals 12 months or more	2	9	2	1	14
P11	Referrals under 12 months old (complaints under 12 months old)	15	9	22	11	57
Total		100	119	142	146	407

then approved by the Committee *for* Employment & Social Security for publication no later than the end of June. As such the report is published no later than six months after the end of the calendar year to which the data relates. For example, the 2022 Statistics were compiled by March 2023, then went to the Committee *for* Employment & Social Security and were published by the end of June 2023; as this falls outside of the current reporting period (which ended on 31 May 2023), the last available full-year statistics are from 2021 and have been appended to this report.

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2020 to 31 May 2023, 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

There have been no relevant changes since the last report.

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 decisions since the last report.

PART V

There have been no relevant changes since the last report. 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'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
Le Truchot
St Peter Port
Guernsey
GY1 3WH

Date submitted to UK Government: 9 August 2023

Article 22 of the Constitution of the ILO

REPORT

For the period 01 June 2020 to 31 May 2023, 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

New legislation:

Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022 (which links to parts of [The Sexual Offences \(Bailiwick of Guernsey\) Law, 2020](#)) – [hyperlink](#)).

New Report:

Overseas Aid & Development Commission Annual Report, 2019 - [hyperlink](#).

PART II

Articles 1 - 5

There have been no relevant changes since the last report.

Article 6

In respect of Overseas Aid:

The Overseas Aid & Development Commission already has in place policies and guidance to protect children against sexual exploitation and abuse. It has also continued to review its due diligence procedures at least annually. Current procedure is that charities requesting funding are required to demonstrate that they (and any in-country partners co-delivering development projects) have appropriate procedures and practices in place to ensure that all children are protected from all forms of sexual exploitation and abuse.

The Commission's procedures can be reviewed and updated more frequently should a particular 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.

Article 7

In respect of Home Affairs:

[The Sexual Offences \(Bailiwick of Guernsey\) Law, 2020](#) (the Law) came into force on 1st March 2022, with the exception of Chapters VIII (offences involving an abuse of a position of trust) and IX (offences by careworkers against persons with a mental disorder), as further definitions are required to be made by Ordinance before these provisions can be commenced. The Law defines sexual exploitation of children widely and criminalises paying for the sexual services for a child and (in any part of the world) causing or inciting the sexual exploitation of a child, controlling a child in relation to sexual exploitation and arranging or

facilitating the sexual exploitation of a child. To be clear, this updates the legal position (especially in relation to the extra-territorial effect of the offences) rather than prohibiting this type of sexual conduct for the first time, the intention of the new Law being to modernise existing legislation and provide one encompassing Law which reflected modern societal values. The hyperlink to the Commencement Ordinance is here: [hyperlink](#).

Article 8

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 (see [hyperlink](#)).

PART III

There have been no relevant decisions since the last report.

PART IV

There have been no relevant decisions since the last report.

PART V

A hyperlink to the Overseas Aid & Development Commission Annual Report 2019 is [here](#).

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.

PART VII

There have been no relevant decisions since the last report.

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

Date submitted to UK Government: 01 September 2023