

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

**COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

**EXTENDING THE SCOPE OF THE EMPLOYMENT AND DISCRIMINATION TRIBUNAL  
(GUERNSEY) ORDINANCE, 2005 TO INCLUDE ALDERNEY**

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Extending the Scope of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005 to Include Alderney', dated 27<sup>th</sup> April 2026, they are of the opinion:

1. To amend the extent of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005 to include Alderney to enable the Employment and Discrimination Tribunal to hear minimum wage cases arising in Alderney.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

The above Propositions have been submitted to His 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.

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The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

27<sup>th</sup> April 2026

Dear Sir

**1. Executive summary**

- 1.1. At present, there is no minimum wage legislation in Alderney and the Minimum Wage (Guernsey) Law, 2009<sup>1</sup> has force of law in Guernsey, Herm and Jethou only, meaning that there is no statutory minimum wage rate in force in Alderney. Alderney's Policy & Finance Committee (P&FC) is keen to address this and has directed that legislation to introduce a statutory minimum wage in Alderney be drafted. This would be cost neutral for the States of Guernsey.
- 1.2. P&FC has liaised with the Committee *for* Employment & Social Security ("the Committee") to determine whether enforcement of future Alderney minimum wage legislation could be undertaken by the Employment and Discrimination Tribunal (EDT) and the Director of the Employment and Equal Opportunities Service (EEOS).
- 1.3. For the avoidance of doubt, the States of Alderney will be responsible both for the introduction of legislation which would establish a statutory minimum wage for Alderney and for setting the hourly minimum wage rate(s) independently (though it will be open to them to set the hourly minimum wage rate at the same as that in Guernsey at any given time). The request from P&FC addresses a narrow element of the introduction of Alderney minimum wage legislation, this being the measures necessary to enforce that future legislation.

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<sup>1</sup> [The Minimum Wage \(Guernsey\) Law, 2009.](#)

- 1.4. The Convenor of the EDT and the Director of the EEOS have both confirmed that they would be amenable to extending their current remits in order to provide what would likely be infrequent enforcement-related services to the States of Alderney in respect of minimum wage complaints arising under the new Alderney Minimum Wage Law.
- 1.5. The Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005<sup>2</sup> ('the EDT Ordinance') does not currently extend to Alderney, meaning that, at present, it would not be possible for the EDT to hear complaints under future Alderney minimum wage legislation. In order for the scope of the remit of the Tribunal to be expanded to cover matters arising in Alderney, the EDT Ordinance needs to be amended by Ordinance (made jointly by the States of Deliberation and the States of Alderney). This would enable the EDT to hear minimum wage cases in Alderney but would not mean that the EDT must automatically hear any other complaints arising in Alderney.
- 1.6. It is not necessary to amend the Employment and Equal Opportunities Service (Guernsey) Law, 2023<sup>3</sup> to enable the EEOS to provide services in Alderney as, if desired, the Director of the EEOS can be appointed to certain functions and roles under the new Alderney Minimum Wage Law. Alderney's P&FC has been liaising with the Director of the EEOS directly in respect of this matter. Alderney's P&FC has allocated funds to cover any costs incurred for the enforcement of future minimum wage legislation in Alderney, meaning that there are no costs to the States of Guernsey associated with the introduction of a statutory minimum wage rate in Alderney.
- 1.7. In order to assist the States of Alderney to introduce a statutory minimum wage in Alderney, the Committee recommends that the extent of the EDT Ordinance be extended to include Alderney.

## **2. Enforcement of future Alderney minimum wage legislation**

- 2.1. Alderney's P&FC has directed that a statutory minimum wage be introduced in Alderney and is making all necessary arrangements to facilitate the introduction of future Alderney minimum wage legislation. This includes addressing the requirement that employees and employers have access to impartial information and advice relating to minimum wage requirements and that complaints made by employees regarding failure to pay the minimum wage can be investigated and enforced. P&FC and the Committee expect that minimum wage complaints are likely to be infrequent.
- 2.2. Given the likely very small number of occasions on which it would be necessary to investigate and enforce minimum wage requirements in

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<sup>2</sup> [The Employment and Discrimination Tribunal \(Guernsey\) Ordinance, 2005.](#)

Alderney, it would be difficult for States of Alderney officers to develop and maintain the necessary infrastructure and expertise to do so. Further, Alderney's size means that it might be more difficult to avoid possible conflicts of interest if States of Alderney officers were to carry out such investigative or enforcement activities themselves.

- 2.3. Alderney's P&FC therefore asked the Committee to liaise with the Convenor of the EDT and the Director of the EEOS to determine if they would be willing to have their remits extended in order to provide infrequent services in respect of enforcement of future Alderney minimum wage legislation. When consulted, both the Director of the EEOS and the Convenor of the EDT were amenable to this proposal.
- 2.4. Under this model, the Director of the EEOS would be appointed by Alderney's P&FC to provide advice in respect of the minimum wage to employees and employers, as requested, investigate complaints of failure to pay the minimum wage and issue enforcement notices as required. The EDT would be responsible for hearing and determining complaints made under the new Alderney Minimum Wage Law.
- 2.5. Section 1 of the EDT Ordinance requires the States, on the recommendation of the Committee, to draw up and maintain a Panel called the Employment and Discrimination Tribunal Panel. From this Panel, a tribunal of three members is formed to hear and determine complaints under relevant employment and discrimination enactments. These cases can involve issues such as unfair dismissal, discrimination, or failure to be paid the minimum wage.
- 2.6. The EDT Ordinance does not currently provide for the EDT to hear complaints under Alderney legislation. Rather, the EDT can hear complaints only under 'relevant enactments', which are defined as 'any enactment which provides for a complaint to be heard and determined by the Tribunal'. Legal advice received by Alderney's P&FC and the Committee indicated that the meaning of the word 'enactment' in a Guernsey-specific piece of legislation is likely to mean Guernsey enactments only.
- 2.7. In order for the scope of the Tribunal to be expanded to include Alderney, the EDT Ordinance would therefore need to be amended by further Ordinance. Because of the wording of the enabling Law under which the Ordinance will be made, legal advice received indicates that the Ordinance expanding the geographical scope of the EDT Ordinance would need to be made by both the States of Deliberation (in relation to Guernsey) and the States of Alderney (in relation to Alderney).
- 2.8. For the avoidance of doubt, the EDT Ordinance does not set out the types of complaints the EDT adjudicates, so extending it to include Alderney would not

mean that the EDT must automatically hear and determine complaints arising in Alderney other than minimum wage cases. Rather, extending the scope of the EDT Ordinance to Alderney would enable the EDT to hear complaints where empowered to do so under Alderney legislation – in this case, under the new Alderney Minimum Wage Law. This amendment would facilitate further expansion of the EDT’s remit to adjudicate complaints made under other new employment or discrimination law should the States of Alderney enact such legislation in future, although such expansion (if pursued) would require agreement of the EDT. At the moment, the EDT’s remit in relation to Alderney will be limited to adjudicating minimum wage cases.

- 2.9. Preparatory work undertaken by Alderney’s P&FC includes allocating funds to cover fees associated with advisory and enforcement services provided by the EEOS and EDT in respect of future Alderney minimum wage legislation. This means that there are no cost implications to the States of Guernsey attributable to agreeing to extend the remit of the EDT. Doing so would simply assist Alderney’s P&FC to introduce a statutory minimum wage in Alderney.
- 2.10. The Committee is very supportive of the introduction of minimum wage legislation in Alderney both because it is important to reinforce that all workers should be paid a minimum wage in line with modern labour standards and because low wages can increase some individuals’ reliance upon income support to meet their basic financial needs.
- 2.11. The Committee is therefore pleased to recommend that the scope of the EDT Ordinance be extended to Alderney in order to enable the EDT to hear complaints under future Alderney minimum wage legislation.

### **3. Compliance with Rule 4 of the Rules of Procedure**

- 3.1. Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, propositions laid before the States.
- 3.2. In accordance with Rule 4(1)(a), it is confirmed that Proposition 1, in respect of facilitating the States of Alderney to introduce a statutory minimum wage rate in Alderney, aligns with the outcome ‘a place to grow and succeed’ under the ‘Foundations for our Future’ area of focus of the Government Work Plan 2026-2029 by supporting workforce participation and retention.
- 3.3. In accordance with Rule 4(1)(b), it is confirmed that the Committee has engaged with Alderney’s P&FC, the Director of the EEOS, and the Convenor of the EDT in relation to this matter.
- 3.4. In accordance with Rule 4(1)(c), the Propositions have been submitted to His Majesty’s Procureur for advice on any legal or constitutional implications.

3.5. In accordance with Rule 4(1)(d), there are no financial implications to the States of carrying the proposals in this Policy Letter into effect, as Alderney's P&FC has made funding arrangements with the EDT and the Director of the EEOS in respect of services rendered for the purpose of enforcing future Alderney minimum wage legislation.

3.6. In accordance with Rule 4(2)(a), it is confirmed that the propositions accord with the Committee's purpose:

"To foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through schemes of social protection relating to pensions, other contributory and non-contributory benefits, social housing, employment, re-employment and labour market legislation."

3.7. In accordance with Rule 4(2)(b), it is confirmed that the propositions have the unanimous support of the Committee.

Yours faithfully

T L Bury  
President

J M Ozanne OBE  
Vice-President

G M Collins  
D F Dorrity  
T M Rylatt