

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

28th September 2022

Proposition No. P.2022/70

Committee for Employment and Social Security

The Prevention of Discrimination (Guernsey) Ordinance, 2022

AMENDMENT

Proposed by: Deputy P J Roffey
Seconded by: Deputy H L de Sausmarez

In the draft Ordinance entitled "the Prevention of Discrimination (Guernsey) Ordinance, 2022" (Article V of Billet d'Etat No. XVII of 2022) -

At the end of the Proposition add: ", subject to the amendments indicated below".

1. In section 55(4), for ", save where" to the end substitute "save where there is a complaint, or complaints, of victimisation as part of the joined complaints, in which case the maximum award limits in paragraph (a) and (b) do not apply to the victimisation complaint, or complaints as the case may be, in respect of which (regardless of how many victimisation complaints are made) the appropriate limit for a single claim as set out in sections 50, 51 or 52 would apply."

2. In section 56, for subsection (3) substitute—

"(3) Where there is a complaint or complaints of victimisation under this Ordinance made by A as part of the joined complaints, the maximum award limits in subsection (2) do not apply to the victimisation complaint, or complaints as the case may be, in respect of which (regardless of how many victimisation complaints are made) the appropriate limit for a single claim as set out in section 50 would apply."

Rule 4(1) information

a) The proposition contributes to the States' objectives and policy plans as it is in line with the States strategic objective of introducing legislation to prevent discrimination.

b) The proposition has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.

c) There are no financial implications to the States of carrying the proposal into effect.

Explanatory Note

The power to make an award for compensation in respect of a victimisation complaint is set out in sections 50, 51 and 52 of the Ordinance. The limits set out in these sections would apply to any complaint of victimisation (i.e. up to six months' pay plus up to £10,000 for injury to feelings for an employment complaint, or up to £10,000 for financial loss plus up to £10,000 for injury to feelings for a complaint in any other field). The original policy intent was that where complaints were joined, only one additional award could potentially be made above the relevant cap in the event that a Tribunal also upheld a victimisation complaint or complaints as part of the joined complaints bundle. This Amendment seeks to clarify that where there is a complaint or complaints of victimisation made by a person under this Ordinance as part of a bundle of joined complaints, the appropriate limit for a single claim would apply (regardless of how many victimisation complaints are made).