

GUERNSEY STATUTORY INSTRUMENT

2023 No. 44

**The Prevention of Discrimination
(Compensation) Regulations, 2023**

<i>Made</i>	<i>28th June, 2023</i>
<i>Coming into operation</i>	<i>1st October, 2023</i>
<i>Approved by the States</i>	<i>, 2023</i>

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred upon it by sections 50(1)(b), 51(1)(b) and (2)(b), 52(b), 55(4)(a) and (b), 56(2)(b)(ii) and 75 of the Prevention of Discrimination (Guernsey) Ordinance, 2022^a, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amount payable for injury to feelings, hurt or distress.

1. (1) Where the Tribunal has decided that there should be an amount payable to a complainant for injury to feelings, hurt or distress as part of an award of compensation –

(a) under section 49(1)(a) of the Prevention of Discrimination (Guernsey) Ordinance, 2022, or

^a Ordinance No. XVIII of 2022. This enactment has been amended.

- (b) which is made in a respect of joined employment complaints under section 56 of the Prevention of Discrimination (Guernsey) Ordinance, 2022,

the Tribunal shall calculate the amount in accordance with paragraph (2).

(2) The Tribunal shall calculate an amount payable for injury to feelings, hurt or distress by taking into account the facts and circumstances of the complaint, and then deciding an amount that is just and equitable within one of the following bands –

- (a) **the lower band:** an amount payable of between £500 and £3,000 for less serious cases, such as where the act of discrimination is an isolated or one-off occurrence,
- (b) **the middle band:** an amount payable of between £3,000 and £6,000 for serious cases, which do not merit an award in the top band, and
- (c) **the top band:** an amount payable of between £6,000 and £10,000 for the most serious cases, such as where there has been a lengthy campaign of discrimination or harassment.

Extent.

2. These Regulations shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation.

3. These Regulations may be cited as the Prevention of Discrimination (Compensation) Regulations, 2023.

Commencement.

4. These Regulations shall come into force on 1st October 2023.

Dated this 28th day of June 2023



P. J. ROFFEY

President of the Committee for Employment & Social Security

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the method of calculation for the Employment and Discrimination Tribunal where the Tribunal has decided that it is appropriate to make an award of compensation under the Prevention of Discrimination (Guernsey) Ordinance, 2022 in respect of injury to feelings, hurt or distress. The Regulations also provide for any such compensation to be within one of three bands, and set out the monetary limits of those.

If approved by the States, these Regulations will come into force on 1st October, 2023.