

GUERNSEY STATUTORY INSTRUMENT

2023 No. 45

**The Sex Discrimination and Employment Protection
(Compensation) Regulations, 2023**

Made

28th June, 2023

Coming into operation

1st October, 2023

Laid before the States

, 2023

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred upon it by sections 46(1) and 54(2)(b)(ii) of the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005^a, and section 30B(2)(b)(ii) of the Employment Protection (Guernsey) Law, 1998^b 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 Ordinance No. XXXI of 2005. This enactment has been amended, see in particular Ordinance No. X of 2023.

^b Ordres en Conseil Vol. XXXVIII, p. 239. This enactment has been amended, see in particular Ordinance No. X of 2023.

- (a) under section 46 of the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005, or
- (b) which is made in respect of a joined complaint

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.

Interpretation.

2. In these Regulations, a "**joined complaint**" is a complaint which the Tribunal has decided to join under -

- (a) section 54 of the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005, or
- (b) Section 30B of the Employment Protection (Guernsey) Law, 1998.

Extent.

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

Citation.

4. These Regulations may be cited as the Sex Discrimination and Employment Protection (Compensation) Regulations, 2023.

Commencement.

5. (1) These Regulations shall come into force on 1st October, 2023 ("Commencement").

(2) For the avoidance of doubt, these Regulations do not apply to any complaint (including any appeal in respect of such a complaint) which, on Commencement, has been made to the Tribunal under section 38 of the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 or section 16 of the Employment Protection (Guernsey) Law, 1998.

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 Sex Discrimination (Employment) (Guernsey) Ordinance, 2005, or as part of a joined complaint under the Employment Protection (Guernsey) Law, 1998, 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.

These Regulations will come into force on 1st October, 2023.