

GUERNSEY STATUTORY INSTRUMENT

2023 No. 103

**The Employment and Discrimination Tribunal
(Amendment) (Guernsey)
Order, 2023**

<i>Made</i>	<i>1st November, 2023</i>
<i>Coming into operation</i>	<i>1st November, 2023</i>
<i>Laid before the States</i>	<i>, 2023</i>

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred upon it by section 8 of and paragraph 3 of the Schedule to the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005^a, and all other powers enabling it in that behalf, hereby orders:-

Amendment of Employment and Discrimination Tribunal Ordinance.

1. (1) The Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005 is amended as follows.

(2) In the Schedule—

^a No. XXX of 2005; this enactment has been amended.

(a) in paragraph 2, after "Subject to the provisions of any order of the Committee under paragraph 3," insert "and (for the avoidance of doubt) to any direction of the Tribunal, and any exclusion by the Tribunal of a person from a hearing or any part thereof, under paragraph 4," and

(b) in paragraph 4, after subparagraph (2) insert—

"(3) The matters that the Tribunal shall have regard to in deciding whether –

(a) to direct that a hearing shall not be held in public, or

(b) a person should be excluded from a hearing or any part thereof,

shall include, but not be limited to, the need to secure that information is not disclosed to any extent, or in a manner, that is—

(i) contrary to the public interest or

(ii) prejudicial to national security, the prevention or detection of crime or the continued discharge of the functions of a police officer, a customs officer or an immigration officer.".

Tribunal to have regard to certain matters when conducting procedure.

2. The Tribunal shall, where relevant, when exercising any function under paragraph 2 of the Schedule to the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005, have regard to the need to secure that information is not disclosed to any extent, or in a manner, that is—

- (a) contrary to the public interest, or
- (b) prejudicial to national security, the prevention or detection of crime or the continued discharge of the functions of a police officer, a customs officer or an immigration officer.

Extent.

3. This Order shall have effect in the Islands of Guernsey, Herm and Jethou.

Application, citation and commencement.

4. (1) For the avoidance of doubt, this Order shall apply to proceedings in respect of a complaint which is instituted before the Tribunal before this Order comes into force, and which is ongoing at the time of commencement.

(2) This Order may be cited as the Employment and Discrimination Tribunal (Amendment) (Guernsey) Order, 2023 and shall come into force on 1st November, 2023.

Dated this 1st day of November 2023



DEPUTY 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 Order)

This order amends the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005 to provide further guidance on the procedure and powers of the Tribunal. It amends paragraph 4 of the Schedule to the Ordinance to provide for matters that the Tribunal shall take into account when deciding to direct that a hearing shall not be in public or that a person should be excluded from a hearing. In summary; the matters the Tribunal will need to consider include the need to secure that information relevant to the prevention and detection of crime (among other things) is not disclosed. It also introduces a general duty on the Tribunal to consider these matters, where they are relevant, when exercising any function under paragraph 2 of the Schedule to the Ordinance (procedure in hearings before Tribunal).

This order will come into force on 1st November, 2023.