

# PROJET DE LOI

ENTITLED

## **The Health, Safety and Welfare of Employees Law, 1950 \***

[CONSOLIDATED TEXT]

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. XIV, p. 312; as amended by the Transfer of Functions Ordinance, 1991 (Recueil d'Ordonnances Tome XXV, p. 328); the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996 (No. XXXI of 1996, Recueil d'Ordonnances Tome XXVII, p. 139); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019 (No. \*\* of 2019). See also the Health and Safety at Work etc. (Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 155); the Health and Safety at Work (General) (Guernsey) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 162); the Health and Safety (Fees) (Guernsey) Law, 1993 (No. XIV of 1993, Ordres en Conseil Vol. XXXIV, p. 586); the Health and Safety (Fees) Order, 2019 (G.S.I. No. 66 of 2019).

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## **The Health, Safety and Welfare of Employees Law, 1950**

### ARRANGEMENT OF SECTIONS

1. Constitution and procedure of the Administering Authority.
2. Power to make Ordinances.
3. Penalties.
4. Powers of the Legislation Review Panel as appointed by the States Scrutiny Management Committee.

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## **The Health, Safety and Welfare of Employees Law, 1950**

**THE STATES**, in pursuance of their Resolution of the 13<sup>th</sup> day of April, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey and the Islands of Herm and Jethou.

### **Constitution and procedure of the Administering Authority.**

**1.** (1) The States shall as soon as may be after the coming into force of this Law and from time to time thereafter –

- (a) constitute a Committee of the States (hereinafter referred to as "**the Administering Authority**"), which shall bear a title to be approved by the States,
- (b) appoint the President and members of the Administering Authority, and
- (c) prescribe the terms under which the President and the members of the Administering Authority shall hold their respective offices.

(2) The [[States of Guernsey [Committee for Employment & Social Security]] or such other committee as the States may by Resolution appoint] shall be responsible for carrying out the provisions of any Ordinance made under this Law except for such provisions (if any) as the States may by Ordinance require to be

carried out by some other States authority.

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## NOTES

*In section 1,*

*the words in square brackets in subsection (2) were substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 3, with effect from 31st July, 1991;*

*the words in square brackets within the square brackets in subsection (2) were substituted by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 3, with effect from 31st October, 1996;*

*the words in square brackets within the square brackets within the square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016.<sup>1</sup>*

*The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>2</sup>*

*The following Ordinances have been made under this Law:*

*Safety of Employees (Miscellaneous Provisions) Ordinance, 1952;  
Quarries (Safety) Ordinance, 1954;  
Safety of Employees (First-Aid and Welfare) Ordinance, 1954;  
Safety of Employees (Growing Properties) Ordinance, 1954;  
Safety of Employees (Electricity) Ordinance, 1956;  
Safety of Employees (Woodworking Machinery) Ordinance, 1959.*

*In accordance with the provisions of the Health and Safety at Work etc. (Guernsey) Law, 1979, section 7, Schedule, with effect from 13th November, 1979, this enactment is one of those that the States may repeal or modify by Ordinance made under the said section 7.*

*In accordance with the provisions of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 35(1), Schedule 4, with effect from 1st December, 1987, this enactment is one of those to be regarded as "relevant statutory provisions" for the purposes of the 1987 Ordinance.*

*In accordance with the provisions of the Health and Safety (Fees) (Guernsey) Law, 1993, section 1(c), with effect from 1st February, 1994, the Committee for Employment & Social Security may by Order specify the fees to be payable to the States in respect of the grant, renewal or variation of licences, or applications therefor, or the provision of services or documents, under or for the purposes of, or in connection with the exercise of any function arising under, any provision of this Law and any Ordinance or other subordinate legislation made hereunder.*

*In accordance with the provisions of the Health and Safety (Fees) Order, 2019, with effect from 1st June, 2019, the fees payable for the provision of services or documents, under or for the purposes of, or in connection with the exercise of any function arising under this Law or any Ordinance or other subordinate legislation made hereunder are as contained in article 3 thereof.*

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### **Power to make Ordinances.**

2. Without prejudice to any other power in the States to make Ordinances in that behalf, the States may by Ordinance make provision for the health, safety and welfare of employees in the Islands of Guernsey, Herm and Jethou and for any matters ancillary thereto, and for any matter necessary for carrying out the provisions of this Law.

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### **NOTE**

*The following Ordinances have been made under section 2:*

*Safety of Employees (Ionising Radiations) (Guernsey) Ordinance, 1967;*

*Health and Safety at Work (General) (Guernsey) Ordinance, 1987;*

*Health and Safety at Work (Freight Containers Safety Convention) Ordinance, 1992;*

*Health and Safety (Gas) (Guernsey) Ordinance, 2006;*

*Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019.*

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**Penalties.**

3. The States may by Ordinance prescribe the penalties which shall be incurred by any person who contravenes or attempts to contravene or who fails to comply with the provisions of any Ordinance made under section two of this Law.

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**NOTE**

*The following Ordinances have been made under section 3:*

*Health and Safety at Work (Freight Containers Safety Convention) Ordinance, 1992;*  
*Health and Safety (Gas) (Guernsey) Ordinance, 2006.*

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**Powers of the [Legislation Review Panel as appointed by the States Scrutiny Management Committee].**

4. If any draft Ordinance purporting to be made under this Law is presented to [the Legislation Review Panel as appointed by the Scrutiny Management Committee (hereinafter referred to as "**the Panel**")] by a Law Officer of the Crown at the instance of the [[States of Guernsey [Committee for Employment & Social Security]] or such other committee as the States may by Resolution appoint] or of any other States authority, the [Panel] may decide, either before proceeding with or before completing its review or revision thereof, not to transmit any such draft Ordinance to the States for its decision in accordance with the provisions of paragraph (2) of Article sixty-six of the Reform (Guernsey) Law, 1948, unless it is satisfied that such draft Ordinance is prepared pursuant to a Resolution of the States.

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**NOTES**

*In section 4,*

*the words in, first, the marginal note thereto and, second, in the first and, third, in the third pairs of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019, respectively section 12, section 2(a) and section 2(b), with effect from 27th November, 2019;<sup>3</sup>*

*the words in the second pair of square brackets were substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 3, with effect from 31st July, 1991;*

*the words in square brackets within the second pair of square brackets were substituted by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 3, with effect from 31st October, 1996;*

*the words in square brackets within the square brackets within the second pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016.<sup>4</sup>*

*The Law received Royal Sanction on 31st March, 1950 and was registered on the Records of the Island of Guernsey and came into force on 22nd April, 1950.*

*The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>5</sup>*

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<sup>1</sup> These words were previously substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 3, with effect from 31st July, 1991; the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 3, with effect from 31st October, 1996; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

<sup>2</sup> The functions, rights and liabilities of the Commerce and Employment Department and its Minister were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry under this Law were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 3, with effect from 31st October, 1996, subject

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to the savings and transitional provisions in section 2 of the 1996 Ordinance; the functions of the Board of Employment, Industry and Commerce were previously transferred to it from the States Labour and Welfare Committee by the Transfer of Functions Ordinance, 1991, section 2, Schedule 2, paragraph 3, with effect from 31st July, 1991, subject to the savings and transitional provisions in section 3 of the 1991 Ordinance.

<sup>3</sup> The words in the marginal note and in the first pair of square brackets were previously substituted, in part, by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 20, with effect from 6th May, 2004; and the functions, rights and liabilities of the Legislation Committee and of its President arising under or by virtue of this Law were previously transferred to and vested in, respectively, the Legislation Select Committee and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 20, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>4</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

<sup>5</sup> The functions, rights and liabilities of the Commerce and Employment Department and its Minister were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry under this Law were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 3, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance; the functions of the Board of Employment, Industry and Commerce were previously transferred to it from the States Labour and Welfare Committee by the Transfer of Functions Ordinance, 1991, section 2, Schedule 2, paragraph 3, with effect from 31st July, 1991, subject to the savings and transitional provisions in section 3 of the 1991 Ordinance.