

Landmark decision of the Guernsey Employment Tribunal – joinder of claims and compensation caps confirmed

Briefing Summary: The Employment and Discrimination Tribunal has issued a landmark decision in *Guilmoto v Game Theory Limited & Others*, confirming that three separate but related complaints brought by the Applicant, Alex Guilmoto will be **joined** and heard together, and that the **statutory maximum compensation limits** under the Prevention of Discrimination (Guernsey) Ordinance, 2022 (**Ordinance**) will apply. Carey Olsen successfully represented all Respondents in the application. This decision provides the first guidance on the Tribunal's approach to joinder applications under the discrimination Ordinance and underscores the legislative intent to cap compensatory awards where multiple related complaints arise from the same factual matrix.

Service Area: Employment, Pensions and Incentives

Location: Guernsey

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Background to the claims

The Applicant, Mr Alex Guilmoto, was employed latterly as an infrastructure engineer for the Respondent, Game Theory Limited between 20 June 2018 and 21 June 2024, when his employment was terminated summarily by the Respondent for a "serious breach of confidence". Mr Guilmoto had filed three separate complaints (ED16/25, ED17/25 and ED18/25) alleging, variously:

- Disability discrimination
- Harassment
- Victimisation
- Failure to make reasonable adjustments
- Unfair dismissal (in the third complaint)

The primary Respondent was Game Theory Limited, with several senior individuals associated with the business also being named as respondents. Carey Olsen acted for all Respondents.

Key Contacts



Carly Parrott
COUNSEL - HEAD OF
EMPLOYMENT,
GUERNSEY
+44 1481 741505

[EMAIL CARLY](#)



Elaine Gray
PARTNER, GUERNSEY
+44 (0)1481 732035

[EMAIL ELAINE](#)



Daniellé Naseem
ASSOCIATE, GUERNSEY
+44 (0)1481 732095

[EMAIL DANIELLÉ](#)



Louise Stothard
ASSOCIATE, GUERNSEY
01481741517

[EMAIL LOUISE](#)

OFFSHORE LAW SPECIALISTS

BERMUDA BRITISH VIRGIN ISLANDS CAYMAN ISLANDS GUERNSEY JERSEY

CAPE TOWN HONG KONG SAR LONDON SINGAPORE

[careyolsen.com](https://www.careyolsen.com)

The Respondents' applications

The Respondents made two applications and applied for:

- a **joinder** of the three complaints under sections 55 and 56 of the Ordinance; and
- a **determination of the maximum compensation** limits for the joined complaints under the Ordinance.

The Respondents argued that all three complaints arose out of a continuous sequence of events between September 2023 and July 2024, highlighting that they involved overlapping facts, and related to the Applicant's treatment largely by the same individuals. It argued that the claims "related to the same set of facts and circumstances" and therefore should properly be joined, utilising the statutory powers of the Tribunal in sections 55 and 56 of the Ordinance.

The Applicant's opposition

The Applicant resisted the joinder application, submitting that:

- Each "complaint" should be treated as multiple discrete causes of action, not as a single formal complaint.
- Joinder would prematurely and unfairly cap his compensation before liability had been assessed.
- The Tribunal could instead direct that the claims be heard together under its general case management powers (thereby avoiding the statutory caps imposed by the Ordinance).

Tribunal's findings

Statutory test for joinder is satisfied

The Tribunal accepted the Respondents' submissions and held that:

- The term "**complaint**" refers to the *formal complaint form submitted to the Tribunal*, not individual allegations.
- The three complaints clearly related to "**the same facts and circumstances**", forming a "*continuum of events involving the Applicant's treatment at work*".
- There was a **sufficient connection** between all Respondents named across the claims.

Tribunal exercises discretion in favour of joinder

The Tribunal considered the policy intention behind the Ordinance – specifically, to cap compensation where multiple claims arise from the same set of facts or circumstances. Legislative debate from the States of Deliberation was cited, confirming that the intention was to prevent "unlimited liability" in joined discrimination cases.

The Tribunal also accepted that joinder at an early stage of proceedings promotes procedural fairness, consistency, and efficiency, and avoids the substantial resource burden of hearing overlapping claims separately.

Given this clear policy foundation, the Tribunal found no reason to depart from the statutory scheme and whilst acknowledging that joining complaints was not an absolute where the statutory pre-conditions were met, there was no reason to not join the complaints in this case where the test had been satisfied. Relevantly, it held:

"In respect of the legislative intent, the Respondents referred to the States of Deliberation, Hansard, 30 September 2022 {227A8} which identifies the legislature's intention when it debated the introduction of a cap for joined claims brought under the Ordinance. At F2247]- [2251], Deputy Roffey said that "it is to make sure that there is not unlimited liability and that it is strictly limited to nine months, however many grounds you have discriminated on, plus the six months if you victimise. As I said, that was always our intent. This makes it absolutely beyond doubt that that is the maximum level of award that can be made". The Tribunal finds the statutory preconditions for joinder are met and in the present case, the factual context is that the multiple claims made by the Applicant relate to a continuum of events. The Tribunal agrees with the Respondents' contention that the Complaints present an example of the type of claims that the legislature intended should be capped at the maximum compensation level of 15 months. The Tribunal sees no reason to exercise its discretion in this case to subvert that intention."

Compensation cap applied

Following joinder, the Tribunal confirmed the maximum award available to the Applicant:

- **Up to nine months' pay** for the joined discrimination, harassment and unfair dismissal claims
- **Up to £10,000** for injury to feelings for those claims
- **Up to six months' pay** for victimisation
- **Up to £10,000** for injury to feelings in respect of victimisation

These caps reflect the maximum 15-month compensation limit envisaged by the legislation.

Implications for employers

Strong support for early joinder applications

Respondents can achieve procedural efficiency and reduce risk of inconsistent findings by consolidating claims early – an approach validated by this decision.

Continuum-based claims will be joined

Even where claims are framed as separate incidents or raised at different times, the Tribunal is prepared to determine that they form a continuum of related events if they relate to ongoing treatment by the same employer.

Compensation caps will be enforced

The Tribunal gave significant weight to legislative intent. Employers can take comfort that the statutory regime is designed to provide certainty and predictability on financial exposure, with reasonable limitations on claim values. The Tribunal has confirmed it will apply the statutory compensation cap where the statutory test is met.

Conclusion

This decision provides important clarity on the joinder provisions under Guernsey's discrimination regime and confirms that the Tribunal will robustly apply the statutory compensation caps. Carey Olsen's successful representation of the Respondents in this matter reinforces the strategic importance of early applications.

If you would like advice on joinder applications, discrimination claims, or case management strategy under the Ordinance, our knowledgeable and experienced employment team would be pleased to assist.

Please note that this briefing is intended to provide a very general overview of the matters to which it relates. It is not intended as legal advice and should not be relied on as such. © Carey Olsen (Guernsey) LLP 2026



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