

What might Guernsey's disability legislation look like?



Disability equality legislation will make it illegal in Guernsey to unreasonably deny someone employment, goods and services, or education simply because of that person's physical, mental or sensory impairment.

The intention is to develop a modern law that positively promotes equality of opportunity, not just avoids and tackles discrimination. The legislation will encourage good practice, rather than merely punishing discriminatory behaviour.

The details will be worked out by consultation with businesses and disabled people over the next two years. The information below is indicative.

The legislation will not:

- ✗ be a copy of the UK law. Guernsey will start from scratch.
- ✗ force the States to introduce new services or benefits, or to expand existing ones
- ✗ force businesses to employ someone who does not have the skills for the role
- ✗ impose a quota system for employment of disabled people
- ✗ force business owners to make their premises accessible overnight

It will cover:

- ✓ employment
- ✓ supply of goods and services
- ✓ education
- ✓ carers, as well as disabled people

It will work because

It will be firmly based on the principle of reasonable adjustments, taking account the size and resources available to an employer or supplier.

Many reasonable adjustments are procedural, involving perhaps being flexible on certain working practices or swapping certain duties.

It is recommended that the States establish a fund to help small business with reasonable adjustments.

44% of reasonable adjustments cost less than £50 and 95% cost less than £5,000.

How will it be used?

The greatest benefit of bringing in legislation is that organisations will actively seek information and advice to ensure that they are including disabled people and carers. This education process will, in itself, reduce discrimination and promote equality of opportunity.

If someone does feel that he or she has been discriminated against and this cannot be resolved internally, the first step in the process is likely to be arbitration via an existing or new statutory body. If the arbitration process is exhausted then a case might proceed to tribunal.

Extrapolating from sex discrimination cases in Guernsey, it is anticipated that there will be less than one disability discrimination tribunal case every two years.

EXAMPLE:

A shop assistant who has a mobility impairment cannot access an upstairs storeroom. The 'reasonable adjustment' would be for other members of staff to take on any task which involved using the storeroom and for the employee with the mobility impairment to take on other duties instead. If the shop management refused to make this adjustment, then the assistant could decide to take a case to arbitration and then on to tribunal, if not resolved. The case would be decided on the basis of whether the employer had acted reasonably – there could be valid reasons why duties could not be reallocated.