

Update for members on disability discrimination legislation and extension of the UK's ratification of the UN Convention to Guernsey

Disability Discrimination Legislation

The Committee for Employment and Social Security (ESSC) has made a decision to base Guernsey's disability discrimination legislation on legislation from Australian and Ireland.

The decision was reached after legal experts from the National University of Ireland Galway presented their report which compared the legislation from six jurisdictions. The GDA and other stakeholders were consulted and involved in the process.

A number of criteria were used to select the legislation models. Significant factors in favour of the selected models include the degree of compliance with the UN Convention on the Rights of Persons with Disabilities (the Convention) and ease of application to the Guernsey context.

The legal experts completed their review to a tight schedule. However, there are several further stages in the process before Guernsey will be able to benefit from this legislation, including:

- ESS to decide whether the legislation is to include more protected grounds than just disability (e.g. Religion, race, age, etc),
- Identifying and procuring the resources (money and experts) needed to complete the tailoring stage,
- The development of detailed policy proposals (GDA and other stakeholders will be involved)
- Public consultation on draft proposals
- ESS to draft Policy Letter draft which will be shared with relevant parties (including GDA reps).
- Policy Letter goes to the States Assembly for approval/amendment
- Legislation prioritised by Policy & Resources for drafting (Brexit likely to impede)
- Draft Legislation (assuming it is to be an ordinance drafted under the current Law not requiring Privy Council approval) returns to the States for approval.

Additionally, there is considerable work needed to set up the enforcement, training and guidance mechanisms which will be vital to the success of this legislation.

ESS is also aiming to have the business plan written for the Equality and Rights Organisation ahead of the legislation consultation stage.

Update by Rob Platts MBE, 6th April 2018