

Media Release

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Embargo: until Policy Letter is published on gov.gg (expected afternoon of 2nd March 2020)

States to consider policy proposals for new race, disability and carer discrimination legislation

The Committee *for* Employment & Social Security have published, after extensive consultation, proposals for new discrimination legislation. The proposals would make it unlawful for employers and service providers to discriminate on the basis of disability. It would also be unlawful to discriminate on the basis that a person is an unpaid carer of a disabled person that they live with or are closely related to. It would also be unlawful to discriminate on the basis of race.

If approved, the proposals will require legislation to be drafted and for services to be developed to manage complaints of discrimination in these areas. Guidance and training for employers and service providers on their future new responsibilities will also be needed. While a commencement date for making formal complaints has not been set, it is anticipated that this would be during 2022.

Employment and Social Security believe that, as well as fulfilling the commitment to develop these proposals in the Disability and Inclusion Strategy, this legislation would demonstrate a commitment to making real the States' vision that Guernsey should be an inclusive community where everyone has equality of opportunity.

Employment and Social Security has carried out extensive consultation with the public, businesses, the third sector and key stakeholders throughout the process, and particularly since late 2018. This included publishing a questionnaire and a set of draft proposals in the summer of 2019, which saw more than 1,000 responses, and the findings have been published.

The responses showed there are very polarised views on some core issues. The President of the Committee, Deputy Michelle Le Clerc said:

“We know that there are differences of opinion in some areas. We’ve worked extremely hard to develop a compromise solution that takes into account some of the main concerns from employers, while ensuring the legislation still delivers its objective of protecting people from discrimination. In an effort to find a consensus, we are proposing a cap on the amount an employer or service provider might have to pay in compensation and a change in the definition of disability to clearly rule out claims on the basis of short-term sickness.

We know that there will still be disagreement over the details of this legislation, but it is essential that we protect people’s fundamental rights as soon as possible. Given the extent of the consultation already carried out, further delays would simply be unfair on the people who would be protected by this legislation. If the States approve the proposals, we will commit to reviewing the operation of the legislation once it’s in place to make sure it’s working appropriately for all concerned.”

While the Committee’s original consultation included ten grounds of protection, Deputy Le Clerc announced in November 2019 that the work would be scaled back and refocused on a smaller number of grounds. This is a result of the significant additional work that has been needed to make changes in response to some of the concerns raised through the consultation process. This means that there is further work to do on proposals for protection from discrimination on the basis of age, sexual orientation and religious belief. The existing Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 will remain in force for the time being, with the intention that this will also be reviewed at a later stage and incorporated into the new legislation.

On race discrimination, Deputy Le Clerc said:

“The UN Convention on the Elimination of All Forms of Racial Discrimination was extended to Guernsey around fifty years ago. It’s a requirement of that Convention that people should be legally protected from racial discrimination. We think action is very overdue. While we regret that some of the other grounds require more policy work and have had to be delayed, we think protection from race discrimination can realistically be incorporated alongside disability and carers in the first phase of the development of a multi-ground Ordinance. We are recommending that the next Committee *for* Employment & Social Security continue what we have started and extend the legislation so that discrimination in all forms can be properly addressed. ”

The Committee’s Policy Letter is available to read at: www.gov.gg/StatesMeetings. It has been laid with the intention to hold the debate in April, as Employment & Social Security is very conscious of the mounting workload of significant policy decisions that still need to be made before the end of this political term.

Ends

Note for Editors

In November 2013 the States of Guernsey resolved as part of the Disability & Inclusion Strategy to develop detailed policy proposals “to prevent discrimination against disabled people and carers and provide for equality of opportunity”.

In June 2018 the States of Guernsey agreed to expand this work to cover multiple grounds of protection. [P.2018/45 Amdt 2](#)

Due to the quantity of feedback received during the public consultation in the summer of 2019, and in order to manage workload, the President of the Committee [announced in November 2019](#) that the proposals would be refocused on fewer grounds of protection with disability and carer status as a priority.

The summary of consultation findings published in January 2020 is available at www.gov.gg/discriminationconsultation

Deputy Le Clerc will be available for interview on Monday 2nd March at 12.45pm at Edward T Wheadon House. Please contact Rob Moore if you would like to attend.

Issued by: Rob Moore

Tel: 07781 431196

E-mail: rob.moore@gov.gg