



8. Costs of Compliance

Who will I have to make changes for to comply?

Whether you are a large organisation or a small organisation the discrimination ordinance will apply for both customers and employees.

However, changes to the physical feature of a building will not be required until at least 2027.

When will I have to make changes to comply?

Some organisations will already be content that they would be compliant with any discrimination legislation. Others may not have had much previous information about any changes and may be worried about costs.

More detailed information will be provided for all sectors of what will be required closer to the implementation of the legislation. The Committee for Employment and Social Security is already looking at developing this.

Most organisations will want to look at their policies and procedures, particularly their human resources processes, to ensure they are not discriminatory. This will take some time and will best be done as preparation before the commencement of the ordinance.

Once the draft ordinance has been passed by the States a commencement date will be given. Reasonable adjustments (for more information see the information sheet on reasonable adjustment) will then need to be made for customers, service users and employees. Any organisation will not be expected to make any physical changes to premises until at least five years after the introduction of the legislation. This means that no reasonable adjustment requiring a physical change will be required until at least 2027.

What compliance costs?

The average cost of reasonable adjustments per individual is about £388 (as at February, 2020 from USA survey see <https://askjan.org/topics/costs.cfm>). In many cases these adjustments are simple and inexpensive or free. What may seem like little changes can have a profound impact in allowing your employees to maintain productive working lives.

Who has to pay for reasonable adjustments?

In most cases, the employer or service provider should pay for the reasonable adjustments, provided it is not a disproportionate burden on them to do so.

The States recognises that the test of disproportionate burden has the potential to skew the labour market for disabled people towards larger employers with potentially greater financial resources. In order to address this potential issue, the Committee for Employment and Social Security intends to bring proposals to the States for the establishment, operation and funding of an “Access to Work Scheme” to fund adjustments that would otherwise not be provided because they would be a disproportionate burden for an employer. It is envisaged that the provision of such a scheme would result in less complaints being made in relation to failure to provide a reasonable adjustment as funding will be available for adjustments that would otherwise be too expensive.

Photo credit: Chris George

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For more information on Discrimination Legislation and FAQ's

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