

Media Release

Date: 3 May 2018

Committee *for* Employment & Social Security consider multi-ground Equality Legislation

The Committee *for* Employment & Social Security is considering asking the States to approve extending the development of disability discrimination legislation into a project to develop equality legislation covering multiple grounds of protection.

The exact grounds have yet to be confirmed but may cover discrimination on the basis of sex, gender identity or reassignment, race, religion, disability, marital status, age, sexual orientation and family status (i.e. care responsibilities).

The Committee is asking for feedback on the suggestion before deciding whether to pursue it with the States Assembly.

As part of the Disability and Inclusion Strategy, the Committee has been working with the National University of Ireland Galway to identify a model to base Guernsey’s disability discrimination legislation on. It was recently decided that the new law would be based on Australian and Irish laws. The Irish laws being considered cover multiple grounds of protection.

Deputy Michelle Le Clerc, President of the Committee *for* Employment & Social Security said:

*‘We believe that it would be both fairer and more efficient in the long run to produce one piece of legislation covering several grounds of protection at once than undertake a series of projects to introduce new grounds individually, which would extend over a number of years.*

*‘In February 2018, the States made a commitment to develop legislation to prevent age discrimination. We already have an ordinance which makes discrimination unlawful on the grounds of sex, gender reassignment, marriage and maternity leave or adoption leave in employment – consideration would need to be given as to whether to replace this or incorporate parts of it in a single new ordinance. We believe that discrimination on other grounds, such as race and sexual orientation, needs to be made unlawful, it’s just a question of when. It’s morally the right thing to do to protect people’s fundamental human right not to be discriminated against. Combining the work would allow us to develop a single consistent Equality Ordinance.*

*‘We are committed to bring back proposals on the disability discrimination legislation during this term of government, but are looking into whether it would be possible to bring back legislation covering multiple grounds within that time period, though it would take slightly longer.’*

A multi-ground equality ordinance would mean that employers could not make decisions about who to employ based on any of the protected characteristics, such as age, race, sex or disability; but would need to base decisions on factors directly relevant to whether a person was able to do the job. It would also mean that providers of goods or services could not refuse a service to a customer on the basis of any of these grounds apart from in exceptional circumstances (for example, even if there were age discrimination legislation, you would still be required to refuse to sell alcohol to people under 18).

Deputy Le Clerc said:

*‘We recognise that this could be a significant development for businesses when the law is introduced. However, we’ll ensure that we consult with the public and businesses carefully before returning proposals to the States. Whether the law covers disability only or multiple-grounds of protection, businesses would need to consider aspects of their processes, practices and procedures such as recruitment, management and customer service to ensure that they are inclusive. We know we’ll need to produce clear guidance for businesses ahead of the implementation of the ordinance.*

*‘If the ordinance does cover multiple grounds of protection, there’d be an option to bring sections of it into force in a phased way if people needed time to adapt their business processes to be compliant. We could make this decision at a later date.*

*‘We think that a multi-ground ordinance could have advantages for business too in terms of consistency of application. It would also be good for the reputation of the island internationally to be seen to be protecting people’s rights.*

*‘We would be interested in hearing from anyone who has views on whether they would support us expanding the project in this way.’*

Interested parties are invited to contact the Committee by the 25th May to express their views on broadening the scope of the project via email (employmentandsocialsecurity@gov.gg), or in writing to:

Discrimination Legislation, Policy Projects, Level 4, Edward T Wheadon House, Le Truchot, St Peter Port, Guernsey, GY1 3WH.

**Ends**

Notes to Media

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