

Update on discrimination legislation

Responsibility for developing legislation to protect people against discrimination by reason of disability was passed the Committee for Employment and Social Security in May 2016.

It took some months for the new team to understand what progress had been made previously and to come to an agreement about how the project should progress. This process was not helped by the fact that the previous responsible department no longer existed and most of the civil servants involved were no longer employed by the States.

Further time was needed to fund and appoint an officer who would take responsibility for the project. Ellen Pragnall was appointed in early 2017.

In reality, ESSC has decided to start again, virtually from scratch. A project plan has been developed and, by mid 2017, a project team had been assembled, headed by Malcolm Nutley. This team includes representatives from the GDA and the Equalities Working Group.

Although nothing can be said to have been agreed until a Policy Letter is agreed by States' resolution, it is fair to say that the new team has made significant progress on agreeing basic principles which are likely to be included in the proposals..

The Legislation Project Team has concluded that, rather than producing bespoke legislation, it should recommend that Guernsey's legislation be modelled on existing legislation from elsewhere and amended to suit Guernsey.

In the Summer of 2017, the President of ESSC, Deputy Michelle Le Clerc, announced that the Committee was considering widening the scope of the legislation so that islanders might be protected by a single ordinance on other grounds, such as age, race and religion. Previously, it had been assumed that such grounds would be protected, over time, by individual ordinance.

The GDA believes there is general support for this approach, but some members are nervous that this should not further delay protection from disability based discrimination. The GDA believes ESSC are aware of and share the concerns about the possibility of further delays and are taking this into account as plans develop.

ESSC identified six possible jurisdictions upon which to base Guernsey's legislation and have decided to employ experts in the field to help decide which of these jurisdictions to finally select as the chosen model.

The GDA was closely consulted within the process to select the six possible models for study and also was invited to suggest experts who might be invited to tender for the work.

ESSC have recently advised that a good response to the tender process has been received and that a decision will be made shortly.

Michelle Le Clerc, within her statement in the summer, affirmed her personal commitment to having the legislation in place by the end of this political term.