

GDA comment on the publication of the proposed policies for Guernsey's discrimination legislation

8th July 2019

The Committee *for* Employment and Social Security (ESS) has published draft policy proposals and launched a public consultation on the development of Guernsey's multi ground discrimination legislation. The Guernsey Disability Alliance (GDA) welcomes this momentous step towards ensuring islanders can exercise and protect their rights to equality of opportunity and freedom from discrimination.

The GDA's 40+ member groups and its individual members have not yet had the opportunity to study the proposals in detail; however, the representatives of the GDA committee who have been closely involved in the project from the start are satisfied with the overall approach. Basing the proposals on existing legislation minimises the danger of unintended consequences that might have arisen from untested home-grown legislation. The GDA is reassured by the commitment to ensuring that our legislation will conform to international standards and especially that it will comply with the UN Convention on the Rights of Persons with Disabilities [the Convention].

In 2013, the States of Guernsey promised to seek extension of the UK's ratification of the Convention to Guernsey "*at the earliest appropriate opportunity*". This promise is the most fundamental and important of all the commitments made within the Disability and Inclusion Strategy. Having discrimination legislation in place is a pre-requisite for extending the Convention to Guernsey. Extension is more than symbolically important; it assures disabled people and carers that progressive realisation of the Convention will be independently monitored and internationally reported.

Dr Rob Harnish, the GDA's representative on the Disability and Inclusion Strategy Program Board, said:

“Although there are a few individual policies that we hope will be modified as a result of the consultation process, we believe that the draft proposals generally achieve that tricky objective of proportionality; they are clear and simple enough to be understood yet sufficiently detailed to be effective.

We particularly value the emphasis on using informal resolution and education to, as required by the Convention, “combat stereotyping, prejudice and harmful practices” . In a community of our size, this approach is surely the most effective and least adversarial not only to try to stop discrimination from happening in the first place but also to deal with any issues that do arise. I believe this approach will be welcomed by students and teachers, employees and employers, as well as the users and providers of goods and services – indeed, everyone of good will.

The realisation and protection of rights is a fundamental duty of government; however, we remain deeply concerned that the States' commitment, “in principle”, to establishing an independent equality and rights organisation (ERO), which we see as vital to the States fulfilling this duty and to delivery of the education and informal complaint resolution process, has yet to bear fruit. Outside the ESS, it sometimes seems that there is insufficient political understanding of the nature and purpose of the ERO to foster the level of support it deserves. We hope this situation will change when the ERO business plan is made available.

There is an awakening in Guernsey about the importance and relevance of Human Rights to the island. It is the result of decades of voluntary work from a handful of committed volunteers and not for profit organisations to whom we all owe an enormous debt of gratitude. The fact that over 200 people attended the recent Equality conference reflects a broad desire to move forward. Now is the time for government to step up and take the lead.”

The GDA encourages all Islanders to take part in the consultation process, and in particular encourages trade bodies, professional organisations and trade unions to get involved, to consult with their members, and to voice their opinions on the establishment of an independent ERO responsible for the promotion, protection and monitoring of rights.

For further information, please contact the GDA on 07911 718339 or by email socialpolicy@gda.org.gg

Notes

The GDA will host meetings for its members with ESS in September after everyone has had the chance to digest the proposals.

- Friday 6th September 12-2pm Les Cotils – for Member groups and charities
- Tuesday 17th September 7-9pm Les Cotils – for all members

The details for the public meeting run by ESS are:

- Monday 15 July, 19:30-21:00
- Location: Princess Royal Centre for the Performing Arts

The link to all the States of Guernsey resources on the consultation goes live on 9th July www.gov.gg/discriminationconsultation

More information on GDA Guernsey Disability Alliance LBG

The Guernsey Disability Alliance was formed in 2008 and is a collective voice for individual disabled islanders, their family members, carers and more than 40 [member-charities](#).

Our mission is equality of opportunity for disabled islanders and carers in Guernsey. We want to change how Guernsey thinks about disability.

- We work for greater respect for the rights and dignity of disabled islanders and carers.
- We influence policy and practical change in a manner consistent with the UN Convention on the Rights of Persons with Disabilities.
- We engage and empower our members so that their voices are heard

Website: www.disabilityalliance.org.gg

Guernsey Disability Alliance

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