

Change is Coming

Hopefully you have heard the exciting news that the proposals for anti-discrimination legislation were passed unanimously by the States, but what does this mean for you? Here are some key points:



Change is coming,but it is not here yet! The States still needs to prioritise the legislation and then the Law Officers, need to write it. The legislation is an Ordinance which means it does not need to go to the Queen in the Privy Council but still means it needs to be approved by the States. 6 months after the States approve the Ordinance you will be able to bring a complaint. However, it won't be until at least a further 5 years after the Ordinance is approved that physical features will need to be changed as part of a reasonable adjustment request.



The States agreed to cover all the grounds for discrimination quicker. They have made what would have been 3 phases into 2. Sexual orientation and religion are now going to join disability, carer status and race as grounds in the first phase. This should not delay things.



Discrimination complaints in the field of education may not be able to be made at the same time as other complaints The timing will be dependent on when the legislation being proposed by the Committee for Education, Sport & Culture is available and what it says. The States is trying to make sure that the two pieces of new legislation, the discrimination Ordinance and the new Education legislation, join up properly so there are no gaps and so that it is clear how you are protected and who you need to complain to if you have a problem. We will be keeping an eye on this to make sure everything is covered, as soon as possible.



Although we were disappointed that a full Equality Rights Organisation (ERO) was not proposed, the States will be setting up an Employment and Equal Opportunities Service (EEOS) and will be extending the role of the Employment and Discrimination Tribunal. The EEOS will help provide information and raise awareness of the new legislation and offer pre-complaint conciliation. The Tribunal will be the body which decides on any complaints. It will not cost anything to bring a complaint under the Tribunal which in future will have someone who is legally trained as its chair. It will also be moving to new premises.



The States have voted additional money for the introduction of the legislation and to make it work in the future. We had hoped that they would vote more money to help promote the rights of people and help to change culture by raising awareness and particularly helping small businesses to understand what they would need to do. Unfortunately, the States did not vote for this additional money, so we know that only the bare minimum has been provided. This will mean that we will all have to play our part in helping with the changes.