

Amendment 8 seeks to remedy an issue that doesn't exist. Here are ten reasons not to support it.

1. The same principles of reasonable adjustment and in-built safeguards against disproportionate burden, already included in the Ordinance, have been successfully used for decades by scores of jurisdictions around the world and will protect all Guernsey businesses, large or small, from undue burden and unnecessary cost.
2. Most reasonable adjustments are procedural and do not involve capital expenditure. Those that do involve an expenditure, cost on average a couple of hundred pounds. If any employer cannot reasonably afford to make an adjustment, then they may legitimately decline to make it.
3. If the States accepted amendment 8, this would mean 65% of Guernsey businesses would have a green light not to even have to consider reasonable adjustments for an employee with disabilities. This would contravene international standards and would be disastrous for persons with disabilities and for Guernsey's international reputation.
4. As currently drafted, employers will be able to choose whether or not to make adjustments for an employee who is a carer to enable them to work and to perform their carer duties. The Ordinance ensures that if adjustments are made to assist carers, then the employer will not face accusations of positive discrimination.
5. The amendment's effect of exempting all employers with 5 or fewer employees from the duties that would otherwise flow from the ground of carer status is a green light for 65% of Guernsey's employers to discriminate against Guernsey's 6,000 carers.
6. The idea of limiting the size of business or organisation affected by discrimination legislation was tried in the 1990s in the UK and the USA and was soon abandoned on the grounds the policy is discriminatory and unnecessary.
7. As drafted, the legislation will ensure persons with disabilities and carers will have a fair chance at gaining and remaining in employment. This is particularly important given Guernsey's changing demographics. Amendment 8 would scupper any chance of equality of opportunity and of maximising Guernsey's resources.
8. Amendment 8 runs roughshod over the promises made by successive States to protect islanders from discrimination on the grounds of disability and carer status and makes a mockery of the extensive consultation process that informed the Ordinance's development.
9. Business groups have signalled that they support the legislation as currently drafted.
10. The amendment does not meet the standards required by the Convention on the Rights of Persons with Disabilities, which the States have previously committed to realising.