



7. Proportionality

Are the proposals for Guernsey proportionate?

Yes. The principles behind discrimination legislation are complex, but we should not equate or confuse complex principles with complex legislation.

Detailed proposals were needed and the law officers have translated these principles into concise, easy to read, and effective legislation for Guernsey.

What is proportionate?

There are various ways of looking at this, but perhaps the most pragmatic would be to look at what is the minimum required to reasonably prevent discrimination (which is the main purpose of our enabling law) and to allow all islanders to exercise their existing rights to challenge and remedy discrimination if it does occur.

Additionally, it would be a mistake not to meet the minimum standards needed to comply with the various international conventions to which Guernsey is committed. These standards are universal and are not changed by size of jurisdiction

What international conventions have influenced the legislation?

International Conventions dictate the fields that the legislation should have effect in (employment, access to goods and services, etc) and the forms of discrimination that are to be illegal. The agreed policies go no further than meeting Guernsey's obligations under these standards.

The developers of the proposals were guided by specific issues within Guernsey that have been flagged by previous States Assemblies (e.g., disability, carers, ageing population, etc).

The minimum grounds Guernsey should be protecting are also influenced by the Conventions to which we are already committed. These Conventions deal with, for example, race, disability, discrimination against women, and the rights of the child.

Were the final proposals welcomed?

The final proposals for phase one of the discrimination ordinance were praised by Policy and Resources, accepted by business groups and other stakeholders, and were unanimously approved by the States in July 2020.

Extensive consultations have taken place, over many years, in reaching the final draft of the Prevention of Discrimination (Guernsey) Ordinance, 2022.

The GDA was delighted that the States approved the Employment and Social Security Proposals and look forward to the draft legislation being approved by the States in September 2022.

For more information go to the GDA website.

www.disabilityalliance.org.gg/campaigns/discrimination-legislation/

The draft Prevention of Discrimination Ordinance (Guernsey) 2022 can be found on the States of Guernsey website

www.gov.gg/article/190813/The-Prevention-of-Discrimination-Guernsey-Ordinance-2022

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For more information on Discrimination Legislation and FAQ's

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