



8. Costs of compliance

What will I have to do to comply?

The draft Ordinance introduces a prohibition on discrimination which will apply to employers, those who provide goods and services, schools and education providers, clubs and associations and accommodation providers.

The draft Ordinance also introduces a positive duty on those organisations to make reasonable adjustments for persons with disabilities who are employed or use the services they provide.

The Ordinance will apply whether you are a large or a small organisation.

When will I have to make changes to comply?

The majority of the legislation will come into force on 1st October 2023. However, where a reasonable adjustment relates to a physical feature this will not be required until 1st October 2028.

How can I prepare for the changes?

Most organisations will want to look at their policies and procedures, particularly their human resources processes, to ensure they are not discriminatory. This will take some time and will best be done as preparation before the 1st October 2023.

A guidance document will be available before 1st October. Information and advice will be available on compliance on an ongoing basis from the Employment and Equal Opportunities Service (EEOS). The EEOS will also offer free pre-complaint conciliation to try to help people to resolve issues before a formal complaint is registered.

To have a better understanding of what will be required to comply with the legislation there are a number of free courses being offered by the Consortium between now and the 1st October 2023. For more information and to book go to www.consortium.gg/training

A duty on a school or education provider, shall not come into force before 1st September 2025

What compliance costs?

The average cost of reasonable adjustments per individual is about £388 (as at February, 2020 from USA survey see www.askjan.org/topics/costs.cfm). In many

cases these adjustments are simple and inexpensive or free. What may seem like little changes can have a profound impact in allowing your employees to maintain productive working lives.

Who has to pay for reasonable adjustments?

In most cases, the employer or service provider should pay for the reasonable adjustments, provided it is not a disproportionate burden on them to do so. This might depend on the financial cost, other costs such as staff time, impact of productivity, disruption involved or the size and financial resources of the employer.

The States recognises that the test of disproportionate burden has the potential to skew the labour market for persons with disabilities towards larger employers with potentially greater financial resources. In order to address this potential issue, the Committee for Employment and Social Security intends to bring proposals to the States for the establishment, operation and funding of an “Access to Work Scheme” to fund adjustments that would otherwise not be provided because they would be a disproportionate burden for an employer.

See information sheet 5 on reasonable adjustment.

Photo credit: Chris George

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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

For more information on Discrimination Legislation and FAQ's

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