

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

5th June, 2018

Proposition No. P.2018/45

Policy & Resources Committee

The Policy & Resources Plan (2017 Review and 2018 Update)

AMENDMENT

Proposed by: Deputy M K Le Clerc

Seconded by: Deputy S L Langlois

1. After proposition 3, to insert the following proposition:
 - “4. To agree that the Committee *for* Employment & Social Security should expand its existing programme of work to develop detailed policy proposals for disability discrimination legislation (agreed as part of the Disability & Inclusion Strategy – see Article 9 of Billet d’État XXII, 2013) into a project that develops proposals for multiple-grounds of protection against discrimination, including disability and, for the purposes of that project –
 - a) to substitute, for the policy objective heading “Disability and inclusion policy” (approved by the States on 8 November 2017 - see paragraph 4.32 of Article 1 of Billet d’État XX, 2017) and referenced at paragraph 3.16 of this report), the heading “Disability, Equality and Inclusion”;
 - b) to approve, in principle, the enactment of legislation under the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004 for the purpose of preventing discrimination on multiple grounds (to be determined), and promoting equality of status, opportunity and treatment, and the equal enjoyment of rights and freedoms;
 - c) to note that the Committee *for* Employment & Social Security will investigate, and make recommendations as to, the inclusion within the legislation of the following grounds of

protection, in addition to disability - age; race (including colour, nationality, national or ethnic origins); sex (including pregnancy, maternity and intersex status); sexual orientation; civil (or 'marital') status; gender identity or gender reassignment; family status or family responsibilities (including caring responsibilities); and religion (including lack of religious belief and philosophical belief);

d) to note that the legislation will be based, where appropriate, on relevant provisions of the Irish Employment Equality Acts 1998-2015, the Irish Equal Status Acts 2000-2015, and the Australian Disability Discrimination Act 1992; and

e) to direct the Committee *for* Employment & Social Security, subject to the allocation of the necessary additional resources, to revert to the States by April 2020 with detailed policy proposals in respect of the legislation referred to above, following consultation with other States Committees, representatives of the business sector and the public.

Explanatory note

This Amendment seeks States endorsement for the Committee *for* Employment & Social Security ("the Committee") to expand the scope of the existing programme of work to develop detailed policy proposals for disability discrimination legislation (agreed as part of the Disability & Inclusion Strategy, Billet d'État XXII, 2013) into a project that develops proposals in respect of multiple-grounds of protection, including disability.

The Committee believes this would fulfil other States resolutions faster, for example the resolution to develop proposals around age discrimination, agreed by the States as part of Longer Working Lives (Billet d'État V, 2018), and would better meet Guernsey's obligations under international conventions (e.g. the UN Convention on the Elimination of All Forms of Racial Discrimination). It would also be cost-effective in the long-run compared to developing a series of projects for each ground of protection.

Following comparative legal work undertaken with consultants earlier this year, it was decided by the Committee to develop proposals on the assumption that Guernsey's disability discrimination legislation would be modelled on the Irish Employment Equality Acts 1998-2015, the Irish Equal Status Acts 2000-2015, and the Australian Disability Discrimination Act 1992. The Irish laws which would be used as models already contain multiple-grounds of protection and can provide a starting point from which to refine proposals.

The Committee is aware that there is strong public pressure, in particular from disabled people and carers, for the introduction of legislation outlawing discrimination on the grounds of disability or caring responsibilities. The Committee is, therefore, determined to bring proposals to the States within this term of government. Should it not be feasible for any reason, including resourcing, to deliver proposals for multi-ground non-discrimination legislation during this political term, the Committee intends to revert to returning proposals for disability discrimination legislation to the States this political term with a view to adding other grounds of protection at the earliest opportunity.

In order to complete the policy development work for the wider scope project within this term of government, one additional temporary member of staff will be required for approximately 18 months at an estimated maximum cost of £85,000. In addition, indications are that consultancy services will cost in the order of £5,000 to £10,000 more for the multi-ground project than those required in respect of disability discrimination only. The Committee for Employment & Social Security is able to reprioritise its existing budget in order to fund the consultancy expenditure. In respect of the staff resource, the Policy & Resources Committee has advised that *“If additional resources are required to progress a prioritised policy objective then they would normally be considered as part of the overall allocation of resources within the annual budget process. However, as the Committee for Employment & Social Security has advised that work needs to commence shortly in order to revert to the States with detailed policy proposals by April 2020, the Policy & Resources Committee has agreed that it can make available funding from within its own 2018 budget to enable this piece of policy development. However, in respect of 2019 onwards, deployment of policy resource to this policy objective would be subject to the same prioritisation and allocation process as the other policy objectives.”*