



The Presiding Officer
The Royal Court
St Peter Port
GUERNSEY
GY1 2PB

14th July, 2020

Dear Sir

Letter of Comment – P.2020/41 – Proposals for a new Discrimination Ordinance

The Policy & Resources Committee fully supports all the Propositions in the well-balanced package of carefully considered policy proposals, developed in lengthy and meaningful consultation with the whole community.

The policy development behind these proposals obviously pre-dates the current pressures on the economy and public finances, and is rooted in the significant community demand for multi-ground discrimination legislation.

Balancing the need to protect those facing discrimination in the community while ensuring any proposals are proportionate and pragmatic has been an extra-ordinarily difficult challenge. The Committee has been regularly consulted by the Committee *for* Employment & Social Security and commends it for its engagement and willingness to flex in order to accommodate concerns expressed by some interested parties.

Eight Amendments have now been lodged by Members of the Assembly.

The Policy & Resources Committee is of the view that the Committee *for* Employment & Social Security has already made considerable changes to its proposals responding to, and balancing, the concerns and desires of stakeholders, with evident pragmatism and proportionality in the proposals coming before the Assembly.

The pragmatism and proportionality achieved by the Committee *for* Employment & Social Security would now be disturbed by a number of these Amendments, if successful, notwithstanding that the Policy & Resources Committee has empathy for some of the objectives being sought. These proposals have been a long time coming and in part this Assembly must accept responsibility because it changed the direction of travel of the policy work by Amendment to the Policy & Resource Plan to develop multi-grounds discrimination legislation. Admirable, but challenging, and the proposals now before the

Assembly are again reduced as a consequence, but importantly represent significant first steps. The Policy & Resources Committee is concerned not to over burden government and the community with implementation and delivery, given there are clear milestones for further expansion of grounds, which are well mapped out in the policy letter and manageable from a resource perspective.

The most significant impact of those Amendments seeking to amend the phasing may be felt by an economy that has been supported by tax-payers and is taking tentative steps recovering from the COVID-19 outbreak. That same business community has recently given its support to the proposals, which is yet another further positive shift and important reason not to now amend the proposals.

Amendment 4 requires a practical approach on gender-neutral language which the Committee can support and is already established by St James' Chambers but it also notes that a similar Amendment has been laid to legislation before the Assembly at the same States Meeting. Directing limited resource to revisit work in this manner is not sensible when it provides no change to protections in Law. Retrospective change cannot be a priority, and the Committee will demonstrate this pragmatic approach in its voting. It will support Amendment 4 to these proposals but will not support amending legislation in the course of being laid before the Assembly which for reasons of good practice would require that same legislation being considered a further time by the Legislation Review Panel and the Assembly.

The Policy & Resources Committee also supports Amendment 6. It has a strong track record for inclusion and modernising legislation having successfully led on changes to both the Marriage Law and the Matrimonial Causes Law. Notwithstanding that the Amendment is unachievable in the timeframe desired by the proposers as it is a complex legal matter centred on the rights of the child, the Committee will support formally reviewing the birth registration process and the numerous pieces of interdependent legislation.

In summary the Committee supports the original proposals and strongly advises the Assembly to consider very carefully the unintended consequences for resourcing the recovery actions plans; the pace and success of the recovery of the economy; and the future funding of government services that rely upon it, if they decide to support Amendments that change the balanced proposals before them.

Yours faithfully



Deputy G A St Pier
President
Policy & Resources Committee