

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

16th July, 2020

Proposition No. P.2020/41

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

PROPOSALS FOR A NEW DISCRIMINATION ORDINANCE

AMENDMENT

Proposed by: Deputy M K Le Clerc

Seconded by: Deputy P J Roffey

1. That the whole of proposition 3, as amended (i.e. to include all of 3, 3A (from Amendment 2), 3A (from Amendment 9) and 3B), shall be replaced by the following:

“3. (i) To direct the Committee *for* Employment & Social Security to bring detailed policy proposals to expand the grounds covered in the Ordinance referred to in Proposition 1 to the States for consideration, in accordance with the following timeline:

Completion of Phase 1

- **2021 – Training Stage:** Provision of training and information, etc, in respect of Phase 1 as approved by the States.
- **2022 – Implementation Stage:** Enactment of legislation in respect of Phase 1.

Delivery of Phase 2

- **2023 – Phase 2 policy letter:** Protection on the ground of age. Modernisation of the existing Sex Discrimination Ordinance. Equal pay for work of equal value. Consideration of multiple and intersectional discrimination. Protection on the grounds of religious belief and/or sexual orientation, if not incorporated in Phase 1 (by virtue of Propositions 1A or 1B).
- **2024 – Training and implementation:** Ordinance including Phase 2 grounds brought to the States for approval and implemented (with

six-month lead-in period as in Phase 1). Training on new grounds of protection rolled out.

Specific Lead-In Periods

- **2026 – Discrimination in Education:** In accordance with Table 8.6.1 of the policy letter, provisions relating to discrimination in education come into effect no later than 2026.
- **2027 – Accessibility and Equal Pay:** In accordance with Table 8.6.1 of the policy letter, the final provisions of the Ordinance (relating to public sector accessibility action plans; complaints in respect of changes to physical features; and implementation of equal pay for work of equal value) come into effect.

Evaluation

- **2029 – Post-Implementation Review:** To take place no more than two years after all provisions of the Ordinance are in force. May take place sooner if required.

(ii) To direct the Policy & Resources Committee to ensure that the Committee *for* Employment & Social Security is provided with sufficient resource, through its annual budgets and/or through the provision of shared States' resources, to deliver the remaining policy and drafting work within the timeframe set out in Proposition 3.

Or, should Proposition 3. not be carried,

- 3A. (i) To direct the Committee *for* Employment & Social Security to bring detailed policy proposals to expand the grounds covered in the Ordinance referred to in Proposition 1 to the States for consideration. This should be in **three Phases**, in accordance with the proposals and timeline set out as follows:

Implementation of phase 1

- **2021 – Training stage:** Provision of training and information, etc, in respect of phase 1, as approved by the States.
- **2022 – Implementation of phase 1:** Enactment of Ordinance in respect of phase 1.

Phase 2

- **2023 – Phase 2 policy letter returns to the States:** Setting out policy proposals in respect of the grounds of age and, if not in phase 1, religious belief. Also including consideration of multiple and intersectional discrimination.

- **2024 – Implementation of phase 2:** Amendment Ordinance, adding phase 2 grounds of protection to the new Discrimination Ordinance, to be brought to the States for approval and to enter into force.

Phase 3

- **2025 – Phase 3 policy letter returns to the States:** Setting out policy proposals in respect of sexual orientation (if not in phase 1) and the grounds covered in the existing Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 (i.e. sex, marital status, gender reassignment, and pregnancy and maternity (with any appropriate updates in the framing of those grounds)). Also including proposals to introduce a legal right (from 2027) to equal pay for men and women workers for work of equal value.
- **2026 – Implementation of phase 3 (excluding equal pay for work of equal value):** Amendment Ordinance, adding Phase 3 grounds of protection to the new Discrimination Ordinance, to be brought to the States for approval and to enter into force.

Entry into force in respect of some provisions

- **2026 – Discrimination in education:** Provisions relating to discrimination in education to come into force no later than 2026.
- **2027 – Accessibility action plans, complaints relating to a “physical feature” of a building and equal pay for work of equal value:** The final provisions of the Ordinance relating to (i) the requirement for public sector goods, services and education providers to prepare accessibility action plans in relation to the public-facing aspects of their services; (ii) the ability to bring discrimination complaints relating to a “physical feature” of a building, and (iii) the introduction of the right to equal pay for men and women workers for work of equal value come into effect.

Review

- **2029 – Post-implementation review:** To take place no later than two years after all provisions of the Ordinance are in force. May take place sooner if required.
- (ii) To direct the Policy & Resources Committee to ensure that the Committee *for* Employment & Social Security is provided with sufficient resources, through its annual budgets and/or through the provision of shared States’ resources, to deliver the remaining policy and drafting work within the timeframe set out in this Proposition.”

2. In Proposition 4 to delete the words: “Proposition 3A or 3B” and replace with “Proposition 3 or 3A”.

EXPLANATORY NOTE

Deputy Parkinson’s amendment 2 inserted a new proposition 3 and 3A in the final propositions in place of proposition 3. Deputy Langlois’ amendment 9 had also inserted a proposition 3A and 3B in place of proposition 3 (but we are advised that it was not overridden by Deputy Parkinson’s amendment as that only replaced proposition 3). This amendment seeks to clarify the final proposition 3, so that votes are only taken on a three phase approach if the two phase approach is lost. Whether or not to include sexual orientation and religious belief in phase 1 is covered by propositions 1A and 1B and if they are not included in phase 1 they will either be included in phase 2 under the new proposition 3 or under the Committee’s original timeline in the new proposition 3A.

Proposition 4 originally referred to “phase 3”. Deputy Langlois’ amendment 9 changed this to “in accordance with the timetable set out in proposition 3A or 3B (as the case may be)”. Now that both amendments 9 and 2 have been carried by the States, this is no longer coherent in the final propositions, so this part of the amendment is technical seeking to tidy up the final propositions.