



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 4th November 2021

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Present:

R. J. McMahon, Esq., Bailiff and Presiding Officer

Law Officers

R. M. Titterington, Q.C. (H.M. Comptroller)

People's Deputies

S. E. Aldwell	M. P. Leadbeater
C. P. A Blin	D. J. Mahoney
A. H. Brouard	A. D. S. Matthews
Y. Burford	L. J. McKenna
T. L. Bury	C. P. Meerveld
A. Cameron	N. G. Moakes
D. de G. de Lisle	R. C. Murray
J. F. Dyke	C. N. K. Parkinson
S. P. Fairclough	R. G. Prow
S. J. Falla	L. C. Queripel
P. T. R. Ferbrache	P. J. Roffey
A. Gabriel	H. J. R. Soulsby
J. A. B. Gollop	A. W. Taylor
S. P. Haskins	L. S. Trott
M. A. J. Helyar	S. P. J. Vermeulen
N. R. Inder	
A. Kazantseva-Miller	

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and E. A. J. Snowdon

The Clerk to the States of Deliberation

C. Foster (H.M. Deputy Greffier)

Absent at the Evocation

Deputy de Sausmarez (*relevée à 9h 33*); Deputy Dudley-Owen (*relevée à 10h 39*);

Deputy St Pier (*absent de l'île*); Deputy Le Tocq (*absent de l'île*);

Deputy Oliver (*absente*)

Business transacted

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

Billet d'État XX

EMPLOYMENT & SOCIAL SECURITY COMMITTEE

14. Discrimination Ordinance: Grounds of i) Religion or Belief and ii) Sexual Orientation – Debate continued – Propositions 2 and 3 carried

Article 14.

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "Discrimination Ordinance: Grounds of i) Religion or Belief and ii) Sexual Orientation" dated 13th September, 2021, they are of the opinion:-

1. To agree that the ground of 'religion or belief' should replace the ground of 'religious belief' in phase one of the new Discrimination Ordinance (the drafting of which was agreed by the States on 17th July 2020) and that the definition of this ground should be based on the UK definition of 'religion or belief' with the addition of the five tests from Grainger plc v Nicholson (2010), as set out in paragraph 4.1, and the exclusion of single issue or political beliefs.

2. Subject to exception number 48, to agree the exceptions to the Discrimination Ordinance as explained in section 4 and set out in Appendix 2.

3. To agree that exception number 48 with respect to senior leadership positions in religious/faith schools should apply for a period of five years from the date of the Discrimination Ordinance coming into force.

5

The Deputy Greffier: Article 14, the Committee for Employment & Social Security, Discrimination Ordinance: Grounds of i) Religion or Belief and ii) Sexual Orientation, continuation of the debate.

10

The Bailiff: Deputy de Sausmarez, you appeared during the course of the roll call. Is it your wish to be relevée?

Deputy de Sausmarez: Yes please, sir.

15

The Bailiff: Thank you very much.

So, continuation of general debate. Anyone wishing to speak? Deputy Murray.

Deputy Murray: Thank you, sir.

20 I would just like to clarify because I think there has been quite a lot of legal talk about what is and what is not being voted on here at this point in time and I suspect I am not alone in wondering whether in fact we do understand where we have got to in this debate. I think part of that is because what probably some of us, those who are new to the Assembly, are probably not aware of what has gone before and what is already in play. And so what we have in front of us today is an element of that, it is not the whole thing.

25 So consequently, what I believe my understanding is that we are debating today Proposition 1, a change from what is already in play which is really just belief to a religion or belief. That aside, the exceptions, for example, that are detailed in Appendix 1 are already in play and being drafted and Appendix 2 are variations on one or two of those which were amended by my own amendment yesterday, and Appendix 3 which was removed is now replaced by the Burford/Ferbrache amendment. So we have actually ended up with three amendments at this point in time as opposed to the original three. We have one as stood, we have two as amended by myself and we have a new three which is actually that amendment. Is that the correct situation?

35 **The Bailiff:** As I understand it, Deputy Murray, we have three Propositions and each of them will fall to be voted on (**Deputy Murray:** Yes.) and the source of those three Propositions is as you have just described them.

Deputy Murray: Thank you.

40 So if we were to vote for 2 and 3, we would sustain the amended exceptions as they stand at this point in time and have the new Proposition as proposed by Deputy Burford and Deputy Ferbrache?

The Bailiff: Yes.

45 **Deputy Murray:** Thank you.

The Bailiff: Deputy Bury.

Deputy Bury: Thank you, sir.

50 The beginning of my speech addresses some of what Deputy Murray just raised so probably a good time to table that. I too thought there was probably a little bit of misunderstanding, although I think that Deputy Ferbrache did a fairly good job of laying it out clearly yesterday.

55 In terms of the policy paper, and in particular Proposition 2 as now amended, meets the obligation of the ESS Committee as directed by an extant Resolution to return to the States with exceptions for the grounds of religion and sexual orientation which were added to the anti-discrimination legislation by the Parkinson amendment.

60 These exceptions, as in amended Proposition 2, do exactly what many Members have purported to be supportive of during the earlier debate on the Murray/Haskins amendment. They support the anti-discrimination legislation to be in place but be applied in a real world, practical manner. Of course, we have had some disagreement on what those exceptions should or should not be, but ESS now have a direction from the States of how to carry this forward and will do so. To vote against the Propositions entirely results in the grounds of religion and sexual orientation to still be included in the legislation but without any of those real world practical applications being afforded for, entirely going against what many Members have said is their goal.

65 If I were to believe that this was the only issue at play, then this would be where I would stop in this speech, but sadly I do not think that that is the case. It is clear that some Members genuinely do support the anti-discrimination legislation, despite their disagreement with the specifics of some

of the exceptions, and that is very heartening to know. However, it is also very clear that some Members disagree with the notion entirely and have been very open that their vote today, if against the whole paper, would be actually against the entire legislation regardless of the technicalities of what we are voting on at this time.

For those who are minded to try to throw the whole thing out, often using money and financial matters as their primary concern, then I say to them through you, sir, that they should have addressed this as part of the GWP if that was always their intention. Since such time that the GWP was agreed by the majority of this Assembly, much work has continued on Phase 1 of the drafting and implementation of the legislation, including legal officers' drafting time, policy officer time and resource to create this policy letter, not to mention all of the time we are just taking to debate it. There has also been the tendering process for business training, and the recruitment process of the tribunal panel which this Assembly voted on unanimously barely weeks ago.

If allowing all of that work to continue without attempting to halt it with an amendment to the GWP in the knowledge that one would be looking to ultimately derail it is not a waste of taxpayers' money, I do not know what is.

Thank you, sir.

The Bailiff: Deputy Moakes.

Deputy Moakes: Thank you, sir.

First of all I want to make it clear that I, like everyone else in this Chamber, am against any form of discrimination. However, I have become increasingly concerned with the Committee for Employment & Social Security's approach to putting this new legislation in place.

Firstly, we have seen no research showing what types of discrimination exist and how much of a problem there is in Guernsey. I do not doubt –

Deputy Roffey: Point of correction, sir.

The Bailiff: Point of correction, Deputy Roffey.

Deputy Roffey: All of that information was included in the policy letter of July 2020 which led to the drafting instructions for this legislation.

The Bailiff: Deputy Moakes to continue.

Deputy Moakes: Thank you, Deputy Roffey.

Secondly, we have not seen very much of an impact assessment showing how businesses will need to change or how much this legislation will cost them. In fact, this is not the first time that the Committee has put forward legislation with little or no evidence to support it. The Committee for Employment & Social Security could have adopted Jersey's anti-discrimination law which is based on English law. Many companies in Guernsey have offices in Jersey, so this would have been a more pragmatic and sensible approach to take. (**Two Members:** Hear, hear.)

That did not happen; instead, the Committee decided to copy and paste bits of legislation from different jurisdictions, creating a mess. I heard members of the Committee respond by saying that the legislation now looks very similar to the legislation already in place in Jersey. Why, then, was the Jersey legislation not adopted for Guernsey? One member of the Committee for Employment & Social Security told me that it was because they wanted to be more radical. Since when was Guernsey radical? (**A Member:** Hear, hear.)

Another concern that I have is the Committee's attitude to anyone that holds a different view. For example, the Committee appears to have ignored not only P&R but also our Law Officers, who have said that the proposals relating to the Island's Catholic schools were likely to be unlawful under human rights legislation. I think that the Committee countered this by saying that it did not get

120 advice from the Law Officers, I could be wrong. But I am not sure which is worse; ignoring advice or not asking for it.

So whilst an amendment was passed in relation to the Catholic schools, we still do not know whether the proposed legislation is proportionate because of the lack of data, and we learnt yesterday about the unintended consequences of the proposed legislation, a potential litigation
125 nightmare. I very much hope that the Committee for Employment & Social Security considers very carefully how it responds to the feedback that it has received over the last few days. Every single person in this Chamber wants to see good anti-discrimination legislation that is both proportionate and lawful. What people are against is putting ideology ahead of sensible and practical solutions.
(A Member: Hear, hear.)

130 So whilst I would prefer that we had based our legislation on existing Jersey regulation, I will vote for Propositions 2 and 3, but not 1.

Thank you.

The Bailiff: Deputy Burford.

135 **Deputy Burford:** Thank you, sir.

After abstaining on the Catholic senior teachers' debate because, although I agree in principle with the Committee's arguments, in practise I do not think it is worth dying in a ditch over, and after bringing two amendments to the Committee's policy letter yesterday, I am pleased today to be able
140 to get behind the Committee in supporting Proposition 1.

If we are going to have a ground of religious belief then we should have a ground of secular belief, it needs to be both or neither. One can argue it is discriminatory against non-religious people not to include non-religious belief. Of course, not any old secular or philosophical belief, but weighty important beliefs. Deputy Helyar yesterday cited some examples of why he believes we
145 should not include belief and there will always be the odd tabloid, headline, case often sensationalised and misinterpreted, but I suggest that even in those cases, it is important to read the full judgment before coming to a conclusion.

I read the *Jackson v Lidl* judgment and two things leapt out at me. Firstly, the judge siding with the claimant said there is no right not to be offended and I think many Members in this Assembly
150 would agree with that and want to support it. And secondly, but importantly, he pointed out that the right not to be offended does not extend to freedom to harass others as the Law contains a remedy for that. So it would be a mistake to think that the claimant in this case or others like him had been given free rein to do just that.

Deputy Helyar also cited the *Meyer v Forstater* case. Meyer lost her job at an international development think-tank for saying that being male and identifying as a woman is not the same thing as being female. She won an appeal using the belief part of the religion and belief protected characteristic enshrined in the UK Equality Act 2010. Without that Law, she would have had no remedy. Is that right? I have discussed this case with Deputy Helyar, and he commented that it is
155 ridiculous that one should have to have a Law to stop people from losing their jobs for not believing that people can change sex and I agree with him that it is ridiculous, but she did lose her job because of that and so have others for the same reason and while that is where society is, I for one want to ensure that there is legal remedy.

Of course, the Forstater judgment on appeal should make employers think more carefully about this matter and prevent such egregious dismissals and thought policing as occurred in this case. So
165 sir, I ask Members to please get behind Proposition 1. If you vote against it, the ground will remain as religion only and I think that is unreasonable.

On the issue of whether the five Grainger test should be included in the wording of the definition, I am agnostic, to continue the religious theme. I think they are important but I also think it is sufficient for them to sit outside of the definition as case law as they do in the UK. If one reads the
170 draft legislation that the Committee has prepared, and you have to ask for it, it says that the Grainger test can be added later by regulation. Therefore, perhaps Her Majesty's Comptroller could advise,

my successful amendment from yesterday, if supported at the substantive stage, should prevent the future addition of these tests to the definition without a return to this Assembly? The Proposition does not tie up cleanly with what the Committee has drafted, hence my uncertainty on this.

175 And one more point, Proposition 1 states that the ground should exclude single issue or political beliefs. Having also cited this section of the draft legislation, it is clear that the drafters feel that the third Grainger test, that is that the belief should be a belief as to a weighty and substantial aspect of human life and behaviour, effectively achieves the exclusion of single-issue beliefs and in the draft legislation there is no mention of specifically excluding them.

180 Now, I suppose it depends on what one means by political belief. The reply I received from the Committee cited fox hunting and educational models as political beliefs, and while I agree that those two issues should not be protected under this ground, and they appear highly unlikely to meet the third Grainger test anyway, I would argue that political beliefs, such as feminism, conservatism and libertarianism, as just three examples, are worthy of inclusion. I did consider
185 bringing in a further amendment to exclude this phrase, but instead I hope the Committee might take this point on board.

So I put the Committee on notice now that I will be closely scrutinising the legislation when it returns to this Assembly for approval to ensure that weighty political beliefs are not excluded from the philosophical part of the religion or belief ground.

190 So, sir, in closing I ask Members to please support the extension of this ground to religion or belief.

Thank you.

The Bailiff: Deputy Soulsby.

195 I will leave Mr Comptroller to think about that question for the time being.

Deputy Soulsby: Actually what I am going to say very much ties in with Deputy Burford, funnily enough.

I think there was a wise phrase that came to my mind when I was listening to the debate
200 yesterday and that was 'hard cases make bad laws'. I think possibly in this case, hard cases could make bad decisions. I do really feel we are in danger of believing the world is as seen on the pages of the *Daily Mail*. With a population of approaching 70 million, of course the odd quirky case will come up in the UK, and we can see what stupid things come out, 'How disgusting is that, rubbish! the world is going to hell in a handcart', but this completely ignores the hundreds of thousands for
205 whom that Law has served them well, where they come to the – sorry, I cannot read my writing! – where cases have not come to court or more importantly, where the Law has not been involved at all and matters and incidents have been dealt with or have not even occurred because the Law is in place.

Just like Deputy Burford, I thought I would make comment about what Deputy Helyar said
210 yesterday. One thing I agree with him is, yes, this is all rather 'lawyerly', he is right to some extent, I think, but not completely. Yesterday he did an excellent job for his side of the argument, as a lawyer does. As I said, he put the arguments to support his case but, as Deputy Burford said – and before Deputy Inder gets very excited that he can now describe himself as a stoic and get away with it – I thought Members might like to know the position of *Jackson v Lidl* a bit more than what Deputy
215 Burford said because I thought I would have a look at it last night as well. The Employment Tribunal ruling was indeed that stoicism is a philosophical belief, but the ruling did not determine whether he was a victim of discrimination, nor that stoics cannot be dismissed for offensive comments. Judge Cheetham QC said he believed his discrimination claims had little reasonable prospect of success. Nevertheless, he said, it may be necessary to hear evidence to decide the issues and so allowed the
220 claim to proceed. So the situation is certainly not straight forward in that regard.

We have a duty to protect our citizens, and those who are the small quiet minorities and not just listen to those who shout the loudest. I feel over the last few days and weeks we have shown we are in danger of forgetting that and that has concerned me. We have been happy to listen to large

225 organisations who have been able to put their case across very eloquently, but we are then
questioning other people's belief and their situation and those who do not have a loud platform
from which to talk from.

And so I think would it not be great if we did not have to have any Laws to protect people? I
mean, great, we would not need any lawyers, would we? Isn't that why we have Laws in the first
place? So why are we saying that in terms of discrimination, well everything else, health and safety,
230 stuff like that, yes we can have Laws but no, not when it comes to discrimination? I agree, I think it
would be lovely if we did not have to have a discrimination law and that we knew people were being
treated fairly and correctly throughout their lives, but we know that is not the case. History has
shown that and even if you look at today's news, we have seen that instance with the Yorkshire
Cricket Club. So we know that that is not the case, we know that people are not being treated fairly
235 and are being discriminated against. We do not hear it all the time because people are often very
frightened of putting their heads above the parapet. And those are the sort of people we are here
to protect.

That is why we need Laws and that is why I do urge Members to support the Propositions as
amended.

240 **The Bailiff:** Deputy Aldwell.

Deputy Aldwell: Thank you, sir.

I was not going to speak but I am going to speak now. As a parent of a severely autistic son and
245 as a full-time carer outside of this Assembly, my day normally starts by me washing, bathing and
shaving my son before I can come in here. When I leave here, I go straight home, cook his meals,
put him to bed and deal with him then. I have been waiting for the disability and carers Laws to
come in for a very long time.

I was a member of the Parents and Carers Committee, which was a wonderful thing, which was
250 held for parents with children with a disability, it had a great Chair and this had been going on for
around 20 years, this Committee. We were very lucky that we used to have staff from HSSD and
they would come and explain to us what was available for our children, how it was going to be from
education going into adult disability. It was extremely useful to be able to speak to these people
and give the reassurance because it was an extremely difficult time as a parent.

255 But for *many* years, we were promised this discrimination Law and each couple of years an officer
would come to these meetings and they would say, 'We are adding, we are going to put some
additions, it is going to take longer now. You are going to have to wait'. Then, 'The money was
running out, time was going on and you are going to have to wait'. And more things were added
on.

260 And *if only* this Assembly had allowed for those particular Laws to go through, they would have
been passed now (**A Member:** Hear, hear.) and you could have added all these other things onto
them afterwards. (**Two Members:** Hear, hear.) So I am a pretty vexed parent about this. There has
been a lot of time and there has been a lot of money wasted, but actually I will not be voting for
these extra ones. I will be voting against them.

265 Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

270 I am glad Deputy Aldwell did choose to speak in this debate because I think it brings us back to
what this is fundamentally all about, and actually I am very sympathetic as one of the very few
people, certainly in this Assembly, who did not vote to put additional grounds in, although as they
are now I am obviously very committed to getting them in as soon as possible. But I am very
sympathetic to what she has to say and I think it is a timely reminder of why this legislation is
275 important because, as Deputy Burford pointed out, if she were to be discriminated against because

of her very important status as a carer or indeed if her son were to be discriminated against because of his autism, they would have no legal recourse and that is what this legislation is all about.

Now this policy letter has been brought to the States on one really quite narrow section which is the exceptions on two of the grounds that have been added in.

280 I am just increasingly flabbergasted, actually, at some of the comments that have been made during debate which seem to fundamentally misunderstand what the legislation is all about. I am sure Deputy Roffey – I will not go into any detail in a piecemeal kind of way – because I am sure Deputy Roffey will address all of those when he replies to debate. And I hope that can straighten out some of these misconceptions which have been doing the rounds not just in this debate but in
285 public discourse and think tank publications and all sorts of things.

So please, I do urge Members to listen very carefully to Deputy Roffey when he does reply to debate.

But I would say this: it is not just the previous Assembly that voted for this anti-discrimination Ordinance. As Deputy Bury pointed out, it has actually been positively endorsed by this Assembly
290 through the Government Work Plan. I feel very strongly the need to reiterate what Deputy Bury said about the resources that have gone into that work since the start of this political term. Those resources have gone into that work because of the endorsement that this Assembly – not the previous Assembly – that *this* Assembly has given it. There have been no requêtes, there have been no amendments to the Government Work Plan, a very significant majority of this Assembly voted
295 to support that work. This is one narrow section of that work, but please, Members, let us not forget that it is this Assembly that has endorsed the continuation of the work and all the resources that have gone into it.

Thank you.

300 **The Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

Of course this will have some impact on Alderney in its impact directly and indirectly. It is a paper that although it contains much of what we need ... but reshaping to fit the Bailiwick need. There are
305 also some sections of society that seem to get caught in the crossfire while we strive to improve the lot of the individual into equal standing, and it is our responsibility to get it right today.

I believe all here today believe in anti-discrimination. We are all, I believe, a caring society. The disabled particularly need protection and that is the will of us all. I also support and welcome our gay friends' rights fully and racism should not exist. That is going to be done, it needs to be done
310 and it has to be done. It just feels that this has latched down onto other things that slows that protection down.

So many changes have been undertaken in the UK, installed by EU ruling. When I look at my TV today, I feel so many franchised in opportunity and that is fantastic, but is it fair across the board? What we have to recognise is that some sections of society are being caught in the seven water
315 boar of this improvement river and changes can impact on those other individuals in the backwash. You cannot fit a pint of beer into a half pint glass without spillage and there you get the problem of the newly created disenfranchised spilt upon.

So all is not well in the good efforts of equality and this division must be recognised and there is an essential ingredient to improve this shortfall. Much more must be done to satisfy our goal of fair equality, really fair equality.
320

Crossfire victims defeat the very purpose of anti-discrimination in the first place and I believe we are all equals and prejudice should not hold any traction in modern society. All humans are equals, but you would not feel that in the third world and there is much to be done by the western world. I welcome anti-discrimination. I thank the Committee for bringing this to the table and all the work
325 that has gone into this work. It is important to the Bailiwick and it is vital. I say well done to them.

I believe in equality. It is right, it is just, it is now and it is a new society. But with it, it can bring division in its own entirety, with some not even feeling brave enough to speak out on just how they

feel without being vilified for speaking out. Does that make me stoic? A second client for Deputy Helyar, sir, or my other good friend, the Chief Minister, depending who is the cheapest! So 'you cannot say that' is now a common phrase in innocent conversation at home, our language has been changed. Free language is a thing of the past. Some change is good, some change is bad.

The BBC have stopped *Morecambe and Wise*. Now, what is that all about? That is about a step too far that I am talking about. (**A Member:** Hear, hear.) It is a shame. You must protect the minority and you have to protect the majority at the same time, and perhaps that is a tall order that needs to be worked upon, as these Propositions do too. And advocates dream of riches to come, all at the cost of society.

Deputy Helyar made an excellent speech, as did Deputy Ferbrache, also highlighting the cost in litigation throughout our society. I know now that a pig has a better animal right than a chicken. My chickens eat the same as me, as they get my leftovers, but how long before I have to upgrade their pen to contain lighting, music and Sky TV? (*Laughter*) And is stoic the new opposite of warwick (*Laughter*)

Affordability, we are told, would be high in the Islands and this could impact much possible court action in Alderney, and at what cost? Why not look at the Jersey model, as suggested? A more tailored approach. We need to measure ordinance for the Island, encompassing a common centred approach that fits our feet, and we simply cannot accept UK legislation that was originally across the board EU legislation. That hat, sir, is simply too big, even for our own Deputy Meerveld. Sir, Deputy Vermeulen's shoes were not my fit, I am sure, you cannot call me Cinderella either.

So the power of the ballot comes not from these good, well-intentioned efforts but from the power of our ideals and our aspirations in a proportional way.

Thank you, sir.

The Bailiff: Deputy Gollop, you have already spoken in general debate –

Deputy Gollop: Yes, I thought I had.

I wanted to make a point of order though.

The Bailiff: I do not see any other Member seeking to rise so what I am going to do before turning to the President is invite HM Comptroller, if he so wishes, to try and deal with Deputy Burford's question.

The Comptroller: Sir, thank you.

I will try and deal with the question. If I understood it, I think Deputy Burford was asking for some form of confirmation that the effect of her successful amendment would be that if in the Ordinance the ground religion or belief is defined, and in that definition the Grainger principles are incorporated, that it would require a Resolution of the States to amend the definition.

Deputy Burford: Sir, that is not quite my question.

The Bailiff: Do you want to just remind the Comptroller (**The Comptroller:** Thank you.) what it is you were asking, please?

Deputy Burford: Yes, sir.

I have been able to see a draft of the legislation and as it is written at the moment, it says religion or belief means this, and the Committee wishes to retain the power of regulation to bring forward the Grainger criteria into that definition at a later date. Now, of course, that is only draft legislation but that is what has been shown to me and so therefore, I am just querying that if the Committee do not incorporate the Grainger criteria from the outset, that will then presumably prevent them being incorporated unless a policy letter comes to this Assembly.

The Bailiff: Does that help, Mr Comptroller?

HM Comptroller: Sir, I am not sure.

The Bailiff: If we look at Amendment 2 (**HM Comptroller:** Yes.) which is now going to be Proposition 3, (**HM Comptroller:** Yes.) if Proposition 3 were carried would that mean that the draft that Deputy Burford has referred to would necessarily have to be changed because she would not have an amendment power by way of regulation on the face of it to deal with religion or belief?

HM Comptroller: That is correct.

The draft Ordinance will need to be amended in the light of that Proposition, the amendment that has now become the Proposition, if it is approved by the States.

What I would say is what the amendment refers to is a Resolution of the States. So you and Members will recall dealing with the minimum wage legislation, where amendment was made by regulation subject to approval by way of Resolution of the States. So it seems to me there are at least two ways in which that particular amendment, or that particular Proposition can be implemented, if it is carried, when it comes to redrafting the Ordinance.

But the bottom line, in my view, is that if there is going to be a change to a definition, it will need to be approved in some way by Resolution of the States.

The Bailiff: Alright, so in relation to this amendment and the Proposition 3 that is now going to be voted upon by Members, if that Proposition is carried the draft legislation could simply say a positive Resolution process so that the amendment is made but is not given effect unless approved by the States. Or it could be removed and any changes to the ordinance, if that were then enacted, would have to be in the usual fashion by way of a policy letter and an amendment to the Ordinance.

HM Comptroller: Sir, I entirely agree with that, that is correct.

The Bailiff: So that is Proposition 3 as it currently stands.

I thought we might just tackle the other Propositions for Members' benefit first. So looking at Amendment 1 and what is Proposition 2 that is going to be put to Members, we simply turn to Appendix 2 and the idea is that those exceptions that the Committee were under Resolution 1C to bring back to the States, and that 1C appears on page 39 in the policy letter. Those are what they are proposing be changed or added to what is in Appendix 1 that has already been approved.

HM Comptroller: Yes, sir.

The exceptions are set out in Appendices 1 and 2.

The Bailiff: Well, 1 has already been approved, so 1 is our foundation to work from. (**HM Comptroller:** Yes.) Two of those exceptions that were approved last July are 22 and 23, that are going to be expanded as proposed in Appendix 2, and then five new ones added. The effect of that successful amendment is that we simply delete on the final exception number 48 the fact that there is a five-year sunset clause.

HM Comptroller: Correct.

The Bailiff: So you can read the words, not you, but Members can read the words there and that is what they are voting on, which will be to add to and slightly modify what is in Appendix 1.

HM Comptroller: I think it is simply – yes, sir, that is correct.

430 **The Bailiff:** If Proposition 2, from the successful Amendment 1, were not carried, it would simply mean that there would be no change to exceptions 22 and 23 as proposed there and there would be no addition of the exceptions 44 to 48 ... because they would not have been approved.

435 **HM Comptroller:** Sir, sorry, I do not follow that, I am sorry.

The Bailiff: What I am trying to just clarify for Members' benefit before we hear from the President in reply is that when we look at Proposition 2, which comes from Amendment 1, if that is carried then what is in Appendix 2 is added to Appendix 1 and that is the suite of exceptions.

440 But if it were lost, then there would be nothing coming from Appendix 2 so exceptions 22 and 23 would remain as currently drafted in Appendix 1 and there would be no addition of exceptions 44 to 48 dealing principally with religion or belief.

HM Comptroller: Yes.

445 **The Bailiff:** So if we go to original Proposition 1, Mr Comptroller, and that were lost, we would be left with the definition of religious belief which appears in Resolution 1B on page 39, rather than the replacement of that with religion or belief that is in Proposition 1.

HM Comptroller: Yes.

450 **The Bailiff:** But in relation to Appendix 2 where it refers to 'religion or belief' in each of those exceptions, we would simply read in 'religious belief'.

HM Comptroller: Yes, sir.

455 **The Bailiff:** Alright, I hope that is going to be of some assistance to Members just to run through that.

So the choice each time, Proposition 1 will be replacing 'religious belief' with 'religion or belief'. Proposition 2 is to approve these additional exceptions but we will read it however it is needed to be read as a result of the outcome of Proposition 1. Proposition 3 will be introducing a requirement for States' approval (**HM Comptroller:** Yes, sir.) whether that is done through a positive Resolution process, the example being the minimum wage legislation that we have just dealt with in this meeting on whether it is by way of just amendment Ordinance.

465 **HM Comptroller:** Yes, sir.

Sorry you just said that I understand this ... so in respect of whether it is 'religion or belief' or 'religious belief', the exceptions will apply depending on the voting.

470 **The Bailiff:** But if Proposition 1 were to be lost, then when we are looking at Appendix 2 where it refers to 'religion or belief' we just read in 'religious belief' (**HM Comptroller:** Yes, sir.) because that is the grounds to start with.

HM Comptroller: Yes, sir, precisely it.

475 **The Bailiff:** Thank you very much, (**HM Comptroller:** Thank you.) well I hope that has assisted Members rather than confuse them. (*Laughter*) That was the intention.

Deputy Gabriel, you have leapt to your feet. Do you wish to speak?

Deputy Gabriel: Yes, please, sir.

480 Is it possible that we could either have the Propositions read before the vote specifically or even a reprinted version?

The Bailiff: We could potentially do you a reprinted version.

Deputy Gabriel: That would be very useful, thank you.

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The Bailiff: It is a bit like *Blue Peter*, there is one that has already been prepared earlier.
(*Laughter*)

Deputy Gabriel: As if by magic.

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Thank you, sir.

The Bailiff: I will turn back to the President, Deputy Roffey, to reply to the debate.

Deputy Roffey: Thank you, sir.

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I only have the one that you prepared earlier, that is not made out of toilet rolls and sticky back plastic, is all I can say!

I think I need to remind Members what this debate over the last day or so was supposed to be about but it has crept to a far broader issue and therefore I am going to have to respond to those broader issues. It is almost as if those that were not in the States in July last year to debate the policy letter cannot wait for the legislation to come back, which is of course their next chance to object to what the States passed in July of last year, and have used this very narrow debate which is supposed to be about what the exceptions are in relation to the two grounds that the Parkinson amendment added to the first swathes of the Law and have basically had a wide-ranging philosophical debate.

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I will deal with those comments first and then move on to the real specifics about what we were supposed to be talking about. There have been a number of comments about, 'Has there been enough engagement with the community? Has there been enough consultation?' Well, the point is that the decisions were made at the policy letter stage and the consultation has to happen in the lead up to those decisions being made.

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And I cannot remember an issue in which there was a more massive consultation or engagement than over this one. There was repetitive consultation, we had over 1,000 responses from the community to that consultation exercise. The ESS, before I was on it and when I joined it, were meeting repeatedly with business groups, with civil society groups, with legal practices, to talk about this. There has never been an issue, I do not think – maybe Zero-10, Deputy Trott may point out in the thousand and one meetings he went to (*Laughter*) – but by and large I think this has been the most consulted on and engaged on policy that this States in the modern times has actually undertaken. So it is absolute ... no, I was going to say 'twaddle' but that is probably not ... it is balderdash to suggest that there has not been any consultation.

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Over the two extra rounds there was targeted consultation carried out more recently and I think that it was right that that was targeted. But not only did we consult, not only did ESS consult, but more importantly listen to what was coming back and they adapted their proposals and the legislation in respect of that. Now, people have claimed today and yesterday that this legislation – and I know we are not talking about the broad legislation today but I have to reply to what has been said – is all based on the Irish legislation and the Australian legislation, that is just not true. Yes, a previous alliteration was drawing strongly on Irish and Australian legislation. What came out for the community, and particularly the business community, is that they were deeply unhappy with that and they would prefer that it was more structured on the Jersey and UK legislation and that is exactly what happened.

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However, there are one or two ... someone said, 'Why did you not just import big time, absolutely bells and whistles, the Jersey Law, and do not change it?' There are a number of differences from the Jersey Law and the reasons for them were really clearly set out in the July policy letter. I sometimes feel that some of the people who are criticising this Law have not actually read that July

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policy letter because if they had done, it was inconceivable that some of the remarks that have been made over the last day or so would have been made.

535 I picked up strongly over the last two days that people in this Assembly believe that people's religious convictions should be grounds on which they should not be discriminated against. The Jersey Law does not include that. People have said, 'Why did you drive through what was originally in the Disability Strategy?' And that was largely to protect disabled people and their carers. Carer status is *not* a protected realm in the Jersey Law. So if we just accepted it, lock, stock and barrel, we
540 would not have been doing the very basic thing that I think everybody in this Assembly is actually saying they are in support of. They are saying it. 'I support anti-discrimination, *but*' – it has worn thin, that argument, over the years – 'I support anti-discrimination, *but*'.

I have to say, the changes from the first graph to the July 2020 vision were recognised and welcomed by business groups. Yesterday, Deputy Dyke read out a letter from a group of business
545 leaders from 2019 which referred to a previous and very different set of proposals. By the time the proposals came to the States last year, those business groups were very much in favour and asked this Assembly to pass it. In fact, their latest comments which were after the States had passed that policy letter which was the drafting instructions, is as follows:

The business groups welcome the Assembly's decision to approve the proposals for the new discrimination ordinance... As we have previously stated, we believe that Guernsey's economic and social wellbeing depends on a thriving business community and we hope we can work together to bring about legislation that serves the whole island.

550 So does ESS, we welcome that support. I am glad that they recognise that we have taken on their concerns in change. And why, oh why, are people keeping on quoting from the previous alliteration from 2018 when we were not eye to eye? It is just mischievous.

Now if pressure groups like GPEG choose to do it that is one thing, but for Members of this Assembly to do it I think is quite another. (**A Member:** Hear, hear.)

555 Again, he said, 'Where is the evidence that discrimination does happen in Guernsey?' Well, again, read the policy letter from July of last year. We set out the evidence. How much is going on is very hard to tell actually without the Law, without the recourse that people have, but we had clear evidence that was there.

One of the most dangerous expressions in politics anywhere, especially in small community
560 politics, is 'It can't happen here', 'I don't believe it is happening here', 'It hasn't happened in my life, I can't see it, so it's not going on'. I have been around long enough, I remember when Jenny Cherry first brought her proposal to set up a women's refuge in Guernsey, and that is exactly what she faced. 'It doesn't happen in Guernsey, we haven't seen it, you're just trying to break up families'. I have heard similar arguments happen about child abuse as well, back along. Thank goodness the
565 scales have come off our eyes in both of those respects, we understand it *does* happen and being a small community is no protection from it happening and exactly the same is true for discrimination.

Indeed, another person to question how much of a problem it was was Deputy Helyar. It was extraordinary because he said that he was Chairman of an organisation that sees lots of people
570 coming with their complaints and I presume he is talking about Citizens Advice. He may be the Chairman, get down and talk to your staff because they are coming to us and telling us that this *is* a problem and these are the sort of cases that they are having to deal with. Out of touch, I am afraid.

Others have dealt with *Jackson v Lidl*. Yes, the judge did not say that stoics could not be dismissed for making offensive remarks and also, as Deputy Soulsby has said, the judge said that
575 Mr Jackson's discrimination claim had little chance of success. This really is straight bananas all over again, isn't it? Whichever side of the argument you were on over the EU, there was a lot of nonsense spoken on both sides, lots of myths put forward about what would happen if we leave, what would happen if we stay in and the tabloids loved it. This was tabloid nonsense, this was straight bananas.

Deputy Helyar was guilty, I think, if I heard him right, of perpetrating another myth. He has been
580 suggesting that you could claim compensation for having your feelings hurt. You cannot take a case under this Law because your feelings have been hurt. That is not – your feelings are not a protected

grounds. You can only bring a claim under the legislation for a substantive act of discrimination in relation to what are the protected grounds.

585 Now, it is true that the compensation award, if it was found sustained that you have been discriminated against, can take into account hurt feelings in making that reward. Actually, we specifically – yes, people are saying ‘ah’. Yes, if you have been told you cannot access a service for five years because you are black and you have actually sustained that, I think it is right that there should be some compensation for what that has done to your life during the time, but we have actually set the maximum compensation far lower than it is in the UK because of concerns. So
590 people tell us to copy elsewhere, we have actually gone lower and more modest. So again, yet another myth that needs busting.

Deputy Dyke claims are were rushing into this. My goodness, I mean *my goodness!* (*Laughter*). When was the Disability Strategy passed unanimously? P&R did precious little about it for many years. It only really started to activate when it was given to ESS ... give it to the Principal Committees,
595 let P&R keep their overarching role and do not let them run absolutely everything, because sometimes that does not work. But ESS have been working on it since 2017 and, as I have said, carried out massive amounts of consultation and engagement and changed the proposal to reflect those recommendations. Rushing in is just not something that I would recognise.

The Island is ready, business leaders are ready, civil society groups are despairing that there is still such resistance on such flimsy grounds. Resistance built on myth and distortion about a Law which is actually shot through at every point with the concept of proportionality.
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I do not, of course, accuse any Member of the Assembly, but with me, the ‘I support anti-discrimination legislation *but ...*’ is wearing a little bit thin. However, this is a debate we will have on the Law as a whole when it comes back, hopefully fairly early next year, and if Members genuinely
605 feel this is not something they want to support, they can oppose it at that time.

What we are talking about today, and I am now going to move onto, is what the exceptions should be under the two grounds that have been added which is sexual orientation and religious belief. The States are quite free to decide what they think those exceptions would be. They said that we have gone off our trolley yesterday on one particular issue, we totally accept that. We do not
610 accept that we have gone off our trolley (*Laughter*) but we accept that that was the view of the States and we take it on board and we will move forward accordingly.

I think you probably have done it for me to some extent, I was going to deal with the issue of what happened if Proposition 1 failed, 2 went through, and I think we had assumed that – I really hope it does not happen and I will explain why Proposition 1, which will be supported in a minute –
615 but if it does happen, I think we will take the pragmatic view that the exceptions are the exceptions but instead of religion or belief, it is just on religious belief. I am glad you have taken that pragmatic stance on the instruction.

However, if Proposition 2 fails as well, and some people have said they are going to vote against Proposition 2, where does that leave us? It leaves us with a debate coming up next year with a Law which will include both sexual orientation as a protected ground and religion, or religion and belief
620 depending on what happens with Proposition 1, with absolutely no exceptions at all. You really think that is going to get the Law for people with disabilities in quicker? It is not. It is going to be a dog’s breakfast of a situation. So it would be absolute madness, I think, to vote against Proposition 2.

625 Now, I am going to deal with some of the individual points made yesterday. Deputy Queripel was worried about subjectivity but it is our intention that the Grainger Nicholson test should be established from the beginning, so some of the argument that was going on about the Burford amendment does not really bite because I think their intention is that it should be in law from the beginning. These are well established, there is a real large body of case law and the tribunal will
630 have access to this so I do not think it is just starting from scratch with totally subjective views.

The point is that it does exclude single issues. Deputy Queripel was bringing up everything from the colour of the clothes he wore to everything else. No, that would fall foul of the Grainger test

and it also would be a single issue thing. It *has* to be something substantive and something really major in order to come into that protected grounds.

635 He said on Proposition 1 we all know where we are when we talk about religion or religious beliefs. I do not think we do. I think that is just as subjective as religion or belief. Some would argue that Buddhism is not a religion because Siddhartha Gautama made quite clear, what he was talking about was a philosophy rather than any kind of belief in afterlife or anything. When you get down to Rastafarianism it is even more on the edges of whether that is a religion or not. The difference
640 between a cult and a religion is really difficult. So I do not think just keeping it to religious belief makes it any less subjective than if it is religion or belief.

But my real question for him, and for Deputy Ferbrache as well, is what is this world that we are living in where suddenly secular belief systems are deemed to be less worthy and less worthy of support than religious ones? Now, I, like Deputy Ferbrache, am not religious, but I fully absolutely
645 support those that are religious to be protected against being discriminated against, on the grounds of their faith. But where on earth does it make sense, are we going back to the 1950s when we are saying that actually, secular belief systems somehow have no justification for that? People will vote the way they will on Proposition 1, it will not stop – I cannot argue it will scupper the legislation and be problematic going forward, but I absolutely cannot understand the thinking of people who want
650 to keep it to just religious belief and not religion or belief. Given that there is established case law making it quite clear that we are not opening up a dangerous Pandora's box.

People say 'Why reinvent the wheel?' When we actually come along with something which is the UK Discrimination Act they say, 'Oh Lord, you are opening up a Pandora's box'. No, we are not. Proposition 1 just makes logical sense. Please vote for it. Please, Deputy Ferbrache, vote for it
655 because I know he is a logician at bottom and I think he actually understands why secular belief systems are worthy of the same support. So I ask him to rethink.

Deputy Queripel tried to suggest there was no need for these sort of things to be covered, either of them, religion or belief, under this because the European Convention on Human Rights covered it and we were signatories to it. Nobody should have to take the nuclear option of trying to go to
660 court under the European Convention of Human Rights in order to deal with the sort of discrimination at the workplace we are talking about or access to services. In fact, hopefully very few of them would need to go to a tribunal. The whole point of this legislation is that there are systems of resolution that come in before it is even escalated to a tribunal. That is a nuclear option, and actually suggesting that there needs to be a case taken on the European Convention ...

665 I give way to Deputy Ferbrache.

Deputy Ferbrache: It is really just a point of clarification, it was the helpful legal analysis between you, sir, and the learned Comptroller, which takes us to page 39 of the policy letter and we look at 1B. I am troubled by religious or other belief, whatever the phrase is because 1B says:

To agree that prevention of discrimination on the ground of religious belief (meaning, in accordance with the Committee for Employment & Social Security's Technical Proposals of July 2019, "a person's religious belief, which includes their religious background or outlook, and also includes not having a religious belief") shall be included within the Ordinance...

670 So would that not cover, if you defined religious belief as not having religious belief?
(A Member: No.) I know that seems a bit illogical. I am asking the question, not putting that forward as a submission.

Deputy Roffey: I think I can clarify that. If somebody was being discriminated against simply
675 because they were an atheist, then that would be, I think, covered. If they had, though, a belief system which was founded in secular thought, that would not be covered. That needs to be – that would only be covered if it is changed to religion or belief.

So, I take Deputy Burford's point, if somebody is a committed feminist, that is not religious – well, for some people it might be for religious reasons – but by and large it will not be – then that
680 will not be protected unless we expand it to religion and belief.

I think I have made it up with Deputy Helyar in my opening remarks. But I would say that I keep being told 'Stop being theoretical, look what happens in the real world'. The legislation that is coming forward is very similar to Jersey's, although it has got a few differences for good, explained reasons, and they are similar to the UK. So look at those communities; look at Jersey, look across
685 the water. Are they swamped with millions of quirky and crazy cases coming forward? Are employers saying 'We cannot possibly live with this'? They are not. So why ... the same people that lecture me about 'look at the real world' why would I look at the real world and see that it is not the problem, are they disbelieving of that? I find that very difficult to understand.

Deputy Moakes, again, I find it difficult to understand that he had really read the 2020 policy
690 letter carefully. But he said, 'When does Guernsey do radical?' Actually, occasionally we do. We brought in the smoking ban before England, Scotland, Wales and Northern Ireland. I know he probably will not approve of that particularly! (*Laughter*) But we did actually do that.

I think sometimes being a small community we can move ahead but this is not radical legislation at all. This is Guernsey catching up with the rest of the world, decades later. Oh, I would love to do
695 radical, but I think I have learnt over the last couple of days that there is probably no point with this Assembly of actually ever trying to do that.

Deputy Prow says it is good for legislation to be scrutinised. Absolutely right. The legislation that flows from the draft instructions, which were mainly in July of last year, will be fully scrutinised when they come back as legislation. It is the equivalent of a second reading, if you like, and he will be able
700 to do that.

But he also had concerns that this Law may not be in compliance with the European Convention on Human Rights. Well I can tell you it absolutely is fully, there has been no suggestion otherwise. There was a question mark raised over the public schools, that has been resolved. In fact, just about every signatory to that convention has legislation along these lines. We are the exception that are
705 standing out and have refused to do so, and I think it is shameful.

For those who say we are rushing in, when did Guernsey sign up to the convention against racism? I cannot remember how many was it 50, 60 years ago now? We still have not brought in the legal protections that that convention demands and I would like to be able to sign up on disability and CEDAW ideally as well. We really are not rushing into this in any way.

Deputy Dudley-Owen, I think, had a specific concern about secular buildings owned by churches and how they could be used. I think she has to remember that we are only talking about discrimination on the protected grounds. My partner next to me here asked – not partner, but my
710 colleague next to me here. (*Laughter and Interjection*) Yes, but that is going to be protected soon! (*Laughter*). So where were we? What if Methodists do not want gambling going on in their hall? Well, gambling is not a status that ... so if a group known as the 'black gamblers association' or the
715 'homosexual gamblers association' were to hire that hall, then the Methodists could say 'No because we do not want gambling', but they would not be able to say 'No because you are black' or 'No because you are homosexual' because those are the protected grounds.

So places like the Community Hall in St Martins, for instance, which is largely used for secular
720 purposes but it does have some church ownership there, they would not be able to say no on the basis of one of the protected grounds, they could say no on absolutely anything else that they wanted to do.

Deputy Aldwell, I think she is quite right. It is easier with hindsight and I was not on the Committee when they decided to broaden out the grounds. I think all the grounds should be
725 covered – I think in retrospect the better course of action would have been to go straight forward with disability and carer status, get that on the books and then start looking at adding the other grounds later, and I really regret that that did not happen, but it did not.

I actually argued against, even though I am totally in favour of and passionate about protection for people with religious convictions and sexual orientations. I argued against the Parkinson
730 amendment simply because I thought it might slow down the absolute core ones that were going to be brought in. I lost that argument. Now we have to look at the quickest way to bring this in from

here. The work has been done. The exceptions will be agreed today. The legislation will come back earlier next year.

735 The best way to try and derail it is actually to vote against particularly Proposition 2, which would leave no exceptions at all on the religion and sexual orientation ground and create a complete mess, I think, when the legislation comes back. Or we would have to bring in another policy letter before that legislation came back, having another go at getting the States to agree with exceptions to that. Or in another policy letter saying 'Can you now move back those grounds and take them out again?' The quickest way forward to help particularly those people that are going to be waiting for a decade, 740 which is the disabled community, is to pass these proposals, move it forward; you can make any amendments when the legislation comes back, if you want, next year. But simply voting these proposals down would actually put back the day that they have been waiting for even longer. Please do not do that.

745 Alderney Representative Roberts, thank you for the general support. As for *Morecambe and Wise*, this legislation has nothing to do with cancel culture and I have a great deal of sympathy with him over the pressure of cancel culture, and I have a great deal of sympathy with what Deputy Burford said that nobody has the right not to be offended. This is not about this sort of stuff. This is about actual discrimination either in the work place or in access to services. So again, yes, there is a lot of buzz around it but this is not what this is about.

750 Sir, I really do not think I am going to change anybody's mind. I think there are some people in here who simply do not support the thrust of the legislation at all, and I respect that and they will have their opportunity when it all comes back to articulate that, to place amendments and to vote against. But we have done what the States asked us to do, which is really just bring back a possible list of exceptions on two grounds. We have been given a hiding on one of them; I fully accept it, I 755 bear the scars and will do for a few months but they will wear away.

But now we really need to move this legislation forward and have a proper debate on the whole concept at the right time when the Law comes back.

760 **The Bailiff:** Members of the States, following Deputy Gabriel's request, we can give you a printed copy of the three Propositions on which you will be voting.

I have noted the request for a recorded vote, certainly for Proposition 1 so that will be the first thing. Deputy Dudley-Owen, do you wish to be relevéd?

765 **Deputy Dudley-Owen:** I do, sir.
Thank you.

The Bailiff: Thank you very much.

770 Now you can vote. So if we can just circulate the three Propositions, it is not impossible to put the three together from three bits of paper, but those who do not have paper might struggle. Deputy Bury, you are on your feet.

Deputy Bury: Thank you, sir.
Could I request a recorded vote for Proposition 2, please?

775 **The Bailiff:** Yes, of course you can.

Deputy Bury: Thank you.

780 **The Bailiff:** Does anyone want a recorded vote on Proposition 3?

Deputy Queripel: I will go for that, sir. (*Laughter*)

The Bailiff: Now if I were a gambling man and allowed to do that, I would have won my 50p back!

785 So we will have three recorded votes and we will take each Proposition discreetly. Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Sorry, sir, I do not know if I maybe missed it.
Is there a recorded vote on Proposition 1 as well?

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The Bailiff: Yes, there will be. (**Deputy Kazantseva-Miller:** Okay, thank you.) We are having a recorded vote on Proposition 1, and then on 2 and then on 3.

So Proposition 1 is on the face of the original Propositions that the Committee brought forward, and we will have a recorded vote on Proposition 1 first, please, Greffier.

795

There was a recorded vote.

Lost – Pour 16, Contre 20, Ne vote pas 0, Absent 3

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Cameron	Deputy de Lisle	None	Deputy Le Tocq
Deputy de Sausmarez	Deputy Dudley-Owen		Deputy Oliver
Deputy Fairclough	Deputy Dyke		Deputy St Pier
Deputy Falla	Deputy Haskins		
Deputy Ferbrache	Deputy Helyar		
Deputy Gabriel	Deputy Inder		
Deputy Gollop	Deputy Mahoney		
Deputy Kazantseva-Miller	Deputy McKenna		
Deputy Leadbeater	Deputy Meerveld		
Deputy Matthews	Deputy Moakes		
Deputy Parkinson	Deputy Murray		
Deputy Roffey	Deputy Prow		
Deputy Soulsby	Deputy Queripel		
Deputy Trott	Alderney Rep. Roberts		
Deputy Burford	Alderney Rep. Snowden		
Deputy Bury	Deputy Taylor		
	Deputy Vermeulen		
	Deputy Aldwell		
	Deputy Blin		
	Deputy Brouard		

The Bailiff: Members of the States, the voting in respect of Proposition 1 was as follows, there voted Pour, 16 Members; Contre, 20 Members; 3 Members were absent and therefore I will declare Proposition 1 lost.

800 We move now to a recorded vote on Proposition 2 which arises from the successful amendment proposed by Deputy Murray and Deputy Haskins. Proposition 2 next please, Greffier.

There was a recorded vote.

Carried – Pour 35, Contre 1, Ne vote pas 0, Absent 3

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Cameron	Deputy de Lisle	None	Deputy Le Tocq
Deputy de Sausmarez			Deputy Oliver
Deputy Dudley-Owen			Deputy St Pier
Deputy Dyke			
Deputy Fairclough			
Deputy Falla			
Deputy Ferbrache			
Deputy Gabriel			

Deputy Gollop
 Deputy Haskins
 Deputy Helyar
 Deputy Inder
 Deputy Kazantseva-Miller
 Deputy Leadbeater
 Deputy Mahoney
 Deputy Matthews
 Deputy McKenna
 Deputy Meerveld
 Deputy Moakes
 Deputy Murray
 Deputy Parkinson
 Deputy Prow
 Deputy Queripel
 Alderney Rep. Roberts
 Deputy Roffey
 Alderney Rep. Snowdon
 Deputy Soulsby
 Deputy Taylor
 Deputy Trott
 Deputy Vermeulen
 Deputy Aldwell
 Deputy Blin
 Deputy Brouard
 Deputy Burford
 Deputy Bury

The Bailiff: Thank you.

Members of the States, in respect of Proposition 2, 35 Members voted Pour; 1 voted Contre; 3 Members are still absent, and Proposition 2 is declared carried.

805 We will have a recorded vote on Proposition 3, finally please, Greffier.

There was a recorded vote.

Carried – Pour 35, Contre 1, Ne vote pas 0, Absent 3

POUR

Deputy Cameron
 Deputy de Sausmarez
 Deputy Dudley-Owen
 Deputy Dyke
 Deputy Fairclough
 Deputy Falla
 Deputy Ferbrache
 Deputy Gabriel
 Deputy Gollop
 Deputy Haskins
 Deputy Helyar
 Deputy Inder
 Deputy Kazantseva-Miller
 Deputy Leadbeater
 Deputy Mahoney
 Deputy Matthews
 Deputy McKenna
 Deputy Meerveld
 Deputy Moakes
 Deputy Murray
 Deputy Parkinson
 Deputy Prow
 Deputy Queripel
 Alderney Rep. Roberts
 Deputy Roffey

CONTRE

Deputy de Lisle

NE VOTE PAS

None

ABSENT

Deputy Le Tocq
 Deputy Oliver
 Deputy St Pier

Alderney Rep. Snowdon
Deputy Soulsby
Deputy Taylor
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy Bury

The Bailiff: Members of the States, on Proposition 3 the voting was the same as Proposition 2: 35 Members voted Pour; 1 voted Contre; 3 Members were absent. Therefore Proposition 3 is also declared carried so all three Propositions as amended are carried. (**Several Members:** No.)

810 No they are not, the first one was lost, I do apologise. (*Laughter and Interjection*). Proposition 1 was lost and then Propositions 2 and 3 were carried.

COMMITTEE FOR ECONOMIC DEVELOPMENT

15. Public Holidays in 2022 and Beyond – Propositions carried

Article 15.

The States are asked to decide:-

1. Whether, after consideration of the Policy Letter of the Committee for Economic Development entitled "Public Holidays in 2022 and Beyond", dated 2nd September, 2021, they are of the opinion:

(a) To approve that Thursday 2nd June 2022 shall be a public holiday in place of Monday 30th May 2022,

(b) To approve an additional public holiday on Friday 3rd June 2022,

(c) To approve the retention of a public holiday on the 9th May, Liberation Day, each year even when 9th May falls on a Saturday or Sunday,

(d) To approve that the Committee for Economic Development shall have authority by regulations to make future temporary changes to public holidays, as set out in paragraph 5 of the policy letter.

(e) To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

The Deputy Greffier: Article 15, Committee for Economic Development: Public Holidays in 2022 and Beyond.

815 **The Bailiff:** I invite the President of the Committee, Deputy Inder, to open debate.

Deputy Inder: Thank you, sir.

820 Members, the Public Holidays Ordinance, 1994, is made under an enabling power of the Bills of Exchange Law for which CfED holds functions. I would like to ask Members to consider some amendments to this Ordinance in the form of an additional public holiday in 2022 and for a formal decision on a future Liberation Day which falls on the weekend, and finally to consider the delegation of authority for future decisions on public holidays to a future CfED.

825 Now, let me begin with the first Proposition. In 2022, as many of us will know, Her Majesty the Queen will celebrate her Platinum Jubilee which is the first time that any British monarch has reached such a milestone. Absolutely incredible. (**A Member:** Hear, hear.) The UK has already announced that in 2022, the late May bank holiday will be moved to Thursday 2nd June and an additional public holiday on Friday 3rd June, which will create in effect a four-day weekend to

celebrate this momentous event. Now I am asking Members to decide whether Guernsey, a Crown Dependency, should follow suit. I am aware that discussions have already been taking place on how Guernsey might celebrate that weekend, or hopefully extended weekend.

There is an impact to business in terms of cost when changes are made to public holidays, so this Committee has asked for the views of States' Committees. Representatives of business, employer groups and parish officials on an additional public holiday in the 2022 Queen's Jubilee. The majority view was for Guernsey to follow the UK arrangements and arrange a four-day weekend so that Islanders can celebrate.

Now, as part of this consultation exercise the Committee asked businesses for views on future Liberation Days which fall on the weekend, in those which marks anniversaries ending with a zero or five and whether they should be moved to the previous Friday or following Monday to create a long weekend. The States has agreed to move the Liberation Day in the past, but the 70th anniversary was kept as a Saturday 9th May. The resounding view from business was to formally maintain the current position and keep Liberation Day to 9th May, regardless of which day of the weekend it fell and thus retain the significance of the day. Businesses would, of course, be free to decide whether to offer their employees a day off in lieu at a later date.

Finally, I thought this was opportune to ask Members if they wish to continue to debate temporary changes to public holidays by way of a policy letter and subsequent debate by States of Deliberation, or whether they might be minded to delegate authority to make such changes to this Committee.

There may be occasions in the future where decisions need to be made quickly and it would, more importantly, save Members' time to delegate the decision-making to a committee. Consultation with States' Committees would continue in any case and any amendment to the 1994 Ordinance would be laid before the States when Members would have the opportunity to annul if they so wished.

I would therefore ask Members to consider the policy letter and to support the Propositions, and they are:

- (a) To approve that Thursday 2nd June 2022 shall be a public holiday in place of Monday 30th May 2022,
- (b) To approve an additional public holiday on Friday 3rd June 2022,

– thus making it effectively a four-day weekend –

- (c) To approve the retention of a public holiday on the 9th May, Liberation Day, each year even when 9th May falls on a Saturday or Sunday,
- (d) To approve that the Committee for Economic Development shall have authority by regulations to make future temporary changes to public holidays, as set out in paragraph 5 of the policy letter.
- (e) To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

Thank you, sir.

The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, thank you.

When Deputy Inder spoke on the Discrimination Ordinance yesterday, he said he always knows exactly what I am going to say in a speech before I have even said it, and he said he was being kind to me in saying that. Well, sir, I will be kind in return and say it is extremely encouraging to know we have such a visionary at the helm of Economic Development. **(Several Members: Hear, hear)** *(Laughter)*

Moving on to what we are told in this policy letter before us, paragraph 1.1, we are told in that paragraph the Committee is seeking States' approval for changes in three areas to do with creating a holiday in 2022 to celebrate Her Majesty the Queen's Platinum Jubilee, the second area seeks to confirm on which day Liberation Day should be celebrated in future years, and a third area focusing on the process for approving any future changes to public holidays.

870 Dealing with these areas one by one, in paragraph 1.2 we are told that a four-day weekend would provide the opportunity to the public to celebrate the first British monarch to reach the milestone of a Platinum Jubilee. Well, sir, I have been speaking to people who say they much prefer two bites of the cherry instead of one. They would much prefer to keep the May bank holiday in place as well as making Friday 3rd June a public holiday. They tell me that that spreads the financial
875 load over two separate occasions as opposed to a four-day weekend blitz in which their energies would be depleted as well as their pockets. So I will be voting against Proposition 1(a) but I am in favour of Proposition 1(b).

Moving on to Proposition 1(c), I will be voting against that as well because what we all need to bear in mind in relation to that Proposition is the people, the employees that keep businesses going.
880 Businesses have to accept that occasionally they have to give something back to the people who give, who keep their businesses going. Businesses cannot have it all their own way all the time. They have to realise they have to give something back to their employees from time to time. That encourages loyalty, and it also generates a feel-good factor. To say someone has worked hard all week and looks forward to a weekend away from work but when May 9th falls on a Saturday or a
885 Sunday *that* is your public holiday is somewhat perverse in my view when that is their normal day off anyway. In fact I think it is more than perverse, I think it is an insult.

Because they will go back to work on the Monday feeling cheated; cheated because their normal Saturday or Sunday off has been declared a public holiday. What is wrong with putting a direction in place for the Monday to be made an official day in lieu? Deputy Inder said in his opening speech
890 that employees could offer employees a day off in lieu, but turkeys do not vote for Christmas. He has often said that himself in speeches, so I am sure he will relate to that. Once again, I think if it is made an official day off, an additional day, I think if we do that it will again encourage loyalty and generate the feel-good factor.

Surely, generating a feel-good factor is what we really need to do right now for the good people of Guernsey because they have put up with an awful lot these last 19 months due to the onslaught of COVID. They have had to endure all sorts of restrictions on their freedoms and daily lives. The
895 only light for some of them in these dark days is a holiday or the occasional day off, paid for by their employer, which surely is not too much to ask, and yet, like an apology, it means so much.

I am in need of clarification on one point, sir. At the end of paragraph 2.3 we are told that the financial implications to the States alone of an additional public holiday has been estimated to be
900 £600,000 in staff costs. Two questions arise from that. The first one being the term 'additional public holiday', does that mean additional public holiday of just one day? I could assume it does just mean one day, but it does not make that clear in the sentence so can Deputy Inder clarify that, does that just mean an additional public holiday of one day, please?

Secondly, where does the £600,000 in staff costs actually come from? I am somewhat confused
905 by that because surely an employer pays out the same amount regardless of whether an employee is actually at work for that day or not. Surely there are no additional costs to an employer. Now I realise, sir, I might be missing a fundamental point somewhere along the line, but when I was an employer I paid the same amount of money out to an employee on a bank holiday as if they were
910 at work, there was no additional cost. I am just totally confused as to where that £600,000 cost comes from, just for the States alone. I mean, I never questioned it as an additional cost on top of what I would normally pay out to staff, we were never in debt. We never went bankrupt, we all contributed towards a business that was successful and we all enjoyed the feel-good factor. My employees were happy and I was happy. I was fair with them, and they were fair with me.

One thing that concerns me – it has concerned me for quite a long time, when I was in business and even before I was in business – is: are businesses becoming too greedy? When I was in business, as long as you made a profit you stayed in business, and that profit could be as little as 5%. It did not matter what the percentage was, as long as you made a profit. Nowadays, in my experience of modern day businesses, they are not happy with percentages like 5%, they want 25%, 35%, 45% or
915 more if they can get it –
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Deputy Inder: Sir, point of order.

The Bailiff: Point of order, Deputy Inder.

Deputy Inder: Sir, this really is drifting off into ... we have got a few decisions to make today.

Deputy Queripel's history of his employment has got nothing to do with this policy letter whatsoever.

The Bailiff: I am not sure that I agree with that, Deputy Inder, entirely, in that what I understand Deputy Queripel to be doing is questioning where the figure has come from, what the consequences of it are and the fact that you, in your opening to this set of Propositions, referred to consultations with business.

But you do need to come back to the point please, Deputy Queripel.

Deputy Queripel: Sir, indeed.

I just want to clarify, I am not saying 'profit' is a dirty word but the word 'exploitation' is. Proposition 1(c) is not looking to give something back to the people, it is looking to take something away from the people, which is why I am going to vote against it. And in doing so I have the number one objective of the States uppermost in my mind which, as we all know, is to improve the quality of life of Islanders and to make Guernsey one of the happiest and healthiest jurisdictions in the world. You are not going to do any of that if you take things away from Islanders, as some of these Propositions seek to do.

I cannot see a problem with the current arrangement. I do not see the need to change it. The question, 'If it is not broken then why are you trying to fix it?' springs to my mind with this one.

Now, sir, I am well aware of the Committee's view on this because they tell us their view in paragraph 5.5, where they tell us giving authority to them to make the decisions when public holidays need to be changed would enable a much quicker process to be undertaken because there could be occasions where amendments to public holidays may need to be made quickly.

In addition, the debate of such matters by the States is not good use of States' time, so this should be delegated to a States' committee. Well there are several flaws in that statement, starting with the inference that something is broken and needs to be fixed. The inference being that the current procedure is much too slow and cumbersome. Therefore, change in the process to a committee decision will accelerate the process, but where is the evidence of that? Where is the evidence that is going to happen? There is no evidence.

I have attended several committee meetings, in my nine and a half years as a Deputy, where debating just one issue took absolutely hours to resolve. I have often thought on those occasions the whole Assembly would not have taken this long to come to a conclusion. So there is no evidence there, that is just an assumption. To elaborate further on that assumption, if we look at paragraph 1.4 we see we are told the Committee's intention is to continue with the current procedure anyway. A consultation exercise would continue to be undertaken so that the views of stakeholders can be taken into account. The final decision would then be made by the Committee and legislation would be drawn up by way of regulations of the Committee, subject only to the ability of the States of Deliberation to annul the regulations when laid before the States.

So the Committee will be going through the same process. They will continue with the consultation exercise which will still be a fairly lengthy process to give stakeholders sufficient time to engage. And then when the legislation is finally drawn up, it is laid before the States anyway to debate whether they want to annul it or not. So what time is actually being saved? I would like an answer to that question from Deputy Inder when he responds, sir.

But if the answer is that it is the States' time that is being saved, bearing in mind the last sentence of paragraph 5.5 tells us that the Committee considers a debate of these matters by the States is not good use of States' time, then there is either a major contradiction going on here or a failure by the Committee to grasp the reality of the situation. Bearing in mind that the Committee tell us

975 themselves that the legislation will be laid in front of the States, who will have the opportunity to
debate it anyway? If the Committee are that concerned about the States making better use of their
time, perhaps what they should do is submit their suggestions to SACC about where States' time
could be saved. That would be very interesting because I am sure we would all like to see those on
SACC.

980 In closing, sir, I suspect Deputy Inder will have already predicted and anticipated everything I
have said in my speech, (*Laughter*) in which case he will have already prepared a response, and I
look forward very much to that response.

Sir, I ask for separate recorded votes on Propositions 1(a), 1(b) and 1(c) when we go to the vote.
Thank you.

985 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

Before I speak, I wanted to ask if that is actually possible, when Deputy Queripel said that he
wanted to vote against one of those single Propositions, given that the Propositions on the uprating
990 report from ESS the day before yesterday, where Members wanted to vote against one of the
proposals around the 17- and 18-year-olds' minimum wage then that was not possible and those
particular proposals were laid out in the same format as this. So I wondered whether that actually
was possible for Members to vote against these Propositions in isolation or whether they have to
vote against the whole one Proposition?

995 **The Bailiff:** In the context of this single Proposition, I am minded to accept the request to vote
on each of these (a), (b), (c), (d) and (e) separately.

The reason why – it was the minimum wage legislation, Deputy Dudley-Owen, that was being
voted upon where there was an (a) and (b) – was that the Proposition was to give positive approval
1000 to the regulations that had already been made and therefore the (a) and the (b) did not really matter
and they could not be taken separately.

Deputy Dudley-Owen: Understood, thank you very much sir, I appreciate your clarification.

Sir, I might just beg the patience of colleagues insofar as briefly repeating from my statement
1005 delivered in the last States' meeting, given we have had a hiatus of at least a week, if not two. In
respect of the proposal to create a four-day weekend over which to celebrate Her Majesty the
Queen's Platinum Jubilee, I think we can all agree that such a truly remarkable milestone ought to
be appropriately celebrated here in the Bailiwick. After all, the Channel Islands are the Crown's oldest
positions – possessions – apologies Deputy Vermeulen ...

1010 Many will remember that we adjusted our public holidays to enable the celebration of the
Queen's Diamond Jubilee in 2012, and should the Assembly agree to do so again today, we will
continue to develop the details of how we might engage in plans for the National Platinum Jubilee
events across that weekend. We will do all that we can to ensure Islanders are able to enjoy fitting
celebrations.

1015 As the Committee responsible for civil celebrations, we are in complete agreement that locally
we should follow the UK in moving the late May 2022 bank holiday weekend to Thursday June 2nd,
while at the same time creating an additional bank holiday on Friday June 3rd to provide a four-day
weekend to celebrate Her Majesty the Queen's Platinum Jubilee. This also helps a lot of people, I
think, where we know that we have a six-week period of stop-start in the work place which proves
1020 quite difficult planning for children in education and holidays in addition to the normal family life.

If the extended bank holiday from Thursday 2nd to Saturday 5th June is passed, then this will
give Guernsey an opportunity for communities and people throughout the Bailiwick to come
together to celebrate the historic milestone. The four days of celebrations will include public events
and community activities, as well as national moments of reflection on the Queen's 70 years of
1025 service.

Our plans are a mix of events and long-term projects that will see us supporting the Queen's Green Canopy tree project and joining in with the lighting of the Platinum Jubilee beacon at Castle Cornet. A service of thanksgiving for the Queen's reign will also take place and a jubilee seafront celebration featuring street art, music and entertainment will celebrate the service of Her Majesty's reign.

We plan to work with schools to help them both commemorate and celebrate the occasion and will give a souvenir gift to all school children so that they may always remember this unique time in history, as is tradition on these unique events.

A special jubilee community art competition showcasing our local talent will also be launched before Christmas. Plans will evolve as we continue to work closely with schools, community groups and parish officials. We expect to release more details before the end of the year and we will do everything we can to ensure that Islanders are able to enjoy a fitting celebration.

Of course, we have also considered the implications for education, and it is acknowledged that there will need to be a look at the scheduling of timetables etc. But given that the proposed holidays would be in alignment with the UK, we do not see the suggested changes for May and June 2022 creating any issues with exam timetables or being particularly problematic in any other way.

With regard to Liberation Day and the potential for a policy to be adopted whenever this falls on a weekend, my Committee would not be supportive of removing the status of a public holiday from May 9th or designating any other day a public holiday to celebrate the liberation. Guernsey was liberated on May 9th and that forms a day for Islanders to remember and to celebrate their freedom. There is no logic to moving that status to any other day in the calendar year, regardless of whether or not May 9th falls on a weekend.

Thank you, sir.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Oh, excuse me, I am tangled with my mask and glasses.

I thank the Committee for bringing these proposals and Propositions and I would like to address them in three different thrusts.

The first one, the monarch, the Queen's Platinum Jubilee celebrations, I fully support the move to copy the UK and have the four-day weekend and fully understand the cost to the public service areas and business that Deputy Inder has described. By no means am I anti-royalist, in fact I would probably class myself as a royalist. I helped the Queen; I was one of 2,000 who helped the Queen celebrate her birthday in St George's Chapel at Windsor a couple of years ago, that was a very special occasion. But unfortunately, like taxes, London Bridge one day is going to fall. I have just got a question, and I suppose we will be directed by the UK, but what happens if that event happens before 3rd June or the weekend? Will we still be having a Platinum celebration of which Deputy Dudley-Owen has described in great detail already and lots of planning? I am not meaning to pour cold water or dampen anyone's ardour for that celebration because I truly will be celebrating the 70 years of the reign of our monarch on that weekend.

In the same sort of vein, and I echo what Deputy Dudley-Owen has said already, Liberation Day is sacrosanct. It is the day that freedom was granted in 1945. History should not be lost, we should not be moving bank holidays to suit. The day is the day is the day. It is a significant date and it should always be a significant date for the release from conflict and oppression and remembering what our forefathers did for us. We should not just have an extra day off just so that we can sleep our hangover off because we have been celebrating too hard. So I urge Members to vote for that Proposition or section 1(c) when we can.

And thirdly, I also thank Economic Development for bringing the last item, to delegate authority, because they understand business, they understand the impact having a holiday will have and they have already said it in their policy letter that it is going to be a rare occasion and they also mentioned the consultation that has been had over this, which is why they have been able to come to this with

this level of detail and I thank them for doing so and I will be supporting that delegated authority as well.

Thank you.

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The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

I will be brief. I just wanted to respond to Deputy Queripel actually. The £600,000 in staff costs, I think is easy to quantify. Like Deputy Queripel, I used to run businesses and I used to hate May approaching each year because of the two bank holidays. When you pay people to come to work, they work and they are productive which in turn earns you money so when you pay them and they do not come to work and they are not productive, you do not get any money so that is why people do notice bank holidays. I can understand that bit.

But the evidence of the time saving thing is here. We would not be here doing this. I do not come to the States but that simply has to come to the States. You have not got to debate whether to annul it or not, just nod it through. So the time saving bit is this; it is saving this debate. Obviously, it can be annulled, so if we have got a maverick like Deputy Gollop taking over the reins at ED and he starts introducing bank holidays every other week, the States can still have control and say that that cannot happen. So I think this is a very pragmatic policy letter with pragmatic Propositions and I will support the lot.

Thanks.

The Bailiff: Deputy Matthews.

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Deputy Matthews: Thank you, sir.

I was not going to speak on this but I did think I wanted to come back on something that Deputy Dudley-Owen and Deputy Gabriel both said, and actually is in the policy letter, it has always been a bit of a disappointment for me that Liberation Day, when it falls on a Saturday or Sunday, does not have a day in lieu. And I do not think I could quite follow the logic that the day is the day and that it should not have a day in lieu, it is not moving the day to do that, it is having an extra day so that you can celebrate the day on the day and have an extra day in lieu. It has always struck me that by not having that – which makes it different to other days like Christmas and other days like that – it makes it seem like it is not a proper bank holiday. (**A Member:** Hear, hear.) So I would be in favour of having a day in lieu for that. Although I did think that, as Deputy Queripel said, that turkeys do not ... I think he said that turkeys do not ever vote for Christmas but it seems that we talk about public holidays, this might be an occasion where we are voting or Christmas is not included on the list of public holidays.

I think that it would probably make Liberation Day more like a public holiday, in line with the other ones, if the day would stay the same but we had a day in lieu on either the Friday or the Monday either side to make up.

Thank you, sir.

The Bailiff: Deputy Haskins.

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Deputy Haskins: Thank you, sir.

I think Deputy Leadbeater kind of said exactly what I was going to say, but I would just caution. So 1(c), we have heard that there are a few potentially opposing views on what could have been brought by Economic Development, and 1(d), by giving that approval just to make sure that that would not happen so that Liberation Day is that, because that would fall under 1(c) potentially.

My only other point is the Rule 4; I do not believe is the correct version of the Rule 4. I may be mistaken though.

Thanks.

The Bailiff: Deputy Gollop.

Deputy Gollop: I think I just got a mention there from Deputy Leadbeater, but I was thinking after about the issue anyway.

I am pleased to hear Deputy Dudley-Owen and Deputy Haskins from Education, Sport & Culture because, of course, Deputy Inder mentioned that he wants buy in and input from all States' Committees and actually, Education, Sport & Culture, I believe, took on the mandate of the old Liberation Day Millennium Committee. I remember particularly last year Deputy Aldwell did a lot of work in that respect and I hope that Deputy Dudley-Owen's Committee will be in the vanguard of making Sapphire Jubilee celebrations.

I certainly support 1(a), approving that Thursday should be a public holiday and indeed the additional public holiday on Friday. I think it is designed to make a very memorable and special weekend. The only downside, of course, of a four-day holiday for some will be the tendency for some people, health permitting, who might wish to leave the Island so you might get holidays off the Island ... Tours to Guernsey as well, who knows. It could be a sales point for next year.

As a longer serving Member though, of course, my political view and my personal view are not always the same because I think a political view is you representing the community in the interests that you think are best, and a personal view might be more your own individual feelings or whatever.

I am not, personally, a huge fan of bank holidays; you get all kinds of noise, congestion and crowds and busy pubs and you cannot necessarily do the things you want to do and it makes a nonsense of States' committee weeks and all that sort of thing. But public holidays have been a long fought civil and liberal right that go back 150 years, I think. They were designed, as Deputy Queripel has put across very eloquently, for the working man or the working family, not necessarily in the employer's interests and we have to think about that because, of course, we need to be a voice for the business community who pay most or many of our bills and also for ourselves as the States of Guernsey, as an employer. But we have to bear in mind that we want a society that is fair for all and therefore some elements of this I do not necessarily support.

As Deputy Leadbeater reminded us, I think I was with Deputy Green in the last States in wanting an additional holiday around Liberation Day. And we are creating a bit of an anomaly here, actually Liberation Day was the day after in Sark and the day before in England, but for Guernsey it was 9th May. But I remember growing up, Liberation Day was not celebrated as vigorously as today. There was a church service and some quietness, and it really took off in the mid-1970s and 1980s. The problem is, if it falls on a Saturday or a Sunday, which it will do for virtually a third of the time on average, the public holiday element of it as a day off work or a day with paid work falls to the ground and so that is an issue. Of course, sometimes Sundays have their own momentum. For example, there are usually special church services on Sunday but there are normal church services on the Sunday as well. So I think it would be better if we had as a normative policy that we did have an additional public holiday and therefore I will not vote for (c).

The argument about (d), well it appears to me that the Committee *for* Economic Development are in the vanguard here and actually want what amounts to pseudo-ministerial government, because this is a classic example of executive powers. When I first started in the Assembly we might not have sat here so long or spoken so long, but there were 30 items on each Billet, there were little items about boat charges and harbour dues, Deputy Trott will remember writing some of them or debating some of them, and we have slimmed that down and this is another example of delegation. But it will be even harder for parliamentarians, whether they are on SACC or not, to bring changes to that, it will be a different process.

There is, of course, another issue with Economic Development having this role, which goes beyond procedure. I do not believe Deputy Inder has said 'turkeys vote for Christmas'. I have on a few occasions, I gobbled away with it. But if you read the policy letter, actually as Deputy Inder said because he talked about the resounding view in the business community, let's look at Liberation Day, for example:

Consultation ... [undertaken] at the time indicated that the majority view was to keep Liberation Day to 9th May regardless of which day of the week it fell on to retain the significance of the day. The responsibility would then lie with individual businesses to decide whether to offer their employees a day off in lieu at a later date.

1180 And then you go on to the next paragraph, 4.3 actually:

The proposal to designate the public holiday for Liberation Day as 9th May whether it falls on the weekend, was met with a unanimous view to keep the 9th May as the public holiday, whatever day of the week it falls on. This is very much in line with the view held by business groups in 2019 ...

Yes, but the business groups are not likely to support too many bank holidays (**Several Members:** Hear, hear.) Well, why would they? But that is not necessarily how local Island families, people on minimum wages, guest workers from overseas, feel and maybe in allowing Economic Development the say on this, we are adding an unconscious bias in favour of listening to the business community, or maybe a conscious bias, I do not know.

And that is why possibly there should be greater consultation with Employment & Social Security, for example, Health, how does it affect wellness? And we need to realise that for many people, especially families where many people have jobs, are struggling to pay the mortgage or the rent, bank holidays are an example of where the family can get together and have a longer weekend break. I know circumstances where the UK have had a bank holiday and we have not enjoyed it, partly because previous Commerce and Employment or Economic Development had been weary.

Like Deputy Queripel, I question a little bit the £600,000 figure. There certainly is a cost, but I mean the prisons are going to open, they might pay bank holiday rates, some staff are paid a salary whether they go to the office or not. Many of them are diligent civil servants and are working around the clock; they will send the emails at 10 o'clock at night or at the weekend, so they are working regardless. Other people will take a day off in lieu. Certain areas, like the Airport and Harbour might be busier which could bring in more money.

So I would question how we come up with a figure of over half a million in that way. There could equally be an input into the economy because bank holidays are traditionally a time of additional hospitality ... I will give way to Deputy Soulsby.

Deputy Soulsby: I thank Deputy Gollop because Deputy Queripel asked the same question.

I know certainly from my time in Health a vast majority of the costs will relate to Health & Social Care in terms of time off in lieu and enhanced pay for overtime. People have to go in at certain times so that is where the cost is. I certainly know from that aspect of it, and that was put together from across the States, and yes it does add up.

Deputy Gollop: Thank you.

Deputy Soulsby, of course, would be entirely correct from a Health point of view, although that is an employment contract issue as well. But, of course, we are by definition voting today to celebrate the Queen's magnificent achievement to presumably increase that cost, maybe by a million pounds if you do the sums; well, certainly half a million and half a million in lieu of the other bank holiday.

But I think, though, my point is that the staff who are then paid the enhanced rates and have the time off will probably spend it in the economy, or perhaps as Deputy Vermeulen would like to see, we might see visitors from Jersey, France or the UK enjoying our bank holiday too.

So yes, I support the celebration for Her Majesty, but I think on this occasion I would wish to keep the power for the States to regulate bank holidays, both for Liberation Day, additional holidays from time to time and the States, so I will vote against those bits.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

1225 I will be very brief, I will be supporting the Propositions. It was just really to give a bit more meat on the bone in answer to Deputy Queripel's questions, which was where the £600,000 came from. Deputy Soulsby is absolutely right, the vast majority will be from Health.

1230 When you think about our budget, we have about a £200 million budget. We run a normal service, five days a week say, that is 260 days a year. So £200 million, you can start to see that every day that the States is in position, there is a good £1 million worth of cost, just about. So if we give an extra day off in lieu on a Friday, it will still mean that although that nurse will have a holiday, it will also mean that we still need to have a nurse working on that particular day because we have to run 24/7, so that is part of the cost.

1235 The other part of it, I think, picking up on Deputy Queripel's analogy of him being an employer and his wages will be the same, well, as Deputy Leadbeater pointed out, if you give your workers a day off on Friday, yes, your wage bill for the end of the week will be the same, but you will not have any income from the Friday to pay the wage bill. And that also works the same in the Hospital, for some surgeries; we will not be able to charge for Victoria Wing because there will not be anybody there to charge for because it is unlikely that they would want to come in on a bank holiday etc.

1240 The vast majority of the cost will be from Health and the other frontline services such as Police, Customs, Airport staff, etc. who will be then having to cover that particular day by having a day off in lieu, so I hope that helps a bit.

Thank you.

1245 **The Bailiff:** I will turn back to the President of the Committee, Deputy Inder, to reply to the debate.

Deputy Inder: Thank you.

1250 There were some specific questions, and thank you, Deputy Brouard and Deputy Soulsby, for mainly covering off where the charges are. But to help, just in case, Deputy Lester Queripel did not think I was prepared, I was.

1255 Just to back up something that was said, there was a conversation between the HR Department and just to read this, 'In general staff are entitled to – 'excuse me, maybe I am not that prepared ... Right, 'In respect of pay in general, those who have to work on a public holiday are entitled to plain time enhancement. For some employees this public holiday enhancement is instead of the Saturday/Sunday enhancement. For others, it is an addition to the Saturday/Sunday enhancement. Having the public holiday on a Saturday or Sunday may actually reduce costs.' But in short, and what was not mentioned in that was the extra, added in by Deputy Brouard of course, there is cover as well which was not ...

1260 So in short, pay groups look like they have some different enhancements but I do not know whether it is exactly £600,000 or £602,598. That is not my job to do. We take information, we talk to our Treasury Department and they give us the figures.

1265 Deputy Queripel, I think he started his speech saying he had spoken to people. Well, we have spoken to the business groups because that is the job. It is included in the name, Committee for Economic Development. So in the main, as I explained in our speech, the businesses were very happy that there would be some certainty and they were quite happy that the day is the day and there was no objection to that at all. And he said he wanted to discuss this in the States, so there is a member of SACC wanting to discuss in the States with another member of SACC who wanted this discussed in the States, well we do not. No more than that. I just do not think we should be.

1270 If the business of government is to sit around talking about minutiae of public holidays, when there is a simple solution that can be agreed by this whole Committee to make 9th May the 9th May, with a very simple solution that it is done by committee, by Resolution. It is not ministerial government, we are not going to be writing a cheque, it is the Committee for Economic Development, we will talk to the business groups. And when there might be a strange extra day we, as under our mandate, will talk to the business groups again, we will make decisions, or a future

1275 committee will make decisions by regulation and the final say will be done by a future States. That is how it should work.

I am really quite surprised both Deputy Gollop and Deputy Queripel want to talk about bank holidays in the States. We have had 15 minutes from Deputy Queripel, 10 minutes from Deputy Gollop and I think Deputy Queripel as a member of SACC, he questions whether, I think he said, whether this should be moved to SACC? I mean, I do not know, I have hung around SACC for a while –

Deputy Queripel: Point of correction, sir.

1285 **Deputy Inder:** I beg your pardon?

The Bailiff: Point of correction, Deputy Queripel.

1290 **Deputy Queripel:** Sir, I did not say it should be moved to SACC. What I said was the Committee for Economic Development was concerned about the best use of States' time. I suggested they put their suggestions to SACC about where time could be saved. It is totally different to what Deputy Inder said.

Thank you.

1295 **The Bailiff:** That is accurate, Deputy Inder, I recall so –

Deputy Inder: Well okay.

I mean for the life of me I thought SACC were too busy talking about skittles, trousers, lunch hours and seating arrangements. *(Laughter)* Why on earth would I want to put this back through another committee? And how on earth it is an efficiency, I have got absolutely no clue whatsoever. I do not know. Maybe I should be the turkey that *does* vote for Christmas and just be eaten on the table somewhere, because this is just killing me. *(Laughter)*

Now, the more serious one, that made a lot of sense is the comment made by Deputy Gabriel about what may or may not happen between now and this year, and I am absolutely sure the British monarch, our Duke, will have a fantastic Platinum Jubilee and will be celebrated by the whole of the British Isles, the Commonwealth and Guernsey, we are going to have a great day. I am quite sure Guernsey wishes her very well in the difficult time that she has had over the last couple of weeks. But in short, in any event, it is a fact and it is a reasonable thing. Proposition (e) says:

To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

1310 So effectively, as soon as this policy letter is agreed the legislation will be read and the four days will be the four days. Now I do not really want to discuss what may or may not happen between now and then, but in short whatever it is, it will be a celebration. Whatever happens between now and June of next year will be a celebration for one of Britain's greatest monarchs.

And I would ask the people of the Assembly to approve the policy letter in its entirety.

1315 **The Bailiff:** Hon. Members of the States, there has been a request to take (a), (b), (c), (d) and (e) separately, which I am going to accede to and there has also been a request for recorded votes on (a), (b) and (c) so we will take each of those in turn.

So Proposition 1(a), which is shifting Monday 30th May to Thursday 2nd June first. So Proposition 1(a), recorded vote, please Greffier.

1320 *There was a recorded vote.*

Carried – Pour 32, Contre 2, Ne vote pas 2, Absent 3

POUR

Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Dyke
Deputy Fairclough
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Kazantseva-Miller
Deputy Leadbeater
Deputy Mahoney
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Parkinson
Deputy Prow
Deputy Roffey
Deputy Soulsby
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy Bury

CONTRE

Deputy Queripel
Deputy Taylor

NE VOTE PAS

Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

Deputy Le Tocq
Deputy Oliver
Deputy St Pier

The Bailiff: Members of the States, in respect of Proposition 1(a), there voted Pour 32 Members, Contre 2, 2 abstentions, 3 Members are absent and therefore I declare Proposition 1(a) duly carried.

We will now have a recorded vote on Proposition 1(b), relating to 3rd June.

There was a recorded vote.

Carried – Pour 33, Contre 1, Ne vote pas 2, Absent 3

POUR

Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Dyke
Deputy Fairclough
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Kazantseva-Miller
Deputy Leadbeater
Deputy Mahoney
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Moakes

CONTRE

Deputy Taylor

NE VOTE PAS

Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

Deputy Le Tocq
Deputy Oliver
Deputy St Pier

Deputy Murray
Deputy Parkinson
Deputy Prow
Deputy Queripel
Deputy Roffey
Deputy Soulsby
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy Bury

1325 **The Bailiff:** In respect of Proposition 1(b) there voted Pour 33 Members, 1 Member against, 2 abstentions, 3 absentees and therefore Proposition 1(b) is also carried.

A recorded vote on Proposition 1(c) next, please.

There was a recorded vote.

Carried – Pour 28, Contre 5 Ne vote pas 3, Absent 3

POUR

Deputy de Lisle
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Dyke
Deputy Fairclough
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Leadbeater
Deputy Mahoney
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Parkinson
Deputy Prow
Deputy Roffey
Deputy Soulsby
Deputy Taylor
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford

CONTRE

Deputy Cameron
Deputy Gollop
Deputy Kazantseva-Miller
Deputy Matthews
Deputy Queripel

NE VOTE PAS

Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Bury

ABSENT

Deputy Le Tocq
Deputy Oliver
Deputy St Pier

1330 **The Bailiff:** Members of the States, in respect of Proposition 1(c) there voted Pour 28 Members, Contre 5 Members, 3 Members abstained, 3 Members were absent and therefore I declare Proposition 1(c) also duly carried.

Proposition 1(d), there has been no request for a recorded vote so I will simply put it to you *aux voix*.

1335 **Deputy Queripel:** Sir, I did ask for a recorded vote, in my speech.

The Bailiff: We will have a recorded vote on 1(d) as well, in that case, Deputy Queripel.

Deputy Queripel: Thank you, sir.

There was a recorded vote.

Carried – Pour 28, Contre 5 Ne vote pas 3, Absent 3

POUR

Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Dyke
Deputy Fairclough
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Leadbeater
Deputy Mahoney
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Parkinson
Deputy Prow
Deputy Roffey
Deputy Soulsby
Deputy Taylor
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford

CONTRE

Deputy Cameron
Deputy de Lisle
Deputy Gollop
Deputy Queripel
Deputy Bury

NE VOTE PAS

Deputy Kazantseva-Miller
Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

Deputy Le Tocq
Deputy Oliver
Deputy St Pier

1340 **The Bailiff:** In respect of Proposition 1(d), the voting was as follows: Pour 28 Members, Contre 5 Members, 3 abstentions, 3 absentees, and therefore I declare Proposition 1(d) also duly carried.

And finally, Proposition 1(e) which is to direct preparation of legislation. Those in favour; those against?

Members voted Pour.

1345 **The Bailiff:** I declare Proposition 1(e) also carried, and this time they have all been carried.

1350 And that, Members of the States, concludes the business for the meeting that began on 13th October. Can I congratulate you on having caught up with yourselves at last (*Laughter*) so we will be ready for a clean start on 24th November and I look forward to seeing you all here very promptly that day, please.

The Assembly adjourned at 11.48 a.m.