

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

28th September 2022

Proposition No. P.2022/70

Committee for Employment & Social Security

The Prevention of Discrimination (Guernsey) Ordinance, 2022

AMENDMENT

Proposed by: Deputy A. Matthews

Seconded by: Deputy L. Queripel

At the end of the Proposition add: “, subject to the amendment indicated below”.

In the Schedule, after paragraph 4, insert:-

"Freedom of Expression

5. (1) This paragraph does not apply to victimisation under this Ordinance.

(2) This paragraph does not apply where the conduct of a person ("A") amounts to harassment under this Ordinance of another ("B") and -

(a) A's conduct has the purpose of –

(i) violating B's dignity, or

(ii) creating an intimidating, hostile or degrading, humiliating or offensive environment for B, or

(b) occurs in circumstances where it would appear to a reasonable person that it would have the effect referred to in subparagraphs (i) and (ii) of paragraph (a).

(3) For the avoidance of doubt, an expression of an opinion, political view, religious belief or any implied or actual view or position on any subject does not by and of itself constitute an act of discrimination prohibited by this Ordinance.”,

and renumber subsequent provisions and amend relevant cross-references accordingly.

Rule 4(1) information

a) The proposition contributes to the States' objectives and policy plans as it is in line with the States strategic objective of introducing legislation to prevent discrimination.

b) In preparing the proposition there have been discussions and communications about the amendment with the President and Members of the Committee for Employment and Social Security and Committees Officers.

c) The proposition has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.

d) There are no financial implications to the States of carrying the proposal into effect.

Explanatory Note

This amendment emphasis the concept of freedom of expression which is not explicitly stated within the ordinance.