

Proposals for a New Discrimination Ordinance

Equality Guernsey, a voluntary collective with a shared passion for protecting the rights of people in Guernsey, welcomes the expansion of protection from discrimination.

A spokesperson for the Group said:

“We believe everybody should be protected from harmful discrimination. If the States agree to the proposals from ESS, the Island will take a significant step forward.

“The proposals might truly be a once in a generation opportunity with the legislation introducing protection against discrimination on the grounds of race coming some 50 years after the States agreed to extend the UN convention to our Island.”

The ESS proposals are for the island’s first discrimination legislation on the basis of disability, carer status and race.

The ESS is also proposing legislation protecting people from discrimination on the grounds of age, religious belief and sexual orientation and extending existing protections on the grounds of sex, marriage and gender reassignment. However, this work will be in later phases.

The spokesperson for the Equality Working Group commented:

“Whilst it is unfortunate that not all grounds can be covered initially it is imperative that protection is provided on the three grounds of disability, carer status and race without any further delay and the States commit to bringing in the other grounds at the earliest opportunity.”

The proposals being brought before the States represent a significant compromise from the strawman proposals the Committee first launched for stakeholder consultation in November 2018. The changes made were in response to concerns from business representatives, echoed by the Policy and Resources Committee in its published letter to the public consultation phase, that upgrading policies and practices to ensure they are not discriminating against employees or service users could cost them too much money.

Among other factors that should reassure employers, the first phase of the proposed legislation would not come into force until 2022; with other phases proposed for 2024 and 2026. The proposals promote education and reconciliation before litigation and the compensation available if a discrimination claim is upheld is minimal (capped at £10K for goods and services or 3 months pay in line with the current reward for unfair dismissal relating to sex discrimination).

“The biggest disappointment of the revised proposals, due to funding constraints, is that ESS is not proposing the development of an Equality and Rights Organisation (ERO) that would be independent of the States and would provide advice and information to individuals and businesses to enable culture change and early resolution of issues.”

Instead, the Committee is proposing a minimal adjustment of the Employment Relations Service so that it is headed by a statutory official, moved to a new office and rebranded as the ‘Employment and Equal Opportunities Service’.

Nevertheless, the Equality Guernsey group welcome the ESS proposals as a first step to fulfilling the States’ commitment to bring in protection from discrimination on multiple grounds. The Equality Guernsey spokesperson said:

“Fundamentally, this legislation is about treating people fairly. Most of us are lucky enough not to have experienced discrimination but unfortunately for those who have been discriminated against on the grounds of race, disability, or carer status, there has been no protection under law and limited information or help available to resolve any issues. These proposals will change that and ESS should be congratulated and supported for bringing this thorough report before this States. This will be a big first step setting the principles for the other grounds to come which we hope will be fast on the heels to bring our protection up to the standards that are universally expected in a modern society.”

Ends.



Notes for editors:

Equality Guernsey is a collective of volunteers with an objective of working together collaboratively to raise awareness of equality in Guernsey. The group was responsible for the successful awareness raising events held over the summer of 2019 and culminating in a conference with keynote speaker June Sarpong.

Contact details

Hello@equality.gg

Or Alysa Martel 07781 124317

www.equality.gg