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Proposed new discrimination law for Guernsey

JULY 2019

The States of Guernsey has unveiled details of its proposals to introduce multi-ground discrimination legislation. It launched a consultation on 9 July 2019 seeking feedback from the public on its proposals.

The consultation papers and detailed background information can be found here.

The consultation will be open until 30 September 2019. The new law is expected to come into force in 2021 (at the earliest).

Types of discrimination under the new law

The proposed grounds of protection ('protected grounds') under the new legislation include:

- Age
- Carer status (people who provide care or support for a dependent child or a disabled person over the age of 18)
- Disability (which includes a wide range of disabilities)
- Marital status
- Pregnancy or maternity status
- Race (which includes colour, descent, national or ethnic origin and nationality)
- Religious belief (including lack of religious belief)
- Sex
- Sexual orientation
- Trans status (which would have similar scope to the 'gender reassignment' ground used in the UK)

Who will be affected?

Under the proposed legislation employers and service providers must not discriminate against someone on the basis of any of the protected grounds. 'Employers' would include employment agencies, vocational training providers, providers of apprenticeships, trade unions and professional bodies. 'Service providers' would mean providers of goods or services (including in the public sector), education providers, accommodation providers and clubs and associations.

The proposed new legislation goes much further than Guernsey's existing discrimination legislation which only protects individuals from discrimination on the basis of sex (including pregnancy and gender reassignment). It

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will therefore have a significant impact on many Guernsey businesses who will need to be fully aware of their legal obligations and in many cases take action to ensure compliance with the law.

What next?

Anyone who may be affected by the new law is strongly urged to review the consultation papers and take part in the questionnaires available at the link above. It is expected that feedback from the consultation will be available in December 2019 and that the new law will be debated in a States meeting no later than April 2020. We will be keeping a close eye on developments and will publish further updates once the feedback has been published and we know more about the detail of the new law.

In the meantime, if you have any questions about the new law or the public consultation, or would like to discuss the implications for your business, please get in touch.

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