

DISABILITY LEGISLATION - WHAT GPEG IS DOING

19th April 2021

The Guernsey Policy and Economics Group (or “GPEG” as we are generally known) are a group of people who are interested in providing facts and evidence driven policy proposals to the public, as well as providing independent scrutiny, with the aim of improving decisions taken that impact Guernsey life.

We have so far produced several publications, all of which are not about issues of left or right leaning politics or policies, but focus on areas where government action can, and should, be better.

We are now working on a review of the proposed legislation on discrimination and disability – we are very aware that this is an area where strongly held opinions exist and that any recommendations will, this time, be viewed in a political light.

We are entirely in agreement with additional anti-discrimination legislation being implemented in Guernsey in order to protect the vulnerable.

However, we believe that any introduction of legislation into an island this size and with the limited diversity of Guernsey should be proportionate to the population’s needs and requirements. By proportionality we mean a need to introduce an Ordinance which sensibly reflects the needs of the society in which we live.

There are downsides in adopting anti-discrimination laws including the simply large costs of implementation, increased judicial and legal process, a potentially worsening of employer/employee relationships and a reduced attractiveness for employers to employ staff in Guernsey. It may even stop new businesses considering locating to Guernsey. We need, and should expect proper evidence of the likely impact of such wide-ranging legislation which does not currently seem to exist. There needs to be a choice of balance between the costs and benefits which ultimately GPEG can do no more than inform. Final decisions will be political.

We believe that the current basis of the proposed legislation has been deliberately driven to, and focused on, the Republic of Ireland’s laws to ensure that the widest possible definition of disability be adopted in Guernsey. We will examine the process that led to this position. GPEG will analyse and exemplify the wide-ranging impact of following that wide route. We will be reviewing the differences between the Jersey legislation and the Guernsey proposals – the Committee for Employment and Social Security’s review of the Jersey legislation remarkably, and improbably, found nothing worthy of copying.

The proposals are really complex. The last paper from the Committee for Employment and Social Security runs to 278 pages. GPEG doubts that much of the population, including many States’ members and many employers, have the time to grasp thoroughly the impact and practicalities of the proposals. We will seek to identify and publish the key areas for consideration.

GPEG also has considerable concerns as to the cost implications for not only private businesses of all sizes but also the public sector and charities. The Assembly is obliged via its Rules of Procedure to provide detailed costing of projects put before the States for approval. As we have made known previously, no such costings were undertaken. We ask for rapid rectification of this.

GPEG will continue to investigate this proposed legislation and intends to provide a more detailed report after investigating all the issues.

As is common nowadays, with a view to dissuading review, some of the proponents of the proposed legislation are resorting to abuse and fake news in social media about GPEG and its assumed position.

We will analyse, and review, and publish, regardless of such.