

Easy Read Version

A new law about discrimination

Please tell us
what you think

This is an EasyRead version of:
Public Consultation
Discrimination Legislation:
Summary of draft proposals



States of
Guernsey

July 2019





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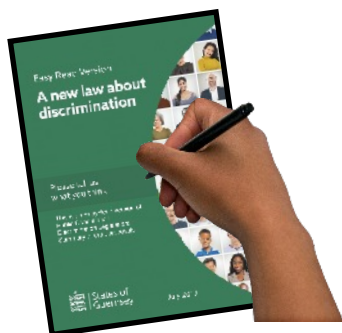
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Some words are in **bold**.

If they are not explained in the text, there is a list of what they mean at the end of this booklet.



1. What this booklet is about



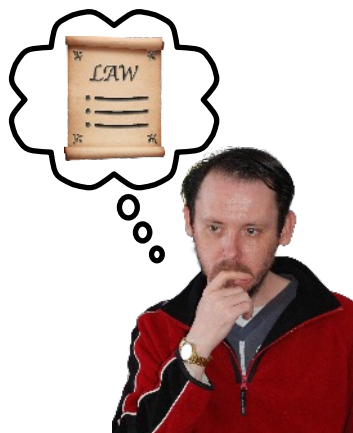
The Committee for Employment and Social Security wrote this booklet.



It is about a new law to protect people from **discrimination**.



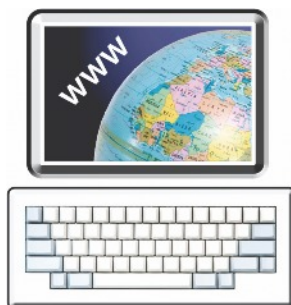
Discrimination means being treated worse than other people because of who you are or where you come from.



We are asking what you think about the idea of the new law and what it should say.



You can tell us what you think before the **30th September 2019.**



There is more information on our website:
www.gov.gg/discriminationconsultation



If you need this document in a different format, please let us know. Our address and phone number are at the end of the booklet.



2. What discrimination means



Discrimination means being treated worse than other people because of who you are or where you come from.



This might be because of one or more of these things that the law calls **protected grounds**:

- your age



- your sex (being a man or a woman)



- your race (which includes your skin colour, the country you come from or the country on your passport)



- your religious belief



- your sexual orientation. For example, whether you are gay, lesbian, straight or bisexual



- because you have a disability



- because you are a carer for a child or someone with a disability



- because you are single, married, separated, divorced, widowed or in a civil partnership



- because you are changing your gender



- because you are going to have a baby, have recently had a baby or are breastfeeding.



It would be against the law to treat you unfairly because of one of these things when you:



- apply for a job



- are at work



- are in apprenticeships or training



- want to use goods or services. For example, transport, shopping, the bank, a pub, hospital, taxi or when you eat at a restaurant or cafe



- are in education



- want to join or be a member of a club or group



- buy or rent somewhere to live or work.



Children

Children will not always have protection from age discrimination in the law. But the law will say children should not be treated unfairly for any of the reasons above.



3. What the new law will say



The new law will not allow the following types of **discrimination**:

- **direct discrimination** – when a person is treated worse than another person



- **discrimination by association** - when a person is treated less fairly than another person because of who they are with or who they care for



- **indirect discrimination** – when a rule used for everyone, is unfair to a group of people or makes things difficult for them



- **discrimination arising from disability** – when someone treats another person unfairly because of something that happens because of their disability



- not making an **appropriate adjustment** to give someone with a disability the same chance as other people to have a job or use a service. For example, you might ask a bank to send you information in large print or in easy to read words so you can read it.



It is only **discrimination** if you are treated unfairly because of one or more things in the list of **protected grounds**.



Employers and services do not have to make **appropriate adjustments** now. But they will have to do it when the new law is in place.



Sometimes making an **appropriate adjustment** will cost extra money. Employers or services might not have to make changes they cannot afford or if it is too difficult.



The new law will say a person with a disability should not usually have to pay for the changes.



But landlords do not have to pay for changes to buildings. The person living there might have to pay for changes they want.



These things would also be against the law:



- **harassment** – unwanted behaviour which harms someone's dignity or makes their life very unpleasant



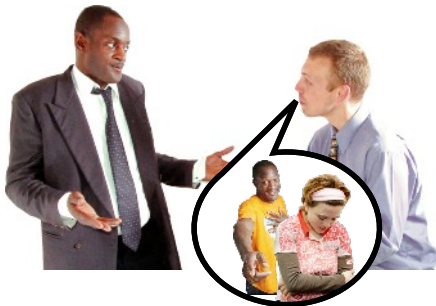
- **sexual harassment** – any form of unwanted sexual behaviour



- **victimisation** – treating someone unfairly because they have made a complaint or helped someone else to complain



- **discriminating adverts** – adverts saying someone plans to treat another person unfairly



- putting pressure on someone to treat another person unfairly.



People who provide goods, services or education will have to think about whether people with disabilities can use them. They must write a plan to show how they will meet people's needs and what changes they can make.



This might not happen straight away.



Employers, people who provide accommodation or run clubs with members will not have to do this.



Employers will have to pay people the same if their work is of equal value. This is called **equal pay for work of equal value**. They may be doing very different jobs for the same employer. The important thing is that the jobs need the same level of skill and effort.



4. Examples of different types of discrimination



- 1) It would be **direct discrimination** to ask a woman to stop breast-feeding her baby in a restaurant or ask her to leave



- 2) It would be **discrimination by association** if a company did not give a woman a job because she has a daughter with a disability. And they think she will take too much time off to care for her daughter.



- 3) If a café does not have a good reason why people must be taller than 1m 70cm to work there this could be **indirect discrimination**. Women are usually shorter than men.



- 4) A man's disability makes him mumble and he is thrown out of a pub because the owner thinks he is drunk. Even though the man says he is not. This would be **discrimination arising from a disability** if the owner knew the man had a disability and he did not have a good reason to ask him to leave.



- 5) A man with poor eyesight asks for a bigger screen for his computer at work so he can read it more easily. His employer says no without looking into it. This would be **failing to provide an appropriate adjustment**.



5. When it is ok to treat people differently



The new law will say it is sometimes ok to treat people differently.



For example:

- if it is not because of the **protected grounds**



- if one person needs an **appropriate adjustment** and another person does not



- if someone cannot do the most important parts of a job



- if someone does not have something that is usually needed for that type of job, e.g. being a black actor to play a black character



- if the employer or service is taking a positive step to remove unfairness



- if the employer or service has a good reason and can justify what they are doing. They will have to explain this in a certain way and it will only be allowed for some types of discrimination – direct age discrimination, indirect discrimination, discrimination arising from disability and failure to provide an appropriate adjustment.



- if there is an exception in the law which says when it is OK to treat someone differently.



Some examples

The new law will not change things that are good for people of different ages, for example flu injections for older people.



The new law will make it against the law for clubs, which are for everyone, to treat some people differently. For example – a golf club with men and women members cannot let men play at any time and women only play in the mornings. A club that lets members bring their partners cannot say disabled partners are not allowed.



But we also know that it is good for some groups of people to have their own places where they can meet and enjoy themselves. That is why the new law will not stop women-only and men-only clubs, religious groups or older people's clubs.



6. How the new law will protect people



You can complain if you think someone has broken the new law and **discriminated** against you.



This is how to complain:

1) Speak to the employer or service. They might be able to make things better.



2) If this does not help and things do not get better, the new law will say you can complain.



3) You will get help to try to sort out the complaint.



- 4) If you are still unhappy, you can ask a discrimination tribunal to look at your complaint. This is a group of 3 people who are trained about the new law. They will listen to your complaint and to the employer or service and decide the best thing to do.



- 5) If they agree with your complaint:

- you might get some money or
- they might tell the employer or service to sort out the problem.





7. Equality and Rights Organisation



We are thinking about setting up a new organisation to help people.



This organisation might:

- give information about **equality** and **human rights**



- do **research** on **equality** issues



- see if Guernsey is meeting **human rights** rules



- make sure employers and services follow the new law



- help people use the new law to make complaints about **discrimination**.



8. What happens next?



We will look at what people tell us and might change some ideas about the new law.



In 2020, Guernsey politicians will talk about a new **discrimination** law and decide if it should go ahead.



If they agree, lawyers will write the new law.



Then the government must agree to the new law before people can use it.



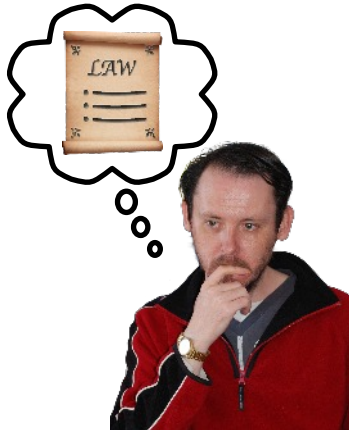
If the new law is agreed, the plans in this booklet will happen.



Some people may think some parts of the law should happen later. This would give employers and services more time to do everything the law says. They might need extra time for changes to buildings and **equal pay for work of equal value.**



9. How to tell us what you think



We would like to know what you think about a new **discrimination** law and what it should say.



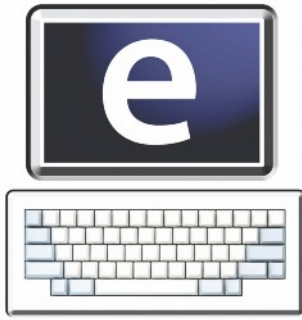
Please tell us before **30th September 2019**.



You can post your answers to:
**Discrimination Legislation
Level 4
Edward T. Wheadon House
Le Truchot
St Peter Port
Guernsey. GY1 3WH**



Telephone:
01481 732546



Email:
equality@gov.gg



You can also come to a meeting.



The first meeting is on:
Monday 15th July at 7.30pm
at the Performing Arts Centre

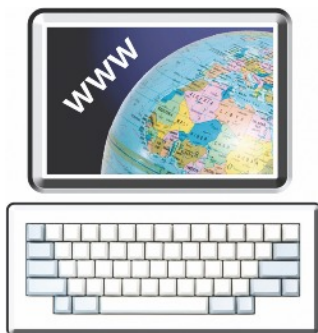


There is more information on our website:
www.gov.gg/discriminationconsultation

Keeping your personal information safe



We will keep to data protection law when we use and store your information.



You can find out more on our website:
www.gov.gg/dp



or telephone:
01481 732546

10. What the words mean

Appropriate adjustment

A sensible or affordable change that gives someone with a disability the same chance as other people to have a job or use a service.

Data protection law

Law about keeping your personal information safe.

Discrimination

Being treated worse than other people because of who you are or where you come from.

Equality

Treating everyone fairly and making sure they have the same rights and chances in life.

Equal pay for work of equal value

Paying people the same if their work is of equal value. They may be doing very different jobs for the same employer. The important thing is that the jobs need the same level of skill and effort.

Exception

When it is ok to do things differently.

Human rights

Rights that should happen for everyone.

Protected grounds

Things like your age, race or religion that the new law will say you cannot be treated unfairly because of.



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