

Easy Read Version

A new law about discrimination

What are the States deciding?



States of
Guernsey

March 2020





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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.



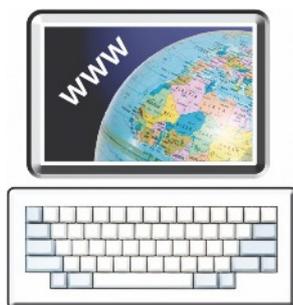
It is about a new law to protect people from **discrimination**.



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



The States (Guernsey's government) is deciding whether to agree the new law.



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



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 reasons. The law calls these reasons **protected grounds**. The law could protect you:



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



- because you have a disability



- because you are a carer for someone with a disability



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

The law will say children should not be treated unfairly for any of the reasons that have been listed.



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



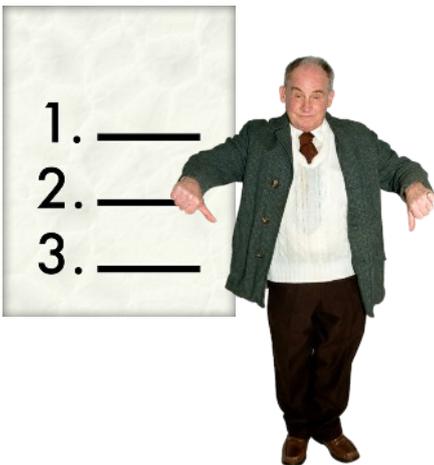
- **indirect discrimination** – when a rule used for everyone, is unfair to a group of people or makes things difficult for them



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



- not making a **reasonable 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 reasons in the list of **protected grounds**.



Employers and services do not have to make **reasonable adjustments** now. But they will have to when the new law is in place. Then, they will not have to make **reasonable adjustments** that mean changing buildings straight away. They will have until five years after the new law is in place.



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



Landlords can decide not to make some types of changes to buildings.



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



Landlords do not have to pay for some changes. Sometimes if you rent a property you may have to pay for a change that you want. For example getting a stair-lift fitted.



These things would also be against the law:



- **harassment** – unwanted behaviour which makes someone feel bad 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 because they have 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 how people with disabilities can use their service. They may need to make changes before people ask for them.



Employers and people who provide accommodation or run clubs with members will not have to do this. But they do need to make changes when people with disabilities ask for them.



Employers will have to pay people the same if they do the same job.



Government services will need to have plans about how to include disabled people. They would have five years to write their plans.



4. Examples of different types of discrimination



- 1) It would be **direct discrimination** to refuse to serve someone a drink in a cafe because of the country they are from.



- 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) It would be **indirect discrimination** if a cafe does not have a good reason why it prints its menu in small letters so it is hard to read. Some disabled people who cannot see small things will not be able to read it.



- 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 a reasonable 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 a **reasonable 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 change something that is unfair



- if the employer or service provider has a good reason, they will have to explain why they are doing something that seems unfair. It will only be allowed for some types of discrimination:



- indirect discrimination



- discrimination arising from disability



- failure to provide a reasonable 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 with disabilities. For example it will still be OK to charge disabled people less for tickets.



The new law will make it against the law for clubs, which are for everyone, to treat some people differently. For example – 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 clubs for disabled people or clubs for people from the same country.



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) You can also get someone to talk about what has happened with you and the employer or the service.



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



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



5) 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. They will decide the best thing to do.



6) 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. What happens next?



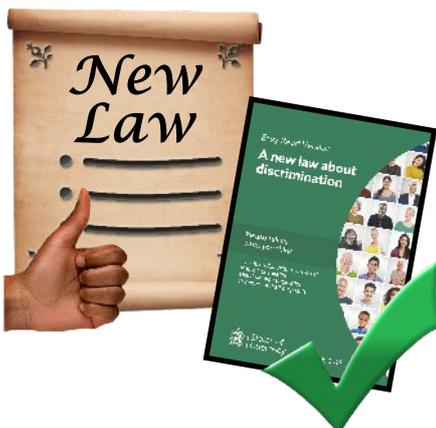
In April or May 2020, Guernsey politicians will talk about a new **discrimination** law. They will decide if it should go ahead.



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 parts of the law would happen later. This would give employers and services more time to do everything the law says. This includes extra time for changes to be made to buildings.



People will not be able to make complaints about education straight away. They will be able to when we know more about the new education law.



In future the States (Guernsey's government) will look at adding more protected grounds to the law. This will include things like age and religion.

8. How to contact us



Guernsey politicians will be deciding whether to agree the new law.



If you want to speak to a politician you can find their emails and their phone numbers at **www.gov.gg/yourdeputies**



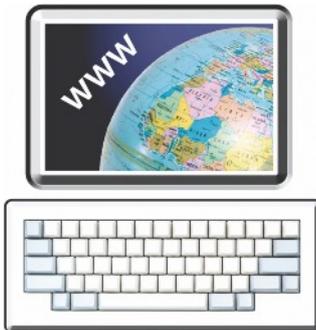
You can contact us at:
**Discrimination Legislation
Level 4
Edward T. Wheadon House
Le Truchot
St Peter Port
Guernsey, GY1 3WH**



Telephone:
01481 732546



Email:
equality@gov.gg



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

9. What the words mean

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.

Exception

When it is ok to do things differently.

Human rights

Rights that should happen for everyone.

Protected grounds

Things like your race or being disabled. The new law will say you cannot be treated unfairly because of these reasons.

Reasonable 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.



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