



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 17th July 2020

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Present:

R. J. McMahon, Q.C., Bailiff and Presiding Officer

Law Officers

Miss M. M. E. Pullum, Q.C. (H.M. Procureur)

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, D. A. Tindall, B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies, J. A. B. Gollop, L. C. Queripel, M. K. Le Clerc,
M. P. Leadbeater, J. I. Mooney

St Sampson

Deputies L. S. Trott, J. S. Merrett, G. A. St Pier, T. J. Stephens

The Vale

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe, L. B. Queripel, J. C. S. F. Smithies

The Castel

Deputies R Graham L.V.O, M. B. E, C. J. Green, B. J. E. Paint, M. H. Dorey

The West

Deputies A. H. Brouard, E. A. McSwiggan,
D. de G. de Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,
R. G. Prow, V. S. Oliver

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and A Snowdon

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (The States' Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller);
Deputy C. N. K. Parkinson (*relevé à 9h 44*); Deputy P. R. Le Pelley (*relevé à 9h 44*); Deputy C. P. Meerveld (*relevé à 9h 44*); Deputy S. T. Hansmann Rouxel (*relevée à 9h 54*); Deputy J. P. Le Tocq (*relevé à 9h 54*); Deputy A. C. Dudley-Owen, (*relevée à 9h 54*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Happy birthday to Deputy Trott

The States' Greffier: Billet d'État XV – Article XV – the continuation of the debate.

The Bailiff: Deputy Parkinson, Deputy Le Pelley and Deputy Meerveld, you have all arrived while the roll call was being taken. Is it you wish to be relevés?

5

Deputy Parkinson: Yes, please, sir.

Deputy Le Pelley: Yes, please, sir.

10

The Bailiff: Thank you very much.

Now before we resume debate, Members of the States, on amendment No. 6, today is a significant day for one Member here because it is Deputy Trott's birthday and it is always important to be kind to people when they are getting older. *(Laughter)*

15

Deputy Trott is an elder statesman amongst the membership of this Assembly but is still a young man. Indeed, he is one day younger than the great cyclist Miguel Induráin who won the *Tour de France* five times and other Grand Tours in that time, and Miguel Induráin was known for the size of his heart where he had a resting pulse as low as 28. I make no comment at all *(Laughter)* about the size of Deputy Trott's heart except he assures me that he has a golden heart. But we do wish you very well for the day and hope you have an enjoyable day sitting here in the Assembly.

20

Deputy Trott.

25

Deputy Trott: That is extremely kind of you, sir. This is the 21st birthday that I have enjoyed whilst being a Member of the States and it is the only one that has ever fallen, as the States in Session has only fallen the one time during that time, and that is today. But utilising Parliamentary privilege if I can, sir, it is a landmark birthday: today I shall be 40. *(Laughter and interjections)*

The Bailiff: Can I just say that there are, however, many Members there are present leaping to their feet on a point of correction *(Laughter)* on that particular point and they would all be right.

Billet d'État XV

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

XV. Proposals for a New Discrimination Ordinance – Debate continued

The Bailiff: But anyway, who wishes now to speak on amendment no. 6? Deputy Le Clerc.

30

Deputy Le Clerc: Thank you, sir.

Sir, I just rise to say that the Committee does not oppose this amendment.

The Bailiff: Deputy Smithies.

35

Deputy Smithies: Thank you, sir, and can I join in congratulating Deputy Trott on a significant birthday, if indeed 40 was his age and not his pulse rate.

Sir, I just rise to sound a note of caution on this amendment. It is always difficult with amendments to get them right. I think this one is wrong, basically because it is an instruction for ESS to come back and HSC to come back having prioritised work to modernise the existing birth registration legislation, not to consider and report back on this legislation.

In a small community it is important I think that one should know whose one's parents are, otherwise you get into problems of consanguinity. I think if a birth certificate is going to be changed in the way that is recommended in this amendment it is going to need to be called the mother, the father, the birth mother, the birth father, otherwise you could finish up with half-brothers marrying half-sisters, half-sisters marrying half-sisters, and half-brothers marrying half-brothers. *(Interjection)* It is a minefield and I think that – well, cousins, I do not know about that – but I think blood relatives like that is getting a bit close to the bone, if I can put it that way.

50

So I do sound a note of caution and for that reason I shall be voting against it.

The Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir.

I was hoping not to have to speak in this debate because I think that some of these amendments now should be fairly uncontentious, this is one that I think should be absolutely uncontentious, and that hopefully we can move on and deliver for the community who has been looking for equality legislation or at least anti-discrimination legislation for a long time.

But I feel I need to rise to counter the speech that has just been made by Deputy Smithies. The birth registration has never been a biological record. When Deputy Trott, whose birthday it is today, was registered – whether that was 21 years go or 96 years ago, *(Laughter)* possibly not that long, because actually probably not that long ago – nobody requested a DNA test to ensure that the father registered on his birth certificate was in fact his father, and I am absolutely certain that nobody in any way sought to provide information which was not correct on that document.

But in the same way when I registered the births of my children I was not asked to prove that the gentleman, my husband, who I was recording as their father was their father; but there was no proof to the court that that was the case, there was no proof that he was their father, he was simply registered as their father because that is the name I gave to the establishment. He is, I would like to say, *(Laughter)* their father, but there is no proof requested of that. The birth certificates my children have say who took responsibility for them from the day of the birth, who said 'I am parent to this child'. That is what is important, and that is what is important that we recognise here.

70

As we have now moved on, and scientific possibilities have allowed those who might not previously have been able to have children without scientific intervention to have children, we have children who are born as the product of donated egg, donated sperm, and so on. Nobody asks how that pregnancy came into being. On nobody's birth certificate does it say 'This life began with a process that happened in a lab' – on nobody's birth certificate does it say that. So we could have two families, two couples who go through IVF, one with donated sperm or one with donated egg and sperm, for example, who find themselves on the same day registering the birth of their children and baby 1, let's call him Peter, has the name of two parents on his birth certificate – he has the name of somebody calling themselves the mother and somebody calling himself the father who has chosen to take responsibility for them. They are not biologically, DNA-wise, related to him but they are his parents, they are the people who have loved him since before he was born, they are the people who are taking responsibility for him, and they are the names of the birth certificate.

Baby B, let's call him Barry, finds himself at his registration with only one name on his birth certificate, the name of the person whose body physically carried him, but actually that baby might not have any biological relationship to that parent and could potentially actually have more of a biological relationship to the parent whose name is *not* on the birth certificate, if it was the case that that was a pregnancy that happened due to a donor egg but with sperm that came from one of the parents who is part of the couple who will raise the child.

This is not right but the birth registration document has never been a biological record. We like to think it has but it genuinely never has, and so it is not right that we go forward with a situation where some children are disadvantaged because their parentage – and by 'parentage' I mean the person who raises the child and loves the child from birth, from that plan to bring this life into the world and raise it. That parentage should be recognised on the birth certificate.

It is a matter of rights under the Declaration of Rights of the Child that this should happen. It would have been anyway HSC's intention to bring this in in line with the Children Law which is what this amendment looks at. If we had not had Covid intervening we would have probably have been trying to bring the Children Law back during this term. These children would have been given what ought to be their right anyway through that Law. We did not get back with that. This is an equally relevant time to create that change for these children, for these families, and that is what we should do today.

Thank you, sir.

The Bailiff: Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you, sir.

Firstly, I would like to say thank you to Deputy Merrett for explaining the amendment yesterday, very detailed, and I think it was appreciated hopefully by the Assembly. This matter has affected couples in Alderney and Guernsey for far too long and I think it is important I try and give some background from a couple in Alderney that have kindly let me give some information across the Assembly of the issues they face.

The same-sex couple went to Australia, they had a baby in Australia and they were allowed to register by law the child's parents in Australia. The couple then moved back to Alderney and then decided that they were going to have another child, and did not know of the problem that was arising with the situation that we had, and wanted both parents on the birth certificate with the right to be there.

Just touching on the Australia situation: in Australia you are allowed to have both parents, same-sex, married or unmarried couple on that birth certificate – that was decided I believe and discussed in Australia and the UK since 2009. So when the couple moved back to Alderney part of the Bailiwick I think they were quite upset that they could not have both parents on the Register, only one parent. So I think this does face quite a lot of issues at the moment when they found out that the Law governing the Register of Birth Deaths and Marriages in the Bailiwick dates back to 1935 which prohibited one of the parents from being registered.

I think as has already been highlighted this does raise the question about rights for the children. If something happens to one of the parents, whether one of them dies or maybe the marriage breaks up or another reason, what happens with the child? Where are the child's rights for this? I think it has very much been lost, the situation that we face with it.

I think the same-sex marriage was passed in Guernsey in 2016 and Alderney in 2017 so it is not about having that debate all over again. This does seem to be sort of an administration issue that never was resolved when really other things came into play.

So I think it is absolutely essential as we have got so much documentation – absolutely fantastic work that has been going on by this Assembly with Discrimination Laws hopefully to be passed later on today – that we do the right thing and really support this amendment as we go forward. Are we really telling the community the only way to have your child is to re-adopt your child that is already your child? It does not really make sense and I think it is completely putting the wrong message across.

I would like to thank the Alderney couple for allowing me to briefly explain their situation. They have been fighting for two years and I think some of you may have received quite a few emails from them about this. There was a petition started up with over 1,500 signatures so far.

I would just like to also read something which I think really sums it up in really simple terms: 'We are tired of being treated as second-class citizens in the Bailiwick'. When I received that email – I think some of my colleagues have received it as well – I think that does show how hard-hitting this subject is, and it is really important that we try and support this amendment to send the right message to our community that that is not in the Bailiwick at all. In summary I think we should really support it and I think this is something that should have been done a long time ago; and if we do not support it, it is really going to send the wrong message to our community.

So I would like to thank everyone involved for helping me bring this amendment but I think it is really important that we move forward as a Bailiwick and tick this one off the box and not kick it into the long grass. I think that is too easy to do and it is the wrong message that we keep unfortunately sending.

Obviously there is a lot of pressure to deliver a lot of things, but I think this needs to be really top of the list and I think it has gone on. It should have been on the list for quite some time but it just seems to be overlooked, so now is the time for us to come together and hopefully support this amendment.

Thank you.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

Sir, I just want draw attention to the Policy & Resources letter of comment in relation to this issue. The Policy & Resources Committee says:

... also supports Amendment 6... Notwithstanding that the Amendment is unachievable in the timeframe desired by the proposers as it is a complex legal matter centred on the rights of the child, the Committee will support formally reviewing the birth registration process and the numerous pieces of interdependent legislation.

I just want to explain what that means and why we have made that comment. I think, as Alderney Representative Snowdon has articulated, this self-evidently is a wrong that needs to be righted; and in particular the absurdity of any parent needing to adopt their own child is clearly one that does need to be addressed.

He described it as an administrative issue, and indeed it is, but it is nonetheless a complex legislative and policy matter; and just on the back of the advice that we have given the States in the letter of comment I want to give you the advice that we have received from the Law Officers in relation to this. They have said to us that on the issue of amendment 6 we have had an email exchange very recently with two of our advocates – one a drafter and the other a member of the Child Care Team – on the issue of reform of Registration of Births. It is clear from their initial

observations that delivering on amendment 6, if carried, will involve a considerable amount of both policy and legal input. The observation in the letter of comment in relation to the time frame, in my view, is well made and I also further understand that the sort of additional policy and legal work that will be required has been advised to those moving this amendment.

175 So it is really just to make the point that Members should be under no illusions that if they pass this amendment it will not be delivered on the time frame set out in part b) of the amendment, despite the States' best intentions in terms of the resources and priorities of the States. So, with that expectation –
I will give way.

180

Deputy Merrett: I thank Deputy St Pier.

I appreciate your open honesty about the timeline, but it is sort of what we cannot do. We cannot do it by that timeline, so could you give us any idea – sorry, sir, could Deputy St Pier give us any indication of *when* – really being positive – *when* can it be achieved? If you are saying – if Deputy St Pier is saying – so sorry, sir – not December 2021, then when? When can we have that hope? What is the expectation? Three years, five years, 10 years? I would appreciate knowing, sir.

185

Deputy St Pier: Sir, I am afraid I am not in a position to advise Deputy Merrett and the Assembly of that, to give her a definitive answer to that question. It is not one that the Committee themselves have sought in the time available to us, having considered this matter at its meeting on Tuesday morning, that would enable us to give a response to that question. Clearly it would require significant input from no doubt a number of policy officers across the States and of course, importantly, St James' Chambers as well.

190

This is a matter that will need to be plugged into our prioritisation – or I should say the next States prioritisation – in terms of how and when it wishes to deal with things. That is not a reason, as we have articulated, not to accept this amendment but I think we should do so openly and transparently in the knowledge that the timeline is a problem.

195

That is the reason that I stand to speak, sir, so that it is on record, and really to manage expectations around the delivery of the timeframe. But Policy & Resources does urge Members to support this amendment, sir.

200

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

205

Just briefly, Deputy St Pier said that the current arrangements were absurd and of course he is right. They are also cruel. I mean, although this process works for most parents, it is very cruel to a small number of parents and therefore is in need of reform.

In terms of the timeline, the answer really is that it depends how much the next States are prepared to invest in policy development and legislative drafting. If the States choose to invest more resources in those things then this type of work will be progressed more quickly, but it will be a matter for the next States.

210

I just want to make a point in response to Deputy Smithies – and this has become a slight theme of the debate on these amendments. I think Deputy Smithies said – and I paraphrase, and he will correct me if I have got this wrong – but I think he had concerns about the amendment because of the consequences, possibly, of people who are blood relatives ending up on the same birth certificate, and that sort of complication. But of course that will not happen because all this amendment is proposing is effectively a set of policy objectives; and then it says the Policy & Resources Committee should prioritise the work etc., and return to the States with proposals.

215

I will give way to Deputy Smithies.

220

Deputy Smithies: I thank Deputy Fallaize for giving way. I raised it as a possible objection to this amendment going through.

225 My main thrust, as I stated my speech, is that I consider the amendment to be too restrictive. It
is instructing the two Committees to come back to prioritise work to modernise the existing birth
registration; not to report back or to consider and come up with a reasoned report which the States
could discuss, but to simply prioritise the work to modernise it. That is why I said I am going to vote
against it. I am not saying I do not agree with a lot of what is in the amendment, it is just the
instruction that is given in it not to consider and report but to come back with a done deal, if you
like.

230 **Deputy Fallaize:** Okay, but I think in practice the words 'to modernise the existing birth
registration legislation' are just ... I mean, it could easily have just said to ensure that it is appropriate
for the current era. I do not think there is anything particularly relevant about those words.

235 If the amendment is successful, clearly at some point the Policy & Resources Committee will
return to the States with proposals for how birth registration legislation should be set out for the
future. That would be the effect of the amendment, and they would have to take into account the
objectives that the States had set out in the previous clause a).

240 So I just think this amendment is obviously right. It feels ethically right because the current
arrangements are cruel, and I am sure the complications that Deputy Smithies fears can be
addressed when the policy and legislation work is done in detail.

Thank you, sir.

245 **The Bailiff:** Before I call Deputy de Sausmarez – Deputy Dudley-Owen, Deputy Hansmann
Rouxel and Deputy Le Tocq you have all arrived during the course of the debate. Is it your wish that
you each be relevés?

Deputy Le Tocq: Thank you, sir.

250 **Deputy Dudley-Owen:** Yes, please, sir.

The Bailiff: Thank you very much, we will mark you as present.
Deputy de Sausmarez.

255 **Deputy de Sausmarez:** Thank you, sir.

I am not going to spend time on all the many reasons that have actually been well articulated
about why this amendment is so important. I agree it is a complex area and I have to say that,
particularly in response to Deputy Smithies, it is clause b) that gives me great comfort because it
does of course ask the Policy & Resources Committee in consultation with the Committee *for* ESS
and the Committee *for* HSC to return to the States with proposals, notwithstanding Deputy St Pier's
guidance on the timeline.

260 I am really reassured that those Committees will work together on this complex and very
important area. I mean, this affects just so many people it is actually easier to count in terms of the
people I know, the people it does not affect, I think.

265 Just a few little points that may have been not picked up particularly in debate. I mean profession:
it is not just a question of whether profession should be noted for either party, I am just completely
at a loss to understand why profession needs to be noted at all. It seems to me to hark back to an
era where it denoted some kind of social status. I just cannot understand its purpose in this day and
age especially where we are no longer in an era where people have a profession for life. To me I just
cannot understand its relevance at all.

270 Surrogacy is another area. I do not know if has been mentioned, but I would hope that would
be included in very much the same way as its counterpart situations.

Of course there is a legal precedent even in Guernsey at the moment for full parental
responsibility for same-sex parents, for example, it just does not get recognised on the birth
certificate and it is crazy that it is not.

275 But for me one of the big things is I really hope that the work will carefully consider the status
of our birth certificate being compatible or recognised in other jurisdictions and *vice versa*. I think
that is a really important point as illustrated very well by Alderney Representative Snowdon.
So yes I am sure this will be very strongly supported.
Thank you.

280 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, yes I will be very brief.
Just to say of course I believe Members should totally support the amendment. But also I think,
285 to give a bit of background, the Committee and I were alerted to the current unacceptable state by
an individual - what was it? A year or two ago? It was during the whole Brexit, when everything was
going a bit mad back then. I did make inquiries as to what would be involved and I thought if it is
a simple process just changing a form, and then we had legal advice back then which said exactly
what Deputy St Pier has just said. It is *very* complex. We thought, 'Oh, it's our responsibility as HSC;
290 let's see if we can do it'. Then we realised it does not just sit with HSC, it sits with P&R and it sits
with Employment & Social Security.

Now, that is fine and I am sure Members would all have rallied round to see what we could do,
but then we saw how many laws are actually impacted by this, not least I think the Adoption Law,
which is a long overdue law, something I am really sorry that we have not been able to deal with
295 this term, but it will need to be as a matter of urgency next term. Various other registration processes
that sit with P&R and the Greffe and the Employment & Social Security as well.

We did try to come up and see if there was an interim solution that could be used in terms of a
side letter coming from the Greffe. I think that would have been okay, but it was a stopgap measure.
But then it was, as I say, a time of Brexit and since then we have had other things that have really
300 taken over. I know it sounds like excuses but really there have been major pieces of work that have
had to be undertaken in that amount of time which meant that neither of the Committees could
really focus on it.

So I think we are all delighted that it is in here and that it actually focuses the mind, and know
that because it is a Resolution there will be that work and concentration on it in the next term. So I
305 fully endorse the amendment and ask everybody else to.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.
310 I fully support the amendment, but there is just one small thing that I do think we need to be
aware, which is that when you come to the drafting of this you must actually come to see Home
Affairs as well, because obviously the birth certificate is where you are allowed then to get your
passport – that is the main document that is used to get your passport. So just come to Home
Affairs and check that there is not a problem with the nationality because that could be an issue. I
315 do not know but that is one thing we should look at.
But I fully support it.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.
320 I just want to add a comment perhaps to illustrate Deputy St Pier's confirmation about the
complexity here. I too thought that the occupation on the birth certificate was for social and
economic reasons. It is the same as when we used to have to have the profession for the witness of
any particular deed or will or something like that. We do not in the legal profession use that any
325 more.

But doing a quick Google, as one does while sitting in the Assembly – ‘Why is parent occupation on birth certificate?’ And it says:

Because some parents change occupations between conception and delivery, the designation of parental occupation on the birth certificate as "usual occupation" limits the utility of using these records in the surveillance of reproductive hazards having effects early in pregnancy.

330 Actually if you go deeper into this some quite interesting articles from the US are discussing how important it is to gather this information. They are pretty old, 1980's, but I just thought that would be a piece of information just to highlight actually it is not as simple as we all think.

Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

335 **Deputy Dudley-Owen:** Thank you, sir.

Following on from Deputy Tindall's speech about how the biological record is quite important to do with a child later on: can someone please enlighten me in the Assembly as to how we are going to handle the actual biological records of the child if we are not recording biological parents on the birth certificate? It may have been dealt with by someone, but I am happy to give way to a Member of HSC, as I think most of them have spoken now, if I have not heard it ...

340 Thank you, Deputy Tooley.

Deputy Tooley: Well, only to say that that would be handled the same way it has always been because it is the point that the birth certificate has never been a biological record, and medical officials have always recognised that the birth certificate is not a medical record.

Deputy Dudley-Owen: Thank you, sir.

The Bailiff: Alderney Representative Roberts.

350

Alderney Representative Roberts: Thank you, sir.

We see countless amendments each and every meeting, some good and some not so good. This is one of the better ones. It is a just one; it is a fair one.

355 A birth certificate follows us all of our lives and is used like a passport for life. We talk about inequality to the parents, which is simply unacceptable in this day and age, yes. But do not forget the inequality to the child, please – the most important person in this whole debacle of these divided rights. I urge you to support this amendment.

I would like to wish Deputy Trott a happy birthday today. His claims of age are in tandem with his claims of Alderney's losses. Happy birthday, sir.

360 Thank you. (*Interjection*)

The Bailiff: Well, Members of the States, as no one else is rising, I turn to the proposer of amendment No. 6, Deputy Merrett, to reply to the debate.

365 **Deputy Merrett:** Thank you, sir.

I am pleased it was a relatively short debate although it does not mean for a moment that it was not an important one.

370 I think many of the concerns raised by Deputy Smithies have been resolved by other Members and I am thankful for them, but I do think there has been a conflation. When I opened debate I appreciate it was yesterday afternoon but I did say in my opening speech we should not conflate the two: birth registration is not a DNA test,

I think Deputy Smithies also was concerned about marriage of relatives. I hope again, sir, that Members heard me say yesterday that it is actually possible to have, and I will try to use the

375 biological terms. I think some Members appear to be a bit uncomfortable and squint when
 Members mention the word sperm, for example, but I do hope Members heard me say that it is
 possible to have sexual intercourse or to conceive otherwise out of wedlock and it is also possible
 to give birth out of wedlock. So the concerns about marriage, I am a bit confused about.

380 Deputy St Pier – and I thank him for giving way – did say to this Assembly, and to our community,
 that this timeline is not achievable. I think it was a fair challenge for me to ask if you cannot do it
 by December 2021, then when can we do it?

385 I do not know who said this, sir, it was probably somebody famous, it was not me. But basically
 it is this: if not now, when? And if not you, who? So that I think would be important for our
 community to understand – if it cannot be in a year and a half, it would three, five, 10 years, and
 first to make some sort of commitment to deliver this. I have learnt many things as a States' Member
 and one is that if there is the political will and the political desire it does happen. If there is not, it
 simply does not.

390 Now, the occupation question was an interesting one and I am very grateful to be sat next to
 Deputy Le Pelley because he alluded to why we ask for occupation, but it does hark back probably
 to the 18th century or 19th century, or the industrial revolution, and it was to try ... I do not know
 who will use the data but presumably someone will tap in to that data to try to see if parents, or a
 parent potentially, might have been exposed to, I do not know, asbestos, radiation etc. But I cannot
 think of any moment that somebody goes down to the Greffe and checks ... I do not know, but
 anyway.

395 Of course what I was trying to say yesterday, sir, and this is really important, is that both parents
 may have an occupation. So if we are going to ask the one parent's occupation, *if* we feel the need
 to do that, I have challenged than in my speech, then why don't we ask for both?

400 So I think that takes me on neatly to say, sir, it only takes two Members of this Assembly to
 propose and second an amendment, but others have been incredibly supportive and incredibly
 helpful in helping Alderney Representative Snowdon and myself bring this to the Assembly, and I
 wish to thank, on public record, them for doing so. They know who they are.

405 It is when we work collaboratively together and find a consensus of opinion and direction that
 we can be stronger. Even so, sir, I appreciate that some Members may want to trip over wording,
 but of course we do our best to achieve the wording that we can. But also, sir, this is really important
 because when we go to register the birth of a child some of us, like myself – well, I did not even do
 it, Andrew did – but we only do it once in a lifetime. It is only when members of our community
 contact us and we engage with them that we realise what the concerns are. So I wish to also thank,
 on public record, the community for bringing this to our attention, because this would not have
 been brought on my radar unless they had done so. So I wish to thank them as well.

410 Before I sit down I would simply like to ask for a recorded vote because I do think this is
 something that members of our community will be interested to know who supports this and who
 does not.

Thank you, sir.

415 **The Bailiff:** Well, Members of the States, we will have a recorded vote as has just been requested
 on amendment No. 6 which is proposed by Deputy Merrett and seconded by Alderney
 Representative Snowdon.

Greffier.

There was a recorded vote.

Carried – Pour 37, Contre 0, Ne vote pas 1, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Trott Deputy Le Pelley Deputy Merrett	None	Deputy Smithies	Deputy Laurie Queripel

Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy McSwiggan
Deputy De Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney

420 **The Bailiff:** Members of the States, the voting in respect of amendment No. 6, proposed by Deputy Merrett and seconded by Alderney Representative Snowdon, was that there voted *Pour* 37, there was 1 abstention, 1 absentee – that cannot be right, Greffier, Deputy Laurie Queripel is not here to vote.

Oh, fair enough. There voted *Pour* 37, 1 abstention and 1 absentee. Therefore I declare amendment No. 6 carried.

425 Members of the States, the next amendment is amendment No. 4 to be proposed by Deputy Tindall – if you are ready to lay that amendment Deputy Tindall?

[Amendment 4](#)

'To add to the following Proposition

To direct Policy & Resources to submit a policy for approval by the States in respect of the drafting of all documents including legislation, which:

a) requires gender-neutral drafting of all documents including legislation in respect of both its effect and the words used in the document, and

b) requires that, when legislation or long-term policy documents are updated, gender neutral language should be used and offensive terms to describe disability or any other protected ground should be replaced; and that such a policy shall be binding on all documents produced by States' Committees, their Offices and third parties which are contracted to provide services to the States including the provision of the service of the drafting of legislation'.

Deputy Tindall: Yes, sir, thank you.

I do not need the Greffier to read it out, thank you.

430 Sir, this amendment follows on from the successful amendments yesterday. It is to ensure all
future documents and legislation are not only drafted in a gender-neutral way but also that their
effect is also gender neutral. Gender neutral drafting is apparent in virtually all prose produced by
the States and third parties, so this amendment is to ensure this is set out in a written policy for
future reference and to confirm the need for third parties to be instructed to follow such an
approach. It is also for the States to publicly endorse such a policy.

435 It seems strange that in 2020 such an amendment needs to be laid for such a policy to be written.
It is necessary because in 2017 Deputy Stephens, at my request, kindly confirmed that whilst it was
believed that this was already the policy of the States she was unable to locate a written version. I
also had confirmation in 2017 that St James' Chamber legislative drafting was also gender neutral
in respect of primary legislation but I was not provided with a written policy to that effect.

440 We need to lead by example and we need those that receive States' funding to do so also, hence
the need for a written, approved policy of the States that covers all part b) which requires two
elements to be taken into account when documents are to be updated. I will deal with the second
part first, namely the removal of offensive terms to describe disability or any other protected ground
should be replaced. This was raised by Deputy Hansmann Rouxel in the debate on HSC's
modernisation of the Abortion Law and this is an approach which should be taken in respect of all
445 legislation.

As to the first part of b), it requires that when legislation and long-term policy documents are
updated gender-neutral language should be used. For policy documents the simple find-and-
replace function can be used. In preparing the amendments for the Revision of Laws legislation, I
was advised by H.M. Procureur that the UK Office of the Parliamentary Counsel Drafting Guidance
450 in respect of gender-neutral drafting was also followed.

As paragraph 2.1.2 of the guidance makes clear that Gender neutrality applies not only when
drafting free-standing text and draft legislation but also when inserting text into enacted legislation.
This covers the second aspect of b). To confirm, the guidance says this approach is unlikely to cause
difficulties but that there are very limited circumstances when exceptions may be made. So I hope
455 that Members can follow P&R's example as they state in their letter of comment that they support
this amendment, as it requires a practical approach on gender-neutral language.

I therefore ask Members to vote for this amendment and if my colleagues do so I hope that this
policy is approved by the next States at an early stage in the term.

Sir, I also ask for a recorded vote.

460 Thank you, sir.

The Bailiff: Deputy Green, do you formally second the amendment?

465 **Deputy Green:** Yes, sir, I do.

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Yes, sir, I rise just to ask one question when Deputy Tindall replies.
I would just like to know who is going to determine what terms will be regarded as offensive?

470 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Sir, I just rise to say that the Committee does not oppose this amendment.

475 **The Bailiff:** As nobody else is rising, and the President has just spoken, I turn to the proposer of
this amendment, Deputy Tindall, to reply to the debate.

Deputy Tindall: Sir, thank you.

480 Obviously for Deputy Le Pelley, as the direction is to Policy & Resources to create this policy for
returning to the States, it will be for Policy & Resources to consult with those concerned. Obviously
Deputy Hansmann Rouxel is in this section of ...

485 I apologise, sir, my microphone was not switched on, so for the benefit of *Hansard* I will just
repeat that it would be P&R who is directed to do this, and it would therefore be P&R to consult;
and in particular the Disability Champion, which is Deputy Hansmann Rouxel in this case and maybe
she will be in the next States to assist, but certainly it would be for them to come back and obviously
take advice as well. I hope that answers the question and I hope that Members will support this
amendment.

Thank you, sir.

490 **The Bailiff:** Members of the States, we now come to the recorded vote in respect of amendment
No. 4 proposed by Deputy Tindall, seconded by Deputy Green, which is to insert an additional
Proposition.

Greffier, please.

There was a recorded vote.

Carried – Pour 36, Contre 0, Ne vote pas 1, Absent 2

POUR

Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy McSwiggan
Deputy De Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Mooney

CONTRE

None

NE VOTE PAS

Deputy Smithies

ABSENT

Deputy Laurie Queripel
Deputy Leadbeater

495 **The Bailiff:** Members of the States, the voting in respect of amendment No. 4, proposed by Deputy Tindall and seconded by Deputy Green was that there voted in favour 36, 1 abstention, 2 absentees and therefore I declare amendment No. 4 duly carried.

500 There has been a further amendment submitted which is really to do some tidying up as a result of two successful amendments yesterday, and that is amendment No. 10. I am going to propose that it be circulated to you at this point so that you can see it in paper form, if you have not already looked at it on any device. Then we will take amendment 10 before we move on to general debate.

Does everyone now have a copy of amendment No. 10? Deputy Le Clerc you are proposing amendment No. 10.

Amendment 10

1. That the whole of proposition 3, as amended (i.e. to include all of 3, 3A (from Amendment 2), 3A (from Amendment 9) and 3B), shall be replaced by the following:

'3. (i) To direct the Committee for Employment & Social Security to bring detailed policy proposals to expand the grounds covered in the Ordinance referred to in Proposition 1 to the States for consideration, in accordance with the following timeline:

Completion of Phase 1

- 2021 – Training Stage: Provision of training and information, etc, in respect of Phase 1 as approved by the States.
- 2022 – Implementation Stage: Enactment of legislation in respect of Phase 1.

Delivery of Phase 2

- 2023 – Phase 2 policy letter: Protection on the ground of age. Modernisation of the existing Sex Discrimination Ordinance. Equal pay for work of equal value. Consideration of multiple and intersectional discrimination. Protection on the grounds of religious belief and/or sexual orientation, if not incorporated in Phase 1 (by virtue of Propositions 1A or 1B).
- 2024 – Training and implementation: Ordinance including Phase 2 grounds brought to the States for approval and implemented (with six-month lead-in period as in Phase 1). Training on new grounds of protection rolled out.

Specific Lead-In Periods

- 2026 – Discrimination in Education: In accordance with Table 8.6.1 of the policy letter, provisions relating to discrimination in education come into effect no later than 2026.
- 2027 – Accessibility and Equal Pay: In accordance with Table 8.6.1 of the policy letter, the final provisions of the Ordinance (relating to public sector accessibility action plans; complaints in respect of changes to physical features; and implementation of equal pay for work of equal value) come into effect.

Evaluation

- 2029 – Post-Implementation Review: To take place no more than two years after all provisions of the Ordinance are in force. May take place sooner if required.

(ii) To direct the Policy & Resources Committee to ensure that the Committee for Employment & Social Security is provided with sufficient resource, through its annual budgets and/or through the provision of shared States' resources, to deliver the remaining policy and drafting work within the timeframe set out in Proposition 3.

Or, should Proposition 3. not be carried.

3A. (i) To direct the Committee for Employment & Social Security to bring detailed policy proposals to expand the grounds covered in the Ordinance referred to in Proposition 1 to the States for consideration. This should be in three Phases, in accordance with the proposals and timeline set out as follows:

Implementation of phase 1

- 2021 – Training stage: Provision of training and information, etc, in respect of phase 1, as approved by the States.
- 2022 – Implementation of phase 1: Enactment of Ordinance in respect of phase 1.

Phase 2

- 2023 – Phase 2 policy letter returns to the States: Setting out policy proposals in respect of the grounds of age and, if not in phase 1, religious belief. Also including consideration of multiple and intersectional discrimination.
- 2024 – Implementation of phase 2: Amendment Ordinance, adding phase 2 grounds of protection to the new Discrimination Ordinance, to be brought to the States for approval and to enter into force.

Phase 3

- 2025 – Phase 3 policy letter returns to the States: Setting out policy proposals in respect of sexual orientation (if not in phase 1) and the grounds covered in the existing Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 (i.e. sex, marital status, gender reassignment, and pregnancy and maternity (with any appropriate updates in the framing of those grounds)). Also including proposals to introduce a legal right (from 2027) to equal pay for men and women workers for work of equal value.
- 2026 – Implementation of phase 3 (excluding equal pay for work of equal value): Amendment Ordinance, adding Phase 3 grounds of protection to the new Discrimination Ordinance, to be brought to the States for approval and to enter into force.

Entry into force in respect of some provisions

- 2026 – Discrimination in education: Provisions relating to discrimination in education to come into force no later than 2026.
- 2027 – Accessibility action plans, complaints relating to a “physical feature” of a building and equal pay for work of equal value: The final provisions of the Ordinance relating to (i) the requirement for public sector goods, services and education providers to prepare accessibility action plans in relation to the public-facing aspects of their services; (ii) the ability to bring discrimination complaints relating to a “physical feature” of a building, and (iii) the introduction of the right to equal pay for men and women workers for work of equal value come into effect.

Review

- 2029 – Post-implementation review: To take place no later than two years after all provisions of the Ordinance are in force. May take place sooner if required.

(ii) To direct the Policy & Resources Committee to ensure that the Committee for Employment & Social Security is provided with sufficient resources, through its annual budgets and/or through the provision of shared States’ resources, to deliver the remaining policy and drafting work within the timeframe set out in this Proposition.’

Deputy Le Clerc: Thank you, sir. I will be brief.

505 This amendment is a technical amendment to try to make sense of the approval of both Amendment 9 and then amendment 2 in the final Propositions.

Amendment 9 sought to give the States two options during general debate regarding the implementation timeline either a two- or three-phase approach as well as the amalgamation of phases two and three. Amendment 2 looked to go further and give the option during general
510 debate of whether or not to include sexual orientation and religious belief in the Ordinance drafted under phase 1.

The Committee has been advised by H.M. Greffier and H.M. Procureur that the effect of the States approving both those amendments to Proposition 3 is that the final Propositions now contain Proposition 3 and 3A from that amendment 2 and a 3A and 3B from amendment 9, and they do
515 not sit together coherently.

520 So this amendment is laid on behalf of the Committee, so as not to require a suspension to the Rules of Procedure. It aims to coherently combine amendments 9 and 2 in the final Propositions so that all the aforementioned options remain on the table. But this is a technical necessity and no way is it intended to re-open debate that we had on amendments 9 and 2; and I hope, sir, that we can move quickly to the vote, and I hope that that explains it.

The Bailiff: Deputy Roffey, do you formally second that amendment?

525 **Deputy Roffey:** I do, sir.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Just to say that I fully support this amendment, sir.

530 **The Bailiff:** Thank you very much.

Deputy Le Clerc, I doubt that you need to respond to the supportive Deputy Parkinson, so I am simply going to put amendment No. 10 proposed by Deputy Le Clerc, seconded by Deputy Roffey to you Members of the States. Those in favour; those against.

Members voted Pour.

535 **The Bailiff:** I declare amendment 10 duly carried.
Does anyone wish to speak in general debate? Deputy Lester Queripel.

Deputy Lester Queripel: Sir, thank you.

540 Sir, I have some questions to ask and some concerns to express about this Ordinance. I am hoping Deputy Le Clerc can answer the questions and allay my concerns.

Before I go on to those, I feel the need to say that as well as being an OAP I have two obvious visible disabilities and numerous hidden disabilities. So my first question to Deputy Le Clerc is when I retire from politics and go for interviews for my next job with potential employers, to be fair to those potential employers and not put them at a disadvantage or discriminate against them in any way will I have to tell them about my hidden disabilities under the terms of this Ordinance?

545 Sir, as well as being on the receiving end of discrimination occasionally these last eight years as a Deputy I have also been on the receiving end of discrimination since I was a child because I am a poet and a musician and I came from a poor family. That sort of discrimination is still going on today and I cannot see how this Ordinance is going to address it.

550 Before I ask the next question of Deputy Le Clerc, I just need to spend a moment providing some background because I have been on the receiving end of that discrimination since I was eight years old, when I told a friend of mine at school that I wrote poetry. I told him in confidence but it soon got round the school and it was not long before I started getting bullied by the big boys who tore up my poetry and said only sissies and weird kids write poetry.

555 Even though things have moved on a little, in 60 years that sort of discrimination against poets still exists in some quarters in Guernsey today. So my question to Deputy Le Clerc is: how is this Ordinance going to address that discrimination?

I am sure that we need to focus on the kind of discrimination a musician has to deal with, sir, but just to clarify I still hear people saying the sort of thing today about musicians that they were saying about me when I was a 16-year-old long-haired lad carrying a guitar in a guitar case around the Island: 'Long-haired layabouts like you should go out and get a job instead of messing around with guitars all day long' – that is the sort of thing that was said then and that is still being said in some quarters now.

565 Once again, even though things have moved on a little since then, that sort of discrimination still goes on today. So I ask the same question I asked a moment ago, sir, how is this Ordinance

going to address that discrimination? If anyone doubts that sort of discrimination still takes place here in the Island in this day and age, I can assure them it does, because discrimination is not exclusive to just a few select areas. Discrimination is everywhere out in our community.

570 What about all the discrimination that takes place on social media? Will this Ordinance address that?

I want to move on to discrimination in this Assembly and discrimination by the States, because I also want to know if this Ordinance is going to address those areas, so I will give an example of discrimination –

575 I give way to Deputy Tooley, sir.

Deputy Tooley: Thank you, sir.

I hesitated before asking Deputy Queripel to give way but I just felt that I could perhaps encourage him that the world is changing and that the world is moving on, by telling him that last night at one of our primary schools an 11-year-old boy with very long hair was presented with a prize for his written work, his literacy and his poetry, and all his classmates cheered and applauded.

580 I really think that the world has moved on and I think it is desperately sad, the stories that Deputy Queripel is telling. But the world is a different place, Deputy Queripel.

Deputy Lester Queripel: Sir, I did say that in my speech, I said the world has moved on a little in 60 years; but I am pleased to hear what Deputy Tooley had to say, that gives me great comfort.

I will give an example of the discrimination taking place in this Chamber during States' debates. When a Member says things in a speech like, 'Only an idiot would vote against this amendment' or 'Only an idiot would vote in favour of this amendment', that is discrimination. It discriminates against a Member who has a different opinion to the person saying it.

590 We cannot pretend it does not happen because we have heard it on several occasions in the last four years during speeches in this Chamber – not by me, I hasten to add. I have never referred to a colleague as an idiot, not in any of the 173 speeches I have made in this Chamber in the last four years. So a colleague referring to colleagues as idiots in their speeches is discrimination, and will this Ordinance address that at any stage? We can only hope that sort of discrimination does not continue into the next Assembly, although of course it may do, which is why I ask the question.

595 Because if this Ordinance does not address it then something drastic needs to be done.

I give way to Deputy Merrett.

Deputy Merrett: I am thankful for Deputy Lester Queripel giving way.

600 I wonder if he would agree with me – and this was addressed quite early on between some Members of the States – that we should be talking and discussing a policy and not the person. So a policy could be idiotic as some policies may be, but not the person.

I think that that sometimes can get a little bit confused: it is the policy we should be discussing and not the person in this Assembly.

605 **Deputy Lester Queripel:** Sir, it is the people that have to comply with policies and it is people that violate policies. I would remind colleagues that the more they ask me to give way, the longer my speech is going to take.

610 So, sir, as I was saying if this Ordinance does not address it then something drastic needs to be done, because even though there is a Rule in place in the Rules of Procedure that seeks to address it, Members often violate that Rule. The Rule I am referring to of course is Rule 8(5) which reads as follows:

It shall be the duty of every Member to observe due decorum in a Meeting ...

So the words as they are laid out currently, obviously are not robust enough and if they cannot be made more robust then the action that follows needs to be more robust.

615 I want to focus now an area where the States discriminates against certain members of our community and I cannot see it being addressed in this Ordinance. I hope I am wrong, sir, I hope one of my colleagues corrects me when they speak, because this is a major issue for some members of our community and also some Members of this Assembly, myself being one of them.

620 Before I say what I am about to say, I ask colleagues to bear in mind the States is not only the biggest single employer in the Island but also the biggest landlord, and both of those points are extremely valid to what I am about to say, which is: it is getting more and more difficult to obtain paper copies of anything from the States these days, which means the States discriminated against those who need paper copies for whatever reason. Maybe they do not have a computer, maybe they do not want a computer, maybe they have a disability which results in a major headache or a migraine even if they look at the screen too long – which is a hidden disability I have, by the way.

625 I need paper copies of everything if I am to be efficient and effective and carry out my work on a professional basis. If I cannot get paper copies then I am disadvantaged and that should not be allowed to happen in Government, or anywhere else in the Island for that matter. So will this legislation, this Ordinance address that? Because the message is loud and clear to the States: stop making it so difficult to get hold of paper copies of documents; stop discriminating against people who prefer or need paper copies; and make things as easy as possible for people who struggle with life in this digital age.

630 I am going to give the perfect example of this exclusive behaviour and discrimination because there have been several full pages of advertisements in *The Press* recently encouraging Islanders to sign on to the Electoral Roll, and there is an email address on that page but there is no phone number. So why is there not a phone number? People who do not have a computer, or do not have access to a computer are immediately at a disadvantage. They have not been included; in fact, they have been excluded. Will this Ordinance address that discrimination?

635 Of course it is not just the States because the vast majority of businesses here in the Island are also trying to force everyone to go online, I cannot think of any other word to describe it. If you have not got a computer, you do not want a computer, you do not have access to a computer, you cannot spend too long looking at the screen, you will be excluded. And that is not right.

640 So if we are really going to be the inclusive society we say we want to be, we cannot have just words on a bit of paper, we need to have action and see the aspiration through to its ultimate goal. That aspiration being that we are all included and no-one is excluded. They are not excluded because they have a need, a preference or a disability.

645 Just one more example of where the States discriminates against Islanders – this is all in my quest to obtain answers and assurances from Deputy Le Clerc, sir. Just one more example of where the States discriminates against Islanders can be found in our retraining programmes, because currently the States provides retraining for under-55-year-olds. But what about over-55-year-olds? Don't they matter? What are they supposed to do if they want retrain to enable them to carry on working to 70 or 75, or however long they want to carry on working? Is this Ordinance going to address that discrimination?

650 I know I will probably get ridiculed for focusing on disabled toilets again, but I really do not care because I want to give a valid point here. Will this Ordinance address the fact that some of our disabled toilets here, in the toilet, have a sign on them that says: 'If you want to use this toilet, phone this number' – which means a disabled person who needs to use the toilet has to then call a number on the sign, assuming they have –

655 I give way to Deputy Le Pelley, sir.

660

Deputy Le Pelley: Thank you very much for giving way to me, Deputy Lester Queripel.

I would just like to point out to everybody that the Disabled Members' Society are entitled to a RADAR key which gives them access to any disabled toilet in the Island.

665 **Deputy Lester Queripel:** Sir, that is fine for Islanders, if they know that and if they can get a key, but what about the tourists?

So as I was saying, a disabled person who wants to use the toilet then has to call a phone number assuming they have a mobile phone on them of course –

670 **Deputy Le Pelley:** Can I have a point of correction please, sir.

The Bailiff: Point of correction, Deputy Le Pelley.

675 **Deputy Le Pelley:** I just want to make it absolutely clear what I said before, that is that if anybody who is registered disabled and has a disabled key, a RADAR key in their own possession ... If they are a visitor they will travel with their key and the key would be with them when they approach the disabled toilet, which would give them entrance to it.

680 **The Bailiff:** Deputy Lester Queripel to continue, please.

Deputy Lester Queripel: That is fine in theory but why is there a sign there? Why is there a sign on the door? If every disabled person has got a key, why is there a sign on the door that says if you need to use the toilet –?

685 I give way to Deputy Oliver, sir.

Deputy Oliver: The reason why they are not open to everybody is because then probably when a disabled person actually needs to use the toilet it will be occupied by somebody that is not disabled and therefore there will not be a toilet for them to use.

690 **Deputy Lester Queripel:** Sir, as I was saying, if a disabled person has to phone the number that is on the door – and if there is no need for a number of the door then take it off – this disabled person has to phone the number on the door and wait for someone to turn up to unlock the door.

695 Just on the issue of assumptions – I am losing track because I keep getting interrupted – you cannot assume that every person is going to have a mobile phone. I think that is where this Ordinance is fundamentally flawed, there are too many assumptions here. There is not enough practicality; not enough how is it going to be done and who is going to be affected?

700 The point I am getting at here is whilst this disabled person is waiting for someone to turn up and unlock the door and they have to endure stress, trauma and extreme discomfort, yet an able-bodied person can have immediate access to their public toilet. Will this Ordinance address that kind of discrimination?

Deputy Merrett: Can I have a point of correction, please, sir?

705 **The Bailiff:** Point of correction Deputy Merrett.

Deputy Merrett: Deputy Lester Queripel said able-bodied people always have access to toilets but actually many toilets at sundown or sunset are locked, whereas toilets accessible via a key ... If a member of the community uses the key, that sign that is on the door should in theory be always accessible because the key always works. It is not that the key does not work after certain times, so it is misleading to say that able-bodied people always have the opportunity to access a toilet and that members of our community do not, sir.

The Bailiff: Deputy Lester Queripel to continue, please.

715 **Deputy Lester Queripel:** Sir, the way I see it, it is discrimination. The question is, I repeat, will this Ordinance at any stage, through any phase, address that discrimination?

Sir, I take great comfort from what we are told in paragraph 12.4. We are told:

... the Committee is asking for States support to undertake an attitudes survey ... to identify and address prejudice and discrimination in our community.

720 Now, whilst I have every faith that it will not only identify but indeed address all of the areas I am highlighting here, I am still concerned, and I will certainly be submitting my concerns to ESS during that survey, come the time, and I can only hope they will be considered to be helpful.

725 There are some questions I would like to ask about that survey and I have given Deputy Le Clerc prior notice of these questions, sir, but I have added one, and I apologise to Deputy Le Clerc, which is the first question I am going to ask. Will it be simple? I added this at five o'clock this morning, I could not sleep so I was thinking about my speech. I cannot access the computer first thing in the morning because of my disability, so I apologise to Deputy Le Clerc for adding this question.

730 The first question is: will it be a simple document? Is it a document to fill out and allow people to have their say, instead of being presented with a document loaded with questions that steers you down a certain route? When will this survey take place? What form will this survey take? How long will the public have to respond? When will the results of the survey be announced? Will anecdotal evidence be accepted?

735 Sir, the answer to discrimination is blatantly obvious. It is one of the greatest ambassadors of peace the world has ever known, and sung in a Beatle's song in 1967 *All You Need is Love* and the ambassador for peace of course was John Lennon. But, like many ambassadors for peace, the tragic irony is he was ridiculed and persecuted for his beliefs most of his life, and eventually assassinated. As we all know, 1967 was the summer of love – never has the whole world had such an opportunity to embrace peace and love as it did that summer; but, despite the monumental efforts of millions of people, it did not happen. Here we are 57 years later and the world still has not got the message.

740 I was conversing with a Scottish friend of mine who lives up in the Highlands recently and she said, 'Why can't we all just treat each other with courtesy and respect and just get on with each other? 'Why is there so much violence and discrimination, when there is nothing so wonderful and rewarding as love?' She was beside herself actually with despair, because she knew the answer to her own question, which is that some people are more attracted to greed and power and ego and money than they are to love, and those are the things of course which cause most of the problems in the world today.

745 Sir, one of my great heroes down through the ages was William Wilberforce, he never gave up his quest to abolish slavery, but he had a considerable amount of success. After 18 years of trying, he got a Bill passed in the UK Parliament to abolish the slave trade to the West Indies, that happened in 1807. In 1833, after 44 years of trying, he got a Bill passed by Parliament to abolish slavery altogether.

750 Moving back to this Ordinance in front of us, as I said in a speech yesterday, it is the little things in life that mean so much to most people. I have spoken to Deputy Le Clerc about this in the past and she has always been in complete agreement. I take great comfort from that because when I say little things, I mean little things like a chair alongside a counter in a shop for someone to sit on for a while and take the weight of their feet; I am talking about a non-slip mat in a shop or an office; I am talking about a coat hook on the back of the toilet door. It is those little things that mean so much to people, and it should not take an Ordinance for people who run businesses and shops, or the States even to realise that, but it seems as though it is going to take an Ordinance to get that message across. But I still have concerns about this Ordinance.

760 Sir, both of my parents were disabled. My father was born disabled and my mother was rendered disabled by the school bully, when she was playing on a swing in the school playground and he literally kicked her off it, damaging her left leg so badly the surgeons thought they might have to amputate it. They did not though, and consequently she had to live with what she referred to as a gammy leg for the whole of her life, and from time to time it would, as she put it, flare up and it would ooze all sorts of terrible, horrible liquids and fluids. When that happened she had to spend a few days with her leg heavily strapped up and she could hardly walk, it was that bad.

765 My earliest memory of my parents, watching my parents deal with their disabilities and also deal with acts of discrimination against them from time to time, goes back to when I was about three

770 years old, so I observed and shared their stress and trauma for 31 years in my dear mum's case until she died at the age of 62, and 43 years in my dear old dad's case until he died at the age of 75. They both admired and had a lot of respect for David Purdy who, as we all know, campaigned for equal rights for disabled people here in the Island for 40 years from the 1970's until his death in 2010. I want to put on record not only my appreciation for all the monumental efforts Mr Purdy made but also on behalf of my parents who admired him so much.

775 I also want to put on record my appreciation to Deputy Le Clerc and her Committee and all the staff at ESS who put so much hard work into this Ordinance, and also of course the Committee for Social Security in the previous Assembly. Oh, and we must not forget non-States' members Andrew Le Lièvre and Mike Brown who also played a big part in this. I would like Deputy Le Clerc to convey my appreciation, please, to every single one of them.

780 I know, sir, Deputy Le Clerc said yesterday she felt the ESS had taken a beating and I hope ESS do not feel I am adding to that from what I am saying in my speech. I am in no way criticising the Committee or the extremely hard-working staff of ESS, who I have had the pleasure of working with on dozens of occasions over the years on one-to-one cases – so I know how hard they work. What I am doing is asking questions and expressing genuine concerns because there are areas that I just cannot see these anti-discrimination measures covering. I am waiting to be told I am way off-beam, 785 'You are way off-beam, Deputy Queripel'. I hope I am going to be told that I am way off-beam and that equality for all will be attained via this Ordinance and not just for some – which will mean of course, as I highlighted earlier, others will be excluded.

790 Sir, I am sure everyone will be delighted to hear I am closer to the end of my speech than I am to the beginning. I apologise if everyone thinks I am speaking too long, but this is a debate where we express our concerns and ask questions in the public domain, as opposed to being behind closed doors. Far too much gets done and discussed and decided behind closed doors, in my view, even though we profess to aspire to honesty, openness and transparency. This is the time the public get to hear what we have to say and I wanted to take the opportunity to say everything I have said. I could have said a lot more actually because there is a lot more to say, but I am going to put all my 795 concerns when I submit my views to the survey I mentioned earlier on.

800 On that note, sir, there is an irony here, because politicians like Boris Johnson and Donald Trump can say whatever they like and they can discriminate against people and they get away with it. That has always amazed me. They are the ones who should be really setting a good example to the rest of the world and not saying the sort of things they say in the first place.

805 Here in Guernsey we have to be careful what we say as politicians because we might get a ... You fear a Code of Conduct, so you are restricted, sometimes you cannot say what you really want to say or you have to structure your speech in a certain way to hopefully get the message across.

810 Sir, the previous Assembly of which I was a Member built up people's hopes back in November 2013 because people were extremely upset and disappointed that discrimination legislation was not pursued and progressed; but the good news is, after a lot of work by ESS, we now have a far more comprehensive document in front of us which seeks to do a lot more than was previously intended. But my great concern is of course that we have built people's hopes up yet again, due to the fact that all of this work is going to take so long to complete, it is going to be resource-hungry, and because it seems to me there are areas that will not be addressed.

815 Of course that will be up to the next Assembly to deal with and is another example actually of why they will need to hit the ground running and not expect to waste precious months getting their feet under the table.

820 Having said all I have said, sir, I live in hope that the survey I have referred to does act as a safety net and catches all the areas I have expressed concerns about.

825 So before I close I want to just recite a short poem I wrote with a disabled friend of mine and I have his permission to read it. We wrote this in 2012 and it is entitled '*Hey, I know I am disabled but I have feelings too*':

Hey, I know I am disabled but I have feelings too,
I am a real person just like you.
I laugh, I cry, I dream I can fly.
This is my life and I embrace all that is in it.
The world is my oyster, the sky is no limit.
Hey, I know I am disabled but I have feelings too,
I am a real person just like you.

820 Sir, in closing, even though I have numerous concerns that I have expressed about this Ordinance, I am optimistic it is going to do the job that it is meant to do and this will turn out to be a happy day for us all. I am so optimistic I am wearing my happy-face tie.
Sir, I ask for a recorded vote when we go to the vote, please.
Thank you.

The Bailiff: Deputy Roffey.

825

Deputy Roffey: Thank you, sir.

830 Deputy Lester Queripel seems to expect this Ordinance to be a universal cure for all the world's ills. I am afraid it will not be that. I do draw his attention to page 49, paragraph 5.9.1, which sets out the areas in which discrimination will be unlawful when this legislation comes in, and it is in those specific areas – it is employment, provision of goods and services, provision of accommodation, provision of education, and memberships of clubs and associations.

835 So it is very much focused and it will not stop people behaving in beastly ways outside of those areas. We all hope that the cultural changes that this Law will help to bring about will spill over and help in other areas but I am afraid a lot of the questions he asked Deputy le Clerc – will this Ordinance do this? Will it do that? The answer is no, it will not; it is not a cure for the world's ills.

840 Indeed even in those areas where it will make discrimination illegal it will not immediately stop discrimination happening, there are lots of laws against things and those things still sometimes happen. What it will be, I hope, is the start of a turning point and the start of a cultural change. Actually not the start that is already happening, but it will give a boost to that changing culture where discrimination is regarded as unacceptable.

845 Sir, despite the limitations of this legislation ... Actually it goes a lot less far than I would have wished, that we have as a Committee compromised and compromised again in order to get something that was thought it would be able to get through this Assembly. It is a cruel irony of history that I think, because of what has happened over recent months, if we had brought forward a more radical version that we originally intended to do, it might have stood a chance of getting through this Assembly today. But our judgement, when we actually were finalising the proposals, had to be a political judgement and I am afraid we did rail back to try ...

850 We thought we would still find it hard to get it through this Assembly, so it is a joyous occasion that we are getting such a tailwind when we thought we were going to get a headwind. But I do want to apologise to those who would have liked us to have gone further because I think we should have done and I think over the years it may need to be revisited in some areas and perhaps strengthened in some ways.

855 Nevertheless, despite those limitations, I think this is actually a fairly historic day. Actually, not today, it will be when the legislation is finally passed, because we thought it was a historic day when the States before last, or whenever it was, passed the Disability Strategy almost unanimously and then there has been a wait of whatever it was, seven years for this to come back. So let's not be complacent. This is a historic staging post, but it will be when this legislation comes back and it passed and is in force that it will be a historic day.

860 It has had me thinking about two people who are no longer with us: one has already been mentioned, that is Dave Purdy, and it has been great to see his face looming over us from various places (**A Member:** hear, hear.) over the last few days. Now Dave, doggedly, continually I think during my first nine years in the States from 1982 to 1991 ... He was one of the most persuasive and forceful lobbyists I have ever come across. He was never trenchant, he was never angry, he was

865 always moderate, he always polite. But was he persuasive? Very much so. I hope when this
legislation comes through that many people in the community that knew Dave ... We became
friends I have to say, although I was initially at the receiving end of his lobbying, he did it so often
that we became friends. I hope it is seen as a sort of memorial to Dave that I always thought we
ought to have had. I know there is a little plaque in the ramp that goes up next to Market Steps but
870 unless you knew it was there, or a keen student of street architecture, you are not likely to come
across it or see it. So I think there should in some ways be a more tangible memorial to what I think
was a great Guernseyman, but maybe actually passing this legislation in the next year or so will be
just that, more than any building.

I also thought about another person who was even closer to me who is no longer with us, who
spent decades having a relationship with this Assembly from inside it over the question of CEDAW
875 and work of equal pay for equal value who, on about five occasions, persuaded the States to sign
up to CEDAW. In fact on one occasion the first iteration of the States' Business Plan it was the
number one priority that was going to be fast tracked – maybe by the States' standards it was, but
not by anybody else's. The sticking point was always, yes, the States wanted to sign up to CEDAW
but then the UK Government would say to the States, 'Yes, but we will not extend it to you, we are
880 not willing to until you bring in statutory maternity leave and equal pay for work of equal value'.

They had extended the Race Discrimination Convention to Guernsey. Guernsey had not fulfilled
its obligations under that and they did not want to be responsible for our international
representation for us not fulfilling yet *another* international convention. This States always balked
at actually doing those two patently right and simple things in order to allow the Convention to be
885 extended.

Now, a number of years ago now we brought in statutory maternity leave – we have still not
brought in equal pay for work of equal value. If we pass this today we are committing to doing that.
I do not know what Jean's attitude would have been, I think on the one hand she would have said
hurrah and the other hand she would have looked at the introduction date of 2027 and said 'What
890 on earth are you thinking about?' But I think it is more important that we actually know we are
going to get there, and 2027 is the long tail-in, but it means no employer can say that they have
not been given plenty of time to adjust. So all employers in this Island, please do not wait until 2026
and say 'I am in a flap, I need to adjust'. Start doing it now, because it is the right thing to do, and
the biggest employer of all that has to do that is us, the States of Guernsey.

895 I have heard some horrendous price tags attached to that and I think all on the assumption that
the only way you can achieve equal pay for equal work is to pay a lot more of those who are
relatively underpaid at the moment. But this is not about pay levels, this is about parity, it is about
relativity, it is about paying – as it says on the tin – the same amount for work of equal value.

So there are two ways that you can tackle that. Of course you cannot just cut people's pay when
900 they have got financial commitments but those that are relatively underpaid should get significant
pay rises and those that are relatively *overpaid* should have their pay held back because it is not fair
on the taxpayer to adjust ... A private sector employer would not do that, I know I have been through
it with a major employer who did it many years ago and it was quite painful, but it is doable.

So I think we ought to mark – and it has not been mentioned so far – that when we pass this
905 today, as I am sure we will, we are committing the Island to equal pay for work of equal value albeit
not for another seven years.

Sir, another thing that has not been mentioned is age discrimination. Nobody has thought to
bring that forward into an earlier stage. Well, obviously, the amendment from the Committee will
bring everything to two stages, but it has not been brought into stage one. I am glad that it was
910 not, in a way, because the complexities are quite difficult to work through and there is quite a lot
of work still to do there, but my goodness is it important! We are expecting people to work for
longer, we are expecting people to contribute in other ways for longer – and that is good and that
is what society needs, but there needs to be protection on the grounds of age discrimination. That
is absolutely sure. I really just highlight it because I think it has not been mentioned and I think it is

915 vital that people realise that this is in train and it is now hopefully going to be in phase two, and hopefully we will only have two phases and it will go forward then.

Deputy Parkinson's amendment was passed and it was passed – here he comes – by an overwhelming majority and I still feel bad that I was one of the three people who voted against it. As I explained then I did it purely for practical reasons, I was worried that unless significant resource was thrown at it then it could delay the Discrimination Legislation in relation to the three grounds that were in phase one.

I utterly accept the decision of the States. I know that Deputy St Pier says he is going to vote against 6b, or whatever it is, when it comes back. Basically I think the feeling in the States was these two rounds need to be put in. What I would say to P&R is that, okay, that is great, let's go with it, let's run with it, let's get it done – but we are going to need the resources to do that if it is not going to delay the main grounds that were in the plan.

That is not just about money, actually, I think it needs to be done, it has to be done. Those two policy letters on sexual orientation and on religion have to be done I think in *this* Assembly, because the politicians sitting around the table have lived and breathed this legislation for years – me less than some of the others – and understand how to take that forward. There would be a hiatus if a new lot have to take it up.

I would also say – and I am not going to name them – but the policy officers that have been working in this area, do not take them away from us now, we need them over the next two or three months. I know there are other pressing things but even if you bring in another excellent policy officer, that has to start with a learning curve from scratch, the whole thing is going to be delayed. So my plea to P&R is fund those policy officers, give us the ones that have been doing the work up to now. If we do that I think we can get the policy letters produced, they will not be debated in this Assembly, but produced in this Assembly ready to be debated early in the next Assembly. That way, we can have five grounds going forward very quickly and I think that will be *really* major step forward.

Sir, I go back to when I was President of Health, I attended a seminar at the Peninsular Hotel – in fact I did not just attend it, I was supposed to be the key speaker. It was sort of the genesis of various groups representing people with disabilities coming forward. When I started my speech after about two minutes everybody started talking amongst themselves, opening packets of crisps, opening cans of coke and turning their back on me. Luckily, I had been told that that was going to happen, it was a demonstration of what it is like to be talking and not listened to; to be talking and talking but it does not seem to make any difference because nobody is really taking it in. (*Interjection*) Yes, well I know that, I already knew that quite well actually before that event! (*Laughter*) But it was how the people with disabilities felt in this Island and it shocked some of the people who had not been warned about it.

I also remember at the end of that event there was a number of States' Members there, and the question was asked 'Would any of you support the bringing in of disability legislation?' Only one, myself, voted in favour of actually doing that. None of the other Members of my Committee, they all said, 'No, in Guernsey the best way to do this is by education, by cultural change not by legislation'. I think the attitude has changed a lot, I was always ahead of my time! (*Interjections*) I think now the rest of the Assembly have probably caught up – and they might do on some other issues in due course.

Sir, this is not an end, even when the legislation comes in. It is not an end, it is very much a beginning really of a new era, but I do think this is a fairly historic occasion. I do not claim to have played a big role in it myself. I do not think this is the time for self-congratulation. I do not think this is a cure to the world's ills, but it is really important staging post. I know others both inside the States and outside the States have worked incredibly hard to get us here and I congratulate them all.

965 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

I have little to say on this policy letter because I am wholly supportive of it and others have, or will go into the detail.

970 I just want to say one thing. I grew up believing everyone should be treated equally no matter our differences, as we are all different in one way or another. I was not treated equally. So I believe very strongly that no one should be treated more equally than others, we should all be treated equally; and that includes being treated equally under the law.

975 To that end I will continue to do my utmost and I will support the Propositions which will achieve a fundamental change in culture and in attitude, and lead to our community being an even better place to live. Discrimination will unfortunately always exist in some shape or form, but equality through legislation will be the norm.

Thank you, sir.

The Bailiff: Deputy Paint.

980

Deputy Paint: Thank you, sir.

985 I stand in complete favour of what is being proposed and will vote for it. This is long overdue but I feel that it will look like a double-sided sword in time to come. Local people generally are very accepting of newcomers, tourists, foreign workers, settlers and others from the rest of the world that come to work here and live with us. They are always welcome (**A Member:** Hear, hear.) and that is without question, there is very little prejudice against them here. Unfortunately that is not always the case but I will get to that in a few minutes.

990 I have travelled widely and Guernsey is one of the only places where you can sit in a café, somebody sits alongside of you and within a few minutes you are talking. The next day you meet them at the same place, same time and you have already become friends. There are not many places in the world that will happen. It might happen over a longer period of time but not on the next day. So that just shows you that our community is well-accepting of other people. Unfortunately that is not always the case, as I will say later.

995 I travelled to many countries, as I said, and I always try to obey their laws, their customs and their habits. If I cannot agree with what is happening in a country I will never go there again, it is as simple as that. Fortunately there are only a small handful of places that I have got on my list that I would not go to again, and that is just the way it is.

1000 Now, I want to speak about something that has not been mentioned yet today and that is State's sponsored discrimination and prejudice. And it has happened. I think I am only one of two Members or perhaps only three or four Members in this Assembly that have not got the right of accession, everybody else has.

1005 Let me explain the right of accession. The right of accession means that to go and work in Europe or anywhere else other than England or Great Britain you have got to prove that your grandfather and grandmother on either side, and perhaps one of your parents, are from another place in Europe and then you can get the right of accession. If you have got Guernsey-born grandparents and parents you are not entitled to the right of accession. Now, that is discrimination, and that is States-sponsored discrimination. It was about 1970, or early days, when Britain decided to become part of Europe we did not want to, so this was imposed on us at that time and it is still there.

1010 In my passport it does not quite say what I am going to tell you, but in the original it did. I had no right of employment or domicile in any other European country other than UK. So that is discrimination against me and I believe there were about 1,600 passport holders that had this stamped in their passport. It is still in mine, only in a different form of words, a more diplomatic form of words.

1015 That is discrimination, no matter what, against a very small part of the community. That has happened before. If you remember last year there were people from the Caribbean who came in after the War to help Britain get over her follies from the War, and just last year they were saying

'But you are not entitled to live here'. That is the position I feel some Guernsey people are in: they have been discriminated against and that is not fair.

1020 If you go further you can see the Aborigines of Australia, they have been discriminated against; the Maoris from New Zealand have been discriminated against; the Indian population of North America including Canada have been discriminated against. I do not want this to happen here, although it already has. It has got to be put right.

1025 We just heard last week that Hong Kong and China have got big problems, so I understand that two million people will be offered a place in Britain from China. But we cannot live in Europe ... Oh, just a minute. I am not racist by any means but you have got to consider these things in this. But I think what will happen is this will be swept under the carpet and put in the 'too dangerous' box to do because it opens up too many doors, and you will hear no more of it. That is not right, not fair, and must be acted on.

1030 I will move on to other forms of prejudice and discrimination. In actual fact I did not know until this morning that it was Deputy Trott's birthday today – it is exactly the same day as my son, but I think Deputy Trott is far younger than my son, my son is 54. (*Laughter*)

1035 I was at home with the wife shortly after my son was born and she had just stopped feeding the baby, when all of sudden a man appeared in my front room. Just came in, right. He introduced himself and he was just employed as a head of a particular department, which I will not mention now, obviously non-local. He then told me that I had just inherited a barn and a field from my great uncle and he was going to buy it from me, just like that. I mean, I think my temper started to rise and then he actually gave me a cheque for the deposit which I tore up and put it back in his hand.

1040 I then edged him to my front door and on the way I told him I do not know how he was dragged up, but I was brought up that when I went to somebody's house that I did not know I would knock on the door and wait until somebody replied. When somebody replied I would say perhaps a little bit that I wanted to speak about, and if I was invited in I would take my hat off and I would then tell the person what business I came to his house for. He had done none of these things, so I went and opened the front door and pointed out the gate. He took the message and he went and I have never seen him again. But this is a man who had been employed as a high civil servant. He should have known better.

1045 I will go on to education. Perhaps it would be very nice, I think Deputy Merrett mentioned it, that we have got to be all educated in it. Perhaps these people who come across here should be educated in the way Guernsey thinks. After all, they are coming to our country, and welcomed. Anyway I never heard from him again.

1050 Recently more or less the same thing happened where somebody was *very* rude to a group of workers that worked for them and included all Guernseymen, or Guernsey people. Now, of course this passes round the Island like wildfire and they will not get anybody to work for them and then they have got to get the white van men and perhaps abuse them. But they must not abuse Guernsey people. Do not do it. You are in our place of residence, where we cannot go anywhere else other than perhaps the UK, that is all we can do.

1055 We have put up with years and years of isolation because of the Napoleonic Wars and we have got fortifications built all round the Island by the British to make sure that if the French came here ... Then we were occupied by the Germans. My family stayed here throughout the War. You always hear of people who got out of the Island for the War, but you hardly ever hear of people who had to stay here. They were starving at the end of the War. If it had not been for the good ship *Vega* a lot more would have died, I can tell you.

1060 So, please, I am asking that all people that come here honour our customs and ways. That is not a lot to ask for, to live in a very safe place where you hardly ever get abused.

1065 Thank you, sir, that is all I have to say.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

1070 I would like to first of all say that I fully support the ESS proposals before us, and we have to
move forward with this as quickly as possible. It has taken a long time to come forward, and it is
extremely important that we push on with this as quickly as possible. But in the interests of openness
and transparency can the President of ESS kindly provide clarification into aspects relating to the
cost of the measures that are being put forward in this policy letter today. I speak in terms of
Propositions 6, 7, 8 and 9 in the Billet and in the policy letter.

1075 Now, Proposition 6 includes two elements: £90,000 for a rolling training programme and £40,000
for a survey. In Proposition 7, I take it ESS is building on the existing Industrial Tribunal which I think
was something that I wanted to see, but the existing tribunal has a budget, as I understand it, of
£135,000 which was shown in the appendix with two staff.

1080 When we get to Proposition 7 to fund the Tribunal which is estimated at £200,000 in 2021,
£305,000 in 2022, and £325,000 from 2023 onwards, does that include the £135,000 that is already
committed to the Industrial Tribunal? In other words, the £200,000 in 2021 would only be a matter
of £65,000 additional, so one would have to take into consideration £135,000. That is not too clear
to me and I would like that clarified.

1085 Then in Proposition 8 we are dealing with the Transformation and Transition Fund and taking
that £395,000 from that Fund for set-up costs and awareness-raising and so on between 2021 and
2023.

What I ask here is, Proposition 9 is:

To instruct Property Services to find suitable office accommodation for the Employment and Equal Opportunities Service
to move into.

1090 I would like to know how many staff are included. Already, of course, the existing Industrial
Tribunal has two staff, so how many more are we adding in order to seek suitable office
accommodation for the expanded work that is going to be continued with respect to the
Discrimination Policy?

1095 So is Proposition 9, and the value there, for the accommodation and the new staff, is all that
included in 8, which is basically the £395,000 to fund the projects set-up costs? So it is just a matter
of clarifying that, because you do not indicate exactly how much is to be spent on accommodation
and how many staff members are going to be working to see these new initiatives forward.

That is not to take away from the good work that has been done, it is only to ask for clarification
with regard to the costs of moving forward with this particular aspect. But I could ask that when we
get into phase two, do we have any indication there as to how much more cost is going to be built
into providing the complete, if you like, policy with respect to the discrimination work?

1100 The other point that I wanted to make was that the point Deputy Roffey made with regard to
age and the fact that it seemingly is being left behind ... I have had people mentioning to me in the
job market that there may be discrimination with respect to that, particularly to those being let go
in jobs at 55 and 60 years of age, or not being taken on and considered for jobs when the pension
age is heading towards 70 in Guernsey. So I think there is some consideration that we should have
1105 there, fairly quickly, because it just seems to me that a lot of people are being put out as a result. I
know that now of course there is a glut of jobs in Guernsey but formerly we were looking for staff
in order to manage the workforce in Guernsey.

1110 So I leave that with you. I just would like to see perhaps, if at all possible, that we can move that
element as forward as quickly as possible with respect to the discrimination work that you are
continuing and not leave age to the very last of areas to be considered.

Thank you, sir.

The Bailiff: Deputy Soulsby.

1115 **Deputy Soulsby:** Thank you, sir.

Firstly, I would just like to extend my thanks to the Committee for Employment & Social Security,
they have had a really difficult task and met with considerable opposition over the last few years. I

really cannot fault their engagement on the work that they have done. Deputies McSwiggan and Le Clerc in particular have worked tirelessly and I know how frustrating and emotionally draining it has been for them.

1120

If there is any learning to be done from all this, I think it is about managing expectations. I remember the debate on the Disability & Inclusion Strategy back in 2013, it was full of platitudes and pats on the back and gave absolutely no idea of the difficult road ahead in a time of financial restraint. Next month, we will have to be dealing with a similar issue when we debate SLAWS and the Long-Term Care Fund, when years ago expectations were raised about access to long-term care and various promises that were made, and again it is left to ESS to pick up the pieces from those promises made years ago.

1125

Of course, we must not forget it is not even over now either. We are not approving the legislation here, drafting of that still needs to be done and that could take a year or more – probably more. And, who knows, even longer than that if Brexit gets in the way yet again, as it has done with the Capacity Law, which has been frustrating from my Committee’s point of view.

1130

Now, I am very pleased that Deputy Dudley-Owen and Deputy Ferbrache withdrew their rather ill-judged amendment earlier this week, but I was disappointed because it meant I could not make a point in that debate – but I will do so now, and that is about impact assessment. I would like to say if those Deputies care about the impact on businesses, why did they not request an impact assessment on all the financial services regulations that were approved earlier this week? I suspect they have had more impact on the cost of doing business than anything that is proposed by ESS today. **(A Member: Hear, hear.)**

1135

Speaking briefly, from an HSC perspective, I am pleased that ESS noted our concerns and, yes, we know that if the proposals are approved, and I am absolutely sure that they will be, it will impact on our services, but I do think it is important that we do lead by example – and certainly a Committee involved in health and social care.

1140

Just on the point in terms of the role of HSC, Members may remember that there is an outstanding Resolution as a result of an amendment that I laid on behalf of the Committee, to look into the whole process and availability of disability aids and equipment, which has been a bit of a black art I think over the years, but is something that we can now take a grip of as the mandate and the funding has moved to HSC.

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I do feel that the Committee has been beaten down, really, and what we have ended up with is probably not what most of the Members really would have wanted. I think Deputy Roffey alluded to that in his speech. So on that basis I was really delighted that Deputy Parkinson’s amendment was passed for that reason, and that this Assembly could actually help the Committee to do what I think they would have wanted to do anyway.

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I cannot deny I am disappointed that a phased approach has been taken, and I do not think that was ever the Committee’s original intention; and I am particularly disappointed about the fact that gender will not be included as part of the first phase, although I understand why it is not.

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Now, here I have to declare an interest because I have a close family member who is transgender – and I do not mean somebody who just self identifies as gender different from that assigned at birth. So I do know a little bit about gender dysphoria. I do not know a huge amount, I am not the world’s expert on it, but I do know how long the waiting times are for people who are transitioning, and it is years, and years, and years. I do know all the processes needed to change your name to access medication, to get your bank account changed and passport changed, amongst other things. But I will say that through all these processes the people that we have met locally and the people we have spoken to have been absolutely amazing. It has really been heartening what we have gone through, to be honest with you, and it makes me very proud of the community that we have.

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So then I see on social media this war going on between one extreme side and another extreme side and it really upsets me. I cannot go anywhere near any of that debate and I will just say what is it for? Really, it is about trying to support people and help people. I understand the arguments on both sides, I really do, but I really do think it is time now ... People need to come together and work with each other to come up with a solution, but by having these polarised views it does not

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1170 help anybody at all. There are solutions to be found and I think if both sides give way a bit then there will be.

I think it is important for those people to take a leaf out of the GDA's book, who have made compromises to get to where we are today. I know that the GDA and those representing disability rights will be disappointed that they have not got everything that they would absolutely like to have, but they have made compromises because they understand and they see the big picture and see why this has been necessary. Indeed, businesses have moved their position to enable progress to be made with respect to disability discrimination. It is by working together and at the same time respecting each other's opinion that we can move forward, and I hope in this intervening period that happens for the benefit of everyone.

1180 So we have made progress. I am pleased we can vote for these proposals today but the battle is not over. I just thank Deputy Le Clerc and her Committee again for getting us this far and I hope the next committee continues that good work. But it will be incumbent on all of those here who get re-elected to back-up your votes in favour today, as I am sure you all will, by ensuring that future committee fulfils its commitments that we are approving today.

1185 Thank you, sir.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

1190 Sir, there have been a number of comments that I wish to respond to so far and also to deliver, unusually for me, a prepared speech.

I am going to start by reference to Deputy Laurie Queripel's comments about the summer of love in 1963. (*Interjections*) I beg your pardon, Deputy Lester Queripel, it could easily have come from Deputy Laurie Queripel's mouth, (*Laughter*) it was of such significance that either brother could have delivered, it in my view. He was talking about the summer of love in 1963 and as you noted earlier, sir –

The Bailiff and Deputy Lester Queripel: 1967.

1200 **Deputy Trott:** Well, that does not work then, sir (*Laughter*) so I will forget that – 1967 was it? (**The Bailiff:** It was.) Right, okay, well that was a good start! (*Laughter and interjections*) Rewind. Good to see both Queripel brothers in the Assembly, sir.

Let's start then with the comments from Deputy Roffey about the consequences, the cost of equal pay for equal work. He was right to raise it because one of the very material aspects of us proceeding, as we are almost certain to today, is that the States is the Island's largest employer and it is believed that the cost of these proposals will add, wait for it, a staggering £50 million to the cost of the public sector purse – and that is before we take into account pension contributions.

So in terms of the effect, I think it is in five years' time, on the public purse, it is a very material issue indeed and one that no Members should forget when voting.

1210 Deputy Lester Queripel also mentioned the Code of Conduct and how occasionally Members speak out and they find themselves subject to Code of Conduct complaints. That happened to me some time ago. I have to say that over the course of the last few days, I already held the leadership of the GDA in fairly high regard, but certain actions and behaviours by them over the last few days has demonstrated to me personally that we *do* all matter and they understand that even after significant periods of public service, some of us still hurt when accusations are made against us for which there is no foundation. I am grateful to them for the dialogue that we have had.

1215 Sir, yesterday, when we were considering amendment 7, I think it was, which was a Deputy Hansmann Rouxel amendment, I got to my feet on a point of correction saying that the Policy & Resources Members do and can sit on Committees; and the relevant Rule is Rule 40(7). I had an opportunity to refresh my memory since yesterday afternoon and Rule 40(7) says, I said it was in times of stress:

... when a Committee is inquorate and an urgent decision is required, the insufficiency of members shall be replaced by Member(s) of the States chosen in the following order: members of the Policy & Resources Committee according to their length of service ...

1225 So under the present Policy & Resources Committee the longest-serving Member of the Assembly is me, so it would fall to me to deputise in that way. There was an intervention from Deputy Tindall who said but that does not cover P&R Members. Well, I think the issue is vague, the exclusion of P&R Members is standard, but I think there is some doubt over whether that includes the DPA. I contested it probably does, but in any event the reason I make that point, sir, is I think it is incumbent upon long-serving Members of the States to get their facts right and I believe that I did, making very clear that that was in times of stress.

1230 Now, sir, one of my duties on P&R covers international business which in this context should and must include Jersey, our closest competitor, so I am just going to take a couple of minutes, mainly for balance but primarily so that there is a *Hansard* record of the policy development journey and how we got here today.

1235 Sir, CfESS's advisers were tasked with preparing a straw man of the policy proposals, which was essentially an amalgamation of key provisions from the Irish and Australian models. A targeted consultation then took place on the straw-man proposals in late 2018, and the Policy & Resources Committee responded to the invitation to participate in that consultation advising that there was significant concern at the time with the *proportionality* of the approach in some areas. The Committee's response further stated the following position: 'Supporting the more vulnerable in society by introducing rights in a manner that ensures we retain a robust economy is an imperative for the Policy & Resources Committee, as it is the economy and employers that will provide the opportunities to be economically active and the revenue to fund services that support social and cultural activity opportunities'.

1240 Now, sir, during the first half of 2019 the CfESS sought to translate the straw man into a set of draft technical proposals for consultation and during this process the Committee moved away from the Irish/Australian model in several important respects, meaning that the draft policy proposals on which the CfESS consulted were more akin to equality legislation in force in the Republic of Ireland and the United Kingdom. The CfESS states in the policy letter that:

4.7.3 Throughout the development of the draft policy proposals, [*the Committee*] proactively engaged with representatives of civil society groups, the business community, legal professionals, groups who might be affected by the legislation, States Committees and other States entities.

4.7.4 The Committee published its draft policy proposals for multi-ground discrimination legislation on 9 July 2019. The consultation period ran for 12 weeks until 30 September 2019.

1250 There were two criticisms received from organisations concerning that stage of consultation, one being that notwithstanding the CfESS's view the proposals were not developed in partnership with a sufficiently broad cross-section of shareholders, and the other consultation that took place over the summer holiday season made it difficult for organisations to arrange discussions about the proposals to understand their potential impact.

1255 Now, sir, the Policy & Resources Committee's response to the public consultation emphasised the impact of the timing of the public consultation, noting that the Committee's own response remained high level and required much more time for careful consideration. The Committee further emphasised that due to the highly technical and specialist nature of the proposals the Committee had sought specialist counsel advice, primarily from the perspective of the States as an employer to enable it to understand the proposals fully and make a more comprehensive response. With this in mind the Committee had suggested an extension to the consultation period until 31st December 1260 2019 or as an alternative a second round of public consultation to take place once the initial feedback was considered. However, neither of those suggestions was actually acted on by CfESS.

Now, sir, the Policy & Resources Committee had the opportunity to meet with the CfESS and discuss the draft technical proposals which were the subject of the summer 2019 consultation on several occasions after that, concluding in February 2020 when the CfESS set out *19 key areas* of

1265 change to the original proposals in response to the consultation. So here is a perfect example – and, once again, I give credit to Deputy Michelle Le Clerc and her Committee.

That consultation was listened to and it was acted on, and this is a *prima facie* example: 19 key areas of change followed – certainly demonstrating significant movement from the original Propositions in a number of areas.

1270 Now, sir, for the most part, the concerns previously raised by the Committee appear to be addressed by the proposals set out in the policy letter. However, some concerns continue to be highlighted by representatives of the business community with regard to the impact on businesses and the wider economy, and these were articulated most recently in a joint statement by the G4 – which is the Institute of Directors, the Guernsey Chamber of Commerce, the Guernsey International Business Association and the Confederation of Guernsey Industry and the Chartered Institute of Personal Development. So these trade associations, their members, employ thousands upon thousands of our citizens, and long may that continue.

So I shall finish, sir, by quoting from the public statement from the G4:

We have always been clear in our support for appropriate anti-discrimination legislation ...

We have been keen advocates for the adoption of the Jersey system as we believe this has been proven to work, could have been rapidly implemented and was familiar to some businesses in Guernsey, especially those with a pan-[*Channel*] island presence ...

Throughout the review process, we have asked for an impact analysis from the States to help better inform the understanding of the practical implications of the proposed legislation

1280 I have given, today, an example of just how material the impact is. Deputy Roffey wanted a response, he has got one. It is potentially a *staggering* £50 million. So I do not want anyone going to the vote – (*Interjections*) ... Five, zero; £50 million, potentially. And this is a figure that has been calculated by experts, not something that has been scribbled down on the back of a fag packet.

I give way to Deputy Roffey, sir.

1285 **Deputy Roffey:** Will Deputy Trott agree with me that that can be interpreted differently, meaning there is a staggering amount of discrimination going on at the moment?

Several Members: Hear, hear.

1290 **Deputy Trott:** It could and I note there were a few hear, hears. That is fine, you could argue that, yes; but what you cannot get away from is the enormous fiscal impact of these decisions.

1295 It does not matter whether it is agreeing to extra drugs – which I also supported, incidentally – or matters of this materiality. The cost to Mr and Mrs Le Page in our community is potentially enormous, and it falls to the Policy & Resources Committee to make these points without fear of criticism because all of us, whether we are disabled or otherwise, will feel the impact potentially of this sum, such is its materiality.

The G4 conclude by saying:

We are keen to work alongside government and other stakeholders ...

I give way to Deputy Tindall. (*Interjection*)

1300 **Deputy Tindall:** I thank Deputy Trott for giving way.

1305 We have been reminded several times in the last few days that this is Policy & Resources Committee, and you are concentrating on the cost and not the benefits. I just wondered if you could put forward the other side – sorry, sir, through you – if Deputy Trott could put forward the benefits, and maybe there is a cost-benefit analysis and a value to that benefit, that actually Mr and Mrs Le Page and everyone on Island will benefit from.

Thank you.

Deputy Trott: I probably could, but there is no need for me to do so because others will do that. But what we have not seen today – through you, sir – Deputy Tindall, is any kind of acceptance or understanding, appreciation or discussion around just how enormous decisions of this type are.
1310 That is not to say that they are not entirely justified, or in any way not worthy of support, but we cannot make these sorts of policy decisions blindly. We have to understand just how enormous the consequence is.

I give way once more – I am surprised I need to – but I will, to Deputy Roffey.

Deputy Roffey: I am slightly worried that Deputy Trott is ascribing that cost to this policy letter because my understanding is that P&R had already, totally independent from this policy letter on anti-discrimination legislation, decided to adopt a policy of moving towards equal pay for work of equal value.

Deputy Trott: But it is a direct consequence of, I think it is Proposition 4 or Proposition 5 of this policy letter ... And in any event I am responding to Deputy Roffey, who wanted clarification. I do not think he finds the news particularly palatable and, frankly, I am not in the least bit surprised because neither do I, because these number are huge.

I remember before Covid telling the community that it was inevitable in my view that taxes would rise in the years to come. This is a further example of why I made that statement, a completely legitimate justified and evidence-based view.
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So what did the G4 say, sir? Well, they said:

We are keen to work alongside government and other stakeholders throughout the legislative process to ensure a smooth and successful implementation. The business community will need time and support to adapt to the significant changes that the regime will require of their policies and procedures. In that respect, we note that a phased implementation has worked particularly well in Jersey and strongly advocate that a similar approach be taken here ... Guernsey's economic and social wellbeing depends on a thriving business community and we hope we can work together to bring about legislation that best serves the whole island.

On that, sir, that last part, I know that we would all agree unequivocally.
Thank you, sir.

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The Bailiff: Deputy Prow.

Deputy Prow: Thank you, Mr Bailiff.

You will be relieved to hear, and I suspect Members more so, that I do not believe a long speech is needed with regard to the proposals before us. Sir, this is not because this is not an extremely important and urgent issue. It *is*, sir.
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Section 3.3.2 of the policy letter sums this up for me, and I quote from it:

Guernsey may not just be behind the curve on our discrimination legislation, we may, in some respects – such as racial discrimination – be in last place.

Sir, it goes on:

As well as potential reputational ramifications, this denies citizens the opportunity to challenge instances of discrimination that they experience.

Sir, furthermore section 3.3.3. makes very uncomfortable reading, as does a lot that is said in the report. Sir, 3.3.3. tells us that:
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Commitments have also been made. In 1969 the UN's International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was extended to Guernsey. It is a requirement of this Convention that people should be legally protected from racial discrimination.

Sir, that was from some five decades ago.

1345 In 2003 nearly two decades ago in a report submitted on our behalf by the UK Government we informed the UN that the States of Guernsey were actively developing race relations legislation – but no race relations legislation has been enacted. Not only that, sir, we have before us a highly comprehensive report of some 277 pages which will cover legislation on the basis of disability, carer status as well as race; and incrementally, although that process I hope, through the amendments, has been limited, it further proposes legislation on the grounds of age, religious belief and sexual orientation.

1350 Sir, all this was a mammoth undertaking and although Deputy Trott was specifically replying to a point, I think in his speech he has detailed the enormous amount of work and complexity involved and I thank and applaud all the Members of Employment & Social Security and the officers involved. **(Several Members: Hear, hear.)**

1355 I further thank the Committee for the presentations for States' Members which Deputy Merrett has pointed out; but also I support the comments made by Deputy Soulsby with regard to engagement. I pay credit to all the third sector organisations for their engagement and also I would like to compliment all the information they have supplied to States' Members and for keeping this all very much on the public and political agenda.

Sir, returning to the policy letter it rightly, in my view, points out the dangers of making the legislation and I quote again from it:

... overly complex for Guernsey [*and*] ... that discrimination law is highly technical and complex by nature.

1360 Furthermore the policy letter is honest in its response to feedback particularly from, as I have already outlined, the third sector and from business where there will be a financial and resource burden. Deputy Trott has quite alarmingly alluded to that in his speech.

Sir, it says at section 1.6 that it is:

... unlikely that it would be possible to find a set of proposals which everyone fully agrees with.

1365 Whilst I do completely accept the urgency, to put the provisions in place for those Islanders who currently remain unprotected, but it should be remembered that industry also and business and commerce are key stakeholders in the massive task of implementation.

1370 Sir, in that regard the point made by previous speakers in this debate during the amendments that the need to raise awareness and promote attitude change and taking a more preventative approach is, in my view, absolutely imperative from all perspectives. I look forward to the Propositions going to the vote.

Thank you, sir.

The Bailiff: Deputy Dorey.

1375 **Deputy Dorey:** Thank you, Mr Bailiff.

I will also be supporting the proposals. I have got a very short speech.

1380 Firstly, I just wanted to react to the comment that Deputy Paint made about the restriction that he has on his passport in relation to the EU. I have the same restriction on my passport and my wife and my children have the same restriction. In fact I do not feel discriminated against, I feel very proud of it as it clearly shows my Guernsey roots which I am immensely proud of. So I do not see it as any discrimination against me.

1385 There are those options when we come to voting; I just wanted some clarity on these options. First, as a result of Deputy Parkinson's amendment we have 1A, 1B and 1C and I notice that Deputy St Pier commented yesterday that he was not going to vote for 1B because he was concerned about the work involved. I am embarrassed that we have taken so long to get to this point and I do not want anything to delay the first phase of this legislation, so I just wanted absolutely clarity because Deputy Le Clerc spoke earlier in that debate on that amendment, that if we vote for 1A, 1B and as follows 1C there will not be any delay in phase 1.

1390 Perhaps I could also ask for some clarification from H.M. Procureur in terms of the drafting of legislation that that additional work will not cause any delay in the legislation.

1395 We also obviously relation to Proposition 3 we have 3 and 3A, and again I just wanted clarification because, at the end of it, it directs P&R to ensure that the Committee has sufficient resources. I just want perhaps clarification from Deputy St Pier that there will be sufficient resources given for if we vote for 3 and not 3A to do it in two phases, and if he sees any implications for other policy development work within the States, or this will be additional resources given to the Committee which will not affect other policy development – so Members are absolutely clear on the implications of voting for 3 or 3A.

1400 My final point was in relation to Deputy Trott's speech. Obviously the numbers he mentions about equal pay is a very large number which will have to be financed at some point in the future, but in terms of whether we vote for 3 or 3A they both say that it will not be implemented until 2027; so that additional cost will be irrespective of whether we vote for 3 or 3A because they are both – although one is done in two phases and one is done in three phases, they both say equal pay will not come into operation or into legislation until 2027. So that is just for Members saying that the numbers Deputy Trott has mentioned are big, but it will make no difference which option you vote for.

1405 But I would just like those other questions in relation to 1A and 1B and resources for 3 or 3A clarified.

Thank you.

1410 **The Bailiff:** Deputy Smithies.

Deputy Smithies: Thank you very much, sir.

Quite a sobering speech I thought from Deputy Trott, but a very valuable contribution indeed, as usual.

1415 He did refer to 1967 and I am sorry he did not develop any further on that, I would just say that in 1967 I was 20 years old. I do not recall anything much happening in Guernsey at that time expect it was one of the last years in which we had a *real* battle at the Battle of Flowers. They do say if you can remember 1967 you were not there. (*Laughter*) Well, I promise you I was, and my lack of recollection really has nothing to do with wacky baccy (*Laughter*) or any other such dubious substance. However, I digress.

1420 Like Deputy Roffey, I do regret the absence of any reference to age discrimination and await its inclusion at a later date. Just for clarification and for the record, although I abstained from voting on two amendments this morning, for the technical reason on which I spoke and also because the President of P&R explained at least one of them is undeliverable in the time that had been allocated for it, I will be voting *Pour* all the Propositions in the amended policy letter as its time has come, as has already been well stated.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: To refine on Deputy Smithies' point, the time has come and very shortly these proposals will be (*Interjection*) overwhelmingly approved.

1435 Sir, you began this morning by mentioning and welcoming Deputy Trott's birthday today. I will give him that, I am two days younger, I was not born until Sunday! (*Laughter*) But in relation to that let me say this –

A Member: It was a good year!

1440 **Deputy Ferbrache:** A very good year, albeit they were different years. (*Laughter*) But Deputy Trott made a very serious point, and I will come back to that in a moment.

Now Deputy Trott once told me his mother named him because she liked the name Lyndon because Lyndon Johnson was President at the time he was born. Now Lyndon Johnson of course became President because of the assassination of John Kennedy. If we go back to say 1884 instead of 1964, there was another President – Chester Arthur – who became President, because President
1445 Garfield had been assassinated. So if Deputy Trott had been born in 1884 we might be calling him 'Chester Trott'. (*Interjections and laughter*)

There was another President, and if he had born in say 1901 or 1902 President McKinley had been assassinated and his Vice-President was Teddy Roosevelt. Teddy Trott, I think, just ... (*Laughter and interjections*) But there are two things that are absolutely certain: every person in this Assembly,
1450 whether in the Public Gallery or on this side of the fence, we have all taken our first breath and that applies to everybody on this planet.

The second truism is that everybody in this room and everybody on the planet will eventually take their last breath – and they will be on different days. But what should happen between day one and day – however many days it is – is that your life should be as happy and fulfilled as it should
1455 be, and everybody should be equal and everybody should be treated equal. Our paths along life will take us so that some people will do more than others, achieve more than others and have greater opportunities than others but we are all equal. We are all equal, whatever the colour of our skin; we are all equal, whatever our gender; we are all equal, whatever our sexuality; we are all equal, whether we suffer or do not suffer, whether able-bodied or not. We are all equal (**A Member:** Hear, hear.) and that should never be forgotten.

Deputy Trott though was right to raise the point that we have got to realise if we make decisions here, they will have consequences. Now, whether the cost is £50 million – and I fully accept that Deputy Trott has taken expert advice – or whether they can be in some way compressed, as Deputy Roffey was saying that the costs would have to go up. It is still going to be a heck of a lot of money.
1465 It is going to be many millions and it is going to mean a great change to our fiscal policy, society and the way it works, and that will mean extra taxes. So he is *absolutely* right.

As Deputy de Lisle said in a previous debate some time ago, we have got to tell the people the truth. (**Several Members:** Hear, hear.) We have got to say that there are consequences as a result of the decisions that we make.

Deputy Soulsby said, 'Oh, well, look, that ill-judged amendment' – which was not in fact brought; and what about the policy letters that we all approved just the other day or so? Well, I think Deputy Gollop said there were over 1,000 pages, or something like that anyway, there were a lot, and I did not read them all, but I read some of them. In relation to those, I do not like regulations as I have said, I do not like rules, but those policy letters, those proposals came through to *enhance* our
1475 finance sector and to make sure that our finance sector was of the first order so that people would do business here. So although that will give cost to business, it will also give income to this society because people will continue to trade here and people will continue to do that. So we have got to be balanced in our comments.

Deputy Paint made a point about he is one of the 1,500 Guernseymen or Guernseywomen in relation to that. Well, my lot have been here since before Abraham was thought of. But in relation to all of that I do not have that restriction because I had a French grandmother and also I lived in the UK for more than five years. So if I wanted to go and work in Germany – not that I ever would want to go and work in Germany – I could do so.

But in connection with that his wider point was about the culture of Guernsey. When I grew up – and I am not going to mention the outside toilet – (*Interjections*) I would have invited Deputy Trott to share it with me, (*Laughter*) but it was not a double seater (*Laughter*) –

I will give way to Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I thank Deputy Ferbrache for giving way.
1490 Can he tell me, did he have a coat hook on the back of his outside toilet door? (*Laughter*)

Deputy Ferbrache: I would like to tell him that, but I had better not.

1495 But seriously, in a serious context, most of the faces in Guernsey when I was a young working class child were white, but we did have some black faces. I just mention that, not because of the different coloured skin but we did not notice that they were different, they were no more different to us, the kids from Charoterie or Back Street or Victoria Road, than people with blonde hair or people with red hair. We did not, because of the culture that existed in Guernsey then, (**A Member:** Hear, hear.) not need a rule or regulation to say we did not discriminate against people with black faces because they were our mates, they were the people we played football, they were the people we had a punch-up with, (*Interjections*) they are the people we did all kinds of things with because they were citizens of Guernsey and they were our friends. We were never bothered about colour, we were never bothered about things like that.

1500 Also other people have given their own examples: my French grandmother was Catholic and my grandfather, I do not think he had much of a religion, but he did what my grandmother told him. 1505 They had 14 children, nine of them were boys and five of them were girls. Now, we are going back a long time and the brightest of all of the 14 children, including my father, was my Uncle Basil. My Uncle Basil was gay and he went into media; and my Uncle Basil had a very difficult life, he was a man of great potential, because of his sexuality and because of the way it was looked at in those days – it brings almost tears to my eyes to think of the way that he had to lead his life.

1510 Now my uncles, including my father, probably my father was the most typical of that, they protected my uncle as best they could, not as I do as I have made my living speaking words, they did it in a different way. (*Laughter*) They were loyal and loving to my uncle but his life was blighted because if you think about it just until a very few years ago to be a gay person you were a third-class citizen. That was abhorrent, but that is what happened not only in Guernsey but everywhere 1515 else. Guernsey, in fact, was probably more liberal than other places, so in a way we are right to bring these statutes and all the legislation we are going to bring, absolutely this is the time. As Deputy Smithies says, the time has come.

I am not saying we are perfect, because we are human beings there are not any perfect human beings, not even Deputy Trott on his birthday. (*Laughter*) But we are in a position that this society 1520 has always been an all-embracing society and it has always been a society that has recognised the goodness of people. As Deputy Paint says, you sit down and the people that come and live here are amazed that all of a sudden people say hello to them in the street, even if they do not know them. I remember when I went to Law School in London, *many* years ago, I thought I will go for a walk down Oxford Street, because I had never been to Oxford Street in my life. I am walking down Oxford 1525 Street and there were thousands and thousands of people walking down Oxford Street and I expected somebody to say hello, not because they knew me, because I did not know any of them not a single person said a word. Yet you walk down St Peter Port today, you might not know a lot of people, 'Hello, how are you?' and that kind of thing, that is our society.

I do not want anybody devaluing our society by saying that because we have not followed some 1530 statue in 1969 we are second class and we do not care about people. We have *always* ... I have lived here most of my life, not all of my life, we have always cared about people, and we will continue to care about people whether there is a piece of paper or not, but I accept we have to have that piece of paper.

I note in the policy letter, attitudes have changed. As Deputy Roffey said the kind of ills that 1535 Deputy Queripel suffered when he was a child because he was interested in poetry and he had long hair and played a guitar, none of that should have been said. That is not going to be cured. But thankfully, as Deputy Tooley interjected, that has changed now. The 11-year-old boy who got his prize, or wherever it was, last night got applauded because he was a good poet. That would not have happened when I was at Amherst School, it would not have happened at all, but it happens 1540 now because society has moved on, attitudes have moved on.

I look at page 108 – you do not have to look at page 108 – of the policy letter, and there is something called the:

1999 Requête – Homosexual Age of Consent (Billet d'État III of 1999)

1545 I was in the States at the time and I supported that Requête and the attitudes then ... We were not entirely successful and what we wanted to do was reduce the age of consent from 21 to 16 – in other words, as it was for heterosexual people – for homosexual people. People were getting up and saying, ‘Well, at that age you could be influenced, or you might get ...’ – not quite ‘get better’, I think people bit their tongue when they were about to say that, but you could almost see the word coming out of their mouth, ‘They might get better when they are a bit ...’

What an appalling attitude!

1550 So we were only partially successful at that time because, as a compromise, and the States has compromised on so many things over so many years, it was reduced from 21 to 18, when it should have been 21 to 16.

1555 Because I come back: we are all equal, we are all the same, we have all been born, we are all going to die – hopefully, not for a long time, particularly Deputy Trott – and I see the police car was bringing his cake before, that was why we had the noise, so it will be outside no doubt in due course. *(Laughter)*

1560 But really, these proposals, as I say, should be overwhelmingly approved. But it has taking us on a journey and the journey is the cultural change, and culturally we have already gone a long way. We need still to go further, the world needs to go further; and also we need to practise what is being preached. I have just seen – we have all seen it on the TV – a whole parade of very well-paid racing drivers standing up, kneeling down, for black lives – which of course is very important. But they are still driving their highly expensive motor cars in Syria and China. Wouldn’t they be better saying ‘We are not going to drive our motor car in Syria; we are not going to drive our motor car in China? Because in China people are being brainwashed, they are being out into education camps, because they happen to be from a certain religion’.

1565 If they really wanted to do something practical, rather than just put your knee on the ground and raise your arm in the air: do not drive in China, do not drive in Syria, do not drive in Russia, do not drive in Bahrain. Do something practical. **(A Member:** Hear, hear.) Do not just preach it, do it. **(Two Members:** Hear, hear.)

1570 Thank you very much.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you very much, sir.

1575 Your reference to Miguel Induráin at the beginning of the session was interesting because I actually saw him cycle a couple of times, and you wait for about three hours to get 30 seconds of chain noise. Although I have to say he is known as the quiet one and I think comparisons between Deputy Trott and Miguel Induráin probably run out about there.

1580 Some weeks ago I was very pleased to take part in the Black Lives Matter demonstration along the front and one of these speakers – and I thought all the speakers were brilliant. I have to say a young lad by the name of Ziggy stands out in our minds because it was an exceptional speech. I think we have said this more than once today, but I think anyone really without a lump in their throat or a tear in their eye, really most people were moved by his speech.

1585 One of the speakers said that Guernsey really had not displayed this opposition to racism in that manner before. Guernsey in the early 1980’s did not behave particularly well with regard to its stature in the world standing, and racism in particular, because Guernsey was still an open door for South Africa. If you remember in the Grange there was a shop with a Krugerrand in the window encouraging people to invest and buy Krugerrands. Of course at that time the South African cricket team from Western Province were invited over to Guernsey and the South African Ambassador was giving a speech in the OGH. A group of us, when I had long hair, Deputy Queripel, before there was some type of divine intervention, although I never carried a guitar around with me, I had a drum kit which was much more cumbersome I can tell you that. But as a 20- or 21-year-old, we opposed the visit of the South African cricket team. In fact I remember a very young Deputy Roffey and a younger

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1595 Deputy Fletcher, as she was at the time, who joined us outside the OGH to protest about this lecture that was taking place inside.

The South African cricket team then went on to play a game of cricket at the College Field and we did approach them asking that the game did not take place, but they were not having it and that game started. So I walked out on to the pitch and collected the bails and walked off. The Police were very good, they not only gave me a lift to the Police Station (*Laughter*) they also gave me a lift
1600 back to my work, and there was a lovely banner at K&B Foods at the time that said, 'Never Mind Nelson Mandela, Release Barry Brehaut', (*Laughter*) which I thought was quite touching.

But Guernsey was not a place at that time where that behaviour was considered acceptable and though I knew the employer very well it was a very difficult environment to take a position and to stand, in particular against racism. So we have come a very long way – and of course Guernsey was
1605 the home of Kodak, and Barclays and Kodak had a very large presence in Guernsey, and it was only right at the time that people protested.

I have children at the age now alarmingly of 16 and 19. As they grew up there is racism on Guernsey, you hear it in what they say, the slang they use, the terminologies. At one time even my children – I had to pick them up for saying something. I do not know if we would use the word
1610 'woke' these days, but if something was weak or if something you could dismiss easily, because it was just *gay*, it was okay to make references like that. It still exists and I think there is a much harder fight out there still to be had. I know sometimes we are cossetted and we feel, quite rightly, that we are doing the right thing, but there is still one hell of a battle actually to deal with these engrained attitudes towards race and disabilities that people have.

I talk about my family member too frequently so I will give him a break today, but I will say the well-meaning approach which is to identify people with disabilities by giving them a lanyard is perhaps not as well received as some people imagine it is. If you are young person and you feel you are independent of your family, you are in work, you are standing on your own two feet, and then some well-meaning person puts a lanyard over your shoulder to underscore the fact that you might
1615 be a little slower, that you might have a difficulty, and the customer in the shop needs to be aware of that it does not work I think in the way that people imagine it does. It just underscores the fact again that you are different, when you thought you had striven for a degree of independence.

But obviously I can support the legislation here; we all do. I think there is a huge discussion to be had, yet regarding what some people see as the erosion of women's rights in some areas and
1625 how other issues have marginalised women's rights, and some people will argue very strongly for spaces for women, I would make some of those arguments – and that is still a conversation to be had. There is a very long way to go, but we are clearly heading in the right direction.

Thank you, sir.

1630 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Sir, to a degree I have been on most of this journey at some point or another. I was even, like Deputy Brehaut, attending the activity at the Old Government House Hotel when the South African Ambassador arrived. But I was not demonstrating, I was actually sitting there having
1635 my lunch, I think! I remember that, because I regularly went to the lunch club. But I was interested in the international politics, I have studied international law, hearing all sides of what eventually was resolved in hopefully a positive way and the pressure brought on them.

Deputy Ferbrache's jests at Deputy Trott's expense about could he have had a different name of a different president, well he could have been of course Deputy Ronald Trott or Deputy Grover Trott
1640 or Deputy, let me think, Calvin Trott ... We jest. But what is in a name?

We do know that how you speak is very relevant. Deputy Lester Queripel very much made us think, as did other Members, that the language we use ... Because I try, these days, perhaps I did not a few years ago, to be very careful using certain words. He mentioned the word 'idiot' and other words in that camp to me are 'mental' and 'mad' and 'schizophrenic'. People say, 'That is mental',
1645 but actually you are jesting with a serious condition and we should be aware of that. We must also

be aware that although perhaps on the ground many people in Guernsey were caring about people who were different, the legislative framework was brutal in some cases – prosecution of homosexuals to the 1980's, for example, and in many cases does not give financial redress.

1650 Deputy Ferbrache made an excellent and telling point back to the argument that was put that maybe the 1,200 pages of legislation on financial services, Deputy Soulsby argued, will have a greater effect on the cost base of businesses in Guernsey. Deputy Ferbrache countered that there is not necessarily always huge support of everything the GFC have done over the years, but saying actually that up-to-the-minute regulation, legislation, high-quality work from St James' Chambers and the States is absolutely necessary for the future prosperity of Guernsey's biggest export-earning
1655 sector.

Deputy Tindall I am sure will agree with that because generally speaking the better the regulation the more confidence we can have that we are on the right lines. But I would argue that actually improving our offer, our reality, of up-to-the-minute equality and discrimination legislation is a winner for Guernsey. It not only potentially includes some people who have been excluded, but
1660 there are an increasingly large number of entrepreneurs, male and female, employees and leaders in society who would not feel comfortable staying or moving to a place which is significantly out of step with other communities.

The argument we heard a little bit last year that it will cost Guernsey business through red tape can, I think, be strongly countered by those people who are reluctant to see retrogressive attitudes
1665 persist. So I think this can be about strengthening and reviving and thriving our economy as well; and that point has to be made.

Was I naughty yesterday in going against the boardroom view on the amendment? Yes, I was in a way, but I think there have been changes in attitude in the last few months, especially due to the revive and thrive image, the idea of Guernsey Together, the impact of Covid, and there is a new
1670 attitude and we are perhaps focusing on the real values of society and community more. I think there is a headwind towards a degree of change and we always wanted, as a Committee I think we were united behind our original Propositions last year, the only slight dissent might have been on the subtle issues Deputy Brehaut has raised about exact differentials between the right for women to have protected spaces and the rights of other people to identify in different ways. That was the only nuance I think that you could draw.
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We wanted to move faster quicker and I am actually totally behind the Committee's stance, despite what Deputy de Lisle said, in not pursuing age immediately and not pursuing sexual
1680 definition and going a little slower on equal pay for equal value and gender equality – not because they could not be done, but because the resources, financial, technical and legal were not there in sufficient quantities to justify them quickly. I would not like to see them as late as they are in the time frames, but they do have to happen over time.

I was not surprised Deputy Trott was shrewd in giving us a financial estimate of what it might cost the States of Guernsey. I was surprised at the figure of £50 million, because I think in previous
1685 discussions without too much evidence the figure of £20 million was perhaps more in the frame. I think the point is well made that these costs are arbitrary and they already reflect a reality of changing conversation and attitudes towards pay, and conditions, and transformation.

Actually, although I would not have voted for the Deputy Dudley-Owen/Deputy Ferbrache amendment, that would have been too much of a three-line whip to go for that one, I did see some
1690 merit in parts of it. The part I liked was not spending *money* on consultancy, but it was greater clarity and transparency on the costs to the States and everyone else, and the fact that we do have to work, and we are doing this already ... Goodness me, there have not been more diligent Committee Members than Deputy Roffey, Deputy Langlois, Deputy McSwiggan and Deputy Le Clerc in regularly meeting – I used to forget to go to them sometimes, but all these meetings with the business community, with the Big Four, the Big Five, the GIBAs, The GIFAs, the Chambers, the IoDs ... I think
1695 it is implicit that we cannot make this work at the legislative stage and stage two, if we do not have a degree of consensus and buy-in and working together in partnership with the significant employers.

1700 I liked the bit – funnily enough, it is not particularly right wing – in the amendment about discussing with employee representatives as well, because that brings on board not just trade unions but maybe a voice for workers of foreign nationality of diversity and so on, the under workers.

1705 So we actually do, and I am sure Deputy Le Clerc would agree with this, we will be consulting. It is implicit within everything we have done that that consultation will continue; and I also exhort the States to ensure whoever is on the Committee that the work will continue with the very capable officers.

1710 I will also add at this point that there is no reason why a lot of the background work on the amended parts of Deputy Parkinson’s successful amendment yesterday relating to sexual orientation and religious prejudices, why that work cannot start while this Committee is still in place. And the staff, who are extremely self-motivated, will probably be doing it all over the Election period when States’ Members or others will have other things to think about. That work can continue regardless.

So I say: bring it all on and vote for the entire package.

1715 **The Bailiff:** Members of the States, we will now adjourn until 2.30 p.m. By which time I am quietly confident that you will have in your places a composite set of Propositions which will assist in the light of the amendments that have been successful.

So 2.30 p.m., Members of the States.

*The Assembly adjourned at 12.31 p.m.
and resumed its sitting at 2.30 p.m.*

**Proposals for a New Discrimination Ordinance –
Debate continued –
Propositions as amended carried**

The Bailiff: Deputy Graham.

1720 **Deputy Graham:** Thank you, Mr Bailiff.

I was not sure whether my offer, when I spoke on an amendment, for you to rule whether I had spoken in general debate, but I do not think I did stray. (**A Member:** You did.) I think you may have forgotten, so thank you.

1725 I was not going to speak but something that Deputy Ferbrache said has brought me to my feet, because I think he was responding in the way I wished to respond to a certain amount of virtue signalling that was going on this morning. He mentioned the Formula One Grand Prix, and so on. I think he was half right, I do not think there is a Syrian Grand Prix. (*Interjection*) Pardon? (*Interjection*) No, well, I believe he is mistaken. (*Interjection*) I think that was the Styrian. (*Interjections*)

1730 I mean it is held in some dodgy places (*Laughter*) like China, Azerbaijan, Russia and places like that. So he is absolutely right. I mean, the Lewis Hamiltons of this world are going round bending the knee to the Renminbi in China quite gladly. But there you go, that is the way of the world.

1735 He was also only half right with the Uighurs, really, because although the Uighurs are a Muslim minority in China, and of course there are many of them, they are actually a 12-million-strong ethnic minority in China and that is the cause of the problem. Members of the States, I mean, it is not a wishy-washy human rights matter there, we are not only talking about – and Deputy Ferbrache alluded to the fact that about a million of them are in re-education camp.

Deputy Lester Queripel mentioned his hero Wilberforce – well, slavery is still alive and kicking in China. There is institutional slavery of some of the Uighur people. Their women are rounded up and

1740 forcibly sterilised. They even have their hair harvested. I think something like 70 tonnes of Uighur hair was brought on to the international market recently. It is not nice stuff.

I mention this because there is a certain amount of double standards here. I am avoiding the 'h' word because I understand it is not really quite in that category, but there are double standards here, and when we talk about the cost of the legislation that we are all going to support, it is not only in terms of cash it is also in terms of forfeiting money, if you really put your money where your mouth is, but it also really a cost of a certain amount of moral authority along the way.

1745 In China – and China, let's face it, by all definitions of fascism, is a fascist state. We still have taxpayers' money subsidising, I believe I am right in saying, an office in Hong Kong and also in mainland China. Now, we do not seem to have any inhibitions about that, but I have to say that any pound we earn or Renminbi that we earn has blood on it. We have an HSBC Bank. I mean, somebody mentioned Barclays back in the dark days of that odious regime in Southern Africa, but HSBC are still there, as far as I am aware. So I just wonder whether all those who were jumping up and down protesting a few years ago against whichever ambassador was here – was it the South African or whatever? Were they also jumping up and down when the Chinese Ambassador was here in recent years? If they were, I did not see them; so can we have a little bit less of the double standards, is what I am saying.

1750 But I do not want to end on a discordant note. This is a good news day and in fact it has been a good news week. I think the atmosphere outside the States first thing in the morning has been terrific and I think it is a model for how to engage with your Deputies, for those who are doing it.

1760 I think Deputy Le Clerc is beating herself up unnecessarily. I know the narrative may have seemed that way the last few days but there is not an ounce of that, I do not think, in the spirit in which the debate has been conducted here. I have to say that I would have voted for this back in March, I have not changed my mind, I would have voted for it unamended; but it has been amended and I do congratulate them and I look forward to the silent cheers resonating when we finally all say *Pour*.

1765 **The Bailiff:** Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

1770 This has been a long journey. I only joined this cause four years ago when I was appointed the States' Disability Champion and looking at the amazing photographs from 2013 when the Disability & Inclusion Strategy was unanimously agreed by the States to now, to the incredible support on the steps on Wednesday, I think we can take a moment to appreciate the dedication of the amazing volunteers of the GDA – (**Several Members:** Hear, hear.) some of whom have collectively been pushing for this legislation for over 22 years. I will not mention them by name, but they know who they are.

1775 Whilst I am sure there are some moments when various Members have been nobbled by them or received an email gently reminding them of their obligations, I am sure we can all appreciate the incredible work that they have done for nothing. But it has not been for nothing, because today we are getting to this point. But we are still on the journey.

Thank you to the whole Employment & Social Security team.

1780 I just want to take the opportunity to clarify a point that I did not yesterday, in debate, raised by Deputy Lester Queripel, who was concerned that I was not getting support from Employment & Social Security, and that was not – it was an unfortunate parallel, absolutely not. The officers at Employment & Social Security have always been absolutely fantastic, it is about the officialness of support and how you access that, it was not saying in any way that I have ever been blocked. If anything, they have always been completely open and the new Disability Officer has done a fantastic job since her appointment, and I think the value in having that office in the States has definitely been demonstrated.

1790 The journey continues. The policy letter demonstrates through a thorough process, which has balanced differing opinions of stakeholders, that point has been raised already, it is a compromise, but it is a compromise from both sides.

Vitaly, there are a few points of compromise that I think we need to appreciate were red lines, because they meant that in the application of the legislation we would not be giving people the protection that they deserve, and there was a lot of conversation around the definition of disability, and it lays it out in the policy letter. There was a broader definition to begin with, but the compromises that have been made have meant that we are able to take this forward; but there are compromises that the ESS have not made and I thank them for holding fast on those compromises and keeping them out of the legislation. One of them is the proving that you are disabled enough to have been discriminated against.

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Legislation *will* change things only if we put the right resources in and the resources in to just do not discriminate in the first place. I do hope that after the debate yesterday, even though the Assembly did not vote to have more funding, that the case can be made and that does make it easier for Employment & Social Security in the next term to make the case to the next P&R for money for that prevention part of the work; and that we do not get back into the habit of just expecting the third sector to do that piece of work. *We* need to be leading that work.

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(Several Members: Hear, hear.) Prevention is better than cure. We as an Assembly have the power to change things, but we also have a responsibility to lead the charge, raising awareness of discrimination. What we say in this Assembly matters and what we say out there in the community matters. How we decide something and the conversations around that debate should not just be marked off as all political rhetoric. We need to really listen when we are having conversations and debates in this Chamber, and you are approached by somebody saying, 'Hang on, what you are saying is having an effect out in the community and people are feeling discriminated against because of what you are saying'. I think we need to be better.

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(Several Members: Hear, hear.) That is a segue on to a response to Deputy Trott. *(Interjections)* We can all raise awareness and be open to being educated and I hope that Deputy Trott takes this in the spirit of that, the openness of being open to understanding new concepts and new ideas for a new progressive way forward.

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When Deputy Trott mentioned that the equal pay for equal work there is a cost, that we are going to have the £50 million and that we all need to be aware of that. I think, sir, we are all very aware of what that cost is, but we are also aware of the benefits that we are going to gain from that to the whole economy.

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We have a Revive and Thrive document that recognises that social and environmental policy is just as important, if not integral, to economic wellbeing. That is what the basis of revive and thrive is about and if Deputy Trott could perhaps think broader than just fiscal terms then he will grasp the concept, and I am sure he will be out there with me pushing for that equal pay for equal work.

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There is also the cost of delay, the cost of not putting this in. What has been the cost of seven years? There was a powerful picture of Joel on the steps in 2013 and the steps on Wednesday. What difference could this have made had that been in place? The cost of exclusion is something that is intangible, you do not *know* the cost of not actually having a productive workforce and letting people enjoy being part of the economy, being part of the services. That is a hidden cost that we have all ignored to some degree because it is very hard to quantify.

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But if we are going to say this legislation is going to cost us we need to put it in the entire bracket, and actually economic studies of impact analysis in all different jurisdictions show that the economic benefit alone is a bonus because more people have access to that economy. So I will not stay silent if Deputy Trott does continue to just look at it in one way, and I am sure that was not his intention because he is on Policy & Resources and was a co-author of the revive and thrive.

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I will give way to Deputy Trott.

Deputy Trott: I am very grateful.

Of course it was not, and in fact I was not talking about the cost of productivity changes with regard to greater inclusion for disabled people. I was just talking about on the *quid pro quo*. So from the States as an employer the cost of raising equal pay for equal work amongst the existing employees alone was £50 million-plus. I did not talk about the cost or benefits of that and I was, in

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1845 fairness, Deputy Hansmann Rouxel through you, sir, replying to a question that Deputy Roffey had asked and of course on a matter that is primarily within the mandate of the Policy & Resources Committee, of which I am its Vice-President.

I understand the context of Deputy Hansmann Rouxel's comments but I hope she appreciates that it was a narrow comment about existing issues.

1850 **Deputy Hansmann Rouxel:** Thank you, Deputy Trott, that is exactly my point. It was a narrow comment. (*Laughter and interjection*) I do not wish to spar longer with Deputy Trott.

One of the points in the actual policy letter I just want to raise and Proposition 5 is:

To direct the Committee *for* Education, Sport & Culture and the Committee *for* Employment & Social Security to work together to develop an appropriate adjudication mechanism for complaints with respect to disability discrimination in schools and preschools and for any discrimination complaints relating to States' school admissions and to note that any request for additional funding for this purpose will be submitted through the appropriate budget setting process.

1855 So that Proposition, the Committees have acknowledged that we are not in the position right now to sort that out, so they are directing Employment & Social Security and Education, Sport & Culture to go away and as part of the reform I am sure that will come out of that, as well as the review into special educational needs which was delayed because of the pandemic. I believe the stakeholder groups are going to be taking place in October, so I am very glad that work is going to take place.

1860 However, my concern is the separation of States' education. I just want to get some clarity when that piece of work is taking place ... Education does not just take place in schools and it certainly does not just take place in States' schools, there are broader parameters and whether there are going to be two different places where those kinds of tribunal take place, whether that happens if there is training and there is discrimination in a training or educational facility, and if there is training or education discrimination in one of our States' schools. I just wanted clarity on that because clearly it is a broad mandate, education as it is, and when the two Committees do get two heads, whether that is something that has been considered so far in the process knowing that this extra piece of work around education needs to take place in the future.

1865 I just want to leave you with a final thought, which is just that by passing this legislation we are saying to people – and not just people with disabilities, but people of different nationalities, different races and people with different religions, and sexuality – that they are welcome. And it is important for us to send that message. After conversations with a lot of young people, I think we need to acknowledge that us doing this and passing this legislation is sending that powerful message.

1870 I have had so many conversations with young people who are just back from university, who are thinking of leaving, or those who do not come back from university because they do not feel welcome. That is a sad thing for us to acknowledge, but I think we do need to realise that that is the case for people that feel othered by not being included in our society. It does not need to be that way, so we all deserve to be part of the amazing place that is Guernsey.

1880 **The Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

1885 You know, I am very proud to be part of this Assembly today as we all should be, as a complicated piece of legislation that will take time and will be historically passed I am sure, today; and I am proud that my vote will be amongst those that passed it. I hope so, because I have to leave at four o'clock to catch my plane to go back to my beloved Alderney.

Many of us here have stories, perhaps we all have a story. I will not be telling my story, sir, because I do not think I have got the strength to tell my story. I do not want to put my point across on personal trials; however, I respect those who do have the strength. The homeless need to be

1890 included, along with the child, both unable to defend themselves. All wrongs need to be righted that were missing before from the Bailiwick Law.

The costs, Deputy Trott is absolutely correct, it is his job to do that and bring forward the costs and without doing that, sir, you would be failing in your job. But there is another side as well: 'what profit a man if he doth gain the world but lose his soul?'

1895 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

1900 I have had a few IT issues and so my speech which I spent hours and hours researching has gone. It has gone into the abyss, we cannot find it; so that might be a sign from God to say thank goodness, it will be shorter – and then again, it might not. So I wish to offer my apologies because my speech is not anything like I thought it would be and hopefully it will be shorter, so maybe there is a God.

1905 Sir, the proposals that we have before us today are yet another tentative step on what I believe has been a rocky, winding and sometimes quite tortuous road to an important piece of social policy and legislation. I say a road, but maybe I will just say a bumpy dirt track over some very rough terrain.

1910 One is led to believe that we are heading off into some uncharted territory without a map or even a compass, especially when Members speak or show regard to sexual orientation, gender or religion. We are not. It is as if we are entering uncharted territory in Guernsey's unique history, but even so we surprisingly appear to still encounter various sets of very modern traffic lights that appear to be more often than not on red, regularly on amber, but quite rarely actually on green.

1915 So all these Propositions actually do is ask us if we even wish to have any legislation drafted. (*Interjection*) Some of our community may believe this is legislation but it is not, it asks us simply to agree to be prepare legislation. This policy letter sets out a road map. It sets out when we should expect to be at each of the destinations. Even if we agree to this today, if the timeline is even achieved by the next two elected Governments it could still be up to 2027 before our community can expect the right to have equal pay for work of equal value.

1920 But the fact of the matter is that there are many road maps out there and we have taken far too long to start drafting a map and we have taken far too long to get to this crossroads. We have fallen behind when we should have been leading the way. So I am very thankful to the Committee for Employment & Social Security as currently constituted. They have put on their walking boots and their rucksacks and they have tried to carry the load, and it has been a heavy load.

1925 I wish to speak briefly to some of the potential characteristics that we are being asked to consider because, like others we, our families and our friends may have experience with intentional and/or unintentional discrimination.

1930 Now, I obviously read the policy paper as all Members I am sure have, but it is an irony that in 1920 women were allowed to stand for election. So that is 100 years ago we were actually able to stand for election, but there were some caveats: women had to be over 30 years old. There were other caveats, I am not going to read them out because I want to go forwards not backwards. But when I was canvassing in 19 – 19? 2016! (*Laughter*) I was born in the 19's –

1935 Anyway, in 2016 I was canvassing. I remember knocking on somebody's door and they were quite surprised to see me there. They said to me, along the lines of, 'It is disgraceful, your husband should not send you out to do his legwork for him'. So I responded with, 'Actually I am standing for election'. To which he replied, 'Well, I knew we had given you the vote, but I didn't know you could stand for election as well'.

I was quite surprised. I did know it was over 100 years ago but I was still quite surprised. So clearly there is need for education. He then said, 'Good on yer, girl, go for it!' Now at the time in 2016 I did not consider myself to be a girl, I thought I was a bit older than that – and, for the avoidance of doubt, I was over 30 years old. I was.

1940 So that takes me on to some of the characteristics of discrimination. I think we should always be really careful when we try to label others, we try to do it on another's behalf, whether that is the term disabled. Sometimes we make presumptions, sometimes it is through pure ignorance and sometimes it is purely in haste. But I do wish to speak briefly to one, and that is hidden disabilities because this can cause very personal distress. Sometimes when we believe, we really truly believe
1945 we are defending the rights of a disabled person but what we could actually be doing is destroying that person's confidence and the ability of that person to be part of our community.

So imagine if you will, sir, a 22-year-old woman with three young children, they are all under the age of five. She parks in a disabled space in an enormous vehicle, it is enormous, and she proceeds to drag out an enormous gigantic Silver Cross pram. She puts one child in the pram, one child under
1950 it and asks the other one to hold on really tight. She then gets verbally abused for parking in a disabled space. She politely explains that she has a disabled badge, whilst grasping on to the pram handle. The abuse continues, the children start crying. She reasons calmly and she is resolute and she tries to walk on. The abuse follows threats of damaging the car, threats of calling the police. She tries to calm the children, someone else joins in this vitriolic attack. Again she tries to walk on.

1955 Now, I say she is trying to walk on, sir, because in fact she is using that pram as a walking aid, she knows that she does not have long as she can feel her leg starting to get pins and needles and starting to lose their feeling. She knows that she will not be able to stand for much longer. So precious family time, she had promised the children a trip out just for a milkshake, it was a rare day, a rare hour of normality, promises now broken. A precious snatch of time, a chance to give her
1960 children a positive memory, a treat is gone, ruined – ruined because someone thought that she was not disabled. Somebody thought they were defending a disabled person – that was not actually ...

Now, this person was diagnosed with multiple sclerosis when she was 21 years old, just before the birth of her third child: a prognosis of three to five years of life. She encountered many verbal and vitriolic attacks, she remained calm, she tried to explain, to educate, she did this and I do not
1965 know how she did it. I can relate to her compassion – actually I cannot, I cannot, I cannot relate to her compassion in trying to educate others. I cannot relate to her resilience, I cannot relate to her positive attitude, which is really odd because she was a relation of mine. She was, in fact, my mother.

I was speaking of this recently to a friend a lot younger than me, or so I believe, she certainly looks a lot younger than me, but then again she is not a Deputy, and she said that she had recently
1970 had a hip replacement. She had a disabled badge prior to the operation because she could not walk, or certainly could not walk more than a couple of yards, 100 yards, and she had canes, but she also received vitriolic verbal abuse for parking in a disabled space. After her operation she continued to receive the verbal abuse.

So I ask members of our community, please do not make an assumption, please do not try to
1975 label other people purely on visual sight. I understand the good intent in trying to protect, or the perception of protection, but it is not, it is absolutely doing the opposite.

I did have something to say on race and obviously I lost my speech, but there was a very famous jazz singer in America at the turn of the century and she had a very successful jazz career for over
1980 50 years. She turned to music after she had a very troubled upbringing. Her name was Ella Fitzgerald and I intend listening to her this evening because she is my chill-out time. She is amazing, but I am obviously biased, and she said something very simple when it came to race, she simply said this, sir ... How many words? Four. She said: 'We are all here'. Simple.

I also had a lot to say on religion – so how lucky you are, Members and sir, that I have lost my
1985 speech! My situation on religion and discrimination is that arguably, and I am sure we will get to this in due course, religion is one thing that a member of our community can consciously choose.

You cannot choose the colour of your skin when you are born. I do not believe you can choose your sexual orientation, so arguably it is one thing that you consciously decide that you want to follow a particular religion. It is not innate, but anyway I have lost the rest of my speech so I will just have to ... No, I will not have to re-stand, but I will certainly have to research it and I will forward it
1990 to the ESS just in case they are the slightest bit interested, and I am sure they will be.

So let me take equal pay for equal work, we love this one. I love this one because this is not a new idea. It is not. It is something that has been in effect for over 30 years – 30 years. And yet we appear to still struggle with the concept and we bemoan the cost.

1995 It is a specific requirement of the UN Convention of the Elimination of Discrimination Against Women – although of course equal pay for equal work discrimination can also affect men. The concept is well-known, understood and enacted in comparable jurisdictions. So equal value can be determined in terms of matters such as ability, level of training required and experience. Now, there appears to be perception, an expectation that everyone will get a pay rise and it will cost millions. Well, in reality, it may be that some are overpaid and that they may need to close the gap – close
2000 the gap by raising one person's pay, but lowering another.

A good example of this was during the BBC pay scandal when female presenters discovered that they were getting far less than their male counterparts. Some of the men were as outraged as the women and some decided to act. They closed the pay gap themselves, sir.

2005 For the avoidance of doubt, if a difference in pay can be justified and if there is a material factor which does not involve treating people differently because of, for example, their sex, and if the factor is a proportionate means for a legitimate aim then there is no differentiator. But we should not avoid or ... I cannot say it, 'procrastinate' – I can spell it but, I cannot say it – 'procrastinate' – we need to at some point recognise something called human capital.

2010 I have heard some Members today mention the sums of money for this, tens of millions, which depending on who you speak to does appear to change regularly. Last thing I heard it was £30 million, then it was £40 million, and I think today it is £50 million. I mean, the rate of inflation is massive. We do not hear anybody saying what the cost of not doing it is. What about all those members of our community at the moment that are working, working alongside other people who are not getting equal pay for equal work and still trying to run a home, trying to have a family. We
2015 do not hear about how it is affecting them. That seems to be 'Oh well, that is just a bit tough really', because we have not sorted our act out yet.

2020 So that to me I think is something that we should be ashamed of and we should recognise, and rather than saying we recognise the cost clearly, but also recognise the fact that we are not paying the people how they should be paid at the present. I mean, a bit of an apology might be nice – sorry, we have not got round to that yet, we are going to get round to it – in the interim, we know we are acting in the way our community deserves.

So I will end, sir, by simply saying that our community needs to know that it will not be this Assembly who enacts any legislation, it will be a matter for the next Assembly and the Assembly after that.

2025 Deputy Le Clerc, in a recent Guernsey Disability Alliance meeting, said that the expectation of timelines was such that these timelines could be achieved and this road map could be achieved. At a different meeting, luckily Deputy St Pier was in attendance, and I asked Legislative Drafting provisions would it enable this road map to be achieved, these dates to be achieved, and I am still awaiting the assurances.

2030 So it is all very well for us to say this is the road map and we will achieve it, but actually we need to understand if it is achievable, and if we have legislative prioritisation in place to ensure that we can actually deliver this road map. Because if we do not and we are not, can we please say so rather than just say, 'Yes, that is the road map but actually we are not sure we can achieve it'.

2035 I am not asking for anybody to have a crystal ball but I think it would be reasonable to ask for some political commitment from the Committee, which is Policy & Resources, who look after legislative prioritisation list. I think that would be a reasonable expectation. I am not aware if Deputy St Pier has spoken yet, but I hope ... as I was outside the Chamber trying to fix my IT. But I am happy if at some point somebody from Policy & Resources could advise us if this road map is even achievable, because if it is not can we at least say so.

2040 There is no point in Deputy Le Clerc having this road map and us all going 'Yes, this is marvellous'. And then we turn round and see that there is no intent. So if we could have some assurances, that

would be appreciated. If we have those assurances on public record it would be even more so, I think.

2045 So personally whether I am a Deputy or not all through my life, I will continue to try to ensure that our community is able to live in harmony, is in peace and free and without fear of discrimination. I think we should put Guernsey on that map for being a community that walks the walk as well as talks the talk, even if some of us are reluctant to pay or in fact put our money where our mouths are.

2050 So I will leave you in the words of Miss Ella Fitzgerald because yes, indeed, sir, we are all here.

The Bailiff: Deputy Inder.

2055 **Deputy Inder:** Sir, I have been wracking my brain for a tragic life story but unfortunately I have not got one. (*Interjections, laughter and applause*) I do not think generally, and I really want to pick up with Deputy Graham, Deputy Paint and probably Deputy Ferbrache when he said that we have made very heavy going of this debate. I genuinely think we have, and there is a sentiment in there ... and I do not think it is meant and it actually it reminded me of something that Deputy – I cannot remember which one it was actually – anyway, one Deputy mentioned it said along the lines that we have not had discrimination legislation for 50 years.

2060 I tell you what else we have not had: we have not had race riots, we have not police killing people in cell. We have come a long way from days that I remember. It was Deputy Brehaut that reminded me about those heady days when we were all wearing 'Coal not dole' badges; antivivisection – we were part of protest movements. I think it was Deputy Roffey that reminded me, or I was reminded by the name Roffey actually that when I was 15 or 16 years old we were jumping on boats going
2065 with various members of his extended family to CND marches. We actually got off our *derrieres* and travelled to Hyde Park to CND marches of up to a quarter of a million. So a lot of us in this Assembly have come from protest movements. We were not sitting here, as painted, like little white privileged racists shouting, 'There ain't no black in the Union Jack' and calling people racist names.

2070 I think Guernsey has come a *long* way without the law, without the laws, than it was in the heady days of my early youth when I think and again it was something Deputy Brehaut said in the lobby itself, he said I think the people who did have the most difficult time probably were basically gay people. Certainly it was not *de rigueur* to be gay, they were laughed at and they were people of mirth; and I cannot say I probably was not one of those when I was 15 or 16 years old and I think we all probably had our jokes about 50p stuck to the Cosy Corner for a boy. I did not realise is that
2075 we drinking with ditz in the bar of the Cosy, so I believe even in that regard I think the Island has come a *long* way and I genuinely think this Island is a lot better than this debate is painting.

2080 If you think about it most of us ... and I certainly I know Deputy Dudley-Owen has, I know Deputy Roffey has, I know myself, we are basically internationals – oh and Deputy Meerveld – mixed race children; my wife is Ukrainian, my two children are technically Jewish. Deputy Roffey has been all over the world, as I am sure there are many people around here. We are not that small-minded Island that has been sometimes painted by that debate. You can walk into any pub in Guernsey now and you will see effectively mixed people, mixed race. It is lot better than it ever was.

2085 So that is my minor defence of Guernsey because there are elements of this debate that I have not been particularly comfortable with.

2090 But credit where credit is due and Deputy McSwiggan will know that when I recognise talent I like to call that out, and I think it has been absolutely commendable that Deputy McSwiggan through her previous work as a Deputy, through her tenacity, her congeniality, along with Deputy Le Clerc, and their perseverance has got the Island to this point, and I think that is absolutely commendable.

2090 But, sir, and importantly, I was looking at the exceptions the other day – and I will be supporting the majority of these Propositions, but I do need to hear from Deputy Le Clerc when she tidies up and we look through section 8 exceptions. I did a control of nationalities and my great concern as a Guernseyman is that I have got a real fear that if we vote this through today, I will never be able

2095 to discriminate against a Jerseyman in my life! Will I still be able to call them *crapauds*? And will I still be able to make jokes about them? If she can assure me of that, then I will vote through all the Propositions quite happily, and I probably will anyway even if I cannot.

The Bailiff: Deputy Tooley and then Deputy Le Tocq.

2100 **Deputy Tooley:** Thank you, sir.

I do not have a great deal to say and there are a couple of very minor points I think that I want to raise, or a couple of very brief points that I want to mention. I do think they are actually not minor, they are important, but I do not want to make heavy weather of them.

2105 The first is around equal pay for work of equal value because actually rather than just equal pay is what we are talking about here: it is equal pay for work of equal value. I think it is important that we really focus on what those words mean and on the value that society gives to some roles over others, and the way in which we treat those roles in terms of the remuneration we make available for them. So, for example, the fact that nurses are paid less on the whole than admin assistants who probably do a less difficult less responsible job, and so on. These are the things that need to be
2110 addressed, because actually what we say there when we send out that message is: if you sit at a desk and you hold a laptop in front of you and a pen, your job is worth more than if you are wiping somebody's bottom. That is, quite frankly, as everybody I am certain will agree not true, but when people look at their pay packets the message is loud and clear.

2115 We say that, I am not going to wax lyrical about it, but I think it is really important that we recognise what we mean when we talk about equal value to the work, and that being shown in the amount we are paying people to do that work.

2120 Deputy Roffey has very well made the point that does not necessarily mean that every pay list rises immediately. It is about showing that actually when the work you are putting in and the level of responsibility you take on board with that work that we as a society, we as a community, we as a Government place equal value on the work that you are doing.

2125 Yes, £50 million potentially is a vast amount of money and it is not an attractive looking sum to look at, but when slavery was got rid of that cost an awful lot of money to do, that cost round about £20 billion, it was 40% of the UK's budget in 1833. They were still paying off the loans in 2015. But when there are things that you have to do because it is not right not to do them. It is not that the cost does not matter, of course the cost matters, those loans were paid off by everybody who was working and paying taxes, and people whose grandparents had been in slavery helped pay off the loans that were paid to release them from slavery.

2130 People's pay-packets and the taxes taken out for them will help pay for us increasing the value of wages. It is the way it is but still it has got to be done, because when something is not right it needs to be dealt with.

2135 Guernsey, I want to talk about actually just in response to Deputy Inder's speech and I could see and hear the passion in his voice when he spoke and it is shame he is not here to hear me respond to that really. I think it is a wonderful thing that Guernsey did not face the race riots and so on that became such a big issue in other places over this. But it is not always about the fist that is being thrown, it is not always about the window that is being put in, it is about walking into a room and the room falling silent around you. It is about, as Ziggy at the Black Lives Matter protest told us, those little insidious things that are said, 'Eat your dinner, there are starving children in Africa'. You can be the bad guy in this game of cops and robbers because you are black, and that you know is the way it looks best. It is not about the fight it is about the creeping, quiet, insidious, unfairness.
2140 And yes, it is wonderful, and I look around me and I know that huge numbers of the people in this room, both those in the Public Gallery and those sitting in elected seats, have fought for decades to see this change.

I know that Deputy Langlois has fought for these change since the 1970's. I know that Deputy Le Clerc was fighting long before she took on her current job and the same for Deputy McSwiggan

2145 and the rest of ESS, and I know that many of the rest of the Members here who are sitting in other seats and will cast their votes, this fight has been a long fight fought on all different fronts.

But I just want us, in this moment of celebration, to remember that I guess we are cresting the hill that has been really hard to struggle up and from now on the way should be easier, but the end is not, we are not there yet, there will still be puddles, there will still be pitfalls, there will still be ditches in the road and we have got to be prepared to keep on – because volunteers, in particular, are running out of steam.

2150 So I see that the GDA have asked us to pledge as well as our votes today that we will continue to do everything to get this passed that final flag, and please everybody take this as my notice that I pledge that I will not stop pushing until we see the chequered flag.

2155 Thank you, sir.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you, sir.

2160 I thank you again that you allowed Deputy Tooley to speak before me because she touched on a number of issues that I just wanted to record today.

I for one am very grateful to see today happen and the way I think the vote is going to happen because, as has been said already, this started off seven years ago as a Disability & Inclusion Strategy and I was the one that had the privilege to help introduce that.

2165 I think linked into that I need to also underline what Deputy Merrett has said and just correct the expectation from some Members here in the Assembly, and that will be taken outside perhaps by others, that we are dealing with legislation today. We are not. We are simply at the end of a process where we are instructing legislation to be drawn up, and that in itself is going to be a complex and difficult process to actually engage in and to ensure that it happens.

2170 I think it is absolutely right we should pledge to do our best to do that, but we cannot guarantee of course what a future Assembly might do with that. We have seen this year how we cannot predict the future and we have to do different things.

2175 Having said that, sir, I do think we have come a long way and I do think that today will make some changes, and even having the debate today will have made some changes, because I do think I have seen that happen since we first launched the anti-discrimination process, if you like, with the Disability & Inclusion Strategy back in 2013. I saw in two or three particular instances that I was aware of attitudes change – not immediately, but they did change.

2180 So with regard to one aspect of the grounds that we are looking at I am also pleased to see changes because, sir, just over four years ago when as Chief Minister I suggested that we might take in a few families of Syrian refugees I was inundated with, at best, xenophobic comments and reactions, which shocked me because I was not aware that people in Guernsey felt that way. Now it might have been a minority but it shocked and, to be honest, it angered me as well the reactions to that. I will not go into that now, but I think the events of recent weeks have proved that, at the very least, our society has enough momentum in it to not want to continue to have that sort of attitude fostered in our society.

2185 However, sir, and I raise this as an issue, we have got to be careful, particularly with legislation, and we must not fool ourselves that just because something becomes illegal to say and do that it goes away. What can happen is that people who feel like that and the fears – the normal reasons for people expressing those sorts of views is because of fear, and fear comes because there is a lack of information or education available, or they have not been exposed to those circumstances.

2190 Legislation itself does not deal with that, in fact in a sense information does not fully deal with that, it is up to all of us as citizens to not walk by on the other side when we see that sort of thing even being joked about in public areas. I think we have got to find ways of doing that in a civil way, we have not got to virtue signal that does not do any good either, but we do need to engage when we see that and say that is not a good way to speak.

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2200 Sometimes it is through ignorance, and absolutely so, and we must still address it, but I think it is something that we must not fool ourselves that this, even when the legislation comes in, it will not deal with that issue. What we cannot have is an underground of people who feel disenfranchised somehow because, in what they would see as a PC-environment, they cannot say what they feel. We have got to be courageous enough to allow them to speak and then bold enough to be able to say actually that is not a good attitude to have. That is not something that Government can do, but it is something that Government should lead in.

2205 In fact many of these things are things that I am glad the Government is choosing to lead in. I am glad, sir, that there has been mention of – and my colleague, Deputy Trott, who is not here at the moment, but my colleagues from P&R and Members in this Assembly have clearly begun to face up to the cost of the Equal Pay for Work of Equal Value programme. Because that people transformation programme is really important to us.

2210 But I would say to Deputy Merrett and others that if she thinks, again I will use the term, in an argument of *reductio ad absurdum*, that just reducing some people's pay and increasing others that would make it all fine. I encourage her to come and do my job in the next Assembly, because it is far more complicated than that, and because of the complications, the 'how' of how we do that is going to take a lot more time, it just is; and that will cost us more as well, and as Deputy Trott said the estimate which is just below £50 million does not include pensions. I spent four years in the last Assembly –

2215 I will give way, sir.

Deputy Merrett: Thank you, Deputy Trott.

2220 Does that £50 million include some reduction in some people's pay or is it just all additional pay?

Deputy Le Tocq: No, it does include that and it is based on work which there are a number of different options of doing, but it does include reductions.

2225 Basically we have got 20-plus different pay groups in the States, and I do not want to go into great detail here on different pay and conditions, and there are all historical reasons for that and in the past they were linked in to the UK and others. Some of them are very small groups, they have different working hours and they have different pay and conditions. So to do what Deputy Merrett was suggesting, sir, is not a simple thing at all. It would certainly cost us for a very long time.

2230 So we have to swallow hard, but even in swallowing hard we are not going to be able to do that. No one can go into this Election saying, 'I want to raise taxes by £50 million' and expect to get elected. That is the reality of it; let's not have an idealistic environment where we think it is easy to do that. So we have to work on the how, and that is going to take some time.

2235 But, sir, it is something we should do, because Deputy Tooley alluded to it, the vast majority of those costs will be in health and care – it will be in that environment. If we had nurses working in the finance sector we would probably would not have that problem, but we do not. What we do have, however, are administrative assistants who can get a job in the finance sector and get far more pay, and that is why we have ended up in this sort of anomaly.

2240 But there are ways in which we can face those issues and deal with them, and I for one am keen to do it, but we need to compromise. And we have seen it, the unions very often are not willing to compromise and do it because they think it has been too long that had been going on for. We have to see the whole though, because we are the Government.

2245 So what we are voting for today, sir, is a process which I hope will sober our society to the costs of the things that they say they want to see happen. There is a cost, there always will be a cost, and as I think it was Deputy Tooley who said it will be not just us, and probably very likely not us, that pay for that, it is going to be the next generation and the generation after that that pay for it. So be very careful that we know what we are voting for when we do it.

That does not mean it is not the right thing to do, it means we do it in the full knowledge that there are costs, known costs and hidden costs within this. But if it is the right thing to do I do believe we should do it.

Thank you.

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The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

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I did not speak in the debate on amendment 2 yesterday and yet I was one of the very few people who voted against it, so I thought it was probably worth an explanation of why that was. I mean, I was quite simply worried about the potential for delay to the legislation; but actually more than that, I was worried about the potential for the legislation getting through intact when it came to it, which I thought was possibly the greater danger.

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However, I was greatly encouraged by Deputy Roffey's speech earlier today when he suggested that the Committee may well be able to come back very soon with policy letters on both of those grounds, both of which I think are obviously very important. I am really glad they can be expedited, but I think if the Committee can come back with policy letters on them which possibly go a little bit broader than just exemptions, and doing through that drafting direction as well, I think that would be belt and braces and a superb outcome. So that is great. I am going to be absolutely delighted to support those.

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Oh, there has been a lot of talk, hasn't there? I feel really bad because it is Deputy Trott's birthday, but he is not here, maybe he is out getting an enormous cake to bring back to us. Equal pay for work of equal value: a lot has been discussed about the cost of that, and I thank Deputy Le Tocq for his input because obviously he is working on the coalface of this. It is complex, I think everyone appreciates how complex it is, and I think everyone appreciates what a hefty price tag it is.

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But the other way of looking at it, as Deputy Merrett alluded to, is that if we flip it on its head what it shows us is how many people are currently being underpaid for the work that they are doing. I mean, that is a huge amount of people. Actually Deputy Le Tocq reminded us that it does not even include pensions, so it is not just for their employed life it, is a lasting legacy.

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I think it is also worth mentioning of course that it has been a commitment, regardless of the Propositions that we are voting on today, and I am very glad about that, it is an ongoing piece of work that we are already committed to but I think the sooner we can bake that into our legislation, and more importantly get it working in practice, the better.

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I think there has been a little bit of attention in various speeches between people who have highlighted inequity and discrimination, and people who have pointed out that Guernsey is a wonderful place to live in many respects – in fact in many ways we are perhaps luckier than others. Certainly, I lived in Australia for more than five years and one of the reasons I came back, and I am a little bit nervous about admitting this, but I was really worried that one day I would wake up and find that I was really racist, because there was quite a different culture in those days. It was a long time ago and I cannot speak for what it is like now, but it was a very markedly different culture to what I had been used to and I was really worried that I might start to think that certain attitudes and things were acceptable.

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So I very much appreciate that Guernsey has got its enormous benefits in some respects compared with other jurisdictions, but I would caution and say that it very much depends on the lens through which you are looking. Perspective is so important.

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I remember reading an account in *The Guernsey Press* from a commentator who claimed that discrimination did not exist in Guernsey and if it did it would not matter because it would all be sorted out through a civilised conversation. I was absolutely gobsmacked at that until I thought about the lens through which that had been written and it was someone who genuinely loved the Island but was looking at it through particular lenses and I think had that person ... I remember I had just come out of a workshop, I think that day or the day before, about the challenges that guest workers here faced and, my goodness me, you look at things in a totally different light if English is

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not your first language, if you are not highly educated and in many other things. Not just obviously the guest worker thing, but if you are not neuro-typical, if you do have disabilities hidden or otherwise, or if your sexual orientation is different from what might be perceived as mainstream. You look at things in a very different way.

I think it is worth remembering that in some of the Swiss Cantons women only got the vote in the 1970's and actually I think there was one which hung on until 1989 before women got the vote. I think the reason for that was democracy, because the people who were being asked the question was the men. So that just goes to show it does depend on the perspective that you are looking at things, and we do need to be very aware of perspectives other than our own. I think that is the most important thing.

I think legislation is a key part of the equation, so is education and Deputy Le Tocq made a very valid point just a few minutes ago about the fact that information itself is not enough, and actually I think in many ways the point we need to get to is experience. I think that is what Deputy Le Tocq was talking about and so hopefully the combination of legislation with an ongoing – I do not want to say 'programme' it is far too formal – but commitment to educating, not just other people as I think that is a very patronising way of looking at it, but with a commitment to educating ourselves I think would be a very helpful thing and that will help to move us into an even better place.

I am sure that these Propositions will be very strongly supported and I would like to add finally my voice of thanks to the Committee and everyone in the community, and everyone who has had input to get us to this point today.

Thank you.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

I will be really brief. I had a quite long speech on this and everyone has taken bits and pieces of it. So all I am going to say is a big thank you to ESC for getting us this far – ESS, sorry – and I just hope that all of us, and the community, can actually just push to get the legislation over the board. All of this is really good and we have had some wonderful speeches today, but it is not the legislation, this is just the policy letter, this is almost really just like the second step and we have got so many more steps to go. So, everyone, please just pledge to keep pushing and getting this legislation done.

Thank you.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

I too will start with a thank you to the Committee for Employment & Social Security, but also to those third sector organisations, I guess in particular the GDA, but I think the G4 should also be noted as well for their engagement in recent months, and for the compromises which everyone has made to enable this policy letter to be brought to the Assembly today.

There is of course an adage in politics that you should never apologise and never explain, but I actually think an apology is due, certainly for those Members who were here in the 2012-16 term, and in particular those of us who were on Policy Council – certainly Deputy Le Tocq and myself, and I think Deputy Dorey – for a period when actually insufficient progress was made during that term, and we did let down the disabled community who had very reasonable expectations set by that debate in 2013 and they are owed an apology for that delay.

The decision in 2018 to extend the discrimination legislation to all grounds, as I hinted at in one of the debates yesterday, I think it was probably the wrong decision made for the right reasons, in the sense that I think it has brought further delay to this process for that original cohort who campaigned so hard in 2013 to progress the rights of the disabled community. I think that is one of the reasons that this has taken further time.

2350 A number of Members have referred to the fact that this is only the policy letter and legislation
needs to follow. Deputy Oliver just now, but also Deputy Le Tocq and Deputy Merrett, were seeking
assurances from the Policy & Resources Committee that this legislation will be prepared in
accordance with the timetable. I wish I could give that cast-iron assurance but I think, as Deputy
2355 Soulsby noted, there are reasons why things get blown off course. Brexit has been a major reason
for legislation being blown off course in the last four years and Covid this year, and significant
resources have been devoted to managing those two issues in legislative terms.

So I think we would be foolish to again set false expectations. What I can say is that the timetable
which the Committee *for* Employment & Social Security have set out in their policy letter, and that
they are committing to, is a reasonable one that we should all be expecting is capable of delivery.

2360 Deputy Gollop spoke about the expectations of many in the business community to be operating
in an environment that has high, I suppose – shall we use ‘ethical standards’ as a descriptor of the
environment which they are operating in? There is another group which he has not mentioned and
that is actually the young in our community – and I think it has become quite apparent from the
correspondence which we have had in the last four to six weeks, that that is pretty well anyone
2365 under the age of 30. They are totally bemused as to why we are in this position and, again, really
have no great desire to set themselves up for their future lives if this is a community that is not
committed to addressing these kinds of issues. I think if we are talking about our future human
capital and the future of our community, we have to acknowledge that issue as well as being one
of the key drivers for this.

2370 Deputy Gollop also referred to the need for further consultation and I think that is very
important. That has not been addressed significantly in debate, but I think we have to acknowledge
that there is an implementation phase now required and that is going to require a lot of work from
the Committee *for* Employment & Social Security, the next Committee. There does need to be a
very high level of ongoing engagement with all parties, not only the third sector and lobby groups
2375 but also industry groups as well to ensure that we continue to carry the community with us on the
next stage.

I thought Deputy Hansmann Rouxel’s point about the hidden cost of not progressing was a very
important one, which is perhaps forgotten in this. It is very easy to focus always on the costs, and
we cannot lose sight of that. I am going to return to that because it is fundamental and key, and
2380 obviously particularly from the perspective of the Policy & Resources Committee.

In relation to the Propositions, I certainly intend to support all the Propositions. Deputy Dorey
did raise the question of Proposition 1B, and my reservation remains about Proposition 1B. If I am
going to vote against any it will be Proposition 1B and I do wait for the President’s response to
Deputy Dorey’s question, because my understanding from the debate yesterday was that seeking
2385 to address 1B will potentially take time and resource, because of its complexity or some of the
complexities that could arise from that, which could imperil the timeframe for everything else.

As I said, Deputy Parkinson was I think fairly convincing that 1A should not have that impact. I
remain to be convinced on 1B so I will probably vote against 1B unless we get the assurance, which
I am not actually expecting to receive from Deputy Le Clerc when she sums up, given the debate
2390 yesterday, that unless the Committee has changed its view then I will be voting against 1B but for
all the other Propositions.

Sir, I think the final thing and this is really about the management of expectations, and going
back to the need to apologise for the delays. I think we did mismanage expectations in 2013 and I
hope that we have better managed expectations in 2020. I think we have learnt a thing or two about
2395 how to communicate in 2020 and in particular to not over-promise and under-deliver – far better
to under-promise and over-deliver.

That brings me to the closing comment that I wanted to make which was in relation to the emails
we received today from equality.gg and Guernsey Against Discrimination seeking our personal
pledges; and that, sir, is something that has not really come up in debate. Actually, pledges are
2400 something which are easy to make and it is a bandwagon that can be jumped on, and I am very
wary about making pledges unless one can truly commit to them. But the pledge that we have been

asked to give is a commitment to cultural change, awareness raising and addressing unconscious bias within ourselves, which I think is a really challenging issue, to even identify and recognise that unconscious bias in ourselves and encouraging all of Guernsey's community to do the same.

2405 Now, certainly, I am afraid I am not with Deputy Inder, Deputy Brehaut and others, and I have not had a lifetime of protest and awareness of many of these issues. I have only come to many of these issues in the last few years, given my role and given my involvement in politics.

I think the other thing that is noted is recognising there is a requirement for commitment and leadership, and something I have certainly sought to provide on this and other similar issues is commitment and leadership; but of course the other issue is a request or noting a requirement for funding, which brings us back to the funding question.

2410 Again, it would be very easy to provide that commitment to funding and I think it would be foolhardy to provide a cast-iron guarantee there as well. There are clearly commitments given in the context of the policy letter and, going back I think to Deputy Dorey's question about that, what the implications are. I think the implications are clear that if Policy & Resources is directed by these Resolutions to make funding available, it will need to make funding available in the context of these Resolutions. What implications that will have on the rest of the Budget and on other areas is something that will need to be taken into account, and will put pressure on the rest of the system and it will put pressure on future States' Members to make difficult decisions on how to fund those other commitments as well.

2420 So I think we need to be realistic and that was really Deputy Trott's point, and certainly in the context of the £50 million additional wage bill for equal pay for work of equal value. Deputy Roffey questioned to what extent it was linked to this policy letter and he is quite right, the Policy & Resources Committee have undertaken that work separately from this work but very much in anticipation that these provisions were heading down the tracks, and again wishing to be ahead of that challenge to understand what the implications are.

2425 So the £50 million is not plucked from thin air it is, as Deputy Trott said, a product of quite a considerable period of work over the last couple of years to understand the scale of challenge; and that of course informed the fiscal review debate back in the beginning of the year. Understandably, this is one of our medium-term financial challenges which is going to need to be accommodated in the context of an ageing population and the Supported Living & Ageing Well challenge, and all the other issues that we had at the beginning of the year, on top of which we now have the Covid recovery economic challenge and costs as well.

2430 So in talking about funding I think the point is we do have to be realistic and understand that we cannot on any given day make a pledge to one given issue without understanding that it cannot be given in isolation, it has to be understood that it is in the context of the very many other competing issues as well.

2435 I suppose the aspect of pledge that I wanted to address is going back to 2013, and actually I am very glad that a member of the public has entered the Gallery today just at the appropriate moment, because it was Andrew Rees Sherrin who took a number of us up the High Street in wheelchairs back in 2013 ahead of that particular debate. For those us who have done it, it was a very seminal moment and experience because it is extraordinarily hard. I did it again a couple of year later, again at the instigation of Mr Rees Sherrin, and it was equally hard the second time.

2440 Actually each time I walk that High Street I feel embarrassed, it is terrible. It looks lovely to those of us who are able bodied, but it is *terrible* for those who are in wheelchairs. It is terrible for those who have buggies, it is terrible for those who may simply have walking difficulties because of their age or condition, and I think it is something that we should pledge to address.

2445 I am certainly keen to see that it is one of our Revive and Thrive actions that I think we should be able to move on quite quickly, and it is an issue which I am looking forward to discussing with the Covid Recovery Action Group as part of our meeting, as one of our potential actions for next week. I absolutely understand that there are historical and cultural attractions to our current High Street, but going back to the business case for doing so the purple pound that is not spent in that

High Street and is instead spent over the internet, because it is simply too difficult for people to get into Town, is something that should be considered.

2455 If we are looking to revive and thrive our retail economy that is an action that we can and should take. So that is one of the pledges that I will give today, which is to take that issue away and deal with that as early as a meeting with the Covid Recovery Action Group next week, with a view to progressing that with some haste. It is a painful reminder each time I walk that High Street of our failure to deliver on our promise back in 2013 and it is a very real action which I think we should be taking.

2460 In the meantime, I will encourage Members to continue to support all the Propositions with the exception of 1B, subject to the further comments of the President, sir.

The Bailiff: If no one else wishes to speak then I will turn to the President next, Deputy Le Clerc, to respond to the debate.

Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

2470 It has been a long two days and I am very tired, but probably not as tired as some of people in the Gallery who have been waiting years. I will go through the questions first of all.

2475 Deputy Queripel asked if he would have to tell prospective employers about his hidden disabilities. There will be no requirement under this legislation to tell an employer at interview stage that you have a hidden disability, unless of course you want to request a reasonable adjustment in order to apply for the job or to participate in the selection process. So I hope that helps him with that question.

2480 Deputy Queripel spoke about the negative attitudes and behaviours that he faced when he was growing up. I have just got to clarify that this Discrimination Legislation does not cover personal relationships, so to be covered under this Discrimination Legislation it has to be one of the protected grounds and has to occur in the field of employment, provision of goods and service, education, accommodation, membership of clubs and association. However, I think it is important to note – and it was in the policy paper on page 47 – that there is still a Harassment Law, harassment of another person offence, in the Bailiwick under Protection from Harassment Law, 2005. So if it is a serious case then it may be taken to be prosecuted under that Law.

2485 But I think really some of what Deputy Queripel was talking about was bullying and one would hope that part of the budget on this is raising awareness, education and training, and hopefully it is changing the culture. I think several Members have talked today, and it is about changing that culture.

2490 Deputy Queripel also asked about whether people can get paper copies of documents. If you are in business then I think if you ask for a paper copy that could be perceived as a reasonable adjustment, but the States themselves as a service provider should always take into account the needs of the whole community including people with disabilities, people who do not speak English as a first language, and people without computers. So the legislation will give disabled people the right to request those reasonable adjustments, and if the nature of the person's disability means they need a paper copy or large print copy then they should be able to request that.

2495 Deputy Queripel asked a series of questions and I thank him because he actually put these questions to me a couple of days ago so I will quickly go through those. He asked who would be involved in the survey and will it just be a paper survey? We will probably do some focus groups as well, so I would hope that there would be some face-to-face as long as the time and the budget allows.

2500 When will the survey take place? Well, again if these proposals are successful it will start in quarter 4 2020, but we are almost in quarter 4 now so it may be early 2021. But it is really important to have that base line so we know where we are starting, so that we know what progress we are making over the years.

2505 What form will the survey take? That is yet to be determined but I would hope that there is a combination of face-to-face as well as online and paper copies. The survey has yet to be planned in detail but sufficient time will be planned into the schedule for the public to respond.

2510 Deputy Queripel asked if anecdotal evidence will be considered. It will be an anonymous survey, we always do it anonymously, and as I say the reason is to provide that baseline data in respect of prejudice and perceived discrimination rather than addressing any specific incidents. The plan is to repeat it in eight years' time so that again we can see what progress we have made. The results of the survey, we would hope that it would be some time in 2021 and that will depend on whether we undertake it in 2020 or 2021.

2515 Deputy Queripel also asked on the policy to provide financial support for people who want to retrain if they are under the age 55. (*Interjection*) I will just read through what my officers have written here. This is something that we have raised with Education, Sport & Culture. We must remember that age is going to be in the second phase, and interestingly enough when he talked about being able to get a job when he retired his biggest barrier might not be the fact that he might have a hidden disability, the barrier might be that he is 65. Many businesses have got a rule that they will not employ anybody over 65 so the age discrimination would be really important on that.

2520 I think that is most of the questions ... Oh, one last thing, Deputy Queripel raised the point about the Election advert not having the telephone number on it. That was an oversight and that will be amended. I know Deputy Queripel raised the point many years ago when we saw a GFSC report that it did not have contact numbers or contact names, and I think that has been improved now. So hopefully that will see immediate action.

2525 Deputy Roffey talked about religious belief, but I will come on to that because it is part of the response for Deputy Dorey.

2530 Deputy de Lisle sought clarification in relation to the costs. The costs set out in Proposition 7a and 7b are additional costs necessary in 2021, 2022 and 2023 to run the Employment & Equal Opportunities Service and the Employment & Discrimination Tribunal. They do not include the current costs of operating the Employment Relations Services or the Employment & Discrimination Tribunal as we currently have. The total budgets required for these services are set on page 83 of the policy letter.

2535 Deputy de Lisle also asked how many staff we were adding to the Tribunal. The Employment Relations Service not including the Tribunal, which will be rebranded as the Employment & Equal Opportunities Service, which is our watered-down ERO, currently has three staff members, one of which is part time. We are proposing an addition of two full-time equivalent staff and one additional full-time advice and conciliation officer, because again it is really important to the proposals that we are not looking for it to go to Tribunal, we want it to be conciliation first and part-time guidance and compliance officers, and a part-time education engagement officer. So two additional full-time equivalents. The Employment & Discrimination Tribunal currently has a secretary and an assistant secretary, both full-time posts, and we are expecting that once phase 1 of the legislation is in force we will need one additional assistant secretary.

2540 Deputy de Lisle asked if the cost of the staff in the office was included in Proposition 8. Proposition 8, to remind people, relates to the transformation costs rather than the day-to-day costs of operating the service, and the transformation costs include project management costs; the preparation of guidance documents for rights holders and duty bearers – and that was really important that during consultation it came out particularly from small businesses that they would like to have that guidance; recruitment and training costs for additional Tribunal members, because we will be expanding the protected grounds the Tribunal members will have to have additional training on those protected grounds and for the EEOS staff; provision of education and training for employers and service providers in the lead up to the new legislation coming into force.

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2550 To reduce the costs we want the Employment & Equal Opportunities Service to be accommodated in a States' owned property so the rent has not been costed in to these Propositions. Again people talked about that during the amendments yesterday, that means that it is still on States' premises, it has not got the independence that we would like to see under the Paris

Principles, but again when we were looking at costs we felt that that was the most cost-effective way of introducing this service.

How much will phase two cost? That will be set out when we bring a policy letter, or when the new Committee brings a policy letter, with phase 2.

2560 I think Deputy de Lisle, asked, sir, about accelerating protection for the grounds of age and I know that is something that Deputy Graham has talked about in the past, but that it quite a complex area; and, because we treat people differently on the grounds of age for many justifiable reasons, some of it being in current legislation for insurance purposes, we have to look at those very carefully before we bring back. There is additional consultation that will be required on that, as well, so that
2565 is why it is in the next phase. There is still a lot of work to do on that.

Deputy Trott raised the area of costs, but I think we have gone through that and people have talked about that.

I actually thought when I saw the equal pay for work of equal value that the costs were coming in around about £40 million, but that probably was about a year ago and maybe more work was
2570 done on that, but I seem to recall it was about that at that time.

Deputy Dorey asked about how much work is involved in bringing religious belief and sexual orientation into phase 1 and I know that is something Deputy St Pier is interested in. Now, it all depends, it is how long is a piece of string is really the answer. Our officers, and we have got two policy officers working on this work at the moment, and I think other Members have said that if you
2575 have the continuity of those staff it obviously helps. So some of it would depend on the continuity of the current staff that have been providing that policy work. I think it is possible to bring it back reasonably quickly; however, I say that the majority of the provisions will be as proposed in the policy letter. The definitions of the grounds were set in Deputy Parkinson's amendment, so the work that needs to be done is to identify the exceptions specific to sexual orientation and religion and
2580 that is if we agree today.

So the Committee will start from the basis of the proposals that we consulted on last summer and then revisit the consultation feedback in relation to that area. But we may, particularly in respect of religion, need some further targeted consultation with Liberate, the Dean, local Roman Catholic officials, representatives of humanists and some more work. Then we will need to take a view on
2585 whether that needs to be further consulted on, but whether we bring back an interim policy letter or as outlined in the proposal that policy letter comes back at the same time as legislation.

I expect that, and I think Deputy Roffey talked about it, that he would prefer to see an early policy letter comes through. I think that would be a more sensible approach; however, it would take some discipline from this Assembly to not then further amend that policy letter, and that is the
2590 problem that we have. If we bring an interim policy letter on those two additional protected grounds, what additional amendments might be placed against that policy letter?

So it is: how long is a piece of string? With a fair wind it should keep everything on track, but it is due to the policy resources, and it will be due to that consultation, and it will be due to the discipline of the next Assembly to ensure that it is just on those two protected grounds and that
2595 you not start adding things in. So I hope that is some answer.

Sir, I think I will sum up because I do not think there were very many further questions that actually came to light. So I do not know where to start really to sum up.

I need to just make a plea to this Assembly and the next Assembly if you really want this to move forward you have got to continue to vote for the resources to happen. I know Deputy St Pier and
2600 Deputy Trott, and to some extent Deputy Le Tocq, have spoken about those resources, but if you really are committed you need to prioritise this.

Does Deputy Roberts wish me to give way? Oh, okay, sorry, sir.

If Members want the Ordinance then I hope they vote for the legal drafting and prioritisation of that drafting as well, but that is very much in the hands of P&R. If they want subsequent phases
2605 accelerated then we need to have the policy resource to do the work; and as I say we have been very fortunate we have got fantastic staff at ESS and we would not have got where we have got today without their support and their help.

If Members want the enhanced tribunal in order to give legislation its teeth –
I will give way –

2610

Deputy Le Pelley: Thank you very much for giving way.

I think Alderney would be grateful if you could sum up very quickly as they have to leave at four o'clock and they want to cast a vote.

2615

Deputy Le Clerc: Okay, I am almost there.

What I am saying is we just need to continue to put the resources in.

So we have come a long way in the development of these proposals and as many have said they are long overdue. It has taken a huge amount of effort to reach the compromise laid before you today. Let us take a significant step in Guernsey's history by agreeing today to outlaw discrimination and stamp out prejudice and show that Guernsey Together means that we value everyone.

2620

These proposals are really important to play in creating the compassionate, just and fair society that we all want, and I ask you to support the proposals.

Thank you, sir. *(Applause)*

2625

The Bailiff: Well, Members of the States, you should have before you a composite set of Propositions incorporating those from the successful amendments.

I cannot put them all to you in one go, but what I would invite Members to do is to indicate any particular Propositions on which they would like to vote separately; for example, does anyone want to vote differently on Proposition 1A and 1B? *(Interjection)* And 1B? You want them separate.

2630

Okay, well in that case, Members of the States, we will take a vote on Proposition 1 in isolation first, which is the key starting point, then 1A, then 1B, then 1C, then 2, then 3 – and then we will see where we get to.

So Greffier, just Proposition 1 first, please.

There was a recorded vote.

Carried – Pour 39, Contre 0, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Trott	None	None	None
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Laurie Queripel			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Dorey			
Deputy Le Tocq			
Deputy Brouard			
Deputy Dudley-Owen			
Deputy McSwiggan			
Deputy De Lisle			
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			

Deputy Prow
Deputy Oliver
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney

2635 **The Bailiff:** Well, Members of the States, Proposition 1 was approved unanimously with 39 votes to 0 against.

2640 **Deputy Tindall:** Sir, can I just make a suggestion, please? In the IDP debate you very sensibly suggested, so that we could speed it up, that we could stand in our seats and that worked very well and we got through a lot very quickly. I am conscious that the Alderney Representatives would like to leave. It was just a suggestion, sir.

The Bailiff: Members of the States, are you minded that we move to that form of voting, that those who want to vote against stand in their seats, so that I can record who is voting against? Those in favour; those against.

Members voted Pour.

2645 **The Bailiff:** Right, we will go down that route then. In respect of Proposition – Deputy Lester Queripel.

2650 **Deputy Lester Queripel:** Sir, I asked for a recorded vote so that the individual votes are on record ...

The Bailiff: They still will be Deputy Lester Queripel.

Proposition 1A, Members of the States which is sexual orientation. Will those who wish to vote against that please stand in their seats. Does anyone want to abstain from Proposition 1A? In that case I will declare Proposition 1A carried by 39 votes to 0 and therefore unanimously.

2655 In respect of Proposition 1B, will those Members who wish to vote against Proposition 1B now please stand in their places, and we will record that it is Deputy St Pier, Deputy Dorey and Deputy Langlois who are voting against. Is there any Member who wishes to abstain on Proposition 1B? No abstentions and therefore in respect of proposition 1B I will record that as being carried by 36 votes to those 3 voting against.

2660 Proposition 1C really is a reflection of Proposition 1A and 1B. Those who wish to vote against Proposition 1C please stand in your places. Does any Member wish to abstain from Proposition 1C? In that case I will record that as being carried with every Member voting *Pour* 39, none against and therefore Proposition 1C is carried.

2665 Proposition 2 is the original Proposition 2. Once again is there any Member who wishes to vote against Proposition 2? Please stand in your place if you wish to. Is there any Member who wishes to abstain from Proposition 2? In that case, Members of the States, I will regard that as a unanimous vote with 39 Members voting *Pour*, none against and no abstentions, and therefore Proposition 2 is also carried.

2670 We have to deal with Proposition 3 discretely on the basis that if Proposition 3 is not carried we move on to Proposition 3A. So once again, will any Member who wishes to vote against

Proposition 3 stand in their places. Is there any Member who wishes to abstain from Proposition 3, which is the two phases rather than three? In that case I will record that as being carried unanimously, 39 votes to 0.

2675 Proposition 3A does not need to be voted on because that was dependent upon Proposition 3 failing. Is there any request for any of the other Propositions to be put separately, because otherwise I will put to you Propositions 4 through to Proposition 21, as it now is collectively? Is there any Member who wishes to vote against any or all of those Propositions? Nobody is rising in their places. Does any Member wish to abstain from Propositions 4-21 inclusive? Nobody wishes to abstain. So in respect of all those Propositions I am going to record them as being carried by 39 votes to 0, and
2680 if you think that is worth a round of applause then, Members of the States – (*Applause*) and the Public Gallery can join in as well!

Thank you all very much.

**Procedural –
Motion to defer Article XVI approved**

2685 **The Bailiff:** Now, Members of the States, it is quarter past four. The next item of business will be the final substantive item of business, which is the Committee *for* Home Affairs Justice Review Report.

Members may be aware that a sursis motivé has been submitted, proposed by Deputy McSwiggan and seconded by Deputy Merrett. It is a reasonably substantial read to start with, if people have not read it, it will also involve the President opening debate and Deputy Lowe would have to open debate, on the basis that the sursis motivé might not carry, and none of the motions and the amendments might be put in play. So it would have to be a full opening.

2690 In those circumstances, Deputy Lowe, do you have a proposal in respect of this item of business?

Deputy Lowe: Yes I do, sir.

2695 After consulting with my Committee we unanimously ask the States if they would defer this Item until the next States' meeting please.

It would be a bit unfortunate, bearing in mind it is a discussion document, to be just starting it and then to adjourn until the next one. So I ask the States if they would support deferring this Item until the next States' meeting please, sir.

2700 **The Bailiff:** Well, Members of the States, what I am going to put to you is that we defer debate on this item of business so that it becomes the first item of business after whatever else it would be on the meeting to start in August, and that means that what I am really putting to you is that we move to the Schedule now and close the meeting once the Schedule is dealt with.

Deputy Roffey.

2705

Deputy Roffey: Thank you, sir.

I fully understand the reason for not starting this today but I do really worry that the only alternative is to move it to the August meeting where we know we already have an incredible amount of work. Is it not important to find another day between now and then to polish this off?

2710

Several Members: Hear, hear.

The Bailiff: Well, just a minute. Let me invite Deputy St Pier to offer his view as the President of Policy & Resources Committee. It is not obligatory to do so Deputy St Pier, I turn to you as –

2715

Deputy St Pier: Thank you, it is very kind of you to turn to me, sir.

2720 My personal appetite, I am not sure I can speak on behalf of P&R for yet another meeting between now and August, is I cannot say it fills me with full of enthusiasm, but I think it is a valid point. There is a significant amount of work to get through in the August meeting and we are proposing already to extend that meeting, but I do understand the rationale for deferring from this afternoon. I am not sure that will assist anyone, but thank you.

The Bailiff: Deputy Tooley.

2725 **Deputy Tooley:** Sir, I am just very aware that we have got 71 minutes left of the scheduled time of this meeting and it seems to me that actually we could make a start on this. I think members of the public, particularly those who have been out on the streets expecting this to take place this week again, might be quite disappointed if we do not at least make a beginning.

2730 **A Member:** Hear, hear. *(Interjection)*

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

2735 I would suggest if possible deferring it until Wednesday 22nd, next week. As you say, it is quite a lengthy document and none of us have had time to consider it as yet, so that would be my suggestion, sir.

2740 **The Bailiff:** Well, Members of the States, what I am going to do is not to encourage further debate on the motion but I will put the motion to you, that is effectively the motion that the President of the Committee *for* Home Affairs invites me to put to you, and that is that this item of business be deferred to the meeting to be convened in August. Those in favour; those against.

Some Members voted Pour, others voted Contre.

2745 **Deputy Lowe:** Sir, could I make a suggestion? It is, following my Vice-President and other Members who have approached me as well, to say that we have one day next week, next Wednesday, where we come in solely for this item and dedicate that time for it. It is an important report and to have it split ... It has not got to be Wednesday, you can come up with another day which everybody likes, as I see others standing up. The States' meetings take priority over other meetings and we have had to rearrange Home Affairs on more than one occasion. I am in the hands of the States, but if you want to leave it until another date, by all means.

2750 I think it is totally inappropriate to start this debate when it is a discussion document to do an opening speech and then close it until the next one when we have got a *sursis motivé* as well, sir, which we have not discussed yet as a Committee. So if we are going to go ahead, I am going to be asking the States for a recess because I need to be able to speak to my Committee to be able to discuss that, which makes a bit of a nonsense of it.

2755 Thank you.

The Bailiff: Just a minute Deputy Green. I did not declare the result of the vote. *(Laughter)*

2760 I have to say I think it was close because it is always difficult to tell when people have heard how loud the *Pour* is, and there may be some who shout a little bit louder with their *Contre*, so I was going to suggest that there be a recorded vote on the motion as to whether this item is deferred. I know this is taking up time but in order to have that clarity, Members of the States, I was going to call for the recorded vote as a result of what I regarded as a pretty equal shout.

Greffier, can we have a recorded vote, please?

2765 Just a minute, Members of the States, let's just pause briefly. Let me clarify what it is that you are voting on. This is the motion that the Committee *for* Home Affairs Justice Review Report be deferred

into the next meeting to be convened for August, because it was a fairly equal vote. So if you want to defer it you vote *Pour*, if you do not want to defer it and find some other mechanism of dealing with it, which will be the next option, then you vote *Contre*; and there will be a recorded vote because I thought it was pretty equal.

2770 Greffier.

There was a recorded vote.

Not carried – Pour 19, Contre 19, Ne vote pas 0, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Trott	Deputy Merrett	None	Alderney Rep. Roberts
Deputy Le Pelley	Deputy St Pier		
Deputy Stephens	Deputy Fallaize		
Deputy Meerveld	Deputy Laurie Queripel		
Deputy Inder	Deputy Hansmann Rouxel		
Deputy Lowe	Deputy Graham		
Deputy Smithies	Deputy Dorey		
Deputy Green	Deputy Le Tocq		
Deputy Paint	Deputy McSwiggan		
Deputy Brouard	Deputy Langlois		
Deputy Dudley-Owen	Deputy Soulsby		
Deputy De Lisle	Deputy de Sausmarez		
Deputy Prow	Deputy Roffey		
Alderney Rep. Snowdon	Deputy Oliver		
Deputy Ferbrache	Deputy Tindall		
Deputy Parkinson	Deputy Brehaut		
Deputy Le Clerc	Deputy Tooley		
Deputy Leadbeater	Deputy Gollop		
Deputy Mooney	Deputy Lester Queripel		

The Bailiff: Well, Members of the States, for those of you who were counting, the voting on the motion to defer this matter to the next meeting was there voted *Pour 19, Contre 19, 1 absence*, therefore the motion is lost on the equality of votes.

2775 Which means we now start this, unless you want to reorder your business to take the Schedule next, deal with that and then work out what you want to do? I am really open to almost anyone to suggest anything at the moment (*Laughter*) as to what we do between now and going home.

I am going to go to Deputy Fallaize because he is young and gets to his feet quickly. (*Laughter*)

Deputy Fallaize: Thank you, sir.

2780 I would like to propose that the Schedule is left unchanged because P&R has given thought to it and everybody is anticipating debating those items on whatever day it is in August, and to propose that we just find a day next week to come back and debate this as a single item, which the Committee through Deputy Lowe has already indicated it is happy to do, and it would not push then ever-more business into the August meeting.

2785 **Deputy Lowe:** I second that, sir.

2790 **Deputy McSwiggan:** Can I propose that we sit until 6.30 p.m. or as long as it takes to debate the sursis motivé only? If the sursis motivé is successful, that is the end of the story. If the sursis motivé is unsuccessful then we could determine a date next week to have the general debate that Deputy Lowe wants on this paper.

The Bailiff: Members of the States, I am not particularly keen on having a massive debate as to what it is that we are going to put next.

2795 Let me put the motion to you that you want to adjourn to a day next week. But the question then is going to be which day is most appropriate. Deputy Lowe is suggesting Wednesday.

Deputy Green: Sir, I think it is appropriate at this juncture to remind Members that there is, due to a Scrutiny Public Hearing with Policy & Resources on Wednesday next week.

2800 **The Bailiff:** It looks like a good day to me then Deputy Green, doesn't it? (*Laughter and interjection*) I am not inviting any further comment at the moment.

2805 What I am going to ask you to do before I put the motion to you is that we will do what we have done in other circumstances, which is to ask people who would be in difficulties on any day next week to stand, just to get a sense of who would have to do what first. Can I just say that we are in difficulties on Monday making use of this room, so I am not proposing to put Monday to you in any event because it is always desirable to have a slightly longer weekend. So I was going to start with Tuesday.

2810 Are there people in difficulties with Tuesday? All right, thank you very much. Wednesday? Has Deputy McSwiggan just stood on both Tuesday and Wednesday? (*Interjections*) The reason being that we cannot really continue with the Justice Review Report if the proposer of the sursis motiv   is not going to be here to propose it, that was all. (*Interjection by Deputy McSwiggan*)

Thursday? This was Thursday – yes, which day of the week? If it's Tuesday, it's Belgium – that was a great film! (*Interjections*) Thank you very much.

2815 So it is really a choice, Members of the States, as to whether anyone thinks I should put to you adjourning to Tuesday, but it looked like Wednesday was more feasible than Tuesday to me. So I am going to put to you the motion – (*Interjections and laughter*) In all that, we did not hear the name – whether it was indeed Deputy Trott, but we will assume it was.

2820 So, Members of the States, I am going to put to you a motion that if we do not finish business today we will adjourn to Wednesday. Those in favour; those against.

Some Members voted Pour, others voted Contre

The Bailiff: Well, once again, out of an abundance of caution, bearing in mind you were 19, 19 last time, let's have a recorded vote on that just to be sure.

Greffier.

There was a recorded vote.

Carried – Pour 25, Contre 10, Ne vote pas 3, Absent 1

POUR

Deputy Trott
Deputy Le Pelley
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Graham
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Dudley-Owen
Deputy De Lisle
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver

CONTRE

Deputy Merrett
Deputy St Pier
Deputy Inder
Deputy Hansmann Rouxel
Deputy Green
Deputy Langlois
Deputy Tindall
Deputy Tooley
Deputy Lester Queripel
Deputy Mooney

NE VOTE PAS

Deputy Brouard
Deputy McSwiggan
Deputy Soulsby

ABSENT

Alderney Rep. Roberts

Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Brehaut
Deputy Gollop
Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater

2825 **The Bailiff:** Well, Members of the States, on the motion to adjourn from today to another day being Wednesday, there voted *Pour* 25, *Contre* 10, 3 abstentions and 1 absentee and therefore I declare that motion carried. The 10 obviously shouted very loudly indeed.

So is it your wish not to start this debate today, Deputy Lowe?

2830 **Deputy Lowe:** Yes, it is. So if we could leave it to next week.

Thank you, sir.

**Procedural –
Motion to reorder business approved**

The Bailiff: Would it be your wish, Deputy St Pier, to bring the Schedule for Future States Business up the order of debate so that we can deal with that now and deal with the amendment in particular?

2835 **Deputy St Pier:** Yes, please, sir.

2840 **The Bailiff:** Members of the States, I am going to put to you the motion that we deal with the schedule now including the amendment that is being proposed by Deputy St Pier, seconded by Deputy Trott, so that we can deal with that before the end of the meeting. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare that reordering motion carried; and we will call the item of business, please, Greffier.

POLICY & RESOURCES COMMITTEE

**XVII. Schedule for Future States' Business –
Approved as amended**

Article XVII.

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 19th August 2020 and subsequent States' Meetings, they are of the opinion to approve the Schedule.

The States' Greffier: Article XVII – Policy & Resources Committee – Schedule for Future States' Business.

2845 **The Bailiff:** I invite the President of the Committee, Deputy St Pier, to open debate and, if appropriate, move the amendment.

Amendment

To insert the following wording at the end of the Proposition – ‘save that the States’ Meeting to be convened on Wednesday 19th August, 2020, shall instead be convened on Tuesday 18th August, 2020, and that the 25th, 26th, 27th and 28th August, 2020, shall be held as reserve dates for that Meeting in the event that the business of the Meeting is not completed by Friday 21st August, 2020.’

Deputy St Pier: Thank you, sir. Yes, I will deal with both at the same time.

2850 The Schedule I believe is self-explanatory the Committee, has sought to organise the order of business in some order of priority in terms of those things which really must be dealt with in the sitting, and ending with things which could possibly run on to the new States if time is insufficient.

The amendment, sir, seeks to add a fourth day to the sitting and then for up to four additional rollover days the following week if required, and I think the reasonable expectation is that probably all eight days will be used.

2855 **A Member:** Hear, hear.

The Bailiff: Deputy Trott, do you formally second that amendment?

Deputy Trott: I do, sir, thank you.

2860 **The Bailiff:** Is there any debate on the amendment?

Well, Members of the States, I will put to you the amendment proposed by Deputy St Pier seconded by Deputy Trott. Those in favour; those against.

Members voted Pour.

The Bailiff: I will declare that amendment carried.

2865 Now, there have been no amendments to the Schedule, there will be no debate on it as a result, by the looks of it, and therefore I will put to you the Schedule for that meeting now to be convened on Tuesday 18th August for up to the eight days that you have agreed to set aside for it. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare that Schedule, as amended, duly carried.

2870 Members of the States, we will simply adjourn now. We are letting Deputy Trott off early on his birthday to enjoy more of the day than he would otherwise be able to. We wish Deputy Ferbrache a happy birthday for Sunday.

I will invite the Greffier now to close today’s sitting with the Grace.

The Assembly adjourned at 4.37 p.m.