

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

13th October, 2021

Proposition No. P.2021/104

COMMITTEE for EMPLOYMENT & SOCIAL SECURITY

DISCRIMINATION ORDINANCE: GROUNDS OF i) RELIGION OR BELIEF AND
ii) SEXUAL ORIENTATION

AMENDMENT

Proposed by: Deputy Y Burford
Seconded by: Deputy A Dudley-Owen

Insert the following Proposition immediately after Proposition 3: -

- “4. To agree that the protected ground of sexual orientation shall be as follows:
- (1) Sexual orientation means a person's sexual orientation towards—
 - (a) persons of the same sex,
 - (b) persons of the opposite sex, or
 - (c) persons of either sex.
 - (2) In relation to the protected ground of sexual orientation—
 - (a) a reference to a person who has a particular protected ground is a reference to a person who is of a particular sexual orientation;
 - (b) a reference to persons who share a protected ground is a reference to persons who are of the same sexual orientation.

Rule 4(1) Information

- a) The effects of this amendment are neutral in respect of any contribution to the policy plans and objectives of the States.
- b) Discussions with the Committee have taken place.
- c) These Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- d) There are no financial implications to the States.

Explanatory note

The Committee's proposed definition for the protected ground of sexual orientation (from the Technical Proposals of July 2019) was based on the Australian Sex Discrimination Act 1984 and the UK Equality Act 2010 and is as follows:

“(2) Sexual orientation means a person's sexual orientation towards—

- (a) persons of the same sex;
- (b) persons of a different sex; or
- (c) persons of both the same sex and persons of a different sex.”

- (3) In relation to the protected ground of sexual orientation
 - (a) a reference to a person who has a particular protected ground is a reference to a person who is of a particular sexual orientation,
 - (b) a reference to persons who share a protected ground is a reference to persons who are of the same sexual orientation”

This amendment seeks to replace that wording of the protected ground and replace it with the wording as set out in the UK Equality Act 2010 excepting using the word 'ground' in place of the word 'characteristic'.