

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

THE PREVENTION OF DISCRIMINATION (SUPPORTED EMPLOYMENT) (GUERNSEY)
REGULATIONS, 2023

The States are asked to decide -

Whether, after consideration of the Policy Letter entitled ‘The Prevention of Discrimination (Supported Employment) (Guernsey) Regulations, 2023’, dated 28th September, 2023, they are of the opinion -

1. To approve the Prevention of Discrimination (Supported Employment) (Guernsey) Regulations, 2023 (as set out in the Appendix to this Policy Letter), including that the Regulations should take effect from 1st October, 2023.

The above Proposition has been submitted to His Majesty’s Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1)(c) of the Rules of Procedure of the States of Deliberation and their Committees.

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COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

THE PREVENTION OF DISCRIMINATION (SUPPORTED EMPLOYMENT) (GUERNSEY)
REGULATIONS, 2023

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

28th September, 2023

Dear Sir

1. Executive summary

- 1.1 In accordance with section 75(c) of the Prevention of Discrimination (Guernsey) Ordinance, 2022 ('the Ordinance')¹, the Committee for Employment & Social Security ('the Committee') is seeking States approval for the Prevention of Discrimination (Supported Employment) (Guernsey) Regulations, 2023, which were made by the Committee on 26th September, 2023. The effect of Regulation 1 is that GO LBG² are a person who provides supported employment under the Ordinance.

2. Background

- 2.1 GO LBG has requested inclusion within the exception in paragraph 22 of the Schedule to the Ordinance which provides that:

"22. (1) It is not a contravention of this Ordinance for a person who provides supported employment to treat persons who have the same disability, or a disability of a description as prescribed by regulations of the Committee, more favourably than those who do not have that disability or a disability of such a description in providing such employment.

(2) In this paragraph, "a person who provides supported

¹ [The Prevention of Discrimination \(Guernsey\) Ordinance, 2022](#). [Accessed on 22nd September, 2023].

² Company registration number: 50328; Charity number: CH145.

employment" means Grow Ltd, the Guernsey Employment Trust LBG and any other person specified from time to time for this purpose in regulations made by the Committee."

- 2.1 GO LBG is a social enterprise that provides training and support to people with learning disabilities, mental health issues and conditions such as autism, to give them the skills, confidence and experience to be able to manage their lives and enter the mainstream employment market.³ As such, the Committee considers GO LBG to be a provider of 'supported employment' akin to those persons included in paragraph 22(2) of the Schedule to the Ordinance, namely Grow Ltd and the Guernsey Employment Trust LBG.
- 2.2 The Prevention of Discrimination (Supported Employment) (Guernsey) Regulations, 2023 (as set out in the Appendix to this Policy Letter) were made by the Committee on 26th September, 2023. Regulation 1 of these Regulations amends the Schedule to the Ordinance. The effect of the regulation is that GO LBG are a person who provides supported employment under the Ordinance. This means that GO LBG is within the exception in paragraph 22 of the Schedule to the Ordinance, which means it is able to treat persons who have the same disability more favourably than those who do not have that particular disability, in providing the supported employment, without contravening the Ordinance.
- 2.3 Under Section 75(c) of the Ordinance, these Regulations do not have effect unless and until approved by a Resolution of the States. If so approved, these Regulations will take effect retrospectively at the same time as the majority of the Ordinance comes into force, that is, on 1st October, 2023. Retrospective effect is necessary in this case so it is not possible for a discrimination complaint to be made by a disabled person(s) who has been denied access by GO LBG to supported employment, due to the particular type of disability that they have, during the period from 1st October 2023 until the date that the regulations are approved by Resolution of the States.

3 Compliance with Rule 4 of the Rules of Procedure

- 3.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, propositions laid before the States.
- 3.2 In accordance with Rule 4(1)(a), the Committee confirms that this is part of the work on phase one of the Ordinance which is a priority under the Government Work Plan.

³ [Giving Opportunities | GO Charity](#). [Accessed 22nd September, 2023].

- 3.3 In accordance with Rule 4(1)(b), the Committee has consulted with GO LBG in respect of the Proposition.
- 3.4 In accordance with Rule 4(1)(c), it is confirmed that the proposition has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- 3.5 In accordance with Rule 4(1)(d), it is confirmed that the Proposition has no budgetary implications.
- 3.6 In line with Rule 4(2)(a), it is confirmed that the Proposition aligns with the Committee's purpose:
- 'To foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through schemes of social protection relating to pensions, other contributory and non-contributory benefits, social housing, employment, re-employment and labour market legislation.'
- 3.7 In accordance with Rule 4(2)(b), it is confirmed that the Proposition has the unanimous support of the Committee.

Yours faithfully

P J Roffey
President

H L de Sausmarez
Vice-President

T L Bury
S J Falla
J A B Gollop

M R Thompson
Non-States Member

R J Le Brun
Non-States Member

GUERNSEY STATUTORY INSTRUMENT2023 No. 72

**The Prevention of Discrimination (Supported
Employment) (Guernsey)
Regulations, 2023**

<i>Made</i>	<i>26th September, 2023</i>
<i>Coming into operation</i>	<i>1st October, 2023 provided the States so resolve on 22nd November, 2023</i>
<i>Approved by the States</i>	<i>22nd November, 2023</i>

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred upon it by section 75 of, and paragraphs 22 and 47 of the Schedule to, the Prevention of Discrimination (Guernsey) Ordinance, 2022^a, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of Schedule.

1. (1) The Prevention of Discrimination (Guernsey) Ordinance, 2022, is amended as follows.

^a Ordinance No. XVIII of 2022.

(2) In paragraph 22 of the Schedule, after "the Guernsey Employment Trust LBG" insert ", GO LBG".

Extent.

2. These Regulations shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation.

3. These Regulations may be cited as the Prevention of Discrimination (Supported Employment) (Guernsey) Regulations, 2023.

Commencement.

4. These Regulations shall take effect from 1st October, 2023

Dated this 26th day of September 2023

A handwritten signature in black ink, appearing to read 'P.J. Roffey', with a stylized flourish at the end.

P.J. ROFFEY

President of the Committee for Employment & Social Security

For and on behalf of the Committee .

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 1 amends the Schedule to the Prevention of Discrimination (Guernsey) Ordinance, 2022 ("the Ordinance"). The effect of the regulation is that GO LBG are a person who provides supported employment under the Ordinance. This means that GO LBG are within the exception in paragraph 22 of the Schedule to the Ordinance, which means they are able to treat persons who have the same disability more favourably than those who do not have that disability, in providing the supported employment, without contravening the Ordinance.

If approved by the States on 22nd November, 2023, and if the States so resolve, the regulations will take effect retrospectively at the same time as the majority of the Ordinance comes into force, that is, on 1st October 2023. This means that the amendment to paragraph 22 of the Schedule will take effect from 1st October, 2023.

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ISLAND OF GUERNSEY

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

THE PREVENTION OF DISCRIMINATION (SUPPORTED EMPLOYMENT) (GUERNSEY)
REGULATIONS, 2023

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

28th September 2023

Dear Deputy Ferbrache

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for* Employment & Social Security ('the Committee') requests that the Policy Letter entitled 'The Prevention of Discrimination (Supported Employment) (Guernsey) Regulations, 2023' be scheduled for consideration at the States' meeting that is due to commence on 22nd November, 2023. Under Section 75(c) of the Prevention of Discrimination (Guernsey) Ordinance, 2022 ('the Ordinance') these Regulations do not have effect unless and until approved by a Resolution of the States.

The Regulations will provide that GO LBG are a person who provides supported employment under the Ordinance, which means it is able to treat persons who have the same disability more favourably than those who do not have that particular disability, in providing the supported employment, without contravening the Ordinance. If so approved, these Regulations will take effect retrospectively at the same time as the majority of the Ordinance comes into force, that is, on 1st October, 2023.

This request is being made to ensure that the time between the Regulations' effective date and the date of their approval by the States is as short as possible.

Yours sincerely



Peter Roffey
President

Lindsay De Sausmarez
Vice President

Tina Bury, Steve Falla, John Gollop

Ross Le Brun, Mark Thompson
Non-States Members