

## **Anti-Discrimination Legislation**

### **Interview with Wendy Dorey, Chair of the Institute of Directors.**

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#### **Tim Hunter**

We've been talking a lot about Guernsey's upcoming anti-discrimination law recently on the programme. No doubt it's a historic piece of legislation because, if it passes next month, discrimination on the grounds of race, disability and sexuality will become illegal. Campaigners say it's about time that the island caught up with other Western societies. But what do people in the business community think? Our reporter Brett Burkes has been speaking to Wendy Dorey, chair of Guernsey's Institute of Directors.

#### **Wendy Dorey**

First point is it's very good news that we now have a date that businesses can work towards to make sure that they are ready for the discrimination ordinance when it comes in in October 2023. I think every developed nation in the world has some form of discrimination legislation, so it's important that Guernsey keeps pace. That said, we're very clear that it's important that it is proportionate to the needs of the island and we've worked very closely in consultation with the various different bodies to make sure that the legislation is proportionate and that it's been reviewed by the Lawyers Forum to make sure that any unintended consequences have been ironed out and also there's no ambiguity in the law.

#### **Brett Burkes**

Well, the draft's been published for all to see. You happy with it?

#### **Wendy Dorey**

I think there's been some extensive consultation on the draft and certainly all the business groups have reviewed it, along with the Lawyers Forum. The Committee has been very open to input and feedback from all the different bodies and we are relatively confident that everything that we have said has been pretty much addressed and we are happy that it is proportionate and also that this concept of reasonable adjustment is in place which makes sure that it is affordable for most businesses. I think the fear that this will cost a large amount of money is unfounded and in that very much it's all about the concept of reasonable adjustments, which is making sure that it is affordable for the size of business that you are. And I think I've said previously, it's a culture and a mindset and it's making sure that people and businesses are very much aware of the potential for discrimination. And it's as much an education process as it is around mitigation. So it's making sure that all employers understand what the requirements are. And I think most employees in Guernsey are very good and want to do the right thing by their employees.

**Brett Burkes**

Wendy, interesting that you mentioned the cost, because I've heard that from a few businesses. They say they're worried about that. What exactly are they worried about? The cost for what?

**Wendy Dorey**

I think some businesses would be concerned that there may be some significant structural costs, for example, with their offices. But the concept of the reasonable adjustment means that you're not necessarily required to say fit a lift if you have employees that find it hard to, say, go up different floors. It would actually be acceptable for them to, say, work from home or to work from different premises. So again, the law is pragmatic enough to enable adjustments to be made that hopefully don't have to cost that much. It's just being able to meet the needs of your employees, maybe in a different way.

**Brett Burkes**

And you talk about reasonable adjustment. Obviously it's being voted on next month and at the moment will come into law, if it passes of course, October next year. I mean, that's long enough, surely, for any and all businesses to adjust to this.

**Wendy Dorey**

Yes, very much. Our hope is that there will be and I'm aware that there are a number of training sessions, particularly for small businesses, so that they know exactly what's required. And as I said before, it's a mindset and a culture. And I think as long as people know what is required and the law is as unambiguous as possible, I think it should be relatively straightforward for most businesses to make sure that they are in line with the new disability discrimination ordinance.

**Brett Burkes**

The States have been very clear about this, this law is not about endless red tape or endless cost or endless money. This is simply about bringing Guernsey as an island in line with other Western societies.

**Wendy Dorey**

Absolutely. And it's very heartening to see already, we've seen with Vive La Vallette, it's entirely accessible. If you look at the new Art for Guernsey Gallery that's being designed to be accessible as well. So I think anything that's happening in Guernsey around this time, everyone's future proofing anyway to meet this new legislation. And I think everyone fully understands the benefits that it will bring in terms of making your business accessible to everyone. And I think the importance of diversity has been mentioned a lot in context of business. So it's very important that everyone is included.

**Brett Burkes**

In terms of employees as well, Wendy, because at the moment, if you're working somewhere and you feel like you are being discriminated against, in some, not all of course, but in some businesses, in some workplaces, there's no formal mechanism for you to trigger, there's no formal avenue for you to go down to raise that. And that is what this law is about in terms of protecting not just employers but employees as well.

**Wendy Dorey**

Yes, absolutely. And also I think it's important to state that litigation should be the last resort. So there will be provisions for mediation, first of all. And really this should just be the safety net so that any employee that can't come to an agreement with their employer, this legislation is in place to protect them. But I would say the vast majority of employers, once they know what's required, will be too happy to make sure that they comply with these laws. And very much we would hope that litigation would be the last resort.

**Brett Burkes**

Have you heard from any who are vehemently opposed to this?

**Wendy Dorey**

I think some of the opposition is based on not necessarily fully understanding what the legislation is now like. I think it has certainly evolved over this period of time of consultation and I think it probably reflects a lot more input from the business groups and from the lawyers for them to make sure that it would be workable in practice.

**Brett Burkes**

Wendy, I know it's a generalisation, but, I mean, from a personal point of view, do you think that there is at all any issues with discrimination in the workplace in Guernsey?

**Wendy Dorey**

I have to say I'm probably not placed to answer that because I'm not in the legal forum. It's probably better to ask a lawyer that question. Certainly from our own business perspective, we very much are aware of what our duties are and we have some neuro-diverse employees and we've done everything we can to accommodate that. So I think, as I said before, the vast majority of employers are doing their very best to help their employees in a very tight employment market. I think people are trying to hold on to every employee that is doing well for their business.

**Tim Hunter**

That is Wendy Dorey there, the chair of the Institute of Directors, speaking to Brett Burkes.