



Disability Discrimination Law in the Channel Islands

In less than six months, the discrimination laws will be extended to outlaw disability discrimination in Jersey - and a consultation is set to lead to similar new laws in Guernsey. The Jersey legislation covers not only recruitment, employment or voluntary work, and education, but also access to premises, and the provision of goods and services. Businesses in both islands should be urgently considering two points ahead of the Discrimination (Disability)

(Jersey) Regulations 201- implementation date of 1 September, and the likely changes in Guernsey:

- Training for staff, and particularly HR teams, about the implications of the new regulations
- Physical changes to premises to bring them into line with the new rules

5 things you need to know...



Effective

From 1 September 2018, Jersey discrimination laws will include disability as a protected characteristic, bringing the island more in line with the UK and similar rules are expected in Guernsey shortly



Disability

Defined as a long term physical, mental, intellectual or sensory impairments which can adversely affect a person's ability to engage or participate in any activity under the law. To be "long term" any disability must have lasted or be expected to last over 6 months



Knowledge

There is no disability discrimination if you did not know and could not reasonably have been expected to know that the individual had a disability



Justifiable

Direct discrimination can be justified if you can show that this was a proportionate way of reaching a legitimate aim



Reasonable Adjustments

For indirect discrimination the key is taking reasonable steps to avoid a particular disadvantage. In particular, businesses will be required to take reasonable steps to alter any physical features of their premises, including access to buildings



Consider

Employers should take steps to ensure that their staff are aware of the new law, and that they have considered its practical implications on its employees' individual roles



Rewrite

Your employee handbooks, policies and handouts to new starters will have to be updated in line with the new rules



Recruitment

Your HR teams should consider how the law affects recruitment in particular - and for each time you advertise a position



Premises

You should consider whether you need to make physical changes to premises - the deadline for these changes in Jersey is 1 September 2020



Permission

It should be noted that when making changes to your buildings or workplace, you must consider whether consent is required under any of the Planning or Building Bye laws



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