

STATES OF JERSEY



DRAFT DISCRIMINATION (DISABILITY) (JERSEY) REGULATIONS 201- (P.20/2018): AMENDMENT

**Lodged au Greffe on 19th March 2018
by the Minister for Social Security**

STATES GREFFE

DRAFT DISCRIMINATION (DISABILITY) (JERSEY) REGULATIONS 201-
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PAGE 22, REGULATION 5 –

In the inserted paragraph 8 of Schedule 1, delete sub-paragraph (7) and renumber sub-paragraph (8) accordingly.

MINISTER FOR SOCIAL SECURITY

REPORT

The Draft Discrimination (Disability) (Jersey) Regulations 201- ([P.20/2018](#)) (the “draft Regulations”) provide that addiction to alcohol, nicotine or any other substance is not in itself a ‘disability’, as defined by the legislation. This is also the position taken in the UK Equality Act. This means that addiction alone does not give a person protection under the [Discrimination \(Jersey\) Law 2013](#), but where the person also has a related physical or mental health issue, they are likely to be protected as ‘disabled’ under the Law.

The Health and Social Security Scrutiny Panel has raised concerns about this exception in its published Comments on the draft Regulations ([P.20/2018 Com.](#)).

“The Panel discussed whether to amend the Regulations to either change the wording of the paragraph concerning addiction or to exclude it completely. In the time available before the debate date, the Panel felt that it had been unable to gather enough evidence to make an informed decision as to whether it should proceed with an amendment to the Regulations, and agreed that it would present Comments to the States Assembly outlining its findings. The Panel believes that more research should have been undertaken on the issue of addiction at the consultation stage, and hopes that the necessary research will now be carried out by the next Minister for Social Security, working with the new Scrutiny Panel appointed after the elections.”

The Minister acknowledges the Panel’s concerns about the wording of this exception and has agreed to lodge an amendment that would remove the exception for addiction, as a transitional position, in order to ensure that the draft Regulations can be debated in March, as planned. As requested by the Scrutiny Panel Chairman, the Minister undertakes that before an exception is introduced, the Department will carry out further research into the issue, will consult with relevant stakeholders, including those already identified by the Scrutiny Panel, and will liaise with the next Scrutiny Panel. If further research suggests a need to introduce an exception for addiction, then the next Minister will bring forward a further amendment for debate by the end of 2018.

The Minister considers that this amendment would provide an acceptable interim position, whereby employers and service providers would have plenty of notice of the new requirements and training can continue to be provided. Most importantly, the Minister’s priority is to ensure that the Regulations come into force on 1st September 2018, as planned, to improve the lives of thousands of disabled people and their carers across our community.

The Minister and the members of the Health and Social Security Scrutiny Panel ask Members to vote in favour of the draft Regulations, as amended, to ensure the introduction of this important and long-awaited protection against disability discrimination.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Minister for Social Security, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of this amendment.