

2.15 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding compatibility of anti-discrimination legislation with encouragement to Jersey businesses to give priority to local applicants:

Would the Minister advise Members whether the proposed anti-discrimination legislation currently subject to public consultation, and which proposes to make it illegal - punishable by a fine of up to £10,000 - to discriminate against anyone on the grounds of race or ethnic origin will be compatible with the fact that businesses in Jersey are currently encouraged to give priority to local applicants for employment?

Senator W. Kinnard (The Minister for Home Affairs):

I believe that behind this question is whether the 5-year rule is applicable. That is the Regulation of Undertakings and Development (Jersey) Law 1973 and whether it will, in fact, still be tenable under the Discrimination (Jersey) Law when it is enacted. In short, the answer is yes, and for the following reasons: the proposed Discrimination (Jersey) Law is designed to be an enabling Law. It will provide protection from discrimination in a number of areas - including in the workplace - and it will also provide protection from discrimination during the recruitment stage. However, there will be important exemptions and Regulations which will introduce each attribute; that is, each type of discrimination. Indeed, Article 2 of Schedule 1 of the proposed Discrimination (Race) (Jersey) Regulations provides for an exemption from the Law if an act is done under legislative or judicial authority. So, accordingly, the provisions of the Discrimination (Jersey) Law will not be applicable to any actions taken in accordance with the provision of the Regulation of Undertakings (Jersey) Law or any subsequent migration laws that may be passed by the States, dealing with access to employment. The proposed protection from racial discrimination will be on the basis of colour, race, nationality, ethnic origin or national origin. It is difficult to see how this would be inconsistent with the Regulation of Undertakings (Jersey) Law, as being locally qualified for employment purposes under this Law is determined by the period of residence only, irrespective of colour, race, nationality, ethnic origin or national origin.

Senator M.E. Vibert:

I believe I may have inadvertently misled States' Members on a detail when referring to the 200th anniversary of Fort Regent. I did refer to 2 of the Fort's large cannons having been refurbished and brought inside for display. I have now been reliably informed the items concerned are in fact siege guns, not cannons, and were the first large guns to have rifle barrels. They have very large wheels and the height of the carriage was to enable the gun to be placed behind and fire over a protective embankment. I thank a former technical manager, Mr. Allman, for informing me of that detail.