

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY M. TADIER OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 10th MARCH 2015**

Question

Given the Department's commitment to get more disabled people back into the workplace, will the Minister explain the viability, or otherwise, of bringing the introduction of the disability component of the Discrimination Law forward by one year, so as to ensure that disabled people are not put at a competitive disadvantage when applying for or maintaining jobs?

Answer

The draft Strategic Plan 2015 – 2018 (P.27/2015) published by the Council of Ministers last week included the following action as part of the maximising economic growth priority:

3.5: Desired Outcome: All working age people fulfil their potential in rewarding employment

Key areas of Focus 2015 -2018: Identify and address barriers to work for key groups, including those wanting to work beyond retirement, looking after home and long-term sick

The commitment of the Department is to support this strategic aim - to support individuals with long-term health conditions to overcome barriers to take up and remain in rewarding employment. This reinforces and builds on existing services and support provided by the Department. For example, the Department provides annual funding (£1.7 million in 2013) to the Jersey Employment Trust and other organisations providing vocational and employment support in this area. Other support is provided directly through Back to Work, specifically the Work Right team who work with jobseekers with more serious or complex barriers to employment.

The Department has successfully introduced overarching discrimination legislation, with race discrimination being the first area to be brought into force. The decision to phase in the different areas of the discrimination law allows local employers and service providers to build up experience and confidence in this area, without imposing an undue burden on small companies.

Regulations to deal with sex-related areas are currently being drafted and these are due to be debated by the States later this year, aiming for an implementation date of September 2015. The next area to be developed will be age discrimination. Encouraging people to remain economically active for longer and providing the environment in which employers can make the best use of experienced local residents will be a key factor in ensuring the ongoing economic success of the island. Appropriate age discrimination regulations will be one of several areas where government can support workers and local companies to achieve this aim.

In parallel, the Chief Minister's Department is already working on a disability strategy for Jersey, which will gather information on the experience of local people living with a disability. From this knowledge, a disability strategy will be developed during 2015/2016.

Once a strategy has been agreed, work can begin on the development of disability regulations, for introduction in 2017/2018. Disability discrimination is the most complex of the areas (characteristics) to be covered and care will need to be taken to find the appropriate balance of regulations to protect individuals without imposing an undue burden on employers and service providers. The characteristic of disability is expected to require the most preparation and the most adjustment across wider society, not just for employers, and so we expect the preparations to take longer than for the other characteristics.

For example, compared to the other characteristics, a different approach will be required because behaviour is less likely to be a result of people's prejudices about, or hostility towards, disabled people, but is more as a result of workplaces and premises being designed in such a way as to exclude or limit access to some disabled people. Full consultation will be required as to the scope and the extent to which reasonable adjustments should have to be made to accommodate the needs of disabled people.

A careful approach will also be needed in the legal definition of disability to provide the appropriate separation from sickness or illness, but still include an appropriate range of conditions.

Given the amount of preparatory work necessary, it would be difficult, and perhaps counter-productive, to seek to bring forward the current timetable in respect of disability discrimination regulations.

The Department, JET and other organisations working in this area have very good relationships with many local employers who provide both work placements and permanent jobs to individuals with a wide range of disabilities.