

STATES OF JERSEY



STATES STRATEGIC PLAN 2005 TO 2010 (P.81/2004): FOURTH AMENDMENT

**Lodged au Greffe on 8th June 2004
by Deputy G.P. Southern of St. Helier**

STATES GREFFE

STATES STRATEGIC PLAN 2005 TO 2010 (P.81/2004): FOURTH AMENDMENT

At the end of the proposition, after the words “of the Appendix” insert the words –

“except that –

- (1) in Section 3.7 of the said Appendix (Promotion of Human Rights and Equal Opportunities), for the words –

Ensure that the Government as an employer continues to deliver equal opportunities and encourages other employers to do the same	Ongoing	Policy & Resources	Employment & Social Security	A greater reflection of the make up of the population throughout the workforce Code of practice for employment standards in place and operational
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substitute the words –

Ensure that the Government as an employer continues to deliver equal opportunities and legislates to require all employers to do the same	Ongoing	Policy & Resources	Employment & Social Security	A greater reflection of the make up of the population throughout the workforce Legislation for employment standards in place and operational
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- (2) in Section 4.2 of the said Appendix (Ensure that unpolluted air, clean water and uncontaminated land exist as a basic right for all), for the words “*Implement a framework for comprehensive pollution controls that comply with EU standards with the emphasis on education rather than legislation*” substitute the words “*Introduce legislation for comprehensive pollution controls that comply with EU standards*”.”

DEPUTY G.P. SOUTHERN OF ST. HELIER

REPORT

This amendment reflects my view that reliance on codes of practice, guidelines, encouragement and even education in the place of proper legislation to achieve given ends is, in general, largely ineffective.

More than this, in the case of 3.7 it seems to me to be contradictory that whilst Home Affairs is expected to progress towards the elimination of all discrimination with “appropriate legislation in place” that the concept of equal opportunities for employees is merely a matter for “encouragement”. Surely if the legislation is in place to eliminate discrimination this must apply to employment and therefore it is appropriate to legislate on employment also.

Equally it is noticeable that the standards for employment protection, and one has to ask how far this overlaps with equal opportunity policies, are such that legislation is to be in place, where is the consistency in approach?

The Human Rights Section also requires “appropriate legislation” to be in place. In short, we have 4 issues here, all interlinked, and 3 of them require legislation. The fourth should also receive similar treatment.

We lose nothing by planning to legislate to ensure progress. Failure to legislate risks very little progress being made at all.

Turning to 4.2, I believe we must distinguish between education as part of the process and reliance on education to do the bulk of the work. Educators know that when we discuss education in a modern context we talk of the learning process rather than the teaching method. One can attempt to educate all one likes but if the pupil does not want to learn then there will be little progress. To take the pollution issue outlined in 4.2 that of air pollution and asthma, I am fully aware that as a motorist I contribute to air pollution every time I drive, but I still drive. I don't need more education but some other motivation to change my behaviour.

That motivation must come from some form of legislation. It may be as an individual that some form of environmental tax/polluter pays) may change my behaviour. Certainly in terms of business/industry the motivation must be financial. This requires legislation not education. The educational carrot will not work in the absence of the financial stick. The priority must be legislation first and education second if we are to succeed here.

There are no financial or manpower implications arising from this amendment.