

**2.13 Deputy T.A. Vallois of the Deputy Chief Minister regarding the future of Jersey's social policy framework:**

In view of the proposed realignment of legislation and reforms being introduced later in the year by the House of Commons under an Equality Bill, would the Deputy Chief Minister advise whether the Chief Minister will be looking at a similar approach based on Jersey social policy framework, which was established in 2007?

**Senator P.F.C. Ozouf (Deputy Chief Minister - rapporteur):**

I understand that the Equality Bill is at the Committee stage in the House of Lords, which seeks to harmonise existing U.K. discrimination legislation where recent case law may have weakened the intended protection. Jersey has little discrimination legislation currently but is embarking on amending this, firstly through the continued development of employment legislation - the legislation on gender recognition is nearly completion and the States of Jersey recently agreed the development of legislation, of course, for civil partnerships. Clearly without the equivalent legal structure found in the U.K. a similar approach to that adopted by the U.K. cannot be taken. However, with a watching brief on the issues that the Equality Bill seeks to remedy, the development of anti-discrimination legislation in Jersey will be greatly assisted. Anti-discrimination is an important aspect of the social policy framework and it is reflected throughout the Strategic Plan. We strive to maximise the individual's potential of the population and to help everybody lead independent lives without discrimination.

**2.13.1 Deputy T.A. Vallois:**

The Minister mentioned discrimination in particular, but it also entails the Employment Law and Civil Partnership Law which we have just recently agreed. It also entails those laws and the basis of social policy. Would the Minister not agree that this would be something worth taking into account when the Discrimination Law eventually comes to this House?

**Senator P.F.C. Ozouf:**

I agree. I feel very strongly about discrimination. I do think that the best way in a small community to deal with discrimination is sometimes not the full legislative might and complex, burdensome legislation which will impose positive discrimination requirements on business in a small community, I sometimes think that that is something not necessary because we are a small community and by education, and by the good offices of organisation such as the Community Relations Trust, awareness and guarding against discrimination can be very effective. Certainly we will continue to keep a watching brief on the equality bill in the U.K. and seek to identify where we can learn from their experience.

**2.13.2 Deputy G.P. Southern:**

Will the Chief Minister pay particular attention to the impact of this new reform in the U.K. on access to postal voting for those with disability or mobility issues?

**Senator P.F.C. Ozouf:**

I am sure that is something that the Privileges and Procedures Committee will be looking into.

**2.13.3 Deputy T.A. Vallois:**

The Deputy Chief Minister mentioned positive discrimination, is he aware that in the Equality Bill they are mentioning bringing in regulation on positive discrimination; that it will be allowed and what his views are on that?

**Senator P.F.C. Ozouf:**

I am advised that there is going to be all sorts of positive discrimination in terms of obligations on organisations and public authorities to positively discriminate in a number of different ways and the Equality Law marks a further step in terms of positive discrimination in that regard. The U.K. is 20 years ahead of Jersey in relation to Discrimination Law, we are not even at the first post in relation to a Discrimination Law. I want to see that Discrimination Law brought to the Assembly and, in time, if the case is made - and if a strong case is made - the need for positive discrimination. But I think the best way in a small community is by way of persuasion and awareness raising of the need not to discriminate whether on the grounds of religion, creed, sexual orientation, age, disability, *et cetera*.

[11:45]

**2.13.4 Deputy D.J. De Sousa of St. Helier:**

The Minister has just said that Jersey is 20 years behind with Discrimination Law and that he wants to see it brought forward. Will he in his role as the Deputy Chief Minister implore our Chief Minister to move ahead with this, and it is about time it was brought forward and it should not be as tardy as other laws that are only brought in when it is desperate measures?

**Senator P.F.C. Ozouf:**

It is a matter for the Minister for Home Affairs to deliver on Discrimination Law. I would say to the Deputy that I hope it is not desperate measures that Discrimination Law and the matters that Deputy Vallois raises about positive discrimination are not required because we are a caring community in relation to being respectful of different types of individual and people are not judged by what they look at or what they believe or where they come from. That is a function, I think ... something we should celebrate in Jersey as being a tolerant, accepting society. Legislation should be the backstop and I hope that we will never have a crisis in that regard.

**2.13.5 Deputy D.J. De Sousa:**

Just a quick supplementary. When I was recently in hospital I dealt with an Islander that has an illness that has caused a huge discrimination, so it does go on on Island. It is very naïve to understand that it does not.

**Senator P.F.C. Ozouf:**

I accept that it does and the Deputy raises an important point that we do not need a Discrimination Law in order to identify where there are issues. That is a matter that should be taken up with the Minister for Health and Social Services or the relevant public authority in order to deal with it. I would hope that we do not need a Discrimination Law to deal with where there are isolated cases of discrimination.

**2.13.6 Deputy M. Tadier:**

Does the Minister agree that he is once again partaking in sophistry, where on the one hand he pays lip service to the need for the importance of non-discrimination in Jersey but not to the point where we can enforce it in law? Will he confirm that the bottom

line is that we cannot afford in Jersey to have a robust Discrimination Law or an Equality Bill such as in the U.K. because what comes first in Jersey is the bottom line in finance and not people's human and civil rights?

**Senator P.F.C. Ozouf:**

I am sorry that the Deputy feels the way that he does. He knows that I care very passionately about equality issues for a number of different reasons. I would say to the Deputy that every Member of this Assembly would be of the opinion that we should not need an anti-discrimination law or positive discrimination because we are a caring society of which Jersey is recognised both in terms of accepting different kinds of individuals but also caring for those people that are less fortunate around the world, and the generosity of the Island over a number of decades I think is a testament to that. I do not think it is the bottom line. I think that Jersey is a generous, tolerant place and long may it continue.

**2.13.7 Deputy M. Tadier:**

With due respect, the Minister's argument is untenable because if we follow the argument through we could say that we do not need any laws. We do not need murder to be criminal because most people are not murders. It is a complete nonsense and will the Minister acknowledge that if Jersey is to safeguard its reputation internationally, which we are all trying to promote, then this is not conducive and not in line and that we do need to put this in legislation?

**Senator P.F.C. Ozouf:**

I believe that this Assembly needs to concentrate on law which really deals with the issue of discrimination in a positive way, for example, passing the Civil Partnerships Law, passing the Gender Recognition Law. Those are cases whereby the States of Jersey can recognise people equally and is not almost dealing with the problem after it has happened, which is a positive in the way that Deputy Vallois raises. That is where precious legislative time should be spent.

**2.13.8 Deputy T.A. Vallois:**

The point in me raising this question was that the point in the House of Commons bringing this legislation was for realignment and efficiency in bringing the laws together. Seeming as our forefront is to be more efficient in the future I brought this just purely on the basis of the social policy framework and how disappointed I am that this is not being brought to the forefront more and more with regards to our propositions, *et cetera*, in *Keeping Jersey Special*. Would the Deputy Chief Minister, therefore, undertake to ensure that this is brought to the forefront and used more in relation to propositions, reports, *et cetera*, in order to change cultural and political behaviour?

**Senator P.F.C. Ozouf:**

I thank the Deputy for doing exactly what she has sought to do, which is to raise awareness of the issue of discrimination, to raise awareness of the fact that there is a changing landscape in terms of discrimination legislation in the United Kingdom, and she has made an important point, which is going to reach the people that are involved in drafting and considering anti-discriminate legislation. I have not discussed this answer with the Minister for Home Affairs, but I will do so and seek to learn from any experiences from the U.K., and I thank the Deputy for raising this important issue.