

Jersey Employment Law: The Discrimination (Jersey) Law 2013



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Introduction

This briefing note is intended to provide guidance to employers and staff regarding the Discrimination (Jersey) Law 2013.

Discrimination (Jersey) Law 2013

This law came into force on 1 September 2014 and prohibits discrimination on the grounds of “protected characteristics”. The protected characteristics currently covered under the Discrimination (Jersey) Law 2013:

- Race;
- Gender;
- Sexual Orientation;
- Age;
- Gender re-assignment; and
- Pregnancy, Maternity (and marital status).

Disability is due to be added as a protected characteristic as at 1st September 2018.

Based on the UK Equality Act 2010, the four types of discrimination are:

Direct

Treating someone less favourable because of a protected characteristic;

Indirect

Where there is a provision, practice or criteria which indirectly affects an individual with a protected characteristic more than an individual without the protected characteristic. E.g. paying no bonus to all part time employees could give rise to an indirect sex discrimination claim as more women work part time.

Victimisation

Treating an individual less favourable because they have brought a claim for discrimination in the past.

Harassment

Violating dignity or creating a hostile, intimidating or degrading environment for an individual as a result of a protected characteristic- not necessarily their own protected characteristic.

This law covers a wide range of areas, including:

Employment: Promotion/Transfer, Training, Benefits, Terms & Conditions and Dismissal.

Provision of Goods and Services: so clients can bring claims against any business, this would include, for example, discriminatory practices in a restaurant or other establishment.

Management of Property: a landlord can't discriminate on the grounds of a protected characteristic when offering a property for rent.

A number of exceptions have been included in the Regulations so that acts of discrimination in relation to certain protected characteristics would not be a prohibited act for the purpose of the Law. These include:

- Genuine occupational requirements
- Charities relating to a particular characteristic
- Single-sex schools and single-sex services
- Positive action, but not in recruitment
- Recruitment to religious roles
- Pregnancy/maternity and limited term contracts
- Clubs for people who share a protected characteristic

Advice should be sought before considering the use of one of the defences to condone discrimination. This briefing is only intended to give a summary of the subject matter. It does not constitute legal advice.

If you would like legal advice or further information, please contact us on the contact details below.

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