“Don’t be afraid to open your mind…”

“… your brain will not fall out”. What an apt quote because “it has started”. What has started? Ever since 1 September 2014 when the Discrimination (Jersey) Law 2013 came into force, the introduction of a new characteristic each year (apart from last year which was a fallow year) has caused concern, controversy and too many business owners… fear.

Why fear? Inevitably it is the cost and the extra pressure placed on businesses having to introduce policy, procedures, training and that awful spectre of a fine and the publicity that emanates from these types of cases. The refrain that one often hears is: “Just let me get on with running my business”.

Do not get me wrong. I am not a proponent of this nanny state legislation. It does have an impact on businesses in Jersey, the predominance of which are small businesses. Big businesses are generally able to absorb the costs of nanny state influence by way of compliance departments, HR departments, GDPR departments and such like. They can cope with the big brother mentality which now pervades our Government. This is not necessarily the case for the majority of smaller businesses. I get it. However to use that much hackneyed of phrases, “We are where we are”, it seems to me that there is no going back.

The message I send, however, is not to embellish the perceived problem. Frankly I do not consider that us in Jersey are anywhere near as bad (in terms of discrimination) as the States of Jersey or other parties may seek to portray us. Of course, there are terrible exceptions but overall I do not see Jersey as a racist, sexist or ageist society. Of course, the keyboard warriors will tell me different but the statistics do back me up. For example, the JEDT annual report for 2017 refers to 58 cases of discrimination in employment. Not bad.

The latest characteristic to be added to the discrimination stable – disability – will cause a revival of those business concerns. I have seen it already manifesting itself in concerned local press headlines. Each year in which Jersey has introduced a new characteristic to our discrimination law, I have gone on a “roadshow” explaining the important features of the new legislation to businesses. I am now trawling through the disability regulations in preparation for this Summer’s roadshow. I do not have long: the law will come into force on 1 September 2018.

At this stage, the key message I want to get out is that this is not legislation designed to inflict on business owners an immediate requirement to demolish and rebuild their offices come 2 September 2018. Let’s stop that mythological juggernaut in its tracks.

Firstly, there is a 2 year grace period in respect of the duty to make reasonable adjustments to premises. You have until 1 September 2020. The reasonableness will be determined by the size and resources of the business, the extent to which any steps would be effective and the extent to which the business could reasonably have foreseen the adjustment in question.

Of course there will be an impact. To suggest otherwise is naïve but to my mind it is not as severe as the initial reaction might lead us to believe.

In order for us to have a more serene business life, I suspect we need a little bit of perspective. My motto is to embrace these changes. Experience now dictates that. Generally the outcome on businesses is never

as bad as first thought. It becomes part of the everyday business existence and in the case of protecting the characteristic of disability, that must be a good thing.

As for other matters, you will be pleased to hear that my lengthy soliloquy about the jurisdiction of the Petty Debts Court is now endeth. Why? The States in their infinite wisdom have voted to increase the jurisdiction of the Petty Debts Court to £30,000 as of this month (9 April). Hooray. I will therefore leave this topic alone for the next year or so and start my campaign to increase the figure to at least £50,000 in 2020. See – sometimes the Government does listen.