

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY THE DEPUTY OF ST. OUEN
ANSWER TO BE TABLED ON TUESDAY 6th MARCH 2018**

Question

Given the principles of the United Nations Convention on the Rights of Persons with Disabilities which the Disability Strategy seeks to endorse, specifically the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities which include those who have long-term mental impairments which may hinder their full and effective participation in society on an equal basis with others, will the Chief Minister explain why persons addicted to alcohol are excluded from the protections proposed by the Draft Discrimination (Disability) (Jersey) Regulations 201-?

Answer

The draft Regulations do not exclude people who are addicted to alcohol from the protection of the law.

Where addiction is part of, or associated with, a physical or mental health issue, that issue is likely to mean that the person is treated as disabled for the purpose of the Discrimination Law.

For example, dependence on alcohol might stem from depression and anxiety, or it might lead to liver failure or diabetes. In such situations, the person is likely to have protection against discrimination on grounds of disability. This would protect them against less favourable treatment, and employers and service providers would need to take reasonable steps to avoid disadvantaging that person on grounds of their disability.

The approach we have taken to addiction in the draft Regulations is consistent with the UK Equality Act, where addiction is excluded from the definition of disability, but an addict is protected where the person has related impairments.

This was discussed at a public scrutiny hearing held with the Social Security Minister on 1 March 2018, and is explained in the report of the Minister on the outcomes of her consultation on the draft Regulations¹.

¹ R.10/2018 <http://www.statesassembly.gov.je/assemblyreports/2018/r.10-2018.pdf>