

A person is silhouetted against a dramatic sunset sky, holding a large kite on a beach. The sun is low on the horizon, creating a bright glow and long shadows. The sky is filled with large, dark clouds. The person is standing on a sandy beach, and the ocean is visible in the background. The overall mood is serene and adventurous.

Accessible Tourism

Visit Jersey, 31 October 2018



Accessible Tourism

Workshop Agenda

Introduction - Meryl Laisney, Head of Product, Visit Jersey

What is the Law? - Sharon Peacock, Technical Director, Law At Work

Access Audit - Patrick Guyomard, Associate Director, Law at Work

The Practicalities - Malcolm Ferey, CEO Citizens Advice Jersey

What is the opportunity? - Bronwyn Gomes, Executive Officer Enable Jersey

Q&A - Open floor / panel discussion





**A tourism product is
what you buy, an
experience is what you
remember.**

Almost **1 in 5 of the UK population** have a **disability**.

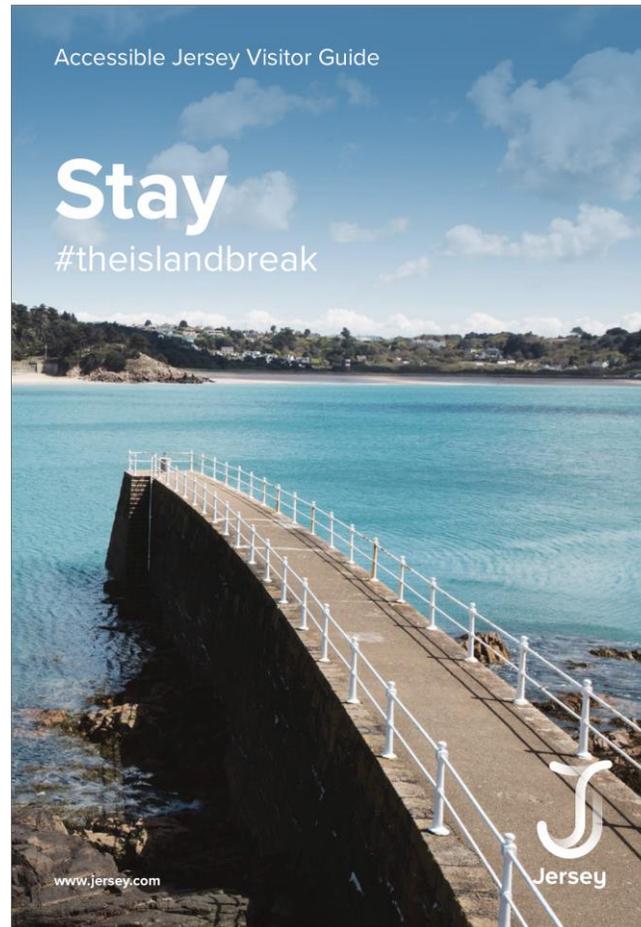
In the UK, there are **800,000 disabled children** under the age of 16 - that equates to **one child in 20**.

3.5 million disabled people are in employment, compared to 2.9 million in 2013.

One in eight adults (approx. 6.5 million) are **carers**.



Jersey is not for the old. Or for the young. Or any particular age range.



**Our tourism experiences
need to celebrate
inclusivity.**



What is our welcome?





Disability Discrimination for the Tourism Sector



Sharon Peacock
Technical Director
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Law At Work
The right advice

Précis:

- **Six** fundamental take away points:
 1. the social model;
 2. wide definition of disability;
 3. the point of no return;
 4. the duty to make reasonable adjustments
 - in force now except for duty re physical feature of premises - due in 01.09.20
 5. avoiding liability; and
 6. awareness.

Next steps?

- help management see the need
- audit current workplace profile/ contractual documentation and policies
- consider confidentiality/data protection
- address discriminatory practices
- train staff – cover disability/pre-empt banter
- support victims
- warn/ re-programme perpetrators
- collate statistics
- put insurances in place; and
- ...take informed advice.

Disability Discrimination for the Tourism Sector



Patrick Guyomard CFIOSH CMaPS
Access Auditor

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Law At Work
The right advice

Précis:

- Assists for the duty to make physical adjustments/auxiliary aids.
- Not a legal requirement
- But UK experience tell us...
- Audit should be carried out by qualified person
- Training of staff is paramount
- Reviewing the effectiveness of the adjustments and acting on the findings
- May assist in discharging/defending duty to make reasonable adjustments.



Call to Action

- **A**ct – start thinking about access now
- **U**ndertake an audit, see what you already have
- **D**evelop a plan, agree training and review
- **I**nvestment - agree your budget
- **T**ime- set your plan, law in force Sept 2020!

Malcolm Ferey
CEO
Citizens Advice Jersey

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Malcolm took up the position of Chief Executive at the Jersey Citizens Advice in November, 2010.

His career background is that after a period of time in the finance industry, where he gained a qualification in financial planning, he moved into the Civil Service and worked at the Social Security Department, having responsibilities for Fraud and Compliance. After obtaining a qualification in Data Protection law, he went on to become the Department's Data Protection Officer.

Malcolm has a keen interest in local affairs, he strives to improve Islanders' lives and to challenge discrimination in all its forms.

Some examples of appropriate terms:

- Term no longer in use: the disabled
Term Now Used: people with disabilities or disabled people
- Term no longer in use: wheelchair-bound
Term Now Used: persons who uses a wheelchair
- Term no longer in use: confined to a wheelchair
Term Now Used: wheelchair user
- Term no longer in use: cripple, spastic, victim
Term Now Used: disabled person, person with a disability
- Term no longer in use: the handicapped
Term Now Used: disabled person, person with a disability

Some examples of appropriate terms:

- Term no longer in use: mental handicap
Term Now Used: intellectual disability
- Term no longer in use: mentally handicapped
Term Now Used: intellectually disabled
- Term no longer in use: normal
Term Now Used: non-disabled
- Term no longer in use: schizo, mad
Term Now Used: person with a mental health disability
- Term no longer in use: suffers from (e.g. asthma)
Term Now Used: has (e.g. asthma)

- Consultation paper issued 4 September 2017.
- Draft disability discrimination regulations lodged 6 February 2018 for debate 21 March 2018.
- Came in to force 1 September 2018.

- Direct discrimination – permits more favourable treatment to those with a disability and includes discrimination arising in consequence of disability.
- Indirect discrimination – extended to include duty to make reasonable adjustments – 1 September 2020.
- Victimisation.
- Harassment.

- (1) Disability is a protected characteristic.
- (2) A person has the protected characteristic if the person has one or more long-term physical, mental, intellectual or sensory impairments which can adversely affect a person's ability to engage or participate in any activity in respect of which an act of discrimination is prohibited under this Law.
- (3) For the purposes of paragraph (2), if a person has more than one impairment, the impairments may be taken together to determine whether they can have the adverse effect referred to in paragraph (2)."

Specific inclusions

- Severe disfigurement (other than a tattoo or a piercing of the body for decorative or other non-medical purposes).

Specific exclusions

- Tendencies to set fires, steal or physically or sexually abuse other persons.

Over to you...

- Smoking
- Alcohol addiction
- Hayfever
- HIV/AIDS
- Cancer
- ME
- MS
- Dyslexia
- Schizophrenia

Defences/Exceptions:

- Genuine occupational requirement
- Objective justification
- States' policy or Ministerial position
- School Admissions
- Sport and competitions
- Passenger Transport Services
- Employment benefits
- Pension schemes
- Financial and insurance arrangements
- Bye laws

Examples of Direct and Indirect Discrimination

- St Jude's is a nightclub that prides itself on its fashionable clientele. George, the door supervisor, refuses to let Matt in to the club. Matt has Down's Syndrome and George does not think he suits the image of the club. This would be direct discrimination. George is refusing to admit Matt because of his disability. This would be unlawful.
- Michel's Bistro is an intimate restaurant with low lighting and a menu written in a small grey font on a large white card. This could be indirect discrimination because the practice of printing the menu in that way places people with a visual impairment at a particular disadvantage. The issue will be whether the Bistro can show that the design of the menu is a proportionate means of achieving a legitimate aim.

Duty to Make Reasonable Adjustments to Premises

- Requirement to make reasonable adjustments will not come into force until 1 September 2020.
- Businesses need not wait until the implementation of the law on 1 September 2020 to make the necessary implementations – ACT NOW!

Exception

- Building Bye-laws – an act of discrimination in compliance with Building Bye-laws provides a defence to any claim for a failure to make reasonable adjustments.
- Current building regs – Requirements already in place for new builds

Examples of Reasonable Adjustments to Premises

- Sam has social anxiety disorder and can struggle to cope with open plan and shared office spaces. His employer operates a hot-desking policy. To help him work effectively, Sam is allowed to work at home for two days a week and for the other three working days he is given his own desk in the corner of the office with a partition screen to give him more privacy.
- Philippa is autistic and finds watching films at the cinema challenging. C.I. Cinema has introduced 'relaxed screenings' of new releases on one Sunday each month. With subtle changes to the environment - including lower sound levels, the lights kept on at a low level and no trailers or adverts - the experience is more positive for people who are autistic, as well as people who have sensory impairments.

Liability

- An Employer is vicariously liable for acts of discrimination by its employees during the course of their employment.
- Applies regardless of whether the acts were done with the Employer's knowledge or approval.
- Employee can also be held personally liable for acts of discrimination.
- Individual Liability of the Employee – Maximum £10,000.
- Horror of Tribunals.

Quick Wins...

- Pillars in a room (cheap fix, highlight with fluorescent tape)
- Opaque pieces on a window
- Height of tables, restaurants, conferences etc.
- Try to avoid putting baby changing facilities in accessible toilets
- People with 'hidden' disabilities. Diabetes, Asthma
- Entrance fees for those with carers
- Talk to the person not automatically to their carer
- Remember – discrimination law is not difficult. Usually all that's needed is a little thought.

Bronwyn Gomes

Enable Jersey





Opportunity

The secret of change is to focus all of your energy, not on fighting the old, but on building the new. Dan Millman.



£12 BN is spent on trips where a member of the party has an impairment



70% of Europeans with accessibility needs have both the financial and physical capacity to travel, amounting to more than 110 million people in 2025.



And the market share increases further when you consider that on average, Europeans with access needs travel with 2 companions. This is a potential market value of more than €265 billion!



What is the opportunity?

Accessible tourism refers to tourism and travel that is accessible to all people, regardless of their physical limitations, disabilities or age. This includes those with mobility, hearing, sight, cognitive, or intellectual and psychosocial disabilities, as well as elderly people and people with temporary disabilities.

CBI Ministry of Foreign
Affairs



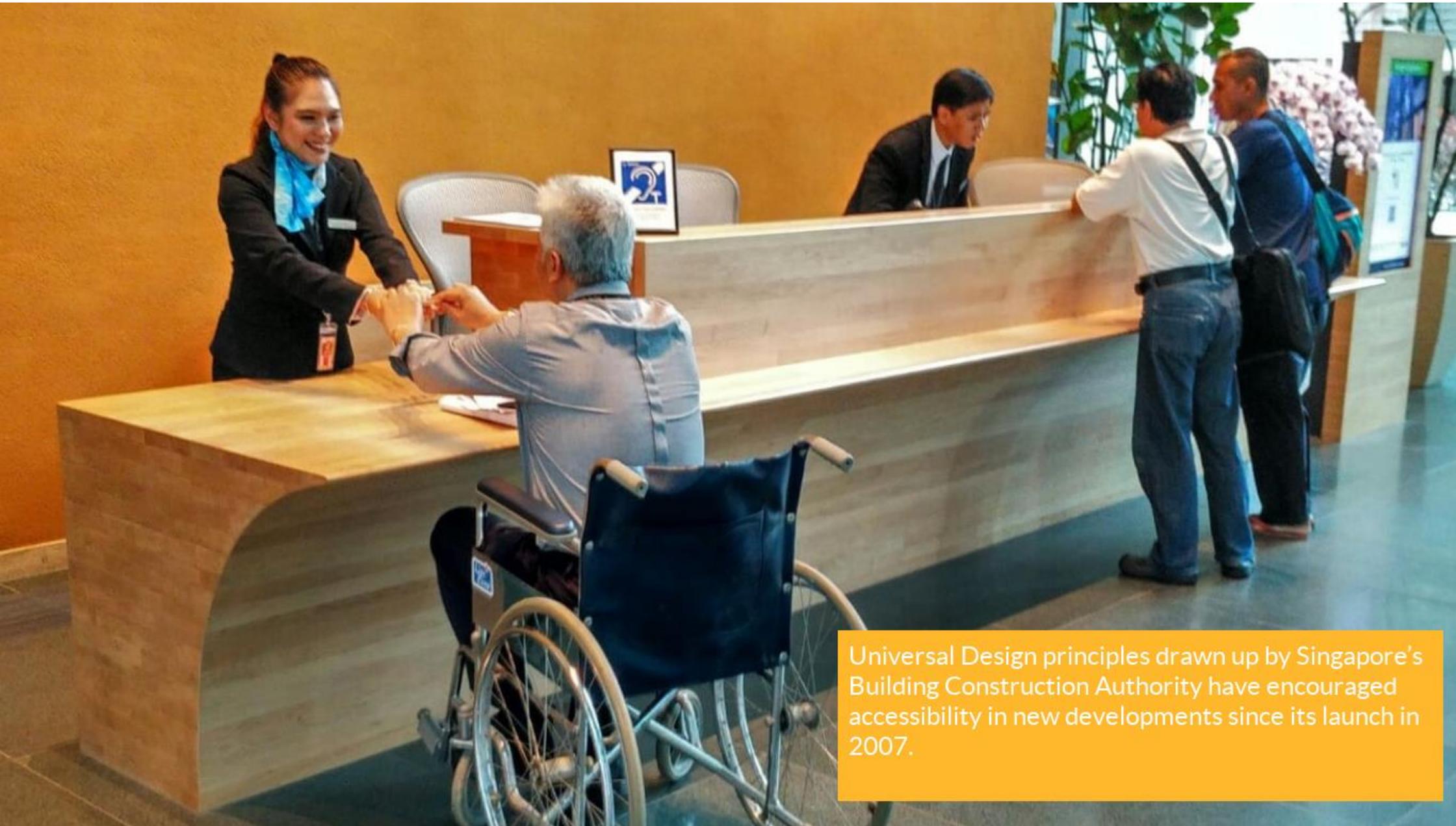
What exactly is
accessible tourism?



“We know what we are, but know not what we may be.” - William Shakespeare

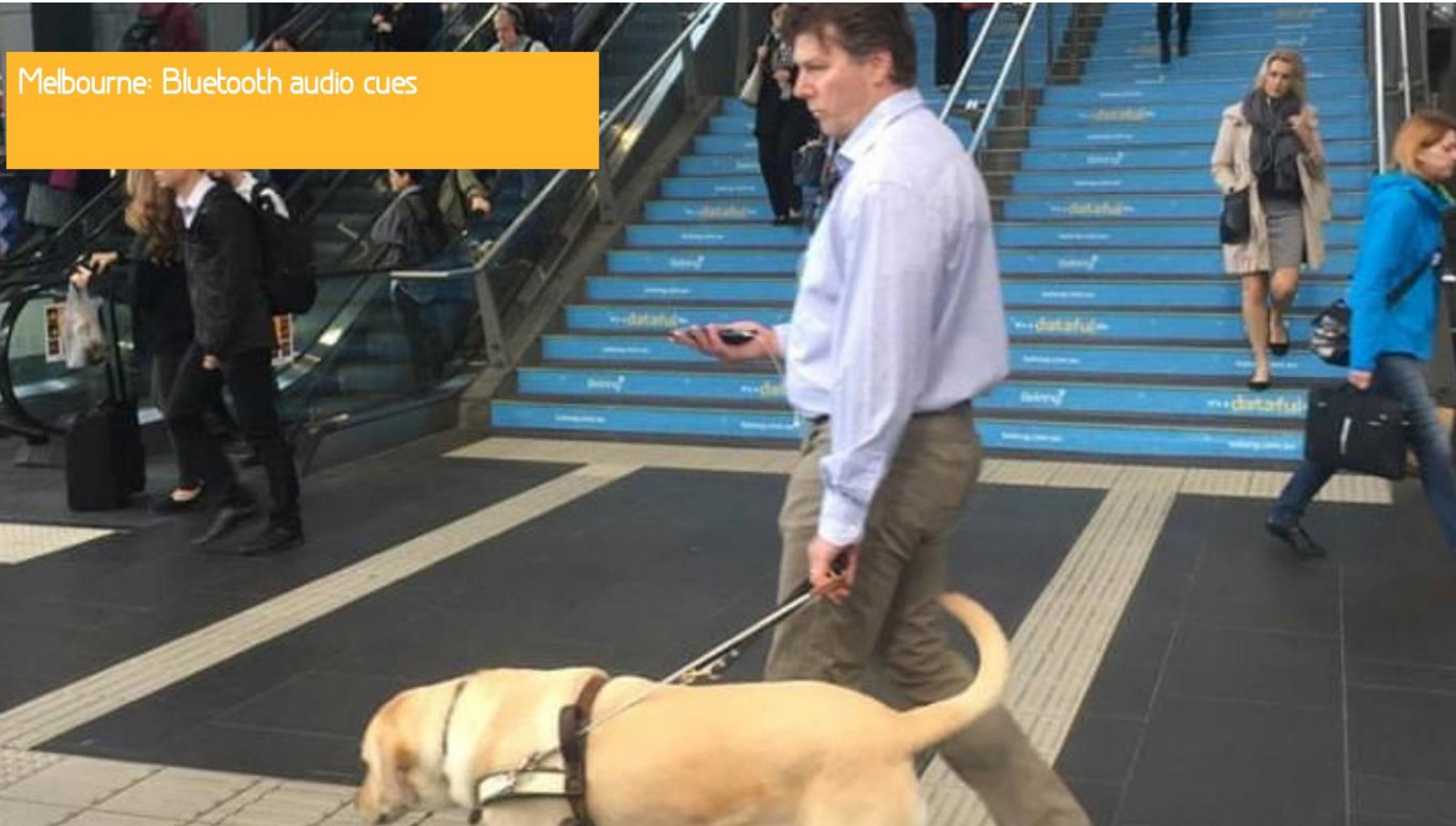
Wheelchair-Friendly Chester, Europe's Most Accessible City





Universal Design principles drawn up by Singapore's Building Construction Authority have encouraged accessibility in new developments since its launch in 2007.

Melbourne: Bluetooth audio cues



How do we move possible to reality?

“Nothing can come of nothing.” - William Shakespeare

Thank You

Questions?

