



EQUAL OPPORTUNITIES

1. Equal opportunities

Equal Opportunities (EO) is about ensuring that your organisation, from its decision making procedures through to any services it might provide, are accessible to everyone. It is also about ensuring that not only does your organisation not discriminate in these things (directly or indirectly), but that it actively opposes discrimination and promotes good practice. EO is not about treating everybody the same but is about ensuring that people differences are recognised and taken into account. EO is a vital part of any voluntary or community organisation and affects the whole range of the organisation's activities.

This fact sheet covers some of the basic areas of the law that you need to consider in relation to your organisation and EO. However these are only basic guidelines and there are some fairly complex legal issues involved.

2. Equal Opportunities Policy

All organisations should have an EO policy. For larger organisations this should include a policy statement, a plan for implementing (sometimes called a Code of Practice) and processes for monitoring and reviewing these things.

Your policy should be developed by your organisation (as opposed to adopting one wholesale from another source). This is so that it not only reflects the needs of the membership of your group and any service users that you might have but also so that the policy is owned, understood and agreed by as many people in the organisation as possible.

3. Membership and provision of services

In certain circumstances organisations may limit the membership or provision of a service to a specific group. There are several major areas of discrimination law, all of which have their own specific exceptions. In general though, the following are true:

If you want to limit the provision of a service or of membership on a racial basis if:

- You are a club or association and you have fewer than 25 members and are not an organisation of workers, employers or a trade or professional group then you may select your membership on the basis of race (though not colour).
- The group is larger than 25 members and its main aim is to enable people of a particular racial group (which cannot be defined by colour) to have membership of the group and enjoy the benefits associated with it.

- As long as your organisation's governing document (constitution) explicitly allows it.

If you want to limit the membership on the grounds of gender then:

- You must be a voluntary organisation the main object of which is to provide services to one sex.
- It must be where a service is being provided and users are likely to be undressed, physical contact between provider and user is involved or where the presence of men is likely to cause embarrassment to women users (or vice versa).

In general it is not unlawful to open your membership to, or provide a service, that is limited to users on the basis of **disability** (physical or mental).

However when providing services to a community in general then to not provide a service, to provide it to a lower standard or to make a service available on different terms for a disabled person is illegal.

There are some exceptions to this rule, however for the most part it is a legal requirement.

Other types of discrimination are not, in general, unlawful which means that your organisation can cater specifically to certain groups of people.

On the other side of this coin is that it is good practice (especially if your membership is open or you provide a service to a community) to not discriminate on other grounds such as religion, political beliefs or sexuality for example.

4. Types of discrimination

Discrimination can take a variety of forms and relates to all aspects of an organisation.

Direct discrimination

Refers to treating one person (or a group of people) less favourably because of their racial group, gender etc than a person from another group might be treated.

Indirect Discrimination

Refers to applying conditions or requirements (for example to the requirements for a specific role in an organisation) that would adversely affect a specific group disproportionately due to their gender, racial group, etc.

Victimisation

Refers to treating someone less favourably because they are involved in proceedings against a discriminator.

5. Employment

Discrimination in employment is unlawful where it relates to gender, racial group, pregnancy or disability. Employment includes recruitment of staff and the accessibility of an organisation to potential staff as well as the ongoing employment of staff. A quick run down of what is covered by each of the above terms is below:

Racial Group

Any group, or person who is part of a group, which is defined by colour, race, ethnic origin, national origin or nationality.

Gender

Any person who may be discriminated against on the basis of their gender, the fact of their being married, or the fact of their being transsexual.

Disability

Is recognised under new disability legislation as anyone who has or has had a physical or mental impairment, which has a substantial and long term adverse effect on his ability to carry out normal day-to-day activities. This includes people who have progressive conditions as well as those such as HIV or cancer. The law in this area has changed recently and now any employer with more than 15 employees must (in most cases) abide by the law on disability discrimination

Maternity

Discrimination against a woman due to her pregnancy.

The law on employment however does make provision for jobs that genuinely require a person of a particular racial group or a particular sex. This is known as a **Genuine Occupational Qualification (GOQ)**. GOQ can apply whether all of the duties or only some of the duties require the employee to be from the specified group.

If you need more information about this then you might want to get in touch with the **Commission for Racial Equality** (www.cre.gov.uk) or the **Equal Opportunities Commission** (www.eoc.org.uk).

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