

Equal opportunities

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Equal opportunities (EO) is about ensuring that your organisation, from its decision making procedures through to its activities and any services it might provide, are accessible to everyone. It is also about ensuring that not only does your organisation not discriminate (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 diversity is recognised and taken into account when planning and delivering activities and services. EO is a vital part of any voluntary or community organisation and affects the whole range of the organisation's activities.

1 | Equal opportunities policy

All organisations should have an EO policy. For larger organisations this should include a policy statement, a plan for implementing the policy (sometimes called a code of practice) and processes for monitoring and reviewing the effectiveness of the plan.

Your policy should be developed by your organisation (as opposed to adopting one wholesale from another source). This ensures that it reflects the needs of your membership, partners and any service users and that it is also owned, understood and agreed by people in the organisation.

2 | 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 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);

- If 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 you may select your membership on the basis of race (though not colour);
- 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 unlawful to limit the provision of a service including providing it to a lower standard or on a different basis because of a person's disability (physical or mental). It is a legal requirement to make reasonable adjustments so that disabled people can access the services that your organisation provides or participate in its activities. 'Reasonable' means taking into account the services that are provided and the organisation's income. For example organisations are not required to make major structural alterations or to provide a ramp to enable wheelchair users to access their building if to do so is structurally difficult or beyond the organisation's means. Instead organisations should think of alternative ways of providing the services to wheelchair users. This may be by providing the services on an outreach basis either at the user's home or some other suitable location or by arranging meetings in a venue that is accessible for wheelchair users.

3 | 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, disability, sexual orientation, religious affiliation or belief or age 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, disability, sexual orientation, religious affiliation or belief or age. An example of indirect discrimination would be holding regular meetings on a Friday evening, which may discriminate against people with a particular religious affiliation by making it difficult for them to attend.

Victimisation refers to treating someone less favourably because they have raised an issue of direct or indirect discrimination.

4 | Employment

Discrimination in employment is unlawful where it relates to gender, racial group, pregnancy, disability, sexual orientation, religious affiliation and beliefs, or age. Employment includes recruitment of staff, the accessibility of an organisation to potential staff as well as the ongoing employment of staff. Organisations should ensure that they are accessible to potential staff by including an equal opportunities statement in job advertisements and by asking potential staff if they have any specific requirements to enable them to apply for posts. It is good practice for organisations to ensure that information that may identify an applicant's gender, racial group, pregnancy, disability, sexual orientation, religious affiliation and beliefs or age is removed before the application is seen by the selection panel.

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: Any person who has or has had a physical or mental impairment which has a substantial and long term adverse effect on their 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.

Maternity: Discrimination against a woman due to her pregnancy.

Sexual orientation: Any person who may be discriminated against on the basis of their sexual orientation or because they have a civil partner of the same sex.

Religious affiliation or belief: Any person who may be discriminated against on the basis of their affiliation to a particular religion, religious belief or similar philosophical belief.

Age: Any person who may be discriminated against on the basis of their actual or perceived age.

The law on employment however does make provision for jobs that genuinely require a person of a particular racial group, particular sex, age, religion or belief. This is known as a **Genuine Occupational Qualification (GOQ)** or, in the case of age, objective justification. GOQ can apply whether all of the duties or only some of the duties require the employee to be from the specified group. Objective justification refers to specific aims and is only valid if it is appropriate and necessary in the particular circumstances. If an organisation is claiming a GOQ or objective justification they will have to produce supporting evidence if challenged; assertions will not be enough.

Further help

Ask BVSC Helpline

0121 678 8888
askbvsc@bvsc.org

Development Agencies website

Links and information for developing voluntary and community organisations.
www.birmingham-da.org

Commission for Racial Equality

www.cre.gov.uk

Equal Opportunities Commission

www.eoc.org.uk

Disability Rights Commission

www.drc.org.uk

Stonewall

www.stonewall.org.uk

ACAS (Advisory, Conciliation and Arbitration Service)

If you need more information on equality with regard to employment.
www.acas.org.uk