



# Community & Voluntary Service

Mid and North Bedfordshire

## How to Provide Equal Opportunities for All

Equal opportunities are about ensuring that your organisation, from its decision making procedures through to any services it might provide, is accessible to everyone. It's also about ensuring that your organisation:

- Does not discriminate (directly or indirectly)
- Actively opposes discrimination
- Promotes good practice

Equal opportunity is not about treating everybody the same but is about ensuring that people's differences are recognised and taken into account. Equal opportunities are a vital part of any voluntary or community organisation and affect the whole range of an organisation's activities.

This factsheet covers some of the basic areas of the law that you need to consider in relation to your organisation and equal opportunities. However, these are only basic guidelines and there are some fairly complex legal issues involved, so if you have any questions or concerns then you should always seek further advice.

### **1: Equal Opportunities Policy**

All organisations should have an Equal Opportunities Policy. For larger organisations this should include 4 components:

- A Policy Statement or Declaration of the organisations commitment to combating discrimination and taking positive action to encourage participation, namely an acknowledgement that the organisation recognises that certain groups of people experience discrimination and is opposed to this situation, and will take steps to combat it.
- The organisation's objectives concerning equal opportunities
- Procedures for implementation
- Monitoring and review processes

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.

## **2: Good Practice**

Voluntary Organisations should ensure that they implement non-discrimination and positive action policies in relation to the following areas of their operations:

- Recruitment and Selection of Paid Staff
- Recruitment and Placement of Volunteers
- Conditions of Employment
- Conditions of Volunteering
- Recruitment of Members
- Recruitment of Management Committees/Trustees
- Recruitment of Service Users
- Provision of Activities or Services
- Promoting and Publicising the organisation
- Dealing with Racist, Sexist or other personally abusive actions by staff, volunteers, service users, members, committee members and visitors.

## **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 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.

## **4: Tackling Discrimination & Inequality**

Voluntary & Community Groups can actively tackle Discrimination and Inequality by:

- Ensuring that no member or potential member of staff, committee member, volunteer or service user experiences unfair or unlawful discrimination

- Ensuring that staff and committee members understand the various forms or effects of discrimination
- Increasing the membership from socially excluded people and, where relevant, from organisations representing people who experience exclusion
- Seeking to ensure that the composition of the management committee reflects that of the population eligible to use the organisation
- Making adaptations to the premises and equipment to ensure that they are accessible by staff, volunteers and users
- Taking legally permitted action to increase the number of staff from under represented groups, especially to senior positions and in posts that have access to the decision making process
- Establishing better links with socially excluded groups
- Increasing the awareness within the organisation of the needs of groups who experience discrimination in order to provide more relevant services
- Reviewing and adapting the organisation's policies, procedures and services to meet the needs of people facing discrimination
- Introducing an equal opportunities dimension in all areas of current and proposed work, recruitment and service provision.
- Considering establishing special projects to combat discrimination, where these are allowed under the relevant legislation
- Advocating equal opportunities (for example by stating that an organisation will only be considered for membership if it has, or is in the process of developing a policy)

So in essence a voluntary or community organisation should strive not only to fulfill their legal duties, but to oppose discrimination, highlight injustice and promote good practice in all they do.

## **5: Employment**

The area of Employment deserves particular consideration in the context of Equal Opportunities, as discrimination in employment is unlawful where it relates to gender, racial group, pregnancy, disability, sexual orientation, religious belief or age. 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 aforementioned terms is set out below:

### ***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.

### ***Racial Group***

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

### ***Maternity***

Discrimination against a woman due to her pregnancy.

### ***Disability***

Anyone who has, or has had, a physical or mental impairment that has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities. This includes people who have progressive conditions such as HIV or cancer. Any employer with more than 15 employees must (in most cases) abide by the law on disability discrimination.

### ***Sexual Orientation***

Anyone who may be discriminated against on the grounds of their sexual orientation, whether they are orientated towards people of the same-sex, the opposite-sex or both sexes. This means lesbians, gay men, bisexuals and heterosexuals.

### ***Religious Belief***

Any person who may be discriminated against on grounds of religion, religious belief or similar philosophical belief.

The law on employment does however 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, the Disability Rights Commission or the Equal Opportunities Commission.

### ***Age***

From 1 October 2006 the Employment Equality (Age) Regulations make it unlawful to discriminate against employees, job seekers and trainees because of their age. The protection covers direct and indirect discrimination, harassment and victimization. The regulations also:

- Remove upper age limits on unfair dismissal and redundancy
- Introduce a national default retirement age of 65, making compulsory retirement below 65 unlawful unless objectively justified
- Give all employees the right to request to work beyond 65 or any other retirement age set by the company.

## **6: Further help**

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**ACAS** (employment advice) - 08457 474747 or [www.acas.org.uk](http://www.acas.org.uk)

**Commission for Racial Equality** - [www.cre.gov.uk](http://www.cre.gov.uk)

**Disability Rights Commission** - [www.drc-gb.org](http://www.drc-gb.org)

**Equal Opportunities Commission** – [www.eoc.org.uk](http://www.eoc.org.uk)

**Business Link** - [www.businesslink.gov.uk](http://www.businesslink.gov.uk)

**Legal obligations** - in respect of Equal Opportunities come from the following Acts of Parliament:

- Equal Pay Act 1970
- Rehabilitation of Offenders Act 1974
- Race Relations Act 1976
- Sex Discrimination Act 1975
- Disability Discrimination Act 1995 and subsequent regulations
- Sex Discrimination (Gender Reassignment) Regulations 1999, amending the Sex Discrimination Act 1999
- Race Relations (Amendment) Act 2000
- Race Relations Act 1976 (Amendment) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006

*This is one in a series of fact sheets produced by CVS – Mid & North Beds, on subjects of interest to voluntary and community groups. It is intended for guidance only and is not a comprehensive statement of the law.*