

# Factsheet

## 27: Equal opportunities

Equal opportunities is 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 affects 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 a policy statement, a plan for implementation (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.

### 2. Membership and provision of services

In certain circumstances organisations may limit its 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:

- You can limit the provision of a service or of membership on a racial basis if:
  - you are a club or association, you have fewer than 25 members and you are not an organisation of workers, employers or a trade or professional organisation
  - 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 gender
  - 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, 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.

Other types of discrimination are not, in general, unlawful which means that your organisation can cater specifically to certain groups of people, for example group of residents of a particular area or people with a shared interest.

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) not to discriminate on grounds such as religion, political beliefs or sexuality.

### 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. 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 summary 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.

**Sexual Orientation** – Discrimination and harassment because of your sexual orientation.

**Disability** – Anyone who has, or has had, a physical or mental impairment, which 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.

**Maternity** – Discrimination against a woman due to her pregnancy.

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, Disability Rights Commission or the Equal Opportunities Commission

### **5. Further help**

**National Centre for Diversity / Investors in Diversity** – [www.nationalcentrefordiversity.com](http://www.nationalcentrefordiversity.com)  
contact 0113 283 7100

**Commission for Racial Equality** – [www.cre.gov.uk](http://www.cre.gov.uk) contact 0161 835 5500

**Disability Rights Commission** – [www.drc-gb.org](http://www.drc-gb.org) contact 08457 622 633, textphone 08457 622 644

**Equal Opportunities Commission** – [www.eoc.org.uk](http://www.eoc.org.uk) contact 0845 601 5901

**ACAS** – [www.acas.org.uk](http://www.acas.org.uk) contact 0845 747 4747, textphone 0845 606 1600

Updated: July 2012