

# Recruitment and Selection

## Equal Opportunities Policy – Why is it so important?

*Your equal opportunities policy should include volunteers as well as paid staff and should cover all areas of volunteering, from recruitment to management and support.*

### **Equal Opportunities is about:**

- Treating everyone equally regardless of their background or circumstances
- Redressing inequalities
- Creating groups, organisations and societies that are inclusive
- Celebrating difference
- Change
- A way of thinking, being, acting, behaving
- Exploration of your own personal beliefs and values
- Working out your own role in combating discrimination and oppression

Equal opportunities are part of sound community involvement and voluntary work practices and should be central to your activities. A number of individuals, groups, communities in this country currently face discrimination, these include:

- Women
- Black and minority ethnic people
- Young and old people
- Travellers
- Religious communities
- Working class communities
- People with disabilities
- Lesbians, bisexuals and gay men
- Transgender people
- Offenders and ex-offenders
- Homeless People
- Refugee and Asylum Seekers

The above groups share a common experience of being oppressed because of structural factors, dominant beliefs and individual and group behaviours.

### **Why is an Equal Opportunities Policy so important?**

The importance of Equal Opportunities and the advantages of developing your own effective policy include:

- The growth of groups and organisations that are anti-discriminatory and open to all sections of the community
- The development of a quality service and activities that are relevant and appropriate
- The involvement of a diverse range of volunteers from different social, cultural and ethnic backgrounds
- The prevention of unlawful or unfair discrimination
- An improvement in recruitment and selection practices
- The ability to positively influence the practices of other groups or organisations and the community at large
- The potential of attracting additional funding

The absence of effective equal opportunities will result in:

- A smaller pool of volunteers
- Less links with local community groups
- A reduced range of volunteering experiences available
- Limited access to the full range of resources and experiences available
- The notion of a stereotype volunteer
- Exclusion of volunteers and clients

### **What about the law?**

It is illegal to discriminate but legislation is limited and only covers certain activities such as recruitment and employment practices and to lesser degree the provision of services. It also only currently covers race, sex and disability. Where legislation exists, it stipulates a requirement that discrimination is not permissible. Some of the key legislation relating to equal opportunities includes:

#### **Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000**

This makes it unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. The amended Act also imposes general duties on many public authorities to promote racial equality. It applies to jobs, training, housing, education and the provision of goods, facilities and services. The Commission for Racial Equality has issued a code of practice on implementation of the Act. The code came into effect on 31 May 2002.

Information about the Act and the code of practice is available from the Commission for Racial Equality,

#### **Sex Discrimination Act 1975 (Amended and broadened 1986)**

This deals with discrimination on grounds of sex or marriage and applies to men and women. The SDA makes it unlawful to discriminate on the grounds of sex.

The SDA applies to two kinds of discrimination:

1. Treating someone unfairly because of their sex
2. Indirect discrimination - setting unjustifiable conditions that appear to apply to everyone, but in fact discriminate against one sex.

For example, a rule saying that only people more than 6 feet tall will be hired will exclude far more women than men. Or, a rule saying all employees must work full-time would discriminate against many parents.

#### **Change in Definition of Indirect Discrimination**

Under the Sex Discrimination Act 1975 and Race Relations Act 1976, indirect discrimination in employment was based on the indirect discriminatory act being a "requirement or condition" which was not justifiable and had the effect of discriminating against a racial group and/or one sex. The definition has now been extended to a "provision, criterion or practice". This should have the effect of making it easier for a person to claim indirect discrimination.

### **The Equal Pay Act**

The Equal Pay Act (EPA) took effect in 1975 and was amended in 1984. The EPA says women must be paid the same as men when they are doing equal work

### **Disability Discrimination Act 1995**

This deals with discrimination against disabled people – that is, when someone treats a disabled person less favourably than someone else, without justification, for a reason related to their disability.

Discrimination also occurs if, without justification, a 'reasonable adjustment' is not made. The Act applies to all those who provide goods, facilities and services to the public. The employment provisions of the Act apply to employers with 15 or more employees.

### **The Chronically sick and Disabled Person's Act 1970, amended 1976:**

Employers are obliged to provide facilities for people with disabilities in terms of means of access to and within, parking and sanitary arrangements.

### **The Equal Pay Act 1970 & Sex Discrimination Act 1975:**

Employers may not discriminate between men and women or married and unmarried people in recruitment, or in any other way in the treatment of employees. Equal treatment, in respect of pay, terms of contract and employment must be given to men and women doing the same or broadly similar work.

### **Codes of Practice**

There are Codes governing employment practice with regard to race, sex and disability. They have been approved by Parliament but do not have the force of law. However if an industrial tribunal considers any of their provisions relevant to a case, then they must take such provisions into account.

### **Rehabilitation of Offenders Act 1974**

It is unlawful to deny someone a job solely on the grounds of a 'spent' conviction. The time period that must elapse before a conviction is deemed 'spent' varies with the gravity of the offence. There are exemptions, and candidates for certain jobs do have to reveal past convictions, for example, people applying to work with children or other groups of 'vulnerable' people.

Many of the Acts outlined above, have since been amended and additional clauses added, so it is advisable to contact the organisations listed at Appendix V.

*Over time, similar provisions are likely to be extended to other forms of discrimination. In December 2003 Lesbian, Gay and Bisexual and Religious or other beliefs and December 2006 – Age Discrimination.*