

Avoiding Discrimination

Key points guide

- Discrimination law applies to your organisation when it acts as an employer of both paid and voluntary staff.
- The law also applies when you provide services to a section of the public including the hiring out of any premises you own or control
- The Discrimination law covers race, sex, sexual orientation, gender reassignment and pregnancy and maternity. These are the 'protected characteristics'. It will also cover age discrimination from 1 September 2016.
- The law requires you to avoid discrimination. It does not require you to employ a certain proportion of people from protected groups or ensure that your services are provided to a certain number of people from particular backgrounds.
- It is unlawful to treat someone less favourably because of a protected characteristic in relation to employment, the provision of services or the disposal of premises
- Appointment to paid or unpaid employment should therefore be on merit and not affected by considerations relating to any of the protected characteristics.
- Do not make decisions based on any assumptions about how people 'typically' act or behave.
- If you carefully choose the best individual for a position based entirely on merit and without making any assumptions based on a protected characteristic then you should be safe from any discrimination claim.
- Be aware of any arrangements you may have that will have a particular impact on people who share a protected characteristic.
- Documents written in a particular language can cause a disadvantage to those who speak a different language. Where practicable consider producing key documents in more than one language so that as many people as possible will understand the information you are trying to communicate.
- Where producing information in more than one language would be too difficult or expensive, consider reaching out to members of other communities who may be able to help you communicate with those who do not speak your language

- Avoid labelling people based on their race, sex, age or sexual orientation. If appropriate, ask how they would choose to describe themselves.
- When talking to service users or clients avoid asking intrusive questions about their personal life unless they have made it clear that they are comfortable with the topic. Many people choose not to reveal their sexual orientation to others. Do not assume that a service user or client will be married or in a relationship with someone of a different sex.
- The Discrimination Law contains appropriate exceptions allowing services to be targeted to the needs of a particular race, sex or age. These tend to focus either on the fact that certain people have a greater need for the service (eg screening for breast cancer and prostate cancer) or that the provision of separate services is appropriate for reasons of privacy.
- Where you are providing a service to people who share a particular characteristic – for example running a drop in centre for young women or pensioners, be prepared to explain why you are delivering the service that way and how that fits in with the exceptions provided for in the Discrimination Law.
- If someone complains to you about discrimination in your organisation, make sure to treat their complaint with respect.
- It is particularly important not to withhold a service from someone who has made a complaint – even an unfounded one – in good faith. Employees/volunteers too are entitled not to be victimised for making allegations of discrimination.