



EQUALITIES LEGISLATION

A GUIDANCE FOR GOVERNING BODIES OF SPORT

This PDF is interactive, please click on the navigation tabs at the top of each page to link to the relevant equality strand.

Foreword

The equalities legislation within Britain is complex. Within this legislation is a wide range of Acts, regulations and duties which can impact upon sport. Recent changes in the legislation through the Equality Act 2006, which are likely to have significant positive changes for equity within sport, were the catalyst for UK Sport and **sportscotland** to produce this guidance for Governing Bodies of sport.

We are both delighted to work in partnership on this guidance document, as we both strongly believe that it is vital for Governing Bodies of sport to have a clear and simple explanation of their legal equality duties and requirements.

This guidance builds on *The Equality/Equity Standard: A Framework for Sport* and we believe that both the Standard and the guidance together will assist Governing Bodies of sport to continuously improve by implementing equality at every level within their organisations.



Sue Campbell

Sue Campbell CBE
UK Sport
Chair



Julia Bracewell

Julia Bracewell OBE
sportscotland
Chair

Acknowledgements

UK Sport and **sportscotland** acknowledge the work of Maclay Murray & Spens, authors of this document.

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sportscotland and UK Sport would like to thank the following for their support in producing this report:

- ▣ **Anne Adams-King** and **Melissa Musgrave**, Amateur Swimming Association / British Swimming
- ▣ **Laura Hunter**, England Basketball
- ▣ **Helen Murdock** and **Helen Bushell**, England Netball
- ▣ **Judy Rogers**, English Table Tennis Association
- ▣ **Jane Carnall**, Equality Network
- ▣ **Becky Pheasey**, Fitter Futures
- ▣ **Lucy Faulkner**, Football Association
- ▣ **Gavin Macleod**, Scottish Disability Sport
- ▣ **Tim Woodhouse**, Sport England
- ▣ **Novelette Rennie** and **Nik Trivedi**, Sporting Equals
- ▣ **Matt Fisher** and **Julian North**, sports coach UK
- ▣ **Sam Dick**, Stonewall
- ▣ **Roger Clifton**, VAGA Associates
- ▣ **David Bareham**, Wiltshire and Swindon Activity and Sports Partnership
- ▣ **Shahana Lais**, **Cassie Smith** and **Christine Lillistone**, Women's Sports Foundation
- ▣ Individuals at British Gymnastics, Disability Sport Wales and Netball Scotland

Introduction

WHAT DOES THIS GUIDE CONTAIN?

This guide contains a clear and simple explanation of the legal duties and requirements for Governing Bodies of sport under the six major equality strands, which are:

GENDER	SEXUAL ORIENTATION
DISABILITY	RELIGION OR BELIEF
RACE	AGE

WHY SHOULD WE READ IT?

This guide contains important information affecting all areas of your operation, whether that be as an employer, a service provider, a qualifications body, a training provider or many of your other functions.

WE DO NOT HAVE ANY EMPLOYEES – DO WE STILL NEED TO READ ABOUT THE EMPLOYMENT PROVISIONS?

Even where you rely on volunteer office-holders to run your organisation, as the equalities legislation applies widely, this guide contains information you need to know.

Where you depend on “volunteers” more generally, you must remember that there is a fine line between when an individual will truly be classed as a volunteer and when they will fall within the legal definition of “employee”. This can lead to you having employment responsibilities where you didn’t expect them (see Jargon Buster section for more information).

WHAT IS MEANT BY “EQUALITY”?

Equality refers to creating equality of opportunity, which does not necessarily mean treating everyone the same. Equality is not just about equal numbers or reasonable representation based on the sector of society being measured. Instead, it involves treating people in such a way as to ensure overall fairness and to prevent discrimination.

In Scotland, the term “equity” is used in preference to “equality”. Sports equity is concerned with fairness, justice, inclusion and respect for diversity. It recognises that inequalities do exist in sport, and that positive and proactive steps to overcome these inequalities are required.

For the purpose of this guidance, the terms “equality” and “equity” should be considered to be interchangeable.

WHY SHOULD EQUALITY ISSUES BE A PRIORITY FOR US?

Tackling equality issues will:

- Enable you to reach out to new audiences and increase the numbers of participants, members, coaches, officials, spectators and volunteers within your organisation; and
- Enhance the skills and knowledge base of your staff and volunteers and help you to comply with the law.

WE ARE WORKING TOWARDS THE EQUALITY/EQUITY STANDARD – HOW IS THE GUIDANCE IN THIS DOCUMENT RELEVANT TO THAT WORK?

This guide – which contains good practice examples from a variety of sports - will help you to understand your Governing Body’s wider legal responsibilities in relation to equality issues. A useful tool to aid compliance with these responsibilities is the *Equality/Equity Standard: A Framework for Sport*. Regardless of whether or not your Governing Body has embarked on working through the various levels of the Standard – and if you have, regardless of the level achieved so far – this guide is intended for you.

The key steps for Governing Bodies looking to achieve the Equality/Equity Standard are:

1. Gather and analyse monitoring information

Information should be gathered in relation to employees, volunteers, service users, etc. Regular analysis of the information obtained via monitoring will highlight potential hot spots requiring further investigation and/or corrective action (for further details on monitoring, see below).

2. Consult with stakeholders

Opening a dialogue with employees, service users and so on will help you assess the best way to amend policies, practices, facilities, etc. To address the needs of different sections of the community.

3. Carry out equality impact assessments

All policies should be impact assessed in order to consider their effect on men/women, disabled/non-disabled, people from different ethnic backgrounds, etc.

4. Prioritise and implement equality objectives

Build equality objectives into organisational objectives, as well as individual job descriptions, objectives and appraisals. This will include reviewing equality and harassment policies and procedures, and ensuring appropriate training provision for staff at all levels.

5. Report on and review actions taken

It is important to keep priorities under review in order to show due regard is being had to the need to promote equality of opportunity for all and eliminate discrimination and harassment. Details about the Standard and the required outcomes for each level are available on the Equality/Equity Standard website: www.equalitystandard.org

WHAT ARE THE PUBLIC SECTOR EQUALITY DUTIES?

The Macpherson Report into the circumstances of the Stephen Lawrence case provided the spur for the introduction of the first of the Equality Duties - race - in 2002. Before their introduction, the main means of dealing with discrimination was by individuals bringing claims of discrimination before the employment tribunal or courts. Although this could remedy individual cases, it was recognised as an ineffective way of tackling larger underlying problems, such as the institutional racism identified in the Macpherson Report. The public sector duties are therefore a positive means to bring about much wider culture change within society, improving the treatment of employees and helping to bring about the delivery of better public services for all.

Therefore organisations must now be proactive in addressing equality issues for staff and service users following the introduction of public sector Equality Duties in relation to three of the equality strands: race, disability and gender.

Although currently covering only these three strands, it is expected that the Duties will be extended to cover religion or belief, sexual orientation and age over the next couple of years under proposals for a Single Equality Act. An accreditation scheme could also be introduced to apply the Duties more broadly across the public and private sectors. To keep up to date with the progress of these proposals, visit: www.communities.gov.uk

WHAT DO THE EQUALITY DUTIES INVOLVE?

Each of the three sets of Equality Duties has two main elements: the “General Duty” and the “Specific Duties”.

The dual aims at the heart of the General Duty are:

- **the promotion of equality of opportunity for all; and**
- **the elimination of discrimination and harassment.**

These basic principles are expanded in different ways depending on the equality strand involved (see relevant sections for more details).

The Specific Duties give a framework to help organisations achieve the General Duty. The main focus of the Specific Duties under each of the three equality strands is the preparation, publication and implementation of an Equality Scheme which should demonstrate how an organisation intends to fulfil its obligations.

HOW ARE GOVERNING BODIES AFFECTED BY THE EQUALITY DUTIES?

Both the General and Specific aspects of all three sets of Equality Duties explicitly apply to certain public authorities which provide funding for your organisation and with whom you work in partnership. These include: all sports councils; the Department for Culture, Media and Sport; the Scottish Government; and local authorities.

In order to implement their Duties fully, these organisations are likely to make demands of you, which might take the form of:

- ❑ **equality conditions being placed on funding, such as achievement of specific levels of the *Equality/Equity Standard: A Framework for Sport*;**
- ❑ **the requirement to ensure policies are compliant with current legislation;**
- ❑ **the requirement to monitor the number of participants, members, coaches, officials, spectators, volunteers and so on with reference to each of the equality strands (this is a very important area - see below for further information).**

In addition, funding agencies may set targets for increased participation among different sections of the community.

These are routes by which the Equality Duties affect Governing Bodies indirectly and you are encouraged to visit the websites of the organisations mentioned above to view their Equality Schemes.

However, where a Governing Body is performing “functions of a public nature” you will be directly affected as you will be expected to comply with the General Duty under two of the three strands: Disability and Gender.

ARE WE PERFORMING “FUNCTIONS OF A PUBLIC NATURE”?

When considering this issue, you will need to ask a number of questions about your Governing Body, including:

- ❑ **do we receive public funding?**
- ❑ **do we provide a public service?**
- ❑ **do we work in partnership with those public authorities explicitly covered by the Equality Duties?**
- ❑ **is there a public interest in the functions of our Governing Body being performed?**
- ❑ **is our main motivation in serving the public interest rather than profit?**

The more inclined you are to answer yes to these questions, the more likely it is that you are performing “functions of a public nature”.

Unfortunately, no hard and fast guidelines can be set out as the Equality Duties have not yet been tested in the courts. Some guidance can be taken from the Human Rights Act 1998, which also uses the definition “functions of a public nature”. When this Act was being debated prior to its introduction, the then Home Secretary expressed the view that the Jockey Club would be covered as it exercises public functions. At present no Governing Body is listed in the legislation as performing a public function.

Governing Bodies unsure of their position would be best advised to take specific legal advice. Looking to the future, the Government has promised to clarify the definition via the Single Equality Act (see above).

WHAT SHOULD WE DO NOW?

You should make an assessment of the functions you perform, considering the factors set out above. Where these may be considered to be of a public (rather than a private) nature, you will need to abide by the aims of the Equality Duties: promoting equality of opportunity for all and eliminating discrimination and harassment. Even if you do not believe you are performing functions of a public nature, because of the uncertainty you would be well advised to adopt - or augment - a best practice approach to equalities issues.

WHY IS MONITORING SUCH AN IMPORTANT ISSUE?

Collecting good monitoring data is important across each of the six equality strands as a best practice way of ensuring that equality policies are making a difference, and recruitment practices are being complied with. *The Equality/Equity Standard: A Framework for Sport* requires Governing Bodies to collect statistical data across the organisation. The Equality Duties also encourage – and at times, require – public bodies to monitor the equity profiles of their staff and the impact of their services. As a result, sport councils may require equality monitoring data from Governing Bodies.

The following offers good practice on monitoring. When embarking on a monitoring exercise it is essential you understand the purpose of monitoring, know what you plan to do with the information and communicate this clearly to those from whom you are collecting the monitoring information. Should you be in any doubt as to the approach you should take, contact the lead Equality Officer at your associated sports council for further guidance. You can also visit the Equality/Equity Standard website for sample forms: www.equalitystandard.org

Regular analysis of the information obtained via monitoring will highlight potential hot spots requiring further investigation and/or corrective action. The types of issues which might be flagged up include the fact that people from certain groups:

- ❑ do not apply for particular posts; have a higher failure rate when they do apply; or are not well represented in senior positions;
- ❑ are under-represented at elite level compared to grass-roots level; or
- ❑ participation in your sport is primarily from certain groups of society.

Although equality information may be collected as part of the employment or volunteer application or membership application processes, the information should not be collected on application forms or membership forms, but on a separate equality monitoring form. This form should contain both a statement of your commitment to equality of opportunities and an explanation of why and how the data will be used. Where practicable, keep the information collected in an anonymised form in order to comply with the requirements of the Data Protection Act 1998.

You should allow the option “not to answer” any of the questions you place on monitoring forms. It is important that no inference should be made about a person’s sexual orientation, religion, etc simply because they have preferred not to disclose it. If equality policies and training are implemented correctly, over time you should see a decrease in the number of “prefer not to answer” responses as employees and participants see that the information is being used for positive purposes.

Effective monitoring enables Governing Bodies of sport to understand who is and who is not participating in your sport. This data will enable you to establish a strategic plan to grow your sport and efficiently target certain groups to increase participation, volunteers etc. Efficient targeting and any related positive action based on monitoring data will also enable Governing Bodies to use resources in the most effective manner.

More information on monitoring is included in each of the individual sections.

Please note: the guidance contained in this document is intended as a general guide only. It is not intended to contain definitive legal advice which should be sought as appropriate in relation to any particular matter.

Jargon Buster

Throughout this guide, certain types of discrimination and legal concepts will be referred to. For ease of reference, definitions of these are set out here.

Although the focus of this guide is **good** practice, some examples of **bad** practice are set out in this section, some of them based on actual case-law examples, to illustrate where things can go wrong.

1. Direct discrimination

Involves treating person A less favourably than person B on the ground of A's gender, race, disability, religion or belief, sexual orientation or age. It is **not** possible to justify this type of discrimination other than on very narrow grounds in relation to age.

Examples of direct discrimination:

- ❖ Refusing to allow a team to use training facilities because they are all athletes with Down's syndrome;
- ❖ Only allowing individuals aged 18 - 25 to apply for coaching qualifications;
- ❖ Not permitting women to referee men's national competitions.

2. Indirect discrimination

Occurs where a provision, criterion or practice is applied to an individual or group that has the effect of discriminating against a protected group, even though that is not the intention. This type of discrimination can occur in relation to gender, race, religion or belief, sexual orientation or age. Disability is dealt with slightly differently (see 3. below).

Examples of indirect discrimination

- ❖ Requiring UK qualifications for a job and not accepting overseas equivalent qualifications would disadvantage those not educated in the UK and could discriminate against certain racial groups;
- ❖ Holding coaching sessions only on Fridays at mid-day - a particularly important prayer time for Muslims - therefore making it unlikely people of that religion will be able to attend.

Treatment which is indirectly discriminatory can be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim. This means that it must be shown that the business needs outweigh any discriminatory impact on the protected group or individual. This is a difficult test to satisfy. A justification argument based solely on cost or expense will rarely be successful.

CASE-LAW EXAMPLE OF OBJECTIVE JUSTIFICATION

- ❖ A refusal to confer qualified teaching status on an individual was objectively justified as the teacher training course undertaken by the individual in Hong Kong was not of sufficient standard or length when compared with the equivalent course in the UK.

3. Disability-related discrimination

Occurs when person A is treated less favourably than person B for a reason which relates to A's disability.

CASE-LAW EXAMPLE OF DISABILITY-RELATED DISCRIMINATION

- ▶ A dietician with epilepsy would experience blackouts and lose her bearings. These were more frequent if she was under stress. Her GP was concerned about the fact she was being pressured to work through her breaks and rest periods and wrote to the employer. This led to colleagues ostracising her and 4 spurious referrals to the occupational health department. She was awarded £10,000 in settlement of her claim.

It is possible to justify disability-related discrimination if you can show a material and substantial reason for treating a person in a particular way. However, this is a difficult test to satisfy and if you are challenged in the employment tribunal or courts you will need to provide firm evidence to support the decisions you have taken.

4. Victimisation

Those who have made allegations of discrimination along with those who have supported or given information in connection with such allegations are given special protection.

CASE-LAW EXAMPLE OF VICTIMISATION

- ▶ Disciplining two black members because they made a complaint of race discrimination and copied it to various organisations, including the Commission for Racial Equality and a sport's Governing Body.

Example of victimisation

- ▶ Refusing to put an athlete forward for a national training programme because she had complained of being harassed on the grounds of her sexual orientation.

5. Harassment

Is defined as unwanted conduct that has the purpose or effect of violating a person's dignity; or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person.

Harassment can occur in many ways, ranging from verbal abuse to ridicule; psychological intimidation to physical violence; or from social exclusion to misuse of power. It does not need to take place over a period of time. One incident of sufficient seriousness can be enough for an individual to bring a claim.

CASE-LAW EXAMPLE OF HARASSMENT

- ▶ A gay employee was awarded more than £23,000 compensation for harassment on the grounds of sexual orientation when his colleagues subjected him to disparaging remarks and inappropriate gestures.

Bullying is not defined in employment legislation but it could generally be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. This type of behaviour could give rise to a harassment complaint or could lead to an employee resigning and claiming constructive dismissal.

6. Positive Action

Refers to a variety of measures designed to counteract the effects of past discrimination and to help eliminate stereotyping. It is frequently confused with positive discrimination, which involves recruiting someone because they are in an underrepresented group, or refusing to recruit someone because they are in an overrepresented group. An example of positive discrimination would be appointing a person purely on the grounds of his or her race or gender, rather than on that person's ability to do the job in question. Positive **discrimination** is **unlawful** (unless a Genuine Occupational Requirement applies to the post). Positive **action** is **lawful**. It is best practice to base positive action on evidence, which could include gaps identified in research, audits or statistical data.

You should remember that positive action is about making it easier for one group, not about introducing barriers for another group. Selection must still be on merit.

Examples of positive action

- ▣ Providing taster sessions for persons in under-represented groups;
- ▣ Advertising a post in a magazine, the readership of which is predominantly female, if there is clear evidence that women are under-represented in the organisation seeking to recruit.

7. Genuine Occupational Requirement (or Qualification)

This is an argument that an individual's gender, race, etc is necessary for a job and can provide a defence to discrimination claims (not disability discrimination claims).

Example of Genuine Occupational Requirement

- ▣ Requiring a female coach for Muslim women who would not attend lessons if taken by a man.

8. Reasonable Steps Defence

A Governing Body will not be liable for the acts of its employees if it can prove that it took all reasonable steps to prevent the employee from committing discriminatory acts and harassing others. The types of steps a Governing Body will be expected to take include:

- ▣ Having an equality policy;
- ▣ Training staff and volunteers in the equality policy;
- ▣ Having a recruitment and selection procedure that provides for a thorough job analysis to establish the criteria for the job and proper assessment of each candidate against those criteria;
- ▣ Ensuring grievances about harassment are dealt with thoroughly and swiftly;
- ▣ Monitoring under each of the equality strands.

9. Volunteer or Employee Status

The table below contains a reminder of where the dividing lines are drawn between the two types of arrangement.

Pointers to Volunteer Status	Pointers to Employee Status
Where someone gives freely of their time to an organisation which is in need of that time - expecting nothing in return - this captures the essence of volunteering.	If the individual is obliged to do work which is offered, or the organisation is obliged to offer work, it is more likely an individual is employed.
Payment of out of pocket expenses only can point to volunteer status.	Regular payments going beyond reimbursement can be classed as wages and signal employment status.
Volunteer Agreements should be in place and policies drafted specifically for this class of individuals.	Applying usual staff contracts and policies across the board leaves you open to “volunteers” being classed as employees.
Providing training to enable the individual to undertake their volunteering role.	Providing training above and beyond what is needed for the volunteering role e.g. paying for computer skills training when the “volunteer” is not required to use a computer.

For Governing Bodies, this means that where someone you see as a “volunteer” is scheduled to run a session at a certain time, is expected to do so every week/fortnight/etc, and they are paid more than simply expenses in return, they could be classed as an employee. This means you will need to treat them as such and meet the obligations set out in employment legislation. There are a number of cases which consider the question of whether an individual is a volunteer or an employee. See, for example, the Employment Appeal Tribunal decisions in the cases of: South East Sheffield Citizens’ Advice Bureau v Grayson [2004] IRLR 2004; and Melhuish v Redbridge Citizens Advice Bureau [2005] IRLR 419. www.employmentappeals.gov.uk

10. Private Members’ Club or Associations

The “private club” provisions of the equalities legislation apply to any association of persons if it has 25 or more members; admission to membership is regulated by a constitution (the admission process being conducted in such a way that members do not constitute a section of the general public); and it is not a trade organisation.

Simply calling a service a ‘club’ does not necessarily mean it will be a private club. For example, if membership is required but services are still also provided to members of the public, the club would be covered by the rules relating to provision of goods, facilities and services set out above.

11. Equality and Human Rights Commission

The Equality Act 2006 led to the creation of the Equality and Human Rights Commission (EHRC). On 1 October 2007 the three equality commissions which had previously existed (the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission) merged into the new EHRC. As well as bringing together the work of the three previous commissions, the EHRC also takes on responsibility for the other aspects of equality: sexual orientation, religion or belief, and age, along with human rights.

The new Commission has a variety of roles including:

- ✦ **enforcing equalities laws - ensuring compliance with the Equalities Duties and taking action in relation to discriminatory advertising;**
- ✦ **promoting good practice - providing help and assistance to individuals and organisations, as well as issuing good practice guidance and statutory codes of practice;**
- ✦ **influencing development of the law and government policy; and**
- ✦ **commissioning, assessing and publishing research on the state of equality and human rights in Britain.**

For further information on the work of the EHRC, visit the website: www.equalityhumanrights.com

Enforcement

WHAT ACTION CAN BE TAKEN AGAINST US IF WE FAIL TO COMPLY WITH...

...our employment responsibilities?

An individual (or individuals) can lodge a claim in the Employment Tribunal. Such claims can be lodged against the Governing Body and against individuals who are alleged to have been responsible for any discrimination or harassment.

If a complaint is upheld by the Employment Tribunal, there are three main remedies which can be awarded:

- **A declaration that discrimination has occurred;**
- **A recommendation that the Governing Body (and/or any individual against whom a claim has been made) takes action to reduce the effect of discrimination on the claimant;**
- **An order to pay compensation to the individual.**

The most common remedy is compensation. There is no limit to the amount of compensation which can be awarded and both the Governing Body and any individual(s) against whom a claim has been made can be required to pay compensation. The amount awarded will depend not only on financial loss of the claimant, but also the injury to feelings suffered by them as a result of the discrimination or harassment. This tends to be an amount between £500 and £25,000 (*Vento v Chief Constable of West Yorkshire Police (No.2) [2003] IRLR 102*). In England and Wales it is also possible for the Tribunal to award exemplary and aggravated damages. Exemplary damages are intended to punish the wrong-doer and aggravated damages are intended to deal with exceptional cases where injury to feelings is made worse by the employer's conduct.

...our responsibilities when providing goods, facilities, services and premises?

An individual could bring a claim in the county court (in England and Wales) or the sheriff court (in Scotland). The remedies which can be awarded are very similar to those which can be awarded under the employment provisions. For further information on the court procedures in both England & Wales and Scotland, visit the Equality and Human Rights Commission website:

www.equalityhumanrights.com

...the Equality Duties?

Where there is a failure to meet the General Duty, the Equality and Human Rights Commission (EHRC) is able to issue compliance notices to public authorities (e.g. the sports councils, the Department for Media, Culture and Sport, the Scottish Government and local authorities). Compliance notices can also be served on any bodies performing functions of a public nature and therefore, potentially, against Governing Bodies.

Notices state that the Duty must be met and require the body to tell the EHRC within 28 days what they have already done to comply with the Duty. A failure to comply with the notice can lead to enforcement action being taken in the High Court (in England and Wales) or the Court of Session (in Scotland). A court order requiring compliance can be issued and any body in breach of the court order can find itself facing contempt of court proceedings.

An alternative course of action which can be taken for failure to comply with the General Duty is an application to the High Court (in England and Wales) or the Court of Session (in Scotland) for judicial review. An application for judicial review could be made by the EHRC, but also by any person or group of people with an interest in the matter e.g. trade unions, or campaigning organisations. In this type of court proceeding, a judge reviews the lawfulness of a decision or action made by a public body, or a body performing functions of a public nature. To date, the Scottish courts have been more open than those in England and Wales to the idea of reviewing the actions of sports' Governing Bodies [e.g. *Dundee United F.C. v Scottish Football Association 1998 S.L.T. 1244*]. A court can make orders either preventing or compelling a body to do something and, in very limited circumstances, can award damages.

WHAT OTHER ACTION COULD WE FACE?

The EHRC can also take enforcement proceedings in the employment tribunal in respect of discriminatory job adverts (under the gender, race and disability strands) and in the county court/ sheriff court in respect of adverts for the provision of goods, facilities, services and premises (under the gender, race, disability, and religion or belief strands). Action can be taken against any Governing Body placing a discriminatory advert and potentially any publisher or agent involved in the advertising. The Commission could also apply to the county court/sheriff court for an order to prevent further discriminatory advertising.

Gender

GENDER DISCRIMINATION

It is unlawful for a person to discriminate against another person on grounds of gender.

Although the legislation was primarily intended to protect women from discrimination, it also applies to men and to transgender individuals. Transgender individuals are protected if they intend to undergo, have undergone, or are currently undergoing gender reassignment surgery. For guidance on transgender issues, refer to the Department for Culture Media and Sport publication entitled *Transsexual People and Sport – Guidance for sporting bodies*, available for download from the UK Sport website: www.uk sport.gov.uk

✓ GOOD PRACTICE IN MONITORING

When monitoring by gender, you should ask a question such as:

“Please specify your gender:

- Male
- Female
- I prefer not to answer this question”

If you monitor transgender status the appropriate way of doing that is as part of the gender monitoring question. For example, you may include a tick box stating “I consider myself to be or have been transgender”. Monitoring transgender status is a particularly sensitive area and reference should be made to the “Trans Equality Monitoring” guidance on the Press for Change website: www.pfc.org.uk

WHAT LAWS DO WE NEED TO BE AWARE OF?

A number of pieces of legislation deal with gender discrimination and these include:

- ❑ The Equal Pay Act 1970 (“EPA”)
- ❑ The Sex Discrimination Act 1975 (“SDA”)
- ❑ The Equality Act 2006 (“EA 2006”)

The Gender Equality Duty was introduced by the Equality Act 2006. For those who would like to look at the legislation in more detail, reference is made to specific section numbers in brackets below.

WHAT IS THE GENDER EQUALITY DUTY?

As mentioned in the introductory section, the “General” aspect of the Gender Equality Duty can apply to Governing Bodies carrying out functions of a public nature. Where the Duty applies to the work you do, you are required to carry out your functions in such a way as to take account of the need to:

- ❑ Eliminate unlawful discrimination and harassment; and
- ❑ Promote equality of opportunity between men and women.
(SDA s.76A – as inserted by EA 2006, s.84(1))

Even if you do not believe the Gender Equality Duty applies to your Governing Body, adopting these positive principles will allow development of a best practice approach.

Visiting the websites of UK Sport and **sportscotland** will allow you to view the Equality Schemes they have in place, and then consider how the Gender Equality Duty might influence the work you do.

It is also important to remember that, aside from the Equality Duty, **every** organisation has legal responsibilities to prevent discrimination and harassment on grounds of gender. This section sets out your responsibilities and provides examples of existing good practice.

WHAT FORMS CAN GENDER DISCRIMINATION TAKE?

The main gender discrimination laws are contained in the Equal Pay Act 1970 (“EPA”) and the Sex Discrimination Act (“SDA”).

The EPA is concerned with your responsibilities as an employer, operating to imply an “equality clause” into every individual’s contract of employment (EPA, s.1(1)). Where a male and female colleague are doing work rated as equivalent under a job evaluation scheme, similar work or work of equal value, this gives an individual a right to the same contractual pay and benefits as the person of the opposite gender. Both women and men can bring equal pay claims.

An employer will have a defence to an equal pay claim where it can prove that the difference in pay or benefits is genuinely as a result of reasons which are not gender-related. For example, an employer could seek to argue that market forces make it more difficult to recruit and retain individuals in certain jobs and that is why one person is paid more than another. This is called a genuine material factor defence.

A Code of Practice on Equal Pay is available from the Equality and Human Rights Commission website: www.equalityhumanrights.com

The SDA is wider in scope than the EPA, prohibiting gender discrimination against individuals in the areas of employment and education, in the provision of goods, facilities and services, and in the disposal or management of premises.

The SDA also makes it unlawful to discriminate:

- ❑ on grounds of gender reassignment (SDA, s.2A);
- ❑ against married persons or civil partners (SDA, s.3); or
- ❑ on grounds of pregnancy or maternity leave (SDA, s.3A).

As set out in the “Jargon Buster”, discrimination under the SDA can take the form of direct discrimination (SDA, s.1), indirect discrimination (SDA, s.1), harassment (SDA, s.4A) and victimisation (SDA, s.4).

IN WHAT WAYS ARE WE AFFECTED BY GENDER DISCRIMINATION LAWS?

Your role comes under scrutiny in a number of ways and you may have responsibilities in any, or all, of the following capacities:

- ❑ employer (liable for your own actions and the actions of your staff) (SDA, Part II);
- ❑ provider of goods, facilities, services and premises (SDA, Part III);
- ❑ qualifying body (SDA, s.13);
- ❑ provider of vocational training (SDA, s.14);
- ❑ operator of private members’ clubs or associations;
- ❑ as individuals.

WHAT ARE OUR RESPONSIBILITIES AS...

...an employer?

Your responsibilities as an employer take two main forms:

1. You are responsible for **your own actions as an employer** at each stage of the employment relationship.

JOB APPLICANTS (SDA, s.6(1)) – even before someone starts working for you, they are protected against gender discrimination.

An individual can bring an employment tribunal claim if you discriminate in the arrangements you make for deciding to whom you are going to offer a job. The arrangements will include the wording of the job description or application form, the conduct of the interview and the criteria used for selection. Discriminatory wording in job adverts can be challenged by the Equality and Human Rights Commission.

CASE-LAW EXAMPLE

The questions asked of a female golf professional applying for a post at a course were found to be discriminatory. They included:

- ...you are obviously a lady of great experience, but don't you think this type of job is rather unglamorous?
- If some of the men were causing trouble over the starting times on the tee, do you think you would be able to control this?

It is unlawful to offer people of one gender less favourable terms and conditions than people of the other. You are also not permitted to offer people who are married or in a civil partnership less favourable terms than those who are not.

EXAMPLE

Offering a job on a full-time basis and failing to consider whether it could be done on a job-share or part-time basis could indirectly discriminate against women.

Do not automatically assume that certain types of jobs are "men's" or "women's" work. You will discriminate if you deliberately do not offer a person a job because they are of a particular gender, except where a genuine occupational qualification exists (see Jargon Buster). Refusing to employ a woman because she is pregnant will be discriminatory, as will any policy of refusing to employ people with child-care responsibilities.

CASE-LAW EXAMPLE

A woman successfully claimed gender discrimination when only men were invited to apply for positions as regional coach.

DURING EMPLOYMENT (SDA, s.6(2)(a)) – it is unlawful to discriminate against your employees.

The pay offered to men and women doing the same or similar jobs must be equal unless you can prove a genuine material factor defence (see above).

You also need to ensure you provide fair opportunities for promotion, transfer, training and any other benefits, facilities or services. For example, prioritising child-care provision for mothers has the potential to discriminate against fathers.

Bear in mind that the positive action provisions (see Jargon Buster) allow you to run single-sex training if there is historic gender imbalance in respect of a particular job role.

✓ GOOD PRACTICE EXAMPLE

sportscotland is developing a Women in Coaching Programme. This is a pilot programme designed to improve the progression of women in coaching. It will target 100 women over three years in six sports, providing them with tailored education and support packages.

UK Sport in partnership with the British Olympic Foundation and CCPR launched the Women and Leadership Development Programme in August 2006. This programme was developed as a direct response to the evidence published in UK Sport's Women in Sport reports, which outlined the low levels of the women in leadership positions in sport. The Programme aims to:

- Increase representation by women in leadership positions in sport;
- Build the competence and confidence of women in decision making positions;
- Increase support among organisations for the contribution women can make to sports leadership;
- Foster networking between women leaders in the UK and internationally.

Subjecting a person to any detriment on the grounds of gender is unlawful. This covers a wide spectrum of treatment, such as; failing to investigate a grievance fully, only requiring men to undertake work involving heavy lifting or strenuous physical activity, or only asking women to undertake cleaning duties.

You must not harass a person on grounds of gender and the organisation should ensure that policies and training to prevent harassment from occurring are in place. Complaints about harassment should be dealt with swiftly and in accordance with the policy.

ON OR AFTER TERMINATION (SDA, ss.6(2)(b) and 35C) – it is unlawful to dismiss someone on the grounds of gender. You will also fall foul of the law if you sack a woman because she announces her pregnancy, or if you fail to allow a woman to return from maternity leave, for example, because you prefer her maternity cover replacement.

After termination you must not victimise someone who has made allegations of gender discrimination or harassment. If asked for a reference for that individual, you must deal with it objectively and fairly.

2. You are responsible for **any discriminatory acts committed by members of staff** in the course of their employment.

Organisations should take preventive action to avoid behaviour of this type occurring. This involves putting in place equality policies, communicating these to staff, providing training on what the policies mean, and dealing with any complaints swiftly and seriously. Taking these steps will also put you in a good position to successfully argue a reasonable steps defence to an employment tribunal claim (see Jargon Buster).

...a provider of goods, facilities, services and premises?

Failing to provide any goods, facilities or services to a person of a particular gender is unlawful if you are prepared to provide them to members of the opposite gender.

CASE-LAW EXAMPLE

A woman won a claim that she had been discriminated against on the grounds of gender by not being allowed to use a snooker room, which was reserved for men.

The quality and terms of service provided to men and women must be the same, as should the manner in which the services are provided. For example, it is likely to be unlawful to give concessions on spectator admission based on the age of 60 for women but 65 for men. This difference in treatment of men and women is unlawful.

Discrimination on grounds of gender when disposing of or managing premises is also unlawful. This covers refusing to sell or rent premises to persons of a particular gender, or only offering the premises on less favourable terms to persons of one gender than another. In addition, the requirements of the Gender Equality Duty to promote equality of opportunity between men and women, and to eliminate discrimination and harassment create a positive obligation to ensure equitable access to facilities for girls' and women's teams.

There are certain exceptions to the rules which can be used to justify single-gender provision. For example:

- ✦ **Voluntary bodies** (SDA, s.34) – a voluntary body which is non-profit making may restrict membership to one gender and provide services to those members. (see also the section below on Private Members' Clubs);
- ✦ **Serious embarrassment/state of undress** (SDA, s.35(1)(c)) – single gender provision can be justified if users are likely to suffer "serious embarrassment" at the presence of a person of the opposite gender, or are likely to be in a state of undress. For example, this could be used to justify provision of women-only gym or swimming classes;
- ✦ **Physical contact** (SDA, s.35(2)) – facilities or services can be restricted to one gender if a woman might reasonably object to physical contact with a man, or vice versa, for example, during self-defence classes;
- ✦ **General sports exception** (SDA, s.44) – restricting participation in any competitive event to members of one gender is not unlawful where the physical strength, stamina or physique of the average woman puts her at a disadvantage to the average man.

Statutory equalities bodies have made it clear that the Gender Equality Duty does not mean public bodies and others need to put an end to single-gender services. Rather, they would expect to see more done in order to meet the General Duties to promote equality of opportunity and eliminate discrimination. For example, local authorities will need to ensure provision of 5-a-side sports pitches to meet the demands of girls' and women's teams.

Research has shown that young people class certain sports as better suited to men (e.g. football, rugby and cricket) while others are seen as better suited to women (e.g. gymnastics and dance). These stereotypical assumptions have been built up over time and Governing Bodies may therefore have work to do in breaking down barriers to participation and encouraging people to take up a sport, regardless of their gender. Positive action can be used to encourage individuals, e.g. promotion of the sport specifically to the under-represented gender, taster sessions, targeted opportunities to receive coaching, and promotion of role models. A great number of good practice case studies are available on the What Works for Women website:

www.whatworksforwomen.org.uk The site also allows you to submit your own good practice examples.

✓ GOOD PRACTICE EXAMPLE

The Amateur Rowing Association has launched a Rowing and Health programme. To help ensure its appeal to both genders, positive imagery has been used in the promotional booklet. Research suggests that individuals are more likely to be interested in activities when they see others they can identify with already taking part. www.ara-rowing.org

✓ GOOD PRACTICE EXAMPLE

The British Triathlon Association will not sanction a race unless equal prize money is offered to men and women. www.britishtriathlon.org

✓ GOOD PRACTICE EXAMPLE

England Hockey staged the Hockey Championships in 2007. Previously, the men's and women's events had hardly ever been staged together, which has normally meant the men receiving more publicity than the women. England Hockey deliberately bid to host them together in order to raise the profile of the women's game. www.englishockey.co.uk

In general terms you should ensure your equality policy covers service delivery as well as employment issues. It should be consulted on wherever possible to ensure it actually meets the needs of people of different genders, equality impact assessed and then put into practice. Finally, it is important to have a complaints and suggestions procedure in place that is open to all.

...a qualifications body?

If you can confer, renew or extend a professional or trade qualification, you are covered by this aspect of the legislation and it will be unlawful for you to discriminate against a person on the grounds of gender in relation to conferring any such qualification, or to subject him or her to harassment, or to victimise any person.

CASE-LAW EXAMPLE

A female referee successfully challenged a ruling by a Governing Body that women should not referee men's competitions. This was held to amount to gender discrimination in the terms on which her referee's certificate was granted.

...a vocational training provider?

In a similar vein, if you act as a training body providing vocational training, it is unlawful to discriminate in the arrangements you make for selecting people to receive such training, in the terms on which training is provided, by refusing or deliberately omitting to provide access, by terminating training, or by subjecting the trainee to any detriment during the course of their training.

...an operator of private members' clubs or associations?

At the moment, the law makes some types of discrimination by clubs unlawful but not others. In December 2007 the Sex Discrimination Act is likely to be amended to implement the provisions of the EU Gender Directive, to provide as follows:

- a. that private clubs whose purpose is to bring together people who share a gender can continue to do so; but**
- b. making it unlawful for clubs with 25 or more members which have both men and women as members to discriminate on grounds of gender – including gender reassignment - against members, associates, applicants for membership or their guests.**

The new proposals therefore mean that for clubs with 25 or more members which are open to both men and women, any restrictions on membership on the basis of gender or gender re-assignment will be unlawful. Similarly, restrictions on access to facilities on grounds of gender or gender re-assignment will be unlawful. It is thought however that single sex competitions will still be allowed in mixed clubs given the general sports exception in the SDA (see above).

Until these proposals become law, those running private members' clubs must remember that they are required to comply with the employment provisions of the SDA and EPA in relation to their staff.

...an individual?

Finally, you can be called to account in a court or employment tribunal for any discriminatory conduct or harassment which you are personally responsible for. Adopting best practice and acting as a role model for others will not only reduce your risk of litigation, but will also help to create an inclusive environment where everyone can fulfil their potential.

Disability

It is unlawful for a person to discriminate against another person on grounds of disability, whether that be a physical, mental, sensory, or learning disability.

Regardless of the number of disabled people associated with your organisation as staff, athletes, coaches, officials, members, spectators, etc, disability discrimination is not an issue you can afford to ignore. Around 10 million people in Britain could be classed as disabled, the vast majority of whom are potential employees or users of your services.

✓ GOOD PRACTICE IN MONITORING

Disability monitoring is likely to be a sensitive issue. It is advisable to provide a definition of disability as it is set out in the Disability Discrimination Act 1995 and then ask if the individual considers themselves to be disabled within that definition. So, a suggested question for a monitoring form might be as follows:

“The Disability Discrimination Act 1995 defines a disability as a “physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”. An effect is long-term if it has lasted, or is likely to last, over 12 months. Do you consider yourself to have a disability under the DDA?

- ▣ Yes
- ▣ No
- ▣ Used to have a disability but now recovered
- ▣ Don’t know
- ▣ I prefer not to answer this question

If you answered “Yes” to the question above, please give brief details of your disability and indicate whether you may require any adjustments to enable you to: attend and participate in an interview/ carry out selection tests/undertake the job/participate in the training/use club facilities/etc”.

WHAT LAWS DO WE NEED TO BE AWARE OF?

A number of pieces of legislation deal with disability discrimination and these include:

- ▣ **The Disability Discrimination Act 1995 (“DDA”)**
- ▣ **The Disability Discrimination Act 1995 (Amendment) Regulations 2003**
- ▣ **The Disability Discrimination Act 2005 (“DDA 2005”)**

The Disability Equality Duty was introduced by the DDA 2005. For those wanting to look at the legislation in more detail, reference is made to specific section numbers in brackets below.

WHAT ASPECTS OF THE DISABILITY EQUALITY DUTY SHOULD WE BE AWARE OF?

As mentioned in the introductory section, the “General” aspect of the Disability Equality Duty can apply to Governing Bodies if you are carrying out functions of a public nature. Where the Duty applies to the work you do, you are required to carry out your functions in such a way as to take account of the need to:

- ▣ **promote equality of opportunity between disabled persons and other persons;**
- ▣ **eliminate unlawful discrimination;**
- ▣ **eliminate harassment of disabled persons;**
- ▣ **promote positive attitudes towards disabled persons;**
- ▣ **encourage participation by disabled persons in public life; and**
- ▣ **take steps to take account of disabled persons’ disability, even where that involves treating disabled persons more favourably than others. This is the only way in which true equality of opportunity for disabled people can be delivered. (DDA, s.49A – as inserted by DDA 2005, s.3)**

Even if you believe the Disability Equality Duty does not apply to you, adopting these positive principles will allow development of a best practice approach.

Visiting the websites of UK Sport and **sportscotland** will allow you to view the Equality Schemes they have in place, and then consider how the Disability Equality Duty might influence the work you do.

It is also important to remember that, aside from the Disability Equality Duty, **every** organisation has legal responsibilities to prevent discrimination and harassment on grounds of disability. This section sets out your responsibilities and provides examples of good practice which already exists.

WHAT FORMS CAN DISABILITY DISCRIMINATION TAKE?

As set out in the “Jargon Buster”, disability discrimination can take the form of direct discrimination (DDA, s.3A(5)); disability-related discrimination (DDA, s.3A(1)); harassment (DDA, s.3B); and victimisation (DDA, ss.55(1) and (2)).

There is also another concept which lies at the heart of the law on disability discrimination, that of “reasonable adjustments”. Where any provision, policy or practice, or any physical feature of premises puts a disabled person at a substantial disadvantage compared to people who are not disabled, you have a duty to make reasonable adjustments to remove that disadvantage (DDA, s.4A(1)).

What is “reasonable” will depend on a variety of factors, including:

- ❖ **the effectiveness of the adjustment in preventing any disadvantage;**
- ❖ **the nature and size of the organisation;**
- ❖ **the extent of any disruption caused in making the adjustment;**
- ❖ **the financial and other costs of the adjustment; and**
- ❖ **the availability of financial or other assistance to help you make the adjustment**
e.g. via the “Access to Work” programme run by Jobcentre Plus.

All of this means that what might reasonably be expected of a small club is very different from what is expected from a large Governing Body. However, it is the organisation’s duty to consider the type of adjustment which could be made and this should not be left to the disabled person. Even if an individual has not told you of their disability, if you could reasonably be expected to know about it, you should take action.

WHAT TYPES OF REASONABLE ADJUSTMENT MIGHT WE WANT TO CONSIDER?

The types of adjustment you may wish to think about for a disabled person include:

- ❖ **Altering premises** – an example of guidance produced by the Royal Yachting Association’s (“RYA”) Sailability programme - “Are your premises welcoming to disabled people?”
- contains helpful hints on adjustments to different areas such as car parks and lockers
www.rya.org.uk/Sailability
- ❖ **Allocating tasks to someone else** – e.g. if a person with arthritis has difficulty moving equipment, colleagues could be asked to do it instead.
- ❖ **Transfer to an existing vacancy** – you should also look at whether other adjustments need to be made to the new role for a disabled person.
- ❖ **Altering hours of working or training** - perhaps allowing additional time for classes, for example, because instructions need to be repeated for those with learning disabilities. At the National Swimming Academy (Stirling) this is factored into their class timetabling.
- ❖ **Changing a disabled person’s place of work or training** – for example, you may want to consider whether someone can work from home.
- ❖ **Giving, or arranging for, training or mentoring either for the disabled person or any other person** – the English Table Tennis Association believe the key to the success of their Premier Club “Ability” programme (see further below) is provision of table tennis specific disability awareness training, delivered by four tutors who are either current or past members of Paralympic national squads.
- ❖ **Allowing “disability leave”** – which might include allowing an individual to be absent during work or training hours for rehabilitation, assessment or treatment.

- ❑ **Modifying instructions or reference manuals** – this might involve providing manuals in Braille or audio format for those with visual impairments. Alternatively, there might need to be individual - rather than group - demonstrations for people with learning disabilities. As an example, failing to provide teaching materials in large font has previously contributed to a £196,000 compensation payout.
- ❑ **Acquiring or modifying equipment** – this might include consideration being given to sourcing specialist equipment for disabled athletes. Aileen McGlynn, MBE, is a cyclist with a visual impairment. When specialist equipment and a pilot were put in place, the first time the pair went out on the track together they broke the 200m WR (unofficial) and they have since gone on to gold-medal winning and world record-breaking performance at the 2004 Paralympic Games.
- ❑ **Modifying procedures for testing or assessment** – this could include taking time in advance to talk the assessment process through with someone with Asperger's Syndrome. Alternatively, someone with dyslexia may require additional time to sit the exam itself, and/or someone to act as a scribe if written answers are required.
- ❑ **Providing a reader or interpreter** - which might include providing someone to sign for a deaf person during a public meeting.
- ❑ **Providing supervision or other support** – for example, athletes with learning disabilities can be allowed to take written details of their starting block measurements to track officials to assist them in setting their blocks. Or, a “buddy” system might be used for staff members whose disability leads to a lack of confidence.

For further information on reasonable adjustment see: **Disability Rights Commission (“DRC”) Codes of Practice “Employment and Occupation” and “Trade Organisations and Qualifications Bodies”**, available from the Equality and Human Rights Commission website: www.equalityhumanrights.com

IN WHAT WAYS ARE WE AFFECTED BY DISABILITY DISCRIMINATION LAWS?

Your role comes under scrutiny in a number of ways and you may have responsibilities in any, or all, of the following capacities:

- ❑ **employer (liable for your own actions and the actions of your staff) (DDA, Part II);**
- ❑ **provider of goods, facilities and services (DDA, Part III);**
- ❑ **trade organisation (DDA, ss.13 and 14);**
- ❑ **qualifications body (DDA, ss.14A and 14B);**
- ❑ **operator of private members’ clubs or associations (DDA ss.21J to F – as inserted by DDA 2005, s.12);**
- ❑ **leaseholder, landlord, or owner of premises (DDA, Part III); or**
- ❑ **as individuals (DDA, s.57).**

WHAT ARE OUR RESPONSIBILITIES AS...

...an employer?

The vast majority of disability discrimination claims are lodged against employers, so this is an area of importance.

The responsibilities of a Governing Body as an employer take two main forms:

1. Governing Bodies are responsible for **their own actions as employers** at each stage of the employment relationship.

JOB APPLICANTS (DDA, s.4(1)) – even before someone starts working for you, they are protected against disability discrimination.

You must not discriminate in the arrangements you make for deciding to whom you are going to offer a job. For example, you may be required to ensure an interview location is fully accessible; consider reasonable adjustments to provide recruitment literature in alternative formats; and consider any need for a medical examination on a case-by-case basis in order to ensure that disabled candidates are not disadvantaged. Carrying out an equality impact assessment of job or role descriptions and person specifications will root out any potentially discriminatory requirements.

EXAMPLE

A common issue is the requirement that job applicants must be able to drive, whereas in fact the true requirement for the job is that the person can get from A to B. Stipulating that a person must be able to drive could amount to disability-related discrimination.

Offering disabled people less favourable terms and conditions of employment than non-disabled people will amount to discrimination. You should consider whether reasonable adjustments need to be made to alleviate disadvantage suffered by disabled workers.

You will also discriminate if you deliberately do not offer a disabled person a job because they are disabled. It is very important not to make assumptions about what a disabled person can or cannot do. If in doubt, ask.

Visit the JobCentre Plus website for further details of the Access to Work scheme which provides both practical and financial assistance to employers who are either thinking about recruiting, or who already employ, a disabled person: www.jobcentreplus.gov.uk

DURING EMPLOYMENT (DDA, s.4(2)) – it is unlawful to discriminate against your employees.

Fair opportunities for promotion, transfer, training and access to other benefits must be provided. Again, do not make assumptions about a disabled person's capability or willingness to, for example, apply for a promotion or undertake a residential course.

You must not subject a person to any detriment on the grounds of disability. This covers a wide spectrum of treatment, such as, failing to investigate complaints of harassment, or insisting an employee be at work five days a week when she is only fit to do three days.

Harassment on grounds of disability is unlawful and you should put in place policies - ideally building on these with training - to prevent harassment from occurring. Complaints about harassment should be dealt with swiftly and in accordance with the policy.

ON OR AFTER TERMINATION (DDA, ss.4(2)(d) and 55) – it is unlawful to dismiss someone on the grounds of disability, or for a disability-related reason. You must therefore be very careful when considering dismissing on grounds of capability, particularly where the reasons are health or absence related.

After termination you must not victimise someone who has made allegations of disability discrimination and harassment. If asked for a reference for that individual, you must deal with it objectively and fairly.

2. Governing Bodies are responsible for any discriminatory acts committed by members of staff in the course of their employment (DDA, s.58).

To avoid behaviour of this type, organisations should take preventive action. This involves putting in place equality policies, communicating these to staff, providing training on what the policies mean, and dealing with any complaints swiftly and seriously. Taking these steps will also put you in a good position to successfully argue a reasonable steps defence to an employment tribunal claim (see Jargon Buster).

...a provider of goods, facilities and services?

Failing to provide goods, facilities or services to a disabled person is unlawful if you are prepared to provide them to other non-disabled members of the public. This includes access to sports participation opportunities, training courses, access to training facilities, spectator admission, and so on. It does not matter whether the service, etc is paid for or free, discrimination must be avoided in all circumstances.

EXAMPLE

A wheelchair user challenged a rugby stadium’s admission rules which required a disabled person to be accompanied by a non-disabled person. Even though the companion’s ticket was at a reduced rate, additional costs had to be incurred by disabled spectators. Additionally, priority for disabled seating was given to those whose disability resulted from playing rugby. Intervention from the DRC led to an agreed change to ticketing practices and re-design of seating application forms. It was also agreed that new policies would be developed and disability equality training provided to all staff.

The standard and terms of service, along with the manner in which it is provided to disabled people, must not fall short of that provided to non-disabled individuals. For example, it is likely to be unlawful to:

- ❑ allot a restricted view seat to a visually impaired person on the assumption they would not be able to see the whole pitch anyway, despite availability of other seats;
- ❑ ask a person with diabetes for a higher deposit for a training course, on the assumption they are more likely to cancel;
- ❑ allocate a squash court at the far end of the facility and in the poorest condition to a person with severe facial disfigurement to keep them out of sight of other users.

You must also consider making reasonable adjustments to practices, policies, procedures and premises, as mentioned previously, in order to provide equality of opportunity and access for disabled people.

Governing Bodies could look at working with specialist organisations to ensure opportunities for all. For example, Netball Scotland worked with the Deaf Netball Association and with the West of Scotland Special Needs Netball prior to the Special Olympics in Glasgow in 2005.

You may want to think about dedicated sessions for disabled people to encourage them into sport.

GOOD PRACTICE EXAMPLE

In Devon a course of 4 x 8 week netball training sessions ran for 40 learning disabled pupils, culminating in a tournament. The one recognised downside of this initiative was the lack of exit routes, which points to the importance of defining clear pathways at the outset of an initiative. www.efds.net

Another method of achieving equality is to look at adapting coaching sessions, or competitive activity to ensure disabled and non-disabled athletes can interact for at least some of the time. Sledge hockey - a seated version of ice hockey – provides an example where most clubs have both disabled and non-disabled players in their teams. The same is true of wheelchair basketball, which is regularly played by non-disabled athletes. Other examples of sports where disabled and non-disabled athletes can work together include: zone hockey, boccia, goalball and table cricket.

GOOD PRACTICE EXAMPLE

Disability Inclusion Training run by Scottish Disability Sport (SDS) provides detailed guidance on the different levels of inclusion which can be achieved in physical activity and sport. Contact SDS for further information. www.scottishdisabilitysport.com

Bear in mind that it will not always be appropriate to run joint activities. The different needs of people with different disabilities must be taken into account.

Many disabled individuals will want to compete in the mainstream. This could be for any number of reasons, including that they do not want to be seen as disabled. Remember that at a competitive level, rules are likely to exist as to the extent to which integration can occur. The situation of athletes such as Oscar Pistorius goes to show that this is not an easy area and Governing Bodies are advised to seek expert advice where this could be an issue. However, many other disabled participants will want to compete in the mainstream because they do not realise alternative opportunities exist. Best practice should involve Governing Bodies keeping disabled individuals up-to-date with new developments in disabled sport to ensure they can make an informed choice.

Governing Bodies should look to take the lead on new developments and may wish to consider growing a whole new sport, as has happened in recent years with wheelchair curling. This is an adaptation of curling for people with a mobility impairment. Played with the same stones and on the same ice as regular curling, the only exception to the mainstream rules is that no sweeping is allowed. A wheelchair curling team from Braehead Curling Club recently became what is believed to be the first such team in the UK to win a major competition against non-disabled opposition.

✓ GOOD PRACTICE EXAMPLE

The English Table Tennis Association's Premier Club "Ability" programme aims to:

- ▶ **Make available 'come and try/free' sessions and coaching opportunities for disabled people;**
- ▶ **Encourage disabled people to participate in courses leading to recognised coaching, umpiring, tournament organising and development qualifications;**
- ▶ **Improve the competitive structure, assisting progress to Paralympic level.**

The number of disabled people involved and playing has trebled since the programme began and there has been tangible success as three of the current GB squad came into table tennis as a result of the Ability programme – a Melbourne Commonwealth Games player, and two prospects for London 2012. www.englishtabletennis.org.uk

In general terms you should ensure your equality or equity policy covers service delivery as well as employment issues. Organisations should involve disabled people in consultation on policies wherever possible to ensure they actually meet their needs, impact assess them and then put them into practice. If you are unsure, seek expert advice to overcome issues when they exist. Finally, it is important to have a complaints and suggestions procedure in place that is open to all.

... a trade organisation?

A trade organisation is described as an organisation of workers, employers, or others, whose members carry on a particular profession or trade, and that is the reason why the organisation exists. Although you may not feel your organisation is a trade organisation, an individual lodging a disability discrimination claim could argue these provisions apply to you. For details of a trade organisation's responsibilities, see DDA ss.13 and 14.

...a qualifications body?

If you can confer, renew or extend a professional or trade qualification, you will be covered by this aspect of the legislation and it will be unlawful for you to discriminate against a disabled person in relation to conferring any such qualification, or to subject him or her to harassment, or to victimise any person.

You will need to make reasonable adjustments in the way you confer, renew or extend qualifications to ensure that disabled people who hold or are applying for their qualifications are not placed at substantial disadvantage in comparison to people who are not disabled.

✓ GOOD PRACTICE EXAMPLE

British Gymnastics have a Special Arrangements procedure to help address the needs of disabled people who are looking to develop their coaching skills.

...an operator of private members' clubs or associations?

If a club is a private club (see jargon buster), there must be no discrimination in the way in which a person is admitted or refused membership, the terms on which membership is granted, or in the way a person is allowed access to the benefits, facilities or services of the club. So, for example, if a bowling club were to have a rule that female bowlers wore skirts in club competitions, this could discriminate against someone with a skin condition who must keep herself protected from the elements at all times.

Those running private clubs must also remember that they are required to comply with the employment provisions of the disability discrimination legislation.

...a leaseholder, landlord or operator of premises?

You should be aware of your responsibilities to make reasonable adjustments to premises to assist access by disabled people (for example, see RYA guidance referenced above). If you are a leaseholder, there is a method of making a written request to your landlord to make alterations to premises and landlords in turn have a duty not to withhold consent unreasonably. Likewise, operators of premises should actively consider the alterations which could be made to ensure their facility is accessible for all. Remember that what is "reasonable" will depend on a variety of factors and that what might reasonably be expected of a small club is very different from what is expected from a large Governing Body.

...an individual?

Finally, you can be called to account in a court or employment tribunal for any discriminatory conduct or harassment which you are responsible for.

The best way to avoid falling foul of the law is to adopt best practice and act as a role model for others, helping to create an inclusive environment where everyone can fulfil their potential.

Race

RACE DISCRIMINATION

It is unlawful for a person to discriminate against another person on racial grounds, which includes race, colour, nationality and ethnic or national origins.

There is one particularly important exception so far as Governing Bodies are concerned which is that nationality, place of birth, length of residence in a particular place or area can legitimately be used as a condition for entering a competition, or representing a country, place, area, or related association in any sport or game (Race Relations Act 1976, s.39).

✓ GOOD PRACTICE IN MONITORING

The Commission for Racial Equality advice has been to monitor the ethnic categories as surveyed in the Census. These differ between Scotland and England & Wales. Further details can now be found on the Equality and Human Rights Commission website: www.equalityhumanrights.com

WHAT LAWS DO WE NEED TO BE AWARE OF?

A number of pieces of legislation deal with race discrimination and these include:

- ✦ **The Race Relations Act 1976 (“RRA”)**
- ✦ **Race Relations (Amendment) Act 2000 (“RRA 2000”)**
- ✦ **Racial and Religious Hatred Act 2006**

The Race Equality Duty was introduced by the Race Relations (Amendment) Act 2000. For those wanting to look at the legislation in more detail, reference is made to specific section numbers in brackets below.

WHAT IS THE RACE EQUALITY DUTY?

Under the Gender and Disability Equality Duties, the “General Duty” can apply to Governing Bodies carrying out functions of a public nature. The Race Equality Duty is drafted differently and the General Duty only applies to organisations specifically named in the Race Relations Act 1976 (Schedule 1A (as amended)). Those covered include sports councils; the Department for Culture, Media and Sport; the Scottish Government; and local authorities. As a result they are required to:

- ✦ **Eliminate unlawful discrimination; and**
- ✦ **Promote equality of opportunity and good relations between people of different racial groups. (RRA, s.71 – as inserted by the RRA 2000, s.2(1))**

Even though the Race Equality Duty does not at the moment extend to all those performing functions of a public nature, it is likely that when the Single Equality Act proposals become law, it will. Adopting positive principles at the moment will allow development of a best practice approach in anticipation of these legislative changes.

Visiting the websites of UK Sport and **sportscotland** will allow you to view the Equality Schemes they have in place, and then consider how the Race Equality Duty might influence the work you do.

It is also important to remember that **every** organisation has legal responsibilities to prevent discrimination and harassment on grounds of race. This section sets out your responsibilities and provides examples of good practice.

WHAT FORMS CAN RACE DISCRIMINATION TAKE?

As set out in the “Jargon Buster”, discrimination on racial grounds can take the form of direct discrimination (RRA, reg.1(1)(a)); indirect discrimination (RRA, reg.1(1)(b) and (1A)); harassment (RRA, reg.3A); and victimisation (RRA, reg.2).

A wide-ranging set of circumstances can lead to claims because discrimination is not only prohibited on the basis of an individual’s actual race. Discrimination is unlawful if it is on “racial grounds”, so the racial characteristics do not necessarily have to belong to the person making the complaint.

An individual could bring a claim based on:

- the racial origins he or she is believed to have, even where that is mistaken e.g. an individual could bring a claim if refused club membership because it's believed they are Chinese, even though they are not;
- the racial origins of someone with whom the individual is associated e.g. a claim could be brought by a person dismissed because their best friend is Pakistani; and
- a refusal to discriminate racially against others e.g. a white employee who resigns rather than follow an employer's policy of not hiring sports equipment to members of ethnic minorities would have a right to bring a claim.

IN WHAT WAYS ARE WE AFFECTED BY THE LEGISLATION?

Your role comes under scrutiny in a number of ways and you may have responsibilities in any, or all, of the following capacities:

- employer (liable for your own actions and the actions of your staff) (RRA, Part II);
- provider of goods, facilities, services and premises (RRA, ss.20 to 21);
- qualifying body (RRA, s.12);
- provider of vocational training (RRA, s.13);
- an operator of private members' clubs or associations (RRA, s.25); or
- as individuals.

WHAT ARE OUR RESPONSIBILITIES AS...

...an employer?

Your responsibilities as an employer take two main forms:

1. You are responsible for **your own actions as an employer** at each stage of the employment relationship.

JOB APPLICANTS (RRA, s.4(1)) – even before someone starts working for you, they are protected against race discrimination.

An individual can bring an employment tribunal claim if you discriminate in the arrangements you make for deciding to whom you are going to offer a job. One of the most discriminatory forms of recruitment can be “word of mouth” as this often results in existing racial imbalance being continued. Other areas which might be open to challenge include: application forms, selection criteria, the need for certain qualifications or experience, and interview questions. Discriminatory wording in job adverts can also be challenged, but only by the Equality and Human Rights Commission rather than by individuals.

CASE-LAW EXAMPLE

A University discriminated against a job applicant when it asked her for proof of her right to work in the UK, suspecting she was “foreign”. Asking for proof is not unlawful, but all the applicants should have been asked, not just people the University suspected were not of UK origin.

It is unlawful to offer people of one race less favourable terms of employment than people of another. This covers issues such as pay, working hours, holiday entitlement and pay, job mobility and fringe benefits.

You will discriminate if you deliberately do not offer a person a job because they are of a particular race, except in the limited circumstances where a genuine occupational requirement or qualification exists (RRA, ss.4A and 5).

If you believe persons of a particular racial origin are under-represented in your workforce, you can implement “positive action” measures (RRA, s.38), giving special encouragement to, or training for those in a minority in the workplace.

DURING EMPLOYMENT (RRA, s.4(2)) – it is unlawful to discriminate against your employees.

You need to ensure you provide fair opportunities for promotion, transfer, training and any other benefits, facilities or services. Race discrimination issues often arise in relation to clothing and appearance rules such as requirements for women to wear skirts, men to be clean-shaven,

and members of either gender to have a particular hairstyle. Such rules often also fall foul of the religious discrimination rules and more detail is given in that section.

Subjecting a person to any detriment on the grounds of race is unlawful. As an example, this includes imposing a harsher disciplinary sanction on a black employee than a white employee for a similar misdemeanour.

It is unlawful to victimise your employees and you must not harass a person on grounds of their race. It is essential to have policies and training in place in order to prevent harassment from occurring. Complaints about harassment should be dealt with swiftly and in accordance with the policy.

ON OR AFTER TERMINATION (RRA, ss.4(2)(c) and 27A) – it is unlawful to dismiss someone on the grounds of race.

After termination you must not victimise someone who has made allegations of race discrimination or harassment. If asked for a reference for that individual, you must deal with it objectively and fairly.

2. You are responsible for **any discriminatory acts committed by members of staff** in the course of their employment.

Organisations should take preventive action to avert behaviour of this type. This involves putting in place equality policies, communicating these to staff, providing training on what the policies mean, and dealing with any complaints swiftly and seriously. Taking these steps will also put you in a good position to successfully argue a reasonable steps defence to an employment tribunal claim (see Jargon Buster).

...a provider of goods, facilities, services and premises?

Failing to provide any goods, facilities or services to a person on racial grounds is unlawful. The quality and terms of service provided must be the same regardless of race, as should the manner in which the services are provided.

Discrimination on grounds of race when disposing of or managing premises is also unlawful. This covers refusing to sell or rent premises to persons of a particular race, or only offering the premises on less favourable terms to persons of one race than another.

Governing Bodies should consider how to make their services appeal to individuals of different racial or ethnic origins.

✓ GOOD PRACTICE EXAMPLE

An Active Communities programme aimed at Travellers was run by East Cambridgeshire District Council. Research had found that participation in sport among the travelling community was virtually zero. “Fun” swimming sessions were organised for parents and children, while male participation was encouraged via a weight training programme designed to complement boxing activities. www.sportingequals.org.uk (sport for communities section)

✓ GOOD PRACTICE EXAMPLE

The English Volleyball Association uses positive imagery in its publications and on its website. Research suggests that individuals are more likely to be interested in activities when they see others they can identify with already taking part. www.volleyballengland.org

✓ GOOD PRACTICE EXAMPLE

“Show Racism the Red Card” is a campaign which has been running for many years, aimed at tackling racism in football and society. The campaign has been able to involve hundreds of top footballers and managers, and has harnessed the high profile of these role models to combat racism. www.srtrc.org

In general terms you should ensure you have an equality or equity policy which covers service delivery as well as employment issues. You should consult on the terms and effectiveness of your policy wherever possible to ensure it actually meets the needs of people of different ethnic groups, equality impact assess it and then put into practice. If you are unsure, seek expert advice to overcome issues when they exist.

Finally, have a complaints and suggestions procedure in place that is open to all.

✓ GOOD PRACTICE EXAMPLE

“Tackle It” is a campaign being run by the Rugby Football League in which clubs are asked to adopt a policy of zero tolerance of racism in any form. Based around the “six tackle” rule in Rugby League, the Policy sets out various steps clubs are expected to initiate, such as:

- ▣ Taking specific action against players, officials or spectators who engage in racist chanting, abuse or harassment;
- ▣ Making compliance with the RFL’s approved Equity Statement a condition of purchase of a season ticket and printing the Statement in the season ticket book;
- ▣ Encouraging the reporting of incidents of racial abuse and establishing a framework to support such reports effectively, including communicating a complaint/disciplinary process in respect of racism.

To view the policy, visit www.therfl.org.uk (About Us – In League Together)

...a qualifications body?

If you can confer, renew or extend a professional or trade qualification, you are covered by this aspect of the legislation and it will be unlawful for you to discriminate against a person on racial grounds in relation to conferring any such qualification, or to subject him or her to harassment, or to victimise any person.

✓ GOOD PRACTICE EXAMPLE

Having carried out an audit which identified low numbers of ethnic minority individuals in coaching and management roles, the Football Association takes positive action steps to encourage such individuals into these roles, in particular, by reserving the right to allocate a certain number of places on the UEFA Pro Licence course to ethnic minority candidates. www.thefa.com

...a vocational training provider?

In a similar vein, if you act as a training body providing vocational training, it is unlawful to discriminate in the arrangements you make for selecting people to receive such training, in the terms on which training is provided, by refusing or deliberately omitting to provide access, by terminating training, or by subjecting the trainee to any detriment during the course of their training. Harassment of anyone who is undergoing or seeking to undergo training is also unlawful.

...an operator of private members’ clubs or associations?

The “private club” provisions make it unlawful for an association of 25 or more members to discriminate on racial grounds in providing membership, in the terms and conditions of membership and in the way access is afforded to the association’s benefits, facilities and services.

An exception is made for associations where the benefits of membership are intended for persons belonging to a group which is defined by reference to race, ethnic or national origin or nationality. Such associations may restrict membership to a particular racial group. This will allow Governing Bodies to continue to support the establishment and development of sports clubs aimed at particular racial groups, a great many of which already exist. An association attempting to restrict membership by reference to colour will be acting unlawfully.

Those running private clubs must also remember that they are required to comply with the employment provisions of the race discrimination legislation.

...an individual?

Finally, you can be called to account in a court or employment tribunal for any discriminatory conduct or harassment which you are personally responsible for.

Adopting best practice and acting as a role model for others will not only reduce your risk of litigation, but will also help to create an inclusive environment where everyone can fulfil their potential.

Sexual Orientation

DISCRIMINATION ON THE GROUNDS OF SEXUAL ORIENTATION

It is unlawful for a person to discriminate against another person on grounds of sexual orientation. Sexual orientation means an individual's sexual orientation towards:

- ✦ people of the same sex as him or her (gay or lesbian);
- ✦ people of the opposite sex to him or her (heterosexual);
- ✦ people of both sexes (bisexual).

✓ GOOD PRACTICE IN MONITORING

Asking about sexual orientation within monitoring can be a sensitive area. Stonewall is the organisation which campaigns on behalf of the lesbian, gay, bisexual and transgender community. Research carried out by Stonewall suggests that it is best practice to phrase the question on sexual orientation along the following lines:

“Please state your sexual orientation:

- ✦ Bisexual
- ✦ Gay man
- ✦ Gay woman/lesbian
- ✦ Heterosexual/straight
- ✦ Other, please state
- ✦ I prefer not to answer this question”

For further information on how to address this issue visit: www.stonewall.org.uk

ARE TRANSGENDER PEOPLE COVERED BY THE SEXUAL ORIENTATION PROVISIONS?

Transsexualism is an issue of gender identity, not sexual orientation. Transgender individuals are therefore protected under the gender strand of discrimination law and you should refer to that section of this guidance for further information.

That is not to say a transgender person has no protection under the sexual orientation strand. Inaccurate assumptions are often made that a transgender person is gay or lesbian. Discriminatory treatment because of this could lead to a claim under the sexual orientation strand.

WHAT LAWS DO WE NEED TO BE AWARE OF?

A number of pieces of legislation deal with discrimination on the grounds of sexual orientation and these include:

- ✦ Employment Equality (Sexual Orientation) Regulations 2003 (“SO”)
- ✦ Equality Act 2006
- ✦ Equality Act (Sexual Orientation) Regulations 2007 (“SO 2007”)

There is not yet an Equality Duty related to sexual orientation. However, a organisations adopting a best practice approach would extend their proactive work to promote equality of opportunity to this strand of the law. Proposals for a forthcoming Single Equality Act have indicated that it is likely that the Single Equality Act will extend the Equality Duties to all six equality strands (see Introductory section).

It is also important to remember that **every** organisation has legal responsibilities to prevent discrimination and harassment on grounds of sexual orientation. This section sets out your responsibilities and provides examples of good practice.

WHAT FORMS CAN DISCRIMINATION ON THE GROUNDS OF SEXUAL ORIENTATION TAKE?

As set out in the “Jargon Buster”, discrimination on the grounds of sexual orientation can take the form of direct discrimination (SO, reg.3(1)(a)); indirect discrimination (SO, reg.3(1)(b)); harassment (SO, reg.5); and victimisation (SO, reg.4).

There is a wide-ranging set of circumstances which can lead to a claim because discrimination is not only prohibited on the basis of an individual's actual sexual orientation, but also on the basis of:

- ❑ **The sexual orientation an individual is believed to have, even where that belief is wrong** *e.g. an individual could bring a claim if she's refused club membership because it's believed she's a lesbian, even though she's not; and*
- ❑ **The sexual orientation of someone with whom the individual is associated** *e.g. if a woman was not hired because her son is gay, she could bring a claim.*

IN WHAT WAYS ARE WE AFFECTED BY THE SEXUAL ORIENTATION LAWS?

Your role comes under scrutiny in a number of ways and you may have responsibilities in any, or all, of the following capacities:

- ❑ **employer (liable for your own actions and the actions of your staff) (SO, Part II);**
- ❑ **provider of goods, facilities, services and premises (SO 2007, regs.4 and 5);**
- ❑ **qualifications body (SO, reg.16);**
- ❑ **provider of vocational training (SO, reg.17);**
- ❑ **trade organisation (SO, reg.15);**
- ❑ **operator or private members' clubs or associations (SO 2007, reg.16);**
- ❑ **as individuals.**

WHAT ARE OUR RESPONSIBILITIES AS...

...an employer?

Your responsibilities as an employer take two main forms:

1. You are responsible for **your own actions as an employer** at each stage of the employment relationship.

JOB APPLICANTS (SO, reg.6(1)) – even before someone starts working for you, they are protected against discrimination based on their sexual orientation.

You must not discriminate in the arrangements you make for the purposes of determining who to employ. As an example, if you were to advertise for a husband and wife team to manage a sports facility, this would be discriminatory on grounds of sexual orientation. You must also be wary about rejecting applicants because of previous criminal convictions from many years ago for something which is no longer unlawful, such as consensual adult gay sex. This law was by its very nature discriminatory and refusing to employ someone because of this could amount to discrimination.

It is unlawful to offer people of a particular sexual orientation less favourable terms and conditions than people of another.

You will also discriminate if you deliberately do not offer a person a job because they are of a particular sexual orientation, except in the limited circumstances when a genuine occupational requirement exists (SO, reg.7).

If you believe persons of a particular sexual orientation are under-represented in your workforce, you can implement 'positive action' measures (SO, reg.26).

In February 2007, British-born John Amaechi became the first professional basketball player in the United States to openly identify himself as gay, but only after retiring from the sport. This is indicative of how difficult it can be for lesbian, gay and bisexual individuals to be open about their sexual orientation.

DURING EMPLOYMENT (SO, reg.6(2)) – it is unlawful to discriminate against your employees.

You need to ensure you provide fair opportunities for promotion, transfer, training and any other benefits, facilities or services. As an example, it would be discriminatory to refuse to promote a gay man because you believe it would embarrass the Governing Body to have him attend external functions with his male partner.

If on the other hand, you did promote the individual but refused to allow him to attend functions with his male partner, this could amount to a detriment on the grounds of sexual orientation and would be unlawful.

Since the Regulations outlawing discrimination on the grounds of sexual orientation came into force, employment tribunal claims about bullying and harassment on this basis have been most prominent.

CASE-LAW EXAMPLE

A gay man employed as a sports club bar steward was subjected to homophobic remarks by committee members and club members. The club was held liable for the harassment and the tribunal noted they had not made “any effort to promote equal opportunities or to ensure that offensive remarks were not made”.

Policies and training to prevent harassment occurring are very important, as are robust procedures to deal with any complaints which are made.

ON OR AFTER TERMINATION (SO, regs.6(2) and 21) – it is unlawful to dismiss someone on the grounds of sexual orientation.

After termination you must not victimise someone who has made allegations of discrimination. Subjecting a former employee to a detriment, or harassing them, could also lead to an employment tribunal claim.

2. You are responsible for **any discriminatory acts committed by members of staff** in the course of their employment.

To avoid behaviour of this type, organisations should take preventive action. This involves putting in place equality policies, communicating these to staff, providing training on what the policies mean, and dealing with any complaints swiftly and seriously. Taking these steps will also put you in a good position to successfully argue a reasonable steps defence to an employment tribunal claim (see Jargon Buster).

...a provider of goods, facilities, services and premises?

A Governing Body's role as a service provider comes under scrutiny in a number of ways. Firstly, it is unlawful to refuse to provide a person of a particular sexual orientation with goods, facilities or services if you would normally make them available to the public at large.

EXAMPLE

Refusing to allow individuals who have had an HIV test access to services could indirectly discriminate against gay men, who are more likely to have had such a test.

You must not provide goods, facilities or services of inferior quality or on less favourable terms to persons of a particular sexual orientation. For example, if married couples receive discounts on memberships these should equally be offered to civil partners. Similarly, if mixed-gender unmarried couples are offered particular benefits, so should same-gender couples not in a civil partnership.

Discrimination on grounds of sexual orientation when disposing of or managing premises is also unlawful. This covers refusing to sell or rent premises to a particular person, or only offering the premises on less favourable terms e.g. setting a higher rent for a lesbian, gay or bisexual (LGB) sports club than you would for a non-LGB club.

Governing Bodies should consider how to make their services appeal to lesbian, gay and bisexual men and women.

✓ GOOD PRACTICE EXAMPLE

Reaching out to new audiences can be achieved in a variety of ways. Pride Sport in partnership with the British Triathlon Association put on the first Pride Games Aquathlon. This was the first competitive event at Pride Games 2007 and it was targeted at budding tri-athletes, swimmers and runners. www.pridegames.org

✓ GOOD PRACTICE EXAMPLE

England Netball ask about sexual orientation in their annual staff survey. They also plan to ask about their members' sexual orientation when they next update their membership data. Responding to this question is not compulsory, individuals can opt-out of answering. This is not simply about data gathering – the information obtained is used to target positive action programmes. www.englandnetball.co.uk

Governing Bodies could also think about whether practices should be adapted to make it easier for people of different sexual orientations to use facilities and services.

✓ GOOD PRACTICE EXAMPLE

The Irons Gay Golfing Society publishes a regular Newsletter which includes a handicap table. The website version has abbreviated surnames because they realise some members may not be as 'out' as others. They ask all members identifiable in the website photos on their website for explicit consent to their publication, again for confidentiality reasons. www.ironsgolf.org.uk

✓ GOOD PRACTICE EXAMPLE

The Football Association's Ethics and Sports Equity strategy spells out its opposition to homophobia and, along with race and disability discrimination, will punish such behaviour with sanctions including abusive players being banned from the game. www.thefa.com

In general terms organisations should ensure their equality or equity policy covers service delivery as well as employment issues and should have a complaints and suggestions procedure in place that is open to all.

...a qualifications body?

If you can confer, renew or extend a professional or trade qualification – which will include coaching qualifications - it will be unlawful for you to discriminate against a person on the grounds of sexual orientation in relation to conferring any such qualification, or to subject him or her to harassment, or to victimise any person.

...a vocational training provider?

In a similar vein, if you act as a training body providing vocational training, it is unlawful to discriminate: in the arrangements you make for selecting people to receive such training, in the terms on which training is provided, by refusing or deliberately omitting to provide access, by terminating training, or by subjecting the trainee to any detriment during the course of their training.

... a trade organisation?

A trade organisation is described as an organisation of workers, employers, or others, whose members carry on a particular profession or trade, and that is the reason why the organisation exists. Although you may not feel your organisation is a trade organisation, an individual lodging a sexual orientation discrimination claim could argue these provisions apply to you. For details of a trade organisation's responsibilities, see SO, reg.15.

...an operator of private members' clubs or associations?

The "private club" provisions apply to any association with 25 or more members. This provision will cover many sports clubs and applies regardless of whether or not activities are carried out for profit. It makes it unlawful to discriminate on grounds of sexual orientation in relation to membership admission and access to benefits, facilities or services.

However, there is an exception to this general rule for associations whose **main object** is to enable people of a particular sexual orientation to take advantage of membership. This will allow Governing Bodies to continue to support the establishment and development of sports clubs aimed at lesbian, gay or bisexual individuals, a great many of which already exist, e.g. Out to Swim (www.ots-comms.org/OTS), Manchester Sharks (www.manchestersharks.co.uk), Tennis London (www.tennislondon.com) and Caledonian Thebans RFC (www.thebans-rfc.co.uk)

Those running private clubs must also remember that they are required to comply with the employment provisions of the sexual orientation legislation.

...an individual?

Finally, you can be called to account in a court or employment tribunal for any discriminatory conduct or harassment which you are personally responsible for.

Adopting best practice and acting as a role model for others will not only reduce your risk of litigation, but will also help to create an inclusive environment where everyone can fulfill their potential.

Religion or Belief

DISCRIMINATION ON THE GROUNDS OF RELIGION OR BELIEF

It is unlawful for a person to discriminate against another person on grounds of religion or any religious or philosophical belief. This definition is very wide-ranging and those who are non-believers also receive the protection of the law.

The legislation does not set out a list of the religions or belief systems which will be covered, however, examples include: Atheism, the Baha'i faith, Buddhism, Christianity (e.g. Catholicism, Protestantism, Anglicanism and Orthodox Christianity), Druidism, Hinduism, Humanism, Islam, Jainism, Judaism, Paganism, Rastafarianism, Sikhism and Zoroastrianism. As you will gather, the definition is very broad and will cover a great many religions and belief systems.

✓ GOOD PRACTICE MONITORING

This is likely to be a sensitive issue and no firm guidance has been given on the categories to monitor. Guidance could be sought from the definitions being proposed for the 2011 Census:

- ▣ **England and Wales:** www.statistics.gov.uk/census/2011Census
- ▣ **Scotland:** www.gro-scotland.gov.uk/census/censushm2011

WHAT LAWS DO WE NEED TO BE AWARE OF?

A number of pieces of legislation deal with discrimination on the grounds of religion or belief and these include:

- ▣ **Employment Equality (Religion or Belief) Regulations 2003 ("RB")**
- ▣ **Criminal Justice (Scotland) Act 2003 (specific to Scotland)**
- ▣ **Racial and Religious Hatred Act 2006 (specific to England and Wales)**
- ▣ **Equality Act 2006 ("EA 2006")**

There is not yet an Equality Duty related to religion or belief. However, organisations adopting a best practice approach would extend their proactive work to promote equality of opportunity to this strand of the law. Proposals for a forthcoming Single Equality Act have indicated that it is likely that the Single Equality Act will extend the Equality Duties to all six equality strands (see Introductory section).

It is also important to remember that **every** organisation has legal responsibilities to prevent discrimination and harassment on grounds of religion or belief. These obligations have recently been expanded to the area of goods and services. This section sets out your responsibilities and provides examples of good practice.

WHAT FORMS CAN DISCRIMINATION ON THE GROUNDS OF RELIGION OR BELIEF TAKE?

As set out in the "Jargon Buster", discrimination on the grounds of religion or belief can take the form of direct discrimination (RB, reg.1(1)(a)); indirect discrimination (RB, reg.1(1)(b)); harassment (RB, reg.5); and victimisation (RB, reg.4).

There are a wide-ranging set of circumstances which can lead to a claim because discrimination is not only prohibited on the basis of an individual's actual religion or belief, but also on the basis of:

- ▣ **The religion or belief of someone with whom the individual is associated e.g. a claim could be brought by a person dismissed because their best friend is a Muslim.**

IN WHAT WAYS ARE WE AFFECTED BY THE RELIGION OR BELIEF LAWS?

Your role comes under scrutiny in a number of ways and you may have responsibilities in any, or all, of the following capacities:

- ✦ employer (liable for your own actions and the actions of your staff) (RB, Part II);
- ✦ provider of goods, facilities, services and premises (EA 2006, Part 2);
- ✦ qualifications body (RB, reg.16);
- ✦ provider of vocational training (RB, reg.17);
- ✦ trade organisation (RB, reg.15);
- ✦ operator of private members' clubs or associations;
- ✦ as individuals.

WHAT ARE OUR RESPONSIBILITIES AS...

...an employer?

Your responsibilities as an employer take two main forms:

1. You are responsible for **your own actions as an employer** at each stage of the employment relationship.

JOB APPLICANTS (RB, reg.6(1)) – even before someone starts working for you, they are protected against discrimination based on their religion or belief.

You must not discriminate in the arrangements you make for the purposes of determining who to employ. This includes methods of recruitment; job selection criteria; and interview times, location and questions.

EXAMPLE

Where the recruitment process includes a social gathering, you may wish to avoid holding it in a hotel bar as this could pose difficulties for those whose religion forbids association with alcohol.

It is unlawful to offer people of one religion or belief less favourable terms and conditions than people of another.

You will discriminate if you deliberately do not offer a person a job because they are of a particular religion or belief, except in the limited circumstances when a genuine occupational requirement exists (RB, reg.7).

If you believe persons of a particular religion or belief are under-represented in your workforce, you can implement “positive action” measures (RB, reg.25), giving special encouragement to, or training for those in a minority in the workplace.

DURING EMPLOYMENT (RB, reg.6(2)) – it is unlawful to discriminate against your employees.

You need to ensure you provide fair opportunities for promotion, transfer, training and any other benefits, facilities or services.

✓ GOOD PRACTICE GUIDE

The Advisory, Conciliation and Arbitration Service (Acas) has produced a guide entitled “Religion or Belief and the Workplace”, which contains examples of good practice for employers.

www.acas.org.uk

Subjecting a person to any detriment on the grounds of religion or belief is unlawful. Harassing a person on grounds of their religion or belief is unlawful and organisations should put in place policies and training to prevent harassment from occurring. Complaints about harassment should be dealt with swiftly and in accordance with the policy.

This is particularly important given the provisions in the Racial and Religious Hatred Act 2006 , which took effect on 1 October 2007 in England and Wales. The Act creates a new criminal offence of stirring up hatred against any person on the grounds of their religion and is punishable by a fine or maximum prison sentence of 7 years. Instances of religious discrimination in the workplace, if of sufficient gravity, could amount to offences under the Act. If your Governing Body has been set up as a company, it can be guilty of the offence, and individual directors, managers, or similar officers can also be held liable if the company's offence was committed with their consent or connivance. Although similar provisions exist in Scotland, they do not go as far as to hold companies and their officers liable.

ON OR AFTER TERMINATION (RBR, reg.6(2) and 21) – it is unlawful to dismiss someone on the grounds of religion or belief.

After termination you must not victimise someone who has made allegations of discrimination. If asked for a reference for that individual, you must deal with it objectively and fairly.

2. You are responsible for **any discriminatory acts committed by members of staff** in the course of their employment.

Organisations should take preventive action to avoid behaviour of this type occurring. This involves putting in place equality policies, communicating these to staff, providing training on what the policies mean, and dealing with any complaints swiftly and seriously. Taking these steps will also put you in a good position to successfully argue a reasonable steps defence to an employment tribunal claim (see Jargon Buster).

...a provider of goods, facilities, services and premises?

It is unlawful to refuse to provide a person of a particular religion or belief with goods, facilities or services if you would normally make them available to the public at large.

Sunday opening of facilities (and Sunday competitions) may be a particular issue for people of certain religious groups, and is likely to be more marked in some geographical locations than others. For example, in the Western Isles in Scotland, residents who are not Free Presbyterian have argued that closing sports (and other) facilities on a Sunday is discriminatory. This is an example whereby those who are, for example, atheists, humanists or secularists, could bring a claim stating that the policy of closing on Sundays is discriminatory against them.

Organisations must not provide goods, facilities or services of inferior quality or on less favourable terms to persons of a particular religion or belief.

✓ GOOD PRACTICE EXAMPLE

The Football Association have changed their rules so no player is forced to play on a bona fide religious or cultural festival and this rule also provides that when planning competitions, regard will be had to the agreed dates of such occasions. (Rules of the Association, Section B. Rule 5) www.thefa.com

Discrimination on grounds of religion or belief when disposing of or managing premises is also unlawful. This covers refusing to sell or rent premises to a particular person, or only offering the premises on less favourable terms e.g. not permitting a Muslim women's Badminton club to rent premises, but permitting a women's Badminton club with no religious connections to do so.

Governing Bodies should consider how to make their services appeal to followers of different religions or beliefs.

✓ GOOD PRACTICE EXAMPLE

Former Celtic and Rangers footballers have been working in partnership with Football For All on the Kick-out Bigotry “coaching with a conscience” scheme in Scottish schools. The scheme twins denominational and non-denominational primary school children, providing one hour of anti-sectarian education followed by an inclusive one hour football coaching session.

www.footballforall.org.uk

This is part of the “Calling Full Time on Sectarianism” strategy which is being co-ordinated by the Scottish Government, **sportscotland** and the Scottish FA. Action points of the strategy include the introduction of a new disciplinary offence of unacceptable conduct in football grounds in Scotland, carrying potential sanctions against clubs, officials, players or spectators engaging in sectarian behaviour. www.scottishfa.co.uk

Governing Bodies could also think about whether practices should be adapted to make it easier for people of different religions or beliefs to use facilities and services. Particular issues may arise around clothing, jewellery and appearance.

Clothing, Jewellery and Appearance

Any policies which address clothing, jewellery and/or appearance issues should be considered carefully so as not to discriminate against individuals who adhere to certain religions or belief systems. Examples of the types of practices which might be observed include:

- ✦ **Muslim women may wish to cover their bodies and men may be unwilling to wear shorts as modesty is a particularly important principle in Islam;**
- ✦ **Many married Hindu women wear a necklace (mangal sutra) which is placed around their necks during the marriage ceremony;**
- ✦ **Orthodox Jewish men keep their heads covered at all times;**
- ✦ **Rastafarians wear their hair uncut and in “dreadlocks”.**

A Governing Body wishing to place restrictions on dress and appearance issues will need to ensure these do not indirectly discriminate against certain religions, etc. If they do, the Governing Body will need to be able to objectively justify the restriction e.g. for health and safety reasons.

England Netball and England Basketball have put in place exemptions allowing players to wear religious clothing while competing. www.englandnetball.co.uk and www.englandbasketball.co.uk For example, the England Netball rules for the South West Premier Regional League state:

“If scarves need to be worn because of religious practices, the player and the coach must ensure that the material used for the head covering is soft, without embellishments which might constitute a danger, and with potential flowing/flapping edges held securely around the neck or tucked into the shirt collar as neatly and securely as possible”.

In general terms organisations should ensure their equality or equity policy covers service delivery as well as employment issues and should have a complaints and suggestions procedure in place that is open to all.

...a qualifications body?

If you can confer, renew or extend a professional or trade qualification – which will include coaching qualifications - you are covered by this aspect of the legislation and it will be unlawful for you to discriminate against a person on the grounds of religion or belief in relation to conferring any such qualification, or to subject him or her to harassment, or to victimise any person.

To encourage people of differing religions or beliefs to undertake coaching qualifications, you may wish to consider linking up with established faith groups or projects.

✓ GOOD PRACTICE EXAMPLE

The Elms International Jewish Summer Camp 2007 contained Community Sports Leader Award Schemes for those aged 15-19, designed as a first step towards gaining UK national Governing Body coaching qualifications. www.the-elms.co.uk/camp

...a vocational training provider?

In a similar vein, if you act as a training body providing vocational training, it is unlawful to discriminate in the arrangements you make for selecting people to receive such training, in the terms on which training is provided, by refusing or deliberately omitting to provide access, by terminating training, or by subjecting the trainee to any detriment during the course of their training.

... a trade organisation?

A trade organisation is described as an organisation of workers, employers, or others, whose members carry on a particular profession or trade, and that is the reason why the organisation exists. Although you may not feel your organisation is a trade organisation, an individual lodging a religion or belief discrimination claim could argue these provisions apply to you. For details of a trade organisation’s responsibilities, see RB, reg.15.

...an operator of private members’ clubs or associations?

There is no specific mention in any of the current legislation of private members’ clubs or, as in the sexual orientation, disability and race legislation, of associations with a certain number of members. However, this does not mean private clubs should ignore religion or belief as an issue. Instead, best practice should see Governing Bodies encouraging private clubs and associations to operate on a non-discriminatory basis as it is likely that once the Single Equality Act proposals become law (see Introduction), the legislation on all six strands of discrimination law will extend to them.

In the meantime, those running private members’ clubs must remember that they are required to comply with the employment provisions of the religion or belief legislation.

...an individual?

Finally, you can be called to account in a court or employment tribunal for any discriminatory conduct or harassment which you are personally responsible for.

Adopting best practice and acting as a role model for others will not only reduce your risk of litigation, but will also help to create an inclusive environment where everyone can fulfill their potential.

Age

40

DISCRIMINATION ON THE GROUNDS OF AGE

It is unlawful for a person to discriminate against another person on grounds of age, whether this is at the lower end, middle, or upper end of the age scale. At the time of writing, the age discrimination protections only apply to the employment field; they do not apply to the provision of goods, facilities, services, etc.

✓ GOOD PRACTICE IN MONITORING

The simplest way to monitor age is to ask for the individual's date of birth. Another option would be to set out a range of ages e.g. under 16, 17–25, 26–35, etc. If using age ranges, ensure that the ranges do not overlap and that they are relevant to your employment and service provision. The option not to answer the question should also be given.

WHAT LAWS DO WE NEED TO BE AWARE OF?

The main piece of legislation dealing with discrimination on the grounds of age is:

✦ Employment Equality (Age) Regulations 2006

There is not yet an Equality Duty related to age. However, organisations adopting a best practice approach would extend their proactive work to promote equality of opportunity to this strand of the law. Proposals for a forthcoming Single Equality Act have indicated that it is likely that the Single Equality Act will extend the Equality Duties to all six equality strands (see Introductory section).

It is also important to remember that **every** organisation has legal responsibilities to prevent discrimination and harassment in employment on grounds of age. This section sets out your responsibilities and provides examples of good practice.

WHAT FORMS CAN DISCRIMINATION ON THE GROUNDS OF AGE TAKE?

As set out in the "Jargon Buster", discrimination on the grounds of age can take the form of direct discrimination (reg.3(1)(a)); indirect discrimination (reg.3(1)(b)); harassment (reg.6); and victimisation (reg.4).

There are a wide-ranging set of circumstances which can lead to a claim as discrimination is not only prohibited on the basis of an individual's actual age, but also because:

- ✦ **Of the age an individual is believed to be, even where that belief is wrong e.g. an individual is not given a management job because it is believed they look too young to have the authority over other members of staff;**
- ✦ **A person fails to carry out - or complains about receiving - an unlawful instruction to discriminate, and is then treated less favourably as a result e.g. an individual who ignores an instruction not to hire anyone over the age of 35 because they wouldn't fit in and is then demoted as a result.**

IN WHAT WAYS ARE WE AFFECTED BY THE AGE LAWS?

Your role comes under scrutiny in a number of ways and you may have responsibilities in any, or all, of the following capacities:

- ✦ **employer (liable for your own actions and the actions of your staff) (Part 2);**
- ✦ **qualifications body (reg.19);**
- ✦ **provider of vocational training (reg.20);**
- ✦ **trade organisation (reg.18);**
- ✦ **operator of private members clubs or associations;**
- ✦ **as individuals.**

WHAT ARE OUR RESPONSIBILITIES AS...

...an employer?

Your responsibilities as an employer take two main forms:

1. You are responsible for **your own actions as an employer** at each stage of the employment relationship.

JOB APPLICANTS (reg.7(1)) – even before someone starts working for you, they are protected against discrimination based on age. Research reports indicate that recruitment is the stage at which older workers are likely to face the greatest discrimination www.efa.org.uk

Governing Bodies will need to pay particular attention to the criteria used for selecting individuals for a post. For example, requirements for a certain number of years experience are likely to indirectly discriminate against younger workers, while requirements for particular qualifications are most likely to indirectly discriminate against older workers. Only if these criteria can be objectively justified will they be allowed. It is often better to look for quality of experience rather than a crude measure of quantity. For further guidance, visit www.agepositive.gov.uk

As outlined in the case law example below, discriminatory questions at interview are another hotspot.

CASE-LAW EXAMPLE

The successful candidate for a deputy principal's position was under 30 years of age and had only 7 years of experience at the time of interview. On the other hand, one of the unsuccessful candidates was 48 years of age with 27 years experience. During her interview, the chairman of the interview panel asked: "considering that you have been teaching for 27 years, why would you be bothered with the hassle of the job of deputy principal?" This was found to be discriminatory on the grounds of age.

It is unlawful to discriminate on the grounds of age in relation to the terms and conditions offered.

You will also discriminate if you deliberately do not offer a person a job because they are of a particular age, except in the extremely limited circumstances when a genuine occupational requirement exists (reg.8), or if the individual is above - or within 6 months of reaching – retirement age (reg.7(4)).

If you believe persons of a particular age or age group are under-represented in your workforce, you can implement 'positive action' measures (reg.29).

DURING EMPLOYMENT (reg.7(2)) – it is unlawful to discriminate against your employees or subject them to a detriment on the grounds of age. A number of Premiership clubs were caught in controversy after the Age Regulations came into force when it was suggested they had a policy of offering only one-year contracts to players over 30. Any such blanket policy would require to be objectively justified and arguments based on the greater likelihood of injury, or players "being past their best" would need firm evidence to back them up. The same will be true of team selection policies where the individuals in the team are employees. In relation to funded athletes, this is unlikely to be the case, because they are not classed as employees of the Governing Bodies. However, it would be good practice to follow the principles in the Age Regulations in your dealings with these individuals.

You need to ensure you provide fair opportunities for promotion, transfer, training and any other benefits. However, there are two "exceptions" which can be used by employers to justify using length of service in relation to pay and benefits. The "five year exception" exempts any length of service requirement of five years or less. So, for example, you could award an extra day's holiday, or a pay increment during each of an individual's first five years of service. Once the five year mark is reached, if you want to use length of service you still can, but only in the narrow circumstances set out by the "general" exception. This provides that it must reasonably appear that using length of service beyond the 5 year period fulfils a business need, for example, by encouraging the loyalty or motivation, or rewarding the experience, of some or all of your workers.

Employers can also justify paying people of different age groups different amounts in very specific circumstances relating to the national minimum wage age bands (i.e. 16-17; 18-21 and 22+). Legal advice is recommended on these issues.

It is unlawful to victimise your employees for having complained about discrimination or for instance, giving evidence in a discrimination claim. In addition, you must not harass a person on grounds of age. It is essential to have policies and training in place in order to prevent harassment from occurring. Complaints about harassment should be dealt with swiftly and in accordance with the policy.

ON OR AFTER TERMINATION (regs.7(2) and 24) – it is unlawful to dismiss someone on the grounds of age and, after termination, you must not victimise someone who has made allegations of discrimination. Subjecting a former employee to a detriment, or harassing them, could also lead to an employment tribunal claim.

Retirement ages are a particularly important area to address. The Government has decided to set a “default” retirement age of 65 which allows employers to retire employees fairly at or above 65 if certain procedures are followed. Failure to follow the procedures will make any such dismissal automatically unfair. It should be noted that 65 is **not a mandatory** retirement age forcing employers to retire employees at the age of 65. If you wish to set a retirement age below 65 you will need to be able to objectively justify this, for example, on health and safety grounds. This could be difficult to do. For further details of the retirement age provisions and the strict procedures an employer must follow, to ensure that retirement of an employee does not amount to discrimination, visit the Acas website to read “Guidance on Age in the workplace – a guide for employers”:

www.acas.org.uk

2. You are responsible for **any discriminatory acts committed by members of staff** in the course of their employment.

To avoid behaviour of this type, organisations should take preventive action. This involves putting in place equality policies, communicating these to staff, providing training on what the policies mean, and dealing with any complaints swiftly and seriously. Taking these steps will also put you in a good position to successfully argue a reasonable steps defence to an employment tribunal claim (see Jargon Buster).

...a provider of goods, facilities, services and premises?

A Governing Body’s role as a service provider does not yet come under scrutiny in the age discrimination legislation. However, progress through the Equality Standard will depend on you doing positive work in this area. It is also possible that protection from discrimination on the basis of age may be extended to the provision of goods, facilities, services and premises once the proposals for a Single Equality Act become a reality.

Targeted provision based on age, age-graded competitions, and so on are permitted under the legislation. However, Governing Bodies should also consider how to make their services appeal to participants across the age spectrum.

✓ GOOD PRACTICE EXAMPLE

Back to netball sessions aimed at increasing participation among people over 16 years of age have been run by Bedford Borough Council. 43 women aged between 17 and 55 years attended an initial taster session, with an average of 32 attending each of four weekly coaching sessions which followed. From the initiative a team called “Priory Storm” has been created and they compete in the Bedford and District Netball League. www.fitterfutures.org.uk

✓ GOOD PRACTICE EXAMPLE

Golden Oldies Rugby is played all over the world, aimed at those who are 35+. There are shortened game times, unlimited substitutions and no trophies for winning. Age is shown by the colour of shorts players wear and over 60’s cannot be tackled. The 17th World Golden Oldies Rugby Festival will be played in Edinburgh in September 2008.

www.europeangoldenoldiesrugby.com

✓ GOOD PRACTICE EXAMPLE

The FA Council has the power to appoint a Youth Committee to exercise all powers of the Council in relation to the FA County Youth Cup and to make decisions on the organisation, control and management of that competition. This aims to encourage younger individuals to become involved in organising the game. www.thefa.com/TheFACup/TheFACountyYouthCup

Governing Bodies should have a complaints and suggestions procedure in place that is open to all, encouraging feedback in order to open up participation in your sport at all levels.

...a qualifications body?

If you can confer, renew or extend a professional or trade qualification – which will include coaching qualifications - it will be unlawful for you to discriminate against a person on the grounds of age in relation to conferring any such qualification, refusing or deliberately not granting an application, or by withdrawing a qualification or varying the terms on which it is offered. Subject a person to harassment, or victimising any person is also outlawed.

...a vocational training provider?

In a similar vein, if you act as a training body providing vocational training, it is unlawful to discriminate: in the arrangements you make for selecting people to receive such training, in the terms on which training is provided, by refusing or deliberately omitting to provide access, by terminating training, by subjecting the trainee to any detriment during the course of their training, or by harassing a person applying for or undergoing training.

... a trade organisation?

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...an operator of private members' clubs or associations?

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In the meantime, those running private members' clubs must remember that they are required to comply with the employment provisions of the age legislation.

...an individual?

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Adopting best practice and acting as a role model for others will not only reduce your risk of litigation, but will also help to create an inclusive environment where everyone can fulfill their potential.

THIS DOCUMENT IS AVAILABLE IN A RANGE OF FORMATS AND LANGUAGES

For further information contact:

UK Sport Policy Team

www.uk sport.gov.uk

sportscotland Communications Team

www.sportscotland.org.uk

Equality and Human Rights Commission

www.equalityhumanrights.com

produced by

sportscotland

Caledonia House . South Gyle . Edinburgh . EH12 9DQ

Telephone: +44 (0)131 317 7200 . Facsimile: +44 (0)131 317 7202

email: library@sportscotland.org.uk

www.sportscotland.org.uk



40 Bernard Street . London . WC1N 1ST

Telephone: +44 (0)20 7211 5100 . Facsimile: +44 (0)20 7211 5246

email: info@uk sport.gov.uk

www.uk sport.gov.uk