

# Shaw Trust Direct Payments Support Services

## Information Sheet 7: Equal Opportunities Legislation

### Sheet Outline:

- Employee personal qualifications e.g. gender, race etc.
- Understanding the law
- Sourcing further advice

### Outcome:

- To increase awareness of Equal Opportunities legislation

## Employee Personal Qualifications

It is illegal to discriminate against people on the grounds of age, sex, race, disability, sexual orientation, and religion or belief.

Fair treatment is not just a moral and legal duty, it is a business imperative. Employers who treat employees fairly and flexibly will be best placed to recruit and retain staff in an increasingly diverse and competitive labour market.

However, if you want to specify someone's race or gender in your advertisement you can only do so if your requirement is a **Genuine Occupational Qualification**.

If you specify for example that as a woman you only wish to appoint a female or as a Somalian person you only wish to employ a Somalian person you must state that your advertisement complies with the relevant piece of legislation.

## Understanding the Law

The relevant pieces of legislation are as follows:

### Race Relations Act 1976

(Source [www.direct.gov.uk](http://www.direct.gov.uk))

**Section 5 (2D):** Where the job holder provides persons of the racial group in question with personal services promoting their welfare and those services

can most effectively be provided by person of the same racial group ... then it is a genuine occupational qualification.

## Sex Discrimination Act 1975

(Source [www.womenandequalityunit.gov.uk](http://www.womenandequalityunit.gov.uk))

**Section 7 (2B):** Where considerations of decency or privacy require the job to be held by a man (or woman) either because it is likely to involve physical contact between the job holder and man (or woman) in circumstances where they might reasonably object to the job holder being of the opposite sex .... then it is a genuine occupational qualification.

**Section 7 (2E):** Where the job holder provides individuals with personal services promoting their welfare and those services can most effectively be provided by a man (or woman) ..... then it is a genuine occupational qualification.

The above are examples of some Genuine Occupational Qualifications (GOQ's) but this is not an exhaustive list. You do not need to put the full text in your advertisement, just refer to the correct section of the Act: e.g. *"this advertisement complies with S7 (2B) of the Sex Discrimination Act 1975"*.

## Age Discrimination Regulations 2006

(Source: [www.direct.gov.uk](http://www.direct.gov.uk))

From 1 October 2006, there is legal protection against age discrimination. It is no longer lawful to discriminate on grounds of age. Treating staff fairly and recognising individuals' talents and needs is not just the right thing to do, but makes good business sense as well.

For further information speak to your Support Officer, go to the DTI website at [www.dti.gov.uk](http://www.dti.gov.uk) or access the ACAS "Age and the Workplace" at [www.acas.org.uk](http://www.acas.org.uk) or telephone ACAS on 08457 474747.

## Sexual Orientation Discrimination

(Source: [www.direct.gov.uk](http://www.direct.gov.uk))

It is against the law for an employer to discriminate because of sexual orientation. People are also protected against harassment or bullying at work. Find out about people's rights and how this affects you. The law against sexual orientation discrimination at work covers recruitment, terms and conditions, pay and benefits, status, training, promotion and transfer opportunities, through to redundancy and dismissal.

For further information speak to your Support Officer or access the ACAS “Guidance on Sexual orientation and the workplace” at [www.acas.org.uk](http://www.acas.org.uk) or telephone ACAS on 08457 474747.

## Religious Belief Discrimination

(Source: [www.direct.gov.uk](http://www.direct.gov.uk))

It is against the law for an employer to discriminate because of religion or certain beliefs. Employment law defines religion or belief as any religion, religious belief or similar philosophical belief. There’s no specific list, but it includes all major religions, and less widely practiced ones. If it’s uncertain what counts as a religion or belief under law, an Employment Tribunal can decide.

For further information speak to your Support Officer or access the ACAS “Guidance on Religion or belief and the workplace” at [www.acas.org.uk](http://www.acas.org.uk) or telephone ACAS on 08457 474747.

## Disability Discrimination

(Source: [www.acas.gov.uk](http://www.acas.gov.uk))

The Disability Discrimination Act 1995 provides disabled people with protection from discrimination in a range of areas, including in employment and occupation. This means that employers:

- must not directly discriminate against a disabled person.
- must not treat a disabled person less favourably for a reason related to his or her disability, unless that treatment can be justified.
- must make reasonable adjustments in the recruitment and employment of disabled people. This can include, for example, adjustments to recruitment and selection procedures, to terms and conditions of employment, to working arrangements and physical changes to the premises or equipment

For further information speak to your Support Officer or access the ACAS “Tackling Discrimination and Promoting Equality” booklet at [www.acas.org.uk](http://www.acas.org.uk) or telephone ACAS on 08457 474747.

## Sourcing Further Advice

If you wish to seek advice prior to advertising or recruiting using the Genuine Occupation Qualification requirement please contact your DPSS or ACAS on 08457 474747.