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VOLUNTARY ARTS IRELAND
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Champion+Connector
of the Voluntary Arts Sector

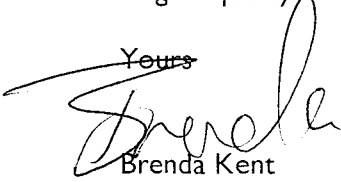
Single Equality Bill Team
OFMDFM
Room E3.18
Belfast

11 November 2004

Dear Team

Please find enclosed our contribution to the discussion surrounding the Single Equality Bill for Northern Ireland.

Yours


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An initiative of the Voluntary Arts Network;
acknowledges funding from the Arts Council of
Northern Ireland and the National Lottery through
the Arts Council of Northern Ireland.

VAN registered in Scotland as Company No. 139147
& Charity No. SC020345; acknowledges funding from
the Arts Councils of England, Northern Ireland,
Scotland & Wales.

November 2004

**Response to the Proposals for a
Single Equality Bill for Northern Ireland**

As the development agency for the voluntary cultural sector, Voluntary Arts Ireland welcomes the move to streamline and strengthen existing equality legislation. There are, however, grounds for concern about the proposal that the SEB should cover volunteers by adopting a broad definition of "employment".

Every year over 160,000 adults volunteer to help with the management or operation of voluntary cultural groups in Northern Ireland with a similar number (some 12% of the adult population) being voluntary participants in the activities of such groups. Whilst many of these might be exempted as what the document calls 'casual volunteers', the consequences of redefining even part of the cultural volunteer force as being 'employed' but unpaid could have wide reaching negative effects.

In considering the impact of including volunteers in the scope of the Bill, it is important to know that 60% of voluntary cultural groups in Northern Ireland have a turnover of under £6,000 a year and only 11% spend over £50,000 per annum. The average number of paid employees per group is 3.5 times lower than in the voluntary and community sector in general and there is a greater dependence on part-time employees. However over half the groups provide either regular or occasional employment for artists in an art-related role.

No volunteer should be discriminated against, however, making volunteers 'employees' to bring them into the scope of the SEB presents particular problems.

Volunteers are not unpaid 'employees'; they may gain personal satisfaction or a social network or skills from volunteering, but these are not the prime motivators - most people volunteer because they see a need in the community, they have some link with the organisation or they have spare time. Volunteering development bodies have invested much time and effort in ensuring that volunteering is not used as job substitution.

Dividing volunteers into those covered by the SEB and those not (ie. casual volunteers) works against our view that all volunteers should be managed, supported and protected to the same high standard.

Placing volunteers within the scope of the legislation by recognising volunteer agreements as contracts of employment would place a huge resource burden on voluntary cultural groups where word of mouth is the most common recruitment method. Obliging groups to meet the regulations covering employment when recruiting volunteers would create a financial and administrative burden beyond the capabilities of most.

If volunteers were to have new rights to tribunal under the SEB then voluntary arts groups would face the prospect of finding and paying for insurance against the costs of such an eventuality, something many could not afford.

By placing additional compliance requirements on the Board/Committee of voluntary cultural groups, the SEB could cause people to become reluctant to give their time and skills to running such groups.

In such circumstances, many groups might consider it safer not to issue volunteer agreements or written role description to their volunteers, thereby undoing the development of good practice promoted by volunteer development bodies over the past twenty years.

Voluntary Arts Ireland sees the SEB as an opportunity to continue the momentum of promoting good practice and equality of opportunity in volunteering but believes the current proposals may cause it to have a negative impact on volunteering in general. We would propose the development of alternatives such as the SEB:-

- specifically encouraging volunteer involving organisations to follow the spirit of the legislation whilst not imposing the letter of employment law upon their relations with volunteers.
- including a provision placing a duty on public bodies to support the development of equality promotion skills and procedures amongst volunteer involving groups, or failing that, an enabling provision at least.
- requiring there to be established some forum for arbitration and appeal for volunteers who believe they have been discriminated against – this being developed in full consultation with volunteer involving bodies.

11/11/2004

Introduction

Your details:

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Availability of Responses

Under the Code of Practice on Open Government, any response will be made available to the public on request.



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You or Your Organisation

The questions in this first section will help us to have a better understanding of who has responded to the consultation.

1. In what capacity are you responding?

On behalf of your organisation (please go to Q.2)

As an individual (please go to Q.5)

2. Is your organisation?

(please tick the box that applies to your organisation)

A college of further education

A company

A Government Department or Agency

(please give full details in the box at the end of this section)

An organisation representing employers

An organisation representing service providers

A professional association

A statutory body

A trade union/staff association

A university

A voluntary organisation

You or Your Organisation

Other (please give full details in the box at the end of this section)

3. If you are replying on behalf of your organisation, how many people does your organisation employ?

Between 1 and 10 employees

Between 11 and 49 employees

Between 50 and 249 employees

250 employees or more

4. Please indicate which sector best describes you?

Advice and/or information services

Charity/voluntary work

Communications

Construction and/or building design

Distribution/Transport

Education/training

Electricity, gas and water supply

Financial and/or business services

You or Your Organisation

Health and social work

Legal services

Leisure - Cinemas, theatres, museums

Leisure – hotels, restaurants, pubs

Public administration

Religious organisation

Wholesale and retail trade

Other (please tick box and specify)

5. Please indicate whether your prime interest is in respect of
(please tick all that apply)

All aspects of equality

Age

Disability

Gender

Gender Reassignment

You or Your Organisation

Married Persons

Political Opinion

Racial Grounds

Religious Belief

Sexual Orientation

Other *(please specify in the box below)*

Volunteers + Volunteering
Under the StGB

Scope

4.1 Which option should be used in determining the scope of the Bill?

Limited to the scope of the EU Directives and existing NI anti-discrimination legislation - Option (a)

Set at the same level for all grounds to be included in the Bill - Option (b)

Extended beyond employment for new grounds only in certain circumstances with a delay in implementation - Option (c)

4.2 Please explain the reasons and outline any possible implications (advantages and disadvantages) for your choice

Employment concepts

4.3 Should the Bill define "employment", "self employment" and "occupation"?

YES

NO

NO VIEW

4.4 If you answered "YES", should "employment" be defined using the definition in current legislation, namely "employment under a contract of service or apprenticeship or a contract personally to do any work"? - Option (b)

YES

NO

NO VIEW

4

Scope

- 4.5 If you answered "Yes", should the Bill define the concepts more broadly to include relationships, which do not technically constitute a contract to allow for the inclusion of some marginal workers and volunteers? - Option (c)

YES

NO

NO VIEW

- 4.6 If a broader definition is to be used should it exclude volunteers?

YES

NO

NO VIEW

- 4.7 Should the Bill **not** define the above concepts but leave it to the Tribunals to decide on a case-by-case basis? - Option (a)

YES

NO

NO VIEW

- 4.8 We would welcome your views on any other way of dealing with these employment concepts

Membership and Involvement in Organisations of Workers or Employers

- 4.9 Should the Bill extend these provisions to some or all of the other grounds?

YES

NO

NO VIEW