



**Single Equality Bill
YouthNet response
November 2004**

Background to YouthNet

YouthNet is the voluntary youth network for Northern Ireland. It is an independent agency which represents the interests and aspirations of voluntary youth organisations. Our 75 member organisations cover a broad range of activity for young people across Northern Ireland and we have consulted with them in the course of preparing this response. YouthNet also operates as a Sectoral Partner in an Intermediary Funding Body through the PEACE II Programme.

General comments

YouthNet welcomes the development of a Single Equality Bill as an important tool for advancing equality in Northern Ireland. We agree with the principles of the Bill as set out. We are concerned about the accessibility of the document; the issues are understandably complex but the language of the document is difficult for the lay reader to understand.

Grounds

YouthNet believes that marital or family status should be added as a ground to be covered by the Single Equality Bill, as this would be consistent with Section 75. We would seek to include this ground on the basis that would include cohabiting couples and dependents.

We do not wish to comment on the addition of any other grounds at this time.

Equal Pay

YouthNet believes that extending the existing provisions on equal pay to other grounds within the Single Equality Bill would be the most suitable option. The example of the Republic of Ireland's legislation is a good indication of how similar legislation could work in Northern Ireland. Moreover, it is logical in seeking to harmonise legislation to ensure that all grounds are protected equally. This could have a significant impact upon the ending of the wage disparity between workers over 21 and those under 21 in reference to the minimum wage. YouthNet would not approve of an exception on this basis.

SCOPE

YouthNet advocates option B, that scope should be the same for all grounds. We feel that harmonising grounds is a positive step forward and would offer a greater degree of clarity than differences between grounds. We understand that this will mean exceptions will need to be listed, particularly in relation to age. While we realise there may be some difficulties, we believe that the advantages of harmonising scope far outweigh the disadvantages, and that over time, this will prove to be an easier option to administer.

Scope - employment, self-employment and occupation

Volunteers

YouthNet agrees that volunteers make a vital and significant contribution across a range of activity in Northern Ireland and they should be protected from discrimination. However, YouthNet believes that it is wholly inappropriate to include volunteers in the employment category. Volunteers are not employees; to classify them as such shows a misunderstanding of the nature of the voluntary relationship, and the motivations of the volunteers themselves. If volunteers are to be included we would consider that this should be as a separate category with a clear definition of volunteering.

The Compact between the Community and Voluntary Sector uses the following definition of volunteering "*Volunteering is the commitment of time and energy for the benefit of society and the community, the environment or*

individuals outside one's immediate family. It is undertaken freely and by choice without concern for financial gain".

According to research carried out by the Volunteer Development Agency, volunteers get involved because they see a need in the community, because they feel a personal connection to the community or they have time to spare. Financial gain is not a consideration and the relationship is not obligatory, but time is given freely.

Therefore, defining volunteers in terms of a contract would be problematic. Volunteers do not wish to be classified as employees; to do so could hinder volunteer recruitment and retention as well as creating a prohibitive layer of bureaucracy for agencies which use volunteers. Moreover, some volunteers would be covered by the legislation, while others would not, creating a potentially unequal system. More worryingly, the difference between volunteers and employees would be increasingly unclear. Classifying volunteers as employees could also have a significant adverse impact upon benefit claimants. Relying on tribunals to decide cases is a time-consuming process which will not lead to greater clarity for most organisations which use the services of volunteers.

YouthNet agrees that the protection of volunteers from discrimination is an important issue. We would recommend that if protection for volunteers is included in the Single Equality Bill it should take the form of a voluntary code and refer to existing models of good practice.

This may require further consultation to ensure the development of a voluntary code of practice drawn up in partnership between the Equality Commission and agencies which use volunteers. Given the limited time to put legislation in place, it would be appropriate to provide for a voluntary code within the Bill and work out the precise details at a later stage. However, the Compact between the Government and Community and Voluntary Sector also states a "Government commitment to assess proposed legislation, new policies and policy changes for their potential impact on the voluntary and community sector and on volunteering and to consider where possible the

scope for mitigating any unintended negative impact". This impact has not been fully considered in Single Equality Bill consultation document and more consideration should be given to this issue before the Bill is published in its final form.

YouthNet is aware that the Volunteer Development Agency (VDA) has produced a response which deals with volunteering in detail. YouthNet has participated in VDA's consultation process and advocates its approach to ensuring volunteers are treated fairly.

Education

YouthNet agrees that discrimination in education should be dealt with as robustly as discrimination in employment, therefore, we agree with option a, that all sectors of education should be brought under the scope of the Single Equality Bill, with exceptions as appropriate.

EXCEPTIONS

YouthNet agrees that the list of exceptions should be carefully examined. If exceptions are to be listed in primary legislation, which seems to be most appropriate, a mechanism for review should also be written in to ensure that exceptions do not outlast their efficacy. However, YouthNet is not certain what exceptions should be included, if any. Any exception which is to be added should be explained clearly.

On compulsory grounds, YouthNet would advocate the removal of exceptions currently set out and replace these with genuine occupational requirements (GOR) and genuine service requirements (GSR). It may be useful to provide examples for greater clarity.

On possible new grounds, YouthNet advocates option d, to rely solely on GOR and GSR as exceptions.

Goods, Facilities and Services

It may be useful to include a definition of goods, facilities and services supplemented by examples. YouthNet agrees that it would be impractical to cover discrimination for transactions between two private persons. However, we would argue that discrimination should be covered in the instance of private provision of public functions.