



A Guide to
**Equality and
Diversity**
in the Third Sector

olmec

Gender



EQUALITY STRAND

This chapter on gender has been updated and is taken from the publication by Olmec *A Guide to Equality and Diversity in the Third Sector (2008)*. The update has been commissioned by the National Equality Partnership. A full copy of the Guide can be downloaded from Olmec's website: <http://www.olmec-ec.org.uk/documents/website%5CPublications%2FGuide%20to%20Equality%20and%20Diversity%20in%20the%20Third%20Sector.pdf>

Gender

Definitions

Sex: refers to the biological differences between men and women, which are universal and can only change in certain circumstances.

Gender: refers to social attributes that are learned or acquired during socialisation as a member of a given community. Because these attributes are learned behaviours they can and do change over time (with increasing rapidity as the rate of technological change intensifies) and varies across cultures¹.

Gross inequality still persists between men and women in our society. Women suffer more than men from discrimination on the grounds of gender. This is strongly demonstrated by wages and salaries. For example, on average a woman who works full time earns 17% less than a man who works full time, women who work part-time on average earn 36% less than men in full-time employment. Violence against women is a pervasive and deep-rooted form of gender discrimination. Forty-five per cent of women experience rape, sexual assault, domestic violence or stalking in their life time. This violence affects women's health, incomes and ability to participate in positions of power in society. Women occupy fewer of the top positions in society, for example only 20% of MPs are women.²

Tackling inequality and paying attention to differences between women and men benefits everybody. For example, gender equality reduces the power of rigid gender stereotypes of what it means to be a 'real man', giving men and boys more choices in their lives. Men can also be victims of gender discrimination.

Legislation

Over the past thirty years much legislation has been introduced to combat discrimination on the grounds of gender and gender identity. Below is an outline of the Acts of Parliament and measures introduced by the European Community which protect people from discrimination:

Equal Pay Act 1970

Obliges employers to pay the same wage or salary to women doing a similar role to a male in the same organisation or company.

1. From de Oteyza (2006) Gender in the City: Gender and Community Engagement Tools and processes (GEM project: Manchester).

2. www.eoc.org.uk

Sex Discrimination Act 1975

The Sex Discrimination Act 1975 as amended makes it unlawful to discriminate on the grounds of sex or marital status in employment, education, advertising for jobs, housing and the provision of goods, facilities and services. It also prohibits harassment in employment. The Act allows organisations to advertise single sex posts where there is a genuine occupational requirement (GOR). For example, an organisation which provides support for female victims of domestic violence would be able to employ women only.

The Sex Discrimination Act provides legal protection on many grounds including:

- on grounds of sex (i.e. male or female); and
- on grounds of gender reassignment .

Employment Act 2002 (Flexible Working Regulations)

Introduces the right of employees to request flexible working

Part-time Workers Regulations 2000

It is unlawful to treat part-time workers less favourably than their full-time equivalents unless it is objectively justifiable. However, the regulations do not create a right for women to access part-time work.

Consolidated Equal Treatment Directive 2006/54

There should be no discrimination on the grounds of gender, either directly or indirectly, nor by reference to marital or family status, in accessing employment, training, working conditions, promotion or dismissal.

Social Security Directive

Requires equal treatment of men and women in statutory schemes. It provides protection against sickness, invalidity, old age, accidents at work and occupational diseases and unemployment. It does not require equalisation of pension ages.

Equal Pay Directive

Requires pay discrimination on the grounds of sex should be eradicated.

Gender Equality Duty

The Gender Equality Duty came into effect in April 2007. The duty was brought in because after nearly 40 years of legislation, discrimination is still widespread. The Gender Equality Duty requires public authorities to promote gender equality. It is more wide-ranging than previous legislation because it requires those bodies affected to be proactive rather than reactive.

Third sector organisations should be aware of the duty because it may affect them in the following ways:

1) Procurement. Third sector organisations are increasingly providing services on behalf of public bodies. Public bodies may insist that organisations conform to the highest gender equality standards at the risk of losing contracts or being ineligible for future contracts if not. The Equal Opportunities Commission recommended that a public authority places a clause in the terms and conditions of contracts:

You will ensure that you do not discriminate against anyone unlawfully, or treat anyone unfairly, on the grounds of their sex, gender identity, marital, family or part-time status. You will also make sure that anyone acting on your behalf, your employees and sub-contractors involved in the Contract do not do so either, and that those involved in the management or operation of the Contract receive appropriate training on equal opportunities legislation and associated good practice.

An organisation which is known for its gender equality practices is more likely to be commissioned to provide a service on behalf of a public body.

Public sector bodies may also request that specific data is collated by the organisation so that the public authority can prove its own compliance with the specific duties. It makes sense therefore for third sector organisations to seek to excel on their gender equality policies to appear more attractive to public sector funders and to have the chances of either renewing their contract or obtaining one in the first place increased.

2) Good Practice. Legislation currently only requires certain bodies “to promote gender equality” but some of the methods prescribed could be employed by other organisations to help promote gender equality even where they are not obliged to. They could insert similar clauses as the one above into their contracts with other third sector organisations or companies who are supplying goods and services. This puts pressure on their own suppliers to implement good equalities practices.

3) Campaigning. Organisations can hold public authorities to account if they are not implementing the Gender Equality Duty properly.

4) Third sector organisations as public authorities. Some organisations can be considered to be public authorities where they provide a service on behalf of a public authority and where that service is public in nature.³ For example, Housing Associations are now bound by the Gender Equality Duty.

3. Taken from advice given in *Gender Equality Duty: Code of Practice for England and Wales* http://equalityhumanrights.com/uploaded_files/gender_equality_duty_code_of_practice_england_and_wales.pdf

Specific Duties

Some public bodies that are listed in the Sex Discrimination Act 1975 have specific duties under the Gender Equality Duty including:

- gathering and analysing information;
- consulting stakeholders;
- carrying out gender equality impact assessments;
- prioritising and implementing gender equality objectives; and
- reporting and reviewing.

The General Duties

A public sector employer also must pay due regard to eliminating forms of gender discrimination and harassment in employment. Some third sector organisations will also have to comply with these duties.

The following are measures prescribed in the Equal Opportunities Commission's Code of Practice as good practice for all organisations:

- ensuring fair recruitment processes;
- avoiding concentration of women and men into particular areas of work and addressing it where it already exists ("occupational segregation");
- promoting and managing flexible working;
- ensuring high-level part-time work and supporting part-time workers;
- managing leave for parents and carers;
- managing pregnancy and return from maternity leave;
- eliminating harassment including sexual harassment;
- eliminating discrimination against, and harassment of, transsexual staff and potential staff;
- grievance and disciplinary procedures;
- redundancy;
- retirement;
- equal pay; and
- work-based training opportunities⁴.

4. Gender equality duty: Code of Practice for England and Wales http://equalityhumanrights.com/uploaded_files/gender_equality_duty_code_of_practice_england_and_wales.pdf

The Right to Vote

Until the Married Women's Property Act 1882, when a woman got married, all the property that she had inherited passed to her husband. This demonstrated the gross inequality that existed at every level of the law between men and women. Women were also unable to vote to try and overturn some of this legislation. The suffragette movement was born to fight for the right of women to have the vote. In 1903 Emmeline Pankhurst and her three daughters established the Women's Social and Political Union (WSPU) in Manchester. Their campaign changed the nature of the suffragette movement as they were prepared to use militant methods to obtain their goal, including arson, hunger strikes once in prison, and one suffragette, Emily Wilding Davison, even threw herself under the King's horse at the Epsom Derby in 1913 to highlight the campaign.

During World War I, the WSPU used its influence to help the war effort and get women working in roles traditionally assigned to men. At the end of the war, this effort was recognised when in 1918 the Representation of the People Act received Royal Assent giving the right to vote to women over the age of 30 and who had received a University Education, were householders or the wives of householders or rented a property and had an annual income over £5. In 1928 women were finally able to vote on the same terms as men.

Best practice

One useful tool that third sector organisations could use is thinking about how their policies may affect men and women differently once implemented. It is worth bearing in mind that there may be different reasons why men and women take up services. If men or women are not using certain services then it may be worth finding out what inhibits them from seeking them out. Gender stereotypes may even be a good place to start thinking about this.

- Women are more likely to work part-time than men. If a service is only open during office hours then men may be less likely to use the service (of course it would also restrict women who work full-time from using the service). Changing the opening hours of a service so that both full-time workers and part-time workers can access it may make a difference.
- Women are also more likely to have childcare responsibilities. Providing assistance with childcare or making your service child-friendly may attract more female service users.

These are just a couple of the many examples of where adapting practices could help organisations work better with both genders.

Of course, there may be many reasons why a third sector organisation would want to provide a male-only or female-only service. An example often cited is a refuge for women who are survivors of domestic violence. Women are more likely to be subject to domestic violence than men so it would be disproportionate for an organisation to provide the same number of beds for male users as female users. It can also be unsafe and ineffective to provide these services in a mixed environment.

Resources

The Gender Equality Duty: Code of Practice for England and Wales (Equal Opportunities Commission) (2006)

http://83.137.212.42/sitearchive/eoc/PDF/GED_CoP_Draft.pdf?page=19765

The Women's Resource Centre has produced a template for Central Government Departments on the Gender Equality Duty. This can be downloaded from their website: www.wrc.org.uk

Enforcing the Gender Equality Duty: a Toolkit for Individuals (The Equality and Human Rights Commission)

A toolkit produced by EHRC for individuals to help hold public authorities to account on their duties under the Act.

http://www.endviolenceagainstwomen.org.uk/data/files/gender_equality_duty_enforcement_letters.pdf

Tools for Change: Public Sector Equality Duties & Violence against Women (End Violence against Women) (October 2007)

A toolkit produced by End Violence Against Women aimed at reducing violence against women.

<http://www.endviolenceagainstwomen.org.uk/pages/resources.html>

Why Women? (The Women's Resource Centre) (2006)

This report discusses the value and benefit of women only services. It is the result of some of the work that the Women's Resource Centre has been doing on getting women only services on the agenda.

http://www.wrc.org.uk/includes/documents/cm_docs/2008/w/wrcwhywomenreport.pdf

www.whywomen.org.uk

Into the Lion's Den: a Practical Guide to Including Women in Regeneration (Oxfam UK Poverty Programme)

This is a toolkit for organisations involved in regeneration that want to improve female involvement in the process. Some of the steps can be used to involve men in the process as well. The guide includes case studies from organisations which Oxfam UK had worked with. The guide can be downloaded from Oxfam's website:

<http://www.oxfam.org.uk/resources/ukpoverty/resources.html#lions>

Where are Women in Local Strategic Partnerships (The Women's Resource Centre in partnership with Oxfam and Urban Forum)

The document discusses issues that women face in getting involved in strategic partnerships and can be downloaded from the Women's Resource Centre's website.

<http://www.wrc.org.uk/downloads/Polycystuff/womenlsps.pdf>

See Both Sides: A Practical Guide to Gender Analysis for Quality Service Delivery (Oxfam)

This is a guide to service delivery looking at policies through to services using gender analysis. It covers a number of different actions and practical tools that organisations can use to redress gender imbalance in an organisation.

http://publications.oxfam.org.uk/oxfam/display.asp?K=9780855985370&sf_01=CTITLE&st_01=See+both+Sides&sort=SORT_DATE/D&x=18&y=5&m=1&dc=1#contents

Gender and the City: Gender and Community Engagement in Manchester: Tools and Processes (GEM)

This toolkit has been developed by GEM to help organisations across Manchester engage with gender issues. Although it has been produced with a specific emphasis on the different populations that make up Manchester, the tool kit is relevant to organisations across the country, both in rural or urban areas.

Closing the Gap Executive Summary of “Women Take Part” (Government Equalities Office, 2008)

Closing the Gap is a report on the findings of the Women Take Part project supported by the Government Equalities Office and the Department for Communities and Local Government, highlighting what needs to be done to encourage more women to play an active role in civic and civil life.

<http://www.changesuk.net/women-take-part.php>

The Impact of Commissioning and Procurement on the Women’s Voluntary and Community Sector (The Women’s Resource Centre, 2008)

This briefing discusses the impact on the women’s voluntary and community sector (VCS) of the trend towards commissioning services.

http://www.wrc.org.uk/includes/documents/cm_docs/2008/l/impact_of_commissioning_on_wvcs.pdf

VAW resources - Hard Knock Life (Philanthropy Capital, 2008)

Report on violence against women, shows donors that there are proven ways to keep women safe and help women recover from abuse.

www.philanthropycapital.org/research/research_reports/community/violence_against_women.aspx

Political engagement - No Politics Please, We’re Women (Hansard Society, 2008)

http://www.hansardsociety.org.uk/blogs/recent_events/archive/2008/10/15/no-politics-please-we-re-women.aspx

Organisations

Government Equalities Office

The Government Equalities Office (GEO) is a government department whose mission is to put equality at the heart of government. The GEO is responsible for the Government's overall strategy on equality as well as women's issues across Government.

Government Equalities Office

9th Floor, Eland House
Bressenden Place
London SW1E 5DU
United Kingdom
Tel: 0207 944 0601
Fax: 020 7944 0602
Email: enquiries@geo.gsi.gov.uk
www.equalities.gov.uk

The Women's National Commission

A 'non-departmental public body' that gives advice to Government on issues relating to women's rights.

Women's National Commission

4/G9 Eland House
Bressenden Place
London SW1E 5DU
Tel: 020 7944 0585
Fax: 020 7944 0583
E-mail: wnc@communities.gsi.gov.uk
www.thewnc.org.uk

The Fawcett Society

The Fawcett Society has its roots in the suffragette movement of the 19th and 20th Centuries. It is one of the leading campaigning organisations on issues of inequality between men and women.

The Fawcett Society

1-3 Berry Street
London, EC1V 0AA
Tel: 020 7253 2598
Fax: 020 7253 2599
www.fawcettsociety.org.uk

The Women's Resource Centre

A national charity supporting women's organisations to be more effective and sustainable. It provides information about publications and conferences and events for the women's voluntary sector. There are a number of useful links to a wide variety of women's organisations, resources, funding streams, charities, healthcare and Government departments.

http://www.wrc.org.uk/resources/useful_links.aspx

The Women's Resource Centre

Ground Floor East
33-41 Dallington Street
London EC1V 0BB
Tel: 020 7324 3030
Fax: 020 7324 3050
www.wrc.org.uk

End Violence Against Women Coalition

A coalition of organisations calling on the Government, public bodies and others to take concerted action to end violence against women.

End Violence against Women Coalition

17-25 New Inn Yard
London, EC2A 3EA
Tel: 020 7033 1559
Email: holly.dustin@amnesty.org.uk
www.endviolenceagainstwomen.org.uk

Oxfam UK Poverty

494 Wilbraham Road
Chorlton
Manchester, M21 9AS
Tel: 0161 861 7251
Fax: 0161 860 5600
Email: ukpoverty@oxfam.org.uk
www.oxfam.org.uk/resources/ukpoverty/index.html

Rosa

Rosa is the first UK-wide fund for projects working with women and girls.

Rosa c/o WRC

Ground Floor East, 33-41 Dallington Street,
London EC1V 0BB.
Tel: 020 7324 3044.
Email: info@rosauk.org.uk
<http://www.rosauk.org/>

Working Families

Working Families helps children, working parents and carers and their employers find a better balance between responsibilities at home and work.

Working Families

1-3 Berry Street

London EC1V 0AA

Tel: 020 7253 7243

Fax: 020 7253 6253

Email: office@workingfamilies.org.uk

www.workingfamilies.org.uk

Equality Now

Equality Now works to end violence and discrimination against women and girls around the world through the mobilization of public pressure. Issues of concern to Equality Now include: rape, domestic violence, reproductive rights, trafficking, female genital mutilation, political participation and gender discrimination.

Equality Now London Office

PO Box 48822

London WC2N 6ZW

United Kingdom

Phone: +44 (0)20 7839-5456

Fax: +44 (0)20 7839-4012

Email: ukinfo@equalitynow.org

<http://www.equalitynow.org/english/index.html>

The Downing Street project

The Downing Street project aims to promote and enable balanced leadership between men and women at every level of society up to and including 10 Downing Street.

www.thedowningstreetproject.com/

The National Alliance of Women's Organisations

The **National Alliance of Women's Organisations** (NAWO, founded 1989) is an umbrella organisation for over 100 organisations and individuals based in England. All members are concerned to ensure women gain access to their **human rights**, and to make **equality** between women and men a reality.

NAWO

Suite 405, Davina House

137-149 Goswell Road

London

EC1V 7ET

Tel/Fax: +44 (0) 20 7490 4100

Email: info@nawo.org.uk

<http://www.nawo.org.uk/>

A Guide to Equality and Diversity in the Third Sector



www.improvingsupport.org.uk/equalityanddiversity

Your gateway to third sector support, information and resources.

