

Discrimination rights for charity volunteers



As the law stands, volunteers who work with charities have no protections under discrimination law against harassment and victimisation. This is because, as a rule, their working arrangements fall outside the definition of ‘employment’ under the Equalities Act 2010.

This situation was confirmed by the Supreme Court in 2012 in the case of *X v Mid Sussex Citizens Advice Bureau*. The case was brought by a volunteer adviser who tried to pursue a disability discrimination claim against the CAB. The Supreme Court upheld the findings that there was no jurisdiction to consider her claim because her “volunteer agreement” was not a contract of employment. It also fell outside the scope of the protections required under the relevant EU Directive as her activities did not constitute an “occupation”.

However this summer the Government has put forward proposals, as part of its consultation on sexual harassment in the workplace, which may ultimately see legal protections under the Equality Act 2010 against discrimination, harassment and victimisation being extended to volunteers, interns and those on work experience.

The consultation records the Government’s active encouragement of volunteering, and the social and individual benefits which volunteering brings, and supports the principle that people who give their time for free to support their community or an issue they care about should be protected from harassment and discrimination. It suggests that formalised volunteering arrangements might be more easily covered by legal protections but acknowledges a complicated balance needs to be struck when it comes to less formal arrangements, particularly ad hoc and informal volunteering.

The Government states its keenness to avoid any approach that might have a ‘chilling effect’ on the voluntary sector, such as driving small organisations to close or reducing the number of volunteering opportunities, and to



avoid the situation of informal volunteers having to deal with unnecessary red tape.

The consultation suggests the possibility of exemptions covering small organisations and those which are entirely volunteer-led, as well as inviting responses on whether all volunteers should be included in the workplace protections or only certain categories of volunteers.

[Read the consultation](#), it closes for responses on 2 October 2019.