

Volunteers have no protection under discrimination law but interns do

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In *X v Citizens Advice Bureau*, X signed a volunteer agreement to work four to five hours a week for a Citizens Advice

Bureau. The volunteer agreement specifically stated that it was *“not an employment contract or legally binding”*. The CAB subsequently asked the volunteer to stop working for the organisation. She claimed that this was disability discrimination.

The Equality legislation only protects employees, other workers and people seeking access to work and training. The CAB therefore said that X was not covered by the Equality Act as she was neither an employee, worker, nor someone seeking vocational training or employment.

The Supreme Court agreed with the CAB and decided that this volunteer was not protected by the equality legislation as there was no legally binding employment contract. Furthermore, the purpose of the volunteer work was not to determine whether she should be offered paid work in the future. She was purely there to *“do good”*. Importantly, the Supreme Court distinguished between *“volunteering”* (which is not protected by equality law) and undertaking a *“work placement”* which is.

Whilst this decision may provide some comfort to employers, it is important to note that most people working for free in commercial organisations are likely to be protected under discrimination law because they are typically there to gain access to employment or vocational training.

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