



BUIDHEANN TAIGHEADAS LOCHABAIR

**EQUAL OPPORTUNITIES POLICY**

**NOVEMBER 2005**

Tel: 01397 702530  
Fax: 01397 704141

## **Introduction**

Lochaber Housing Association is committed to upholding the principles of equality and diversity in employment and in the provision of its services.

In the provision of housing services and the employment of staff to provide these services, the Association will seek to ensure equality of opportunity and treatment for all persons. No person or group of persons applying for housing or for a job or for a contract will be treated less favourably than any other person or group of persons because of their race, ethnic or national origin, gender, sexual orientation, physical or mental disability, ill-health (including HIV infection), marital status or religious belief.

Underlying this commitment is a fundamental belief in the right of all employees and customers to be treated with dignity and respect.

We will operate this policy in line with relevant statutory requirements and appropriate codes of practice.

This policy establishes the responsibility of the Management Committee and Management Team senior staff to:

- Attempt to eliminate discrimination and promote good practice in equal opportunities.
- Identify barriers to equal opportunities, the reasons for these barriers and any possible remedial action to promote change.
- Assist in the development and planning of training for all staff to ensure good equal opportunity in practice throughout the organisation's activities.
- To implement appropriate monitoring regimes to meet the requirements of the Association, including identifying where change is necessary and to measure the success of the policy in achieving change.

## **Guidance on the Principles of Equal Opportunities**

**Direct discrimination** is the less favourable treatment of an individual on the grounds of sex or marital status under the Sex Discrimination Act 1975 or on the grounds of disability, under the Disability Discrimination Act 1995 and colour, race, nationality or ethnic and national origin under the Race Relations Act 1976. This could include, but is not limited to, decisions, comments, actions or omissions based on the grounds described above such as:

- Refusal to employ someone
- Dismissal
- Denying employment opportunities, such as training
- Speaking unpleasantly about, or ignoring, somebody
- Making racist or sexist jokes, or jokes about somebody's disability
- Unfair allocation of work
- Making assumptions about someone based on their sex, race or disability

**Indirect discrimination** is the imposition of a requirement or condition which is applied, or would be applied equally to persons not of the same sex, marital status or race but which:

- Is such that the proportion of persons of the same gender and marital status or race who can comply with it is considerably smaller than the proportion of persons not of that group who can comply with it; and
- Cannot be shown to be justifiable irrespective of gender, marital status or race as a person to whom it is applied; and
- Is a detriment to the individual concerned because he/she cannot comply with it.

i.e. a condition is applied which seems to have nothing to do with someone's racial or gender origins but which, on closer examination, puts people of one sex or members of a particular racial group, at a disadvantage.

**Discrimination under the Disability Discrimination Act 1995** - a person has a disability if he/she has a physical or mental impairment, which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

The Association is committed to providing Equal Opportunities to all employees and applicants who have a disability, or have had a disability in the past, or who become disabled. We will, where reasonably possible, adjust equipment and/or procedures to accommodate disabled individuals. We can only make adjustments if an employee, or an applicant, of their disability, informs us.

**Victimisation** is the less favourable treatment of an individual because that individual has brought a complaint of discrimination, harassment or victimisation, or has given evidence or information in connection with such a complaint or is suspected of doing so.

### **Roles and Responsibilities**

All employees have a duty to co-operate with the Association to ensure that this policy is effective to ensure equal opportunities and prevent discrimination. Each employee is required fully to commit to this ethos, and strive towards participating in creating a working environment free from unlawful discrimination. The Association will not tolerate any form of discrimination, harassment, victimisation or bullying, and deems any such behaviour to be gross misconduct and will take appropriate action under its appropriate procedures.

Every employee has personal responsibility for implementing and complying with this policy in their work areas and in their day-to-day dealings with each other. Accordingly, all staff have a responsibility to ensure that their individual behaviour at all times takes into account their fellow employee's sensibilities and that they treat them and customers with respect.

### **Management Committee**

The Association will be mindful of its commitment to equal opportunities in the composition and operation of the Management Committee.

### **Accessibility of Information**

The Association will ensure that the language used in publicity will be non-discriminatory, clear and easily understood.

The Association will develop its bi-lingual policy to produce more information in Gaelic and in other languages where there is a need and, similarly, will arrange for translation services, as necessary.

The Association will also ensure that prime documents and information are made available in appropriate formats for individuals who are visually impaired.

## **Employment**

The recruitment process must result in the selection of the most suitable person for the job in respect of experience and qualifications.

Recruitment and selection criteria and procedures are drawn up to ensure that potential and current employees are selected, promoted, trained and treated on an equal basis and that all individuals are treated with dignity and respect.

Applicants for all posts will be given as much clear and accurate information as possible through advertisements, job descriptions, interviews and selection processes in order to enable them to assess their own suitability for the post. Recruitment publicity will positively encourage applications from all suitably qualified and experienced people.

When advertising job vacancies, in order to attract applications from all sections of the community, the Association will, as far as reasonably practicable:

- a) Advertise all permanent jobs externally.
- b) Ensure advertisements are not confined to those areas or publications, which would exclude or disproportionately reduce the numbers of applicants of a particular gender or racial group.
- c) Avoid prescribing any unnecessary requirements, which would exclude a higher proportion of a particular gender or racial group;
- d) The setting of age limits, as a matter of general recruitment policy or as a criterion of any specific job must be justifiable and non-discriminatory.

All applicants shall be informed that the Association is committed to the principle of Equal Opportunities and that it operates an Equality and Diversity Policy. This information will be included on all advertisements, job descriptions and application forms.

All specifications for posts shall include only the requirements that are necessary and justifiable for the effective performance of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for the job in question.

Selection tests that are used will be limited to questions relating to the particular job and/or career requirements. The tests will measure the individual's actual or inherent ability to do or to train for the work or career. Thus, questions or exercises on matters which may be unfamiliar to racial minority applicants or applicants of a particular gender will not be included in the tests if they are unrelated to the requirements of the particular job.

All applications will be processed in the same way. Selection procedures and criteria will ensure that individuals are selected on the basis of their relevant merits and abilities

only. The staff responsible for short listing, interviewing and selecting candidates will be clearly informed of the selection criteria, and of the need for their consistent application.

Wherever possible, all applicants will be interviewed by at least three people. All questions that are put to the applicants will relate to the requirements of the job.

The commitment to Equal Opportunities is an on-going and continuous process. Supervising staff are expected to apply consistency and objectivity when undertaking staff appraisals. The Association will ensure that employees are considered for promotion on the basis of merit and ability alone.

Appropriate training will be provided to enable staff to perform their jobs effectively. The Association will not discriminate in the provision of training courses and development and all employees will have equal access to development and training.

### **Provision of Services**

The Association will actively assist disadvantaged groups to benefit from its housing services and will seek to identify the needs of disadvantaged groups in its own area of operation by establishing close relationships with those groups. We will review all our policies and procedures to ensure we are not discriminating against any disadvantaged groups in the services we provide. Specifically, maintenance and repair services will be provided through contractor services that are familiar with the expectations of the Association's Equal Opportunity Policy.

The Association will seek to ensure that all new properties it develops are built to varying needs standards and will include housing, where appropriate, to meet specific needs following consultation with the relevant partners, including the Highland Council Social Work Department.

In hiring contractors and other bodies to work for us we will seek to apply the principles of fairness, openness, and equality. We will endeavour to work with agencies, organisations and staff who share our vision of embracing diversity.

### **Monitoring Equal Opportunity**

- The Association will regularly monitor the effects of selection decisions and personnel practices and procedures in order to assess whether equal opportunity is being achieved. Accordingly, the Association will, from time to time, examine the gender and ethnic composition of the work force.
- The Association will allocate properties in accordance with its Allocations Policies and will monitor the ethnic origin of applicants and individuals housed on a quarterly basis.

### **Racial Harassment**

The Association has a documented policy, as stated above, in connection with equality of opportunity. Accordingly, it is committed to ensuring equality of opportunity for all people including those from ethnic minority groups in obtaining access to its housing and in receipt of services. The Association recognises that fundamental to this aim is the

existence of a clearly defined strategy for dealing with incidents of racial harassment arising on its housing developments.

This policy, therefore, sets out concisely the positive action to be taken by the Association in preventing or dealing with incidents of racial harassment. Racial harassment is verbal or physical abuse directed at any person or group of people because of their race, ethnic or national origins or religions when the complainant believes that the perpetrator was acting on racial grounds and/or there is evidence of a racial motive. Harassment can involve attacks on property as well as on individuals and includes racist graffiti on or near peoples' homes, verbal and/or written abuse, abusive or threatening behaviour, damage to property, e.g. arson or physical assault

In investigating reports of racial harassment the Association will respond quickly and investigate complaints thoroughly, objectively and with sensitivity. The complainant will be involved at each stage.

The Association's tenancy agreements contain a specific clause requiring tenants not to harass neighbours on the grounds of race. In cases of racial harassment action will initially be undertaken under the breach of tenancy procedures of the Association. In the event of serious or persistent incidents of racial harassment the Association will also discuss with the complainant other legal remedies under civil and/or criminal law.

Legal procedures will not be undertaken without the consent of the complainant unless the incident directly affects the Association or other residents and action may be taken independently of the complainant.

The main aim of the Association's policy is to prevent or bring to an end racial harassment by taking action against the alleged perpetrator. However, it is acknowledged that in some cases re-housing should be arranged where possible for the complainant if to move is in accordance with the household's wishes and would increase the safety and well-being of the complainant. The Association would consider such cases as urgent requests under its transfer policy and would also explore moves through referral arrangements with other housing agencies, such as Highland Council.