

**Harry Ray & Company** is committed to equal opportunities for employees, landlords, tenants and contractors. We recognise that everyone has a contribution to make to society and a right to equal opportunity.

No employee (including potential future employees (job applicants)), landlord, tenant, contractor (or other service provider) to which we provide services will be discriminated against by us on any ground on which it is or becomes unlawful to discriminate under the laws of England and Wales (referred to as Protected Characteristics).

Protected Characteristics as defined by the Equality Act 2010 are –

### **Age**

A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

### **Disability**

A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

### **Gender Reassignment**

The process of transitioning from one gender to another or no gender identity (non-binary).

### **Marriage/Civil Partnership**

Marriage is a union between a man and a woman, or between a same-sex couple.

A Civil Partnership is a legal relationship between non-related same-sex couples or opposite-sex couples. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

### **Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

### **Race**

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

## **Religion and belief**

Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

## **Sex**

Man, Woman or non-binary

## **Sexual orientation**

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

## **Types of Discrimination**

Discrimination can occur in the following forms:

### **Direct discrimination**

Under similar circumstances, when a person with a protected characteristic is treated less favourably than others, it is direct discrimination.

e.g. Refusing to employ a contractor because they are a person of colour.

### **Indirect discrimination**

If there is a rule or policy in the workplace that puts you at a disadvantage as compared to others, it may be considered indirect discrimination.

e.g. A job vacancy notice stating that the applicant must have five years' experience working as a Lettings Negotiator, therefore discriminating indirectly based on age. This is because the advertised position excludes young people who may still have the skills and qualifications needed.

### **Discrimination by Association**

If you are treated unfairly because someone you know or are associated with has a protected characteristic, this may be construed as discrimination by association.

e.g. Refusing to accept an application to rent a property to a person who is a carer of a disabled child or adult.

## **Discrimination by Perception**

Receiving unfair treatment because someone thinks you belong to a group with protected characteristics, you may be experiencing discrimination by perception.

e.g. you are heterosexual, but your application to rent a property is refused because it is assumed you are gay due to their misconceptions about how gay people look, dress or behave.

## **Harassment**

Harassment comprises of unwanted behaviour that makes another person feel offended, humiliated or intimidated. Unwanted behaviour could include physical gestures, abuse, jokes, spoken or written words or offensive emails and expressions.

e.g. A landlord overhears sexual comments made by an employee within a letting agents office, creating an atmosphere that is threatening, degrading, humiliating and/or affronts the her dignity.

## **Victimisation**

When a person is treated badly or subjected to detriment because they complained about discrimination or supported another victim of discrimination, this may be considered victimisation.

e.g. An Office Manager refuses to consider someone for promotion because they gave evidence in support of allegations made by another colleague against the Office Manager.  
Specific Issues for Letting and Estate Agents\*

## **Access to confidential information about a client's protected characteristics**

When you run an estate agency or similar business, you will have often have access to people's homes. This means you may have knowledge about a client's or customer's protected characteristics which you would not have without this access. It is important you do not use your knowledge in a way that puts your client or customer at a disadvantage, such as by breaching client confidentiality, if this would count as providing them with a worse service or the same service on worse terms.

For example:

An estate agent visits a client's home to draw up the property details so the house can be put on the market. From letters about medical appointments pinned on a notice board, the estate agent becomes aware that the client is a disabled person who has multiple sclerosis. The estate agent mentions this to a colleague and when the client next contacts the office, the colleague takes the call and asks about their symptoms, which makes the client feel upset that their privacy has been invaded. Even though the colleague did not mean any harm, the client is receiving the service on worse terms than a non-disabled person who would not have been treated in this way and it is therefore possible that this is unlawful discrimination because of disability. The right sort of approach is for the estate agent to avoid commenting on the client's personal circumstances where these relate to a protected

characteristic and avoiding this sort of breach of client confidentiality.

### **Reasonable adjustments to remove barriers for disabled people**

When you are acting for clients in letting and selling property, you need to think particularly about different communication and accessibility needs that disabled people may have. Depending on the circumstances, meeting people's needs in this way may be a reasonable adjustment.

For example:

An estate agent checks with potential purchasers how they would like to receive property particulars. This gives an opportunity for disabled people with a visual impairment to ask for them to be sent electronically. Providing the chance to request the information in a particular format and then sending the information in that format are examples of reasonable adjustments the estate agent has made.

A letting agent works out of a first-floor office without a lift. The agent's marketing material makes it clear that they will make home visits to potential clients who have a mobility impairment who would not otherwise be able to access their services. The letting agent has made a reasonable adjustment.

### **Instructions to discriminate**

As well as not unlawfully discriminating against a client yourself, you must not accept an instruction to discriminate from a property seller or landlord.

If you accept an instruction from a property seller or landlord to discriminate in disposing of housing premises (which includes letting or selling), this would be against equality law, and the person could bring a legal claim against you.

For example:

A landlord asks a letting agent to say that their flat to let has been taken if a lesbian or gay couple ask about renting it. If the letting agent agrees, they would be just as liable as the landlord for direct discrimination because of sexual orientation.

A property seller asks an estate agent to say that the asking price of a property has gone up if a person of a particular national or ethnic origin expresses interest in viewing the property. If the estate agent agrees, this would be direct discrimination because of race, and both the property owner and the estate agent could be taken to court by the would-be buyer.

## **Managing Premises**

If you are managing premises as part of your business, whether those are residential or commercial premises, you must not unlawfully discriminate against, harass or victimise someone who occupies the property in the way you allow the person to use a benefit or facility associated with the property, by evicting the person or by otherwise treating them unfavourably.

For example:

A property management company manages and controls a residential block of flats on behalf of the landlord-owner. The block has a basement swimming pool and a communal garden for use by the tenants. A disabled tenant with a severe disfigurement is told by the company that they can only use the swimming pool at restricted times because other tenants feel uncomfortable in their presence. This would almost certainly be direct discrimination because of disability and/or discrimination arising from disability.

A property management company refuses to allow a lesbian tenant to use facilities which are available to other tenants, or deliberately neglects to inform her about facilities which are available for the use of other tenants, because she had previously made a claim of discrimination against the manager. This would almost certainly be victimisation.

A property management company responds to requests for maintenance issues more slowly or less favourably for one tenant than similar requests from other tenants, because the tenant has a learning disability. This would almost certainly be direct discrimination because of disability in the management of premises.

You may in some circumstances be required to make reasonable adjustments to the premises you manage or the way you manage them to remove barriers for disabled people.

## **No DSS policies**

Letting agents and landlords they must not impose blanket bans that discriminate against tenants on benefits. Landlords should assess all potential tenancies individually, and that decisions must be made fairly on a case by case basis, considering all the risks.

Whilst the legal position is currently unclear, a blanket ban is potentially unlawful, unless of course a landlord's lender specifically prohibits them renting to people in receipt of benefits in their mortgage conditions.

\*taken in full from <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-law-estateagents-letting-agents-and-property-management-companies>.

## **Complaints**

Harassment and discrimination as outlined above is unlawful. Employees, landlords, tenants and contractors have the right to be treated with dignity and respect. Harassment is not acceptable, and Harry Ray & Company will neither permit nor tolerate it.

The successful implementation of this policy depends on the awareness and commitment of all staff. Hence, all new staff will be made aware of its existence on joining the company and reminded they must conform with it on a regular basis.

However, if individuals feel that any employee, tenant, landlord or contractor of Harry Ray & Company have fallen short of their commitment to equal opportunities, Harry Ray & Company will take appropriate action to prevent, as far as possible, a further occurrence

In the first instance please address any concerns or complaints to the appropriate Line Manager or Director.

This policy is fully supported by the Partners of Harry Ray & Company

The policy will be monitored and reviewed annually.

**June 2022**