



## Dignity at Work Policy

<b>Policy Manual Section:</b>	Governance
<b>Policy Number:</b>	HR11
<b>Scottish Social Housing Charter Reference:</b>	1. Equalities 2. Participation 3. Communication
<b>Date Approved by Management Committee:</b>	30 May April 2019
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HAPPY TO TRANSLATE

## **1. INTRODUCTION**

- 1.1 Govan Housing Association and Govan HOME Team (the Group) are committed to providing a working environment which is free from harassment, bullying and intimidation of any nature. Every employee, governing body member, agency worker, contractor, and consultant of the Group has a responsibility to treat all colleagues with dignity and respect, regardless of any personal characteristic.
- 1.2 Under legislation there are certain characteristics protected from the area of harassment – we acknowledge these and also extend this protection to all within the Group. The terms bullying and harassment will be used throughout this policy to mean dignity at work

## **2. BACKGROUND**

- 2.1 The definitions concerning some of the terminology used within the scope of dignity at work have changed over the years. Most recently the Equality Act 2010 provided a legal definition of harassment but there is still no current legal definition of bullying. ACAS, however, provides a definition which is widely recognised as being best practice.

## **3. LEGAL AND REGULATORY FRAMEWORK**

- 3.1 Harassment is the only term relating to this policy that is covered under legislation in the Equality Act 2010, however there are a number of legal principles contained in the following legal documents that will apply as follows:
  - The Equality Act 2010
  - Breach of contract - usually breach of the implied term that an employer will provide support to employees to ensure that they can carry out their job without harassment and disruption from colleagues
  - The common law position to take care of the safety of workers.
  - Employment Rights Act 1996 – constructive and unfair dismissal
  - Personal Injury protection including the duty to take care of workers arising out of the law of Tort
  - Health & Safety at Work Act 1974
  - Trade Union and Labour Relations (consolidation) Act 1992 dealing with specific types of intimidation
  - Protection for Whistleblowers under the Public Interest Disclosure Act 1998
  - Criminal Justice and Public Order Act 1994

## 4. DEFINITIONS

- 4.1 **Harassment:** unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The Group will extend this definition to include all, and will not be restricted to those identified as having a protected characteristic.
- 4.2 **Bullying:** offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- 4.3 **Protected Characteristics:** The legal grounds in which discrimination claims in relation to the Equality Act 2010 can be made: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation.
- 4.4 **Third party harassment:** complaints of harassment of employees by people (third parties) who are not employees of the company, such as customers or clients. Employers may be liable under the Equality Act 2010 when harassment has occurred on at least two previous occasions, they were aware that it had taken place, and have not taken reasonable steps to prevent it from happening again.

## 5. POLICY PRINCIPLES

- 5.1 This Dignity at Work Policy aims to:
- Ensure integration of diversity into all aspects of the Group's business
  - Ensure that all employees, governing body members, agency workers, contractors, and consultants are treated with respect and dignity from each other, and members of the public
  - Ensure that all employees, governing body members, agency workers, contractors, and consultants respect the differences within the community they serve and treat customers and members of the public accordingly
  - Provide a working environment where all backgrounds, cultures, values and lifestyles are respected and treated with dignity at all times.

## 6. IMPLEMENTATION OF POLICY

- 6.1 The Chief Executive Officer is responsible for the implementation and review of this policy.
- 6.2 We will ensure that all new employees, governing body members, agency workers, contractors, and consultants will receive an induction on this policy. The

ethos of this policy will be integrated into all policies and procedures within the Group.

- 6.3 Copies of this policy will be issued to all employees, governing body members, agency workers, contractors, and consultants and will be available to all who request it.
- 6.4 This policy applies to all employees, governing body members, agency workers, contractors, and consultants of the Group and therefore all mentioned parties, have a responsibility to abide by the principles outlined above and also to alert their line manager or Chief Executive should any behaviours be witnessed which breach this policy.
- 6.5 Unacceptable behaviour and practices will not be tolerated. If, or when, a situation arises it will be dealt with immediately, as inaction is not an option. Behaviours found to be breaching this policy will be regarded as misconduct and will be dealt with appropriately and in accordance with the relevant policies, including code of conduct and disciplinary.

## **7. DEALING WITH BREACHES OF DIGNITY & RESPECT PROCEDURE**

- 7.1 This Policy is complemented by the Group's Equality & Diversity policy and the discipline & grievance procedures as outlined in the Association's and the HOME Team's contracts of employment.
- 7.2 Where an employee feels that they have not been treated with dignity & respect at work, there are a number of ways in which this can be addressed.

### **a) Informal stage**

Where possible, breaches of this policy should be dealt with informally in the first instance. In many cases inappropriate behaviours are unintentional and can easily be resolved once the behaviour has been highlighted. This is often the most efficient way to maintain positive working relations.

In managing the issue informally, employees should in the first instance alert their line manager to the behaviour, thereafter the employee should be encouraged by the line manager and with their support approach the individual and highlight what behaviour has been offensive. Should the employee be uncomfortable with this then the line manager should approach the individual and have the same discussion. A note should then be put on file of the person who has displayed the inappropriate behaviour and the individual that raised the issue.

### **b) Formal Stage**

If the behaviour is of a more serious nature or it continues after the informal approach has been taken then the issue should be managed in line with respective grievance procedures.

The employee must put their concerns in writing and give this to their line manager. The line manager should then arrange a meeting with the employee who has highlighted the concerns. At this meeting the manager should establish what the concerns are, and how the employee would like things resolved. The manager should explain that an investigation may be necessary to explore the allegations made. Once the investigation has been concluded, there could be a variety of outcomes including:

- there is no evidence to uphold the complaint;
- there is evidence that may involve action against another member of staff;
- action is required on an organisational basis.

Where action is required to be taken against another staff member this will follow the organisation's disciplinary procedures. Where action is taken against another member of staff (other than the person who was the subject of the complaint) the complainant will not be informed of any action taken..

### 7.3 Governing Body Members, Agency Workers, Contractors and Consultants or members of the public

Where a governing body member, agency worker, contractor, consultant and/or members of the public feel that behaviour towards them has breached the principles of this policy, they have a responsibility to inform the organisation of this as soon as reasonably practical in accordance with the relevant Complaints Policy. The complaint will be investigated appropriately and dealt with in accordance with the relevant policies and procedures.

### 7.4 Individuals found to be in breach of the principles of this Policy

Where individuals are found to be in breach of this policy, whether an employee, governing body member, agency worker, contractor and/or consultant, this will be dealt with in accordance with the organisation's policies. This may therefore result in termination of the individual's contract or engagement with Govan Housing Association or Govan HOME Team.

## 8. **MALICIOUS ALLEGATIONS**

- 8.1 Any person found to be making fictitious or malicious allegations will be dealt with through the relevant disciplinary procedure which may result in dismissal.

## 9. **EQUALITY AND DIVERSITY**

- 9.1 The Group is committed to equality and diversity will not discriminate in the operation of this policy on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, sexual orientation, national origin, cultural background, ethnic origin,

tenure, issues related to literacy and numeracy, employment status or domestic circumstances.

- 9.2 We will seek to promote and to achieve equality of treatment and opportunity for all groups in society and will not tolerate any sort of unfair treatment or discrimination on any grounds.
- 9.3 In line with our commitment to equal opportunities, this policy can be made available free of charge in a variety of formats including Braille, large print, audio format or translated into a different language.

## **10.0 MONITORING AND REVIEW**

- 10.1 In the interests of transparency and consistency across the Group and to identify if there are wider performance concerns, each Head of Department must report the number of informal and formal cases to the Corporate Services Department who will update the Chief Executive on a monthly basis and provide other details as required.
- 10.2 If there have been informal and/or formal actions, the Chief Executive will submit a report to the Staffing Sub-Committee providing a summary of the details.
- 10.3 This policy will be reviewed in April 2024 and or earlier in line with good practice or legislative updates, as required.

## Equality Impact Assessment

<b>TITLE OF POLICY</b>	<b>Dignity At Work Policy</b>
<b>Strategic Outcome</b>	Mitigation of behaviour that may adversely affect an employee's wellbeing, be regarded as harassment and may impinge on the performance of the employee and that of the Group. Ensure compliance with relevant legislation and good practice.
<b>What is the purpose of the proposed policy?</b>	<ul style="list-style-type: none"> <li>• Clarify what is meant by dignity at work.</li> <li>• Explain the Group's position on illegal activity concerning drugs and/or alcohol.</li> <li>• Provide guidance and boundaries on appropriate assistance and support where an employee's dignity at work is adversely affected.</li> <li>• Adhere to legal obligations of the Group as set out under Health and Safety Legislation, in terms of mental and physical wellbeing of employees.</li> <li>• Clarify the circumstances in which disciplinary procedures will be instigated.</li> <li>• Provide guidance for managers to investigate and manage breaches of the dignity at work policy.</li> <li>• Clarify the Group's expectations of employees' behaviour in ensuring adherence to the Dignity At Work policy.</li> </ul>
<b>Protected Characteristic Groups Affected By the Policy</b>	<p><b>Age</b> This policy clearly outlines that all staff will be treated equally and consistently in relation to dignity at work and discrimination will not be tolerated. It is intended that this will positively reassure all employees that they will not be discriminated because of age.</p> <p><b>Disability</b> The Policy is applicable to all employees irrespective of any disability that may exist.</p> <p><b>Marriage and Civil Partnership</b> The terms of this policy relates to all employees, irrespective of marital status.</p> <p><b>Pregnancy and Maternity</b> This policy refers to the management of dignity at work and behaviour affecting the working environment. It relates to all employees, including pregnant employees.</p> <p><b>Race</b></p>

	<p>Similar to earlier points above, the policy does not relate specifically to this protected group, however, it is applicable to all employees irrespective of the person's race.</p> <p><b>Religion or Belief</b> The policy does not consider religion or beliefs of individuals but clearly states it relates to all employees.</p> <p><b>Gender and Gender Reassignment</b> All employees are required to comply with this policy including males, females, transgender people and those seeking or have experienced gender reassignment.</p> <p><b>Sexual Orientation</b> This policy relates to all employees who will be treated equally and consistently. This means that lesbian, gay, bi-sexual and transgender people will be treated the same as heterosexual people.</p>
<p><b>Who is the Target Audience of this policy or who is intended to benefit from the proposed policy and how?</b></p> <p><b>(i.e. employees, service users, Management Committee etc.)</b></p>	<p>All the Group's employees are affected by the policy. It is intended to benefit:</p> <ul style="list-style-type: none"> <li>• employees who may be affected by dignity at work challenges by clarifying the respective rules, the support that is available and possible disciplinary steps that may be taken;</li> <li>• employees who suspect a colleague may be affected by harassment and dignity at work challenges and the steps to be taken and timescale for doing so;</li> <li>• line managers who are required to address an employee's suspected dignity at work abuse by providing guidance on the steps that may be taken.</li> </ul>
<p><b>Has any consultation, involvement been undertaken with the protected characteristic groups to inform this assessment? (please provide details who and how consulted)</b></p>	<p>No. The information relating to staff is confidential and does not identify what characteristic relates to what individual. In consequence, it was not possible to consult the specific protected characteristic groups. All staff have been made aware of the policy which emphasises that all groups will be treated equally and consistently.</p>
<p><b>How have you, or will you, put the policy into practice, and who is or will be responsible for delivering it?</b></p>	<p>The policy has been approved by the Association's governing body as a Group policy and is included in the corporate Policy Manual. The Chief Executive is responsible for the review of the policy and departmental managers will be responsible for delivery of the policy on a day to day basis.</p>



<p><b>How does the policy fit into our wider or related policy initiatives?</b></p>	<p>This Policy ties in with the following policies:</p> <ul style="list-style-type: none"> <li>• Code of Conduct of Staff</li> <li>• Equality and Diversity</li> </ul> <p>It also Relates to:</p> <ul style="list-style-type: none"> <li>• Conditions of Employment in terms of section B3 Dignity At Work</li> <li>• Health and Safety at Work Act 1974;</li> </ul>
<p><b>Do you have a set budget for this work?</b></p>	<p>The costs of with managing behaviour associated with the dignity at work process will be incorporated within departmental staffing budgets which are set by senior staff and approved by the respective governing bodies each year.</p>

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