



Putting People 1st

Dignity at Work Policy

S.05

Reviewed: 30 June 2022

Date next due for review: June 2025

This policy document can be produced in various formats, for instance, in larger print or audio-format; and it can also be translated into other languages, as appropriate.

Our equality and diversity policy statement describes our key equality commitments that we use to develop all organisational services; this includes employment services and services to tenants and other customers.

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The Scottish Housing Regulator Reg. No: HAC231; Registered Scottish Charity No: SC038237; FCA Reg. No: 2375R(S); Property Factor Reg. No: PF000151

Terms of Reference

- Equality Act 2010
- Employment Rights Act 1996
- Health and Safety at Work etc Act 1974
- Trade Union and Labour Relations (consolidation) Act 1992
- Public Interest Disclosure Act 1998
- Criminal Justice and Public Order Act 1994
- UK GDPR
- Data Protection Act 2018
- PHA Behaviours Framework

Linkage to Internal Management Business Plan and Regulatory Standards

- Business Plan:
Section 3: Mission, Values and Objectives
- Regulatory Standards:
Standard 5 - The RSL conducts its affairs with honesty and integrity.
- To ensure that the Association is an employer of choice
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Risk Factor

- 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
- Personal Injury protection including the duty to take care of workers arising out of the law of Tort
- The common law position to take care of the safety of workers.

Financial/Budgetary Implications

- Potential Legal Action/Staffing and Performance Costs
- ICO and Regulatory Fines/Awards for non-compliance.

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Introduction

Pineview Housing Association Ltd is 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 Association has a responsibility to treat all colleagues with dignity and respect, regardless of any personal characteristic. Under legislation there are certain characteristics protected from the area of harassment, the Association will acknowledge these and also extend this protection to all within the Association. The terms bullying and harassment will be used throughout this policy to mean dignity at work. The Association's Policy on Dignity at Work is based on the EVH model Dignity at Work Policy which was last revised by EVH in May 2018.

Equality and Diversity

The Association's Equal Opportunity and Diversity policy outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats.

Background

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. However ACAS provides a definition which is widely recognised as being best practice.

Legal Framework

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 and Safety at Work etc 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
- General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018

Definitions

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 Association will extend this definition to include all, and will not be restricted to those identified as having a protected characteristic.

Bullying: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Protected Characteristics: The legal grounds in which discrimination claims can be made; i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Policy Principles

This Dignity at Work Policy aims to:

- Ensure integration of diversity into all aspects of the Association'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.

Implementation of Policy

The Director is responsible for the implementation and review of this policy.

The Association will ensure that all new employees, governing body members, agency workers, contractors, and consultants will receive an induction on this policy. The policy will be integrated into all policies and procedures within the Association.

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.

This policy applies to all employees, governing body members, agency workers, contractors, and consultants of the Association and therefore all mentioned parties, have a responsibility to abide by the principles outlined above and also to alert their line manager or the Director should any behaviours be witnessed which breach this policy.

Unacceptable behaviour and practices will not be tolerated. However, 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.

Procedure in Dealing with breaches of Dignity and Respect

This procedure is complemented by the Association's Equality and Diversity Policy and Discipline and Grievance procedure as outlined in the Terms and Conditions of Employment.

Where a breach is regarding a line manager then the next tier of line management will take the role of the line manager.

Where the breach is regarding the Director, the policy on Handling a Serious Complaint of Grievance Against the Director should be followed.

Staff

Where an employee feels that they have not been treated with dignity and 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 dealt with by mirroring the Association's grievance procedure.

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 then conduct any necessary investigations. No investigation should take place prior to there being a meeting with the employee. 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 against another staff member this will follow the organisation's disciplinary procedures. Where action is taken regarding a member of staff other than the person who raised the complaint, the complainant will not be informed of any action taken against other individuals.

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 behaviours towards them have breached the principles of this policy, they have a responsibility to inform the Director of this as soon as reasonably practical. The complaint will be investigated appropriately and dealt with in accordance with the relevant policies and procedures.

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

Where individuals are found to be in breach of this policy whether that be employees, governing body members, agency workers, contractors, and/or consultants this will be dealt with in accordance with the Association's code of conduct policy and other relevant policies. This may therefore result in termination of the individual's contract, or engagement within the Association.

Malicious Allegations

Any person found to be making fictitious or malicious allegations will be dealt with through the Association's disciplinary procedure which may result in dismissal.

UK General Data Protection Regulation

The Association will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided within the "How We Will Use Your Personal Information" statements.

Review of Policy

This policy will be reviewed at least every three years to ensure it continues to meet legislative and organisational needs or where EVH issues a revised Model Policy, whichever is sooner.

Any amendments will be communicated to all staff and relevant stakeholders.