



TOLLCROSS
housing association

Dignity at Work Policy

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| Prepared By | Anne Wilson, Corporate Services Director |
| Policy Created | // |
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| Reviewed By | Audit & Business Sub-Committee |

| CORPORATE FIT | |
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| Internal Management Plan | ✓ |
| Risk Register | ✓ |
| Business Plan | ✓ |
| Regulatory Standards | ✓ |
| Equalities Strategy | ✓ |
| Legislation | ✓ |

On request, the Association can provide translations of all our documents, policies and procedures in various languages and other formats such as computer disc, tape, large print, Braille etc. and these can be obtained by contacting the Association's offices.

1. Introduction

Tollcross Housing Association 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 Tollcross Housing 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, Tollcross Housing Association will acknowledge these and also extend this protection to all within Tollcross Housing Association. The terms bullying and harassment will be used throughout this policy to mean dignity at work.

2. 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.

3. 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 & 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

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. Tollcross Housing 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 & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation.

5. Policy Principles

This Dignity at Work Policy aims to:

- Ensure integration of diversity into all aspects of Tollcross Housing 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.

6. Equalities

6.1 An Equality Impact Assessment (EIA) has been carried out when preparing this policy. In line with good practice the completed EIA will be published alongside the Policy.

6.2 Where there is a need for follow-up action, the tasks and timeframe for achieving them shall be noted in the Equality and Human Rights Action Plan to ensure they are addressed.

6.3 We do not see this policy as having any direct impact upon the protected characteristics contained within the Equality Act 2010.

7 Implementation of Policy

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

Tollcross Housing 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 Tollcross Housing 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 Tollcross Housing 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 Corporate Services 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.

8. Roles and Responsibilities

8.1 Failure to deal with allegations of harassment, bullying or victimisation at work or by a third party such as a client of the Association may expose both the Association and employees to a number of legal consequences. Complainants can cite both the employer and individual employees as respondents at Employment Tribunal and, if the case is upheld, both may be held liable. Everyone must therefore take responsibility to ensure that his or her area of work is free from harassment.

8.2 Employees

8.2.1 No one should practice, encourage or allow any form of behaviour that contravenes this policy or may be viewed by others as harassment. Every employee is expected to support colleagues who may be experiencing harassment problems and raise concerns with a relevant Manager/ Director.

8.3 Directors, Managers and Committee Members

8.3.1 Directors and Managers must take responsibility for addressing performance issues such as capability, time keeping and attendance. Training will be provided to ensure Directors and Managers deal with these issues in accordance with the relevant policy. The Association requires Directors and Managers to behave in a professional manner at all times and to be aware of how their own behaviour can adversely impact on staff and potentially be perceived as harassment or bullying depending on the circumstance, including:

- Deliberately imposing grossly excessive or unachievable workloads or impossible deadlines in order to make life difficult for a particular employee;
- Repeated unfair criticism or destructive and negative criticism that focuses on blame rather than future improvement;
- Criticising individuals in front of colleagues;
- Excessive or overbearing monitoring of a particular employee's work without good reason.
- Ordering a particular employee to work below his or her level of ability, or to perform mundane demeaning tasks, with no proper reason;
- Removing an employee's responsibility without consultation and for no proper reason.
- Threatening an employee with dismissal.

8.3.2 Directors and Managers are responsible for ensuring that where an employee reports any act of harassment by a third party such as a client of the Association, that these complaints are dealt with

timeously and that reasonably practicable steps are taken to prevent such third party harassment. The Association may be liable if an employee reports third party harassment three times and the Association has failed to try to prevent this. This harassment may be by different third parties.

8.3.3 Directors, Managers and Committee Members will be committed to the elimination of harassment, and be vigilant in preventing acts of harassment and victimisation where possible. This includes protecting employees from inappropriate behaviour by third parties. They will pass this responsibility down through all levels of management and to all employees.

8.3.4 Directors and Managers are responsible for ensuring that the policy is drawn to the attention of employees. They will ensure appropriate guidance and support is given in the implementation and application of the policy.

9. Procedure in Dealing with breaches of Dignity & Respect

9.1 This procedure is complemented by Tollcross Housing Association's Equality & Diversity and Discipline & Grievance policies.

9.2 Employees

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.

1) 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 an appropriate senior member of staff, e.g. Manager, Director or Chief Executive, thereafter the employee should be encouraged by the senior member of staff and with their support, approach the individual and highlight what behaviour has been offensive. Should the employee be uncomfortable with this then the senior member of staff 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.

2) **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 Tollcross Housing Association's grievance procedure.

The employee must put their concerns in writing and give this to an appropriate senior member of staff. The senior member of staff should then arrange a meeting with the employee who has highlighted the concerns. At this meeting the senior member of staff should establish what the concerns are, and how the employee would like things resolved. The senior member of staff 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.

9.3 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 behaviours towards them have breached the principles of this policy, they have a responsibility to inform the Corporate Services 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.

10. Support

- 10.1 The Association recognises the need to offer support to employees who feel they have suffered harassment, victimisation or bullying.
- 10.2 The Association provides access to an independent counselling service for all employees. The service is confidential and employees can refer themselves direct for up to a maximum of 6 appointments. These can range from local face to face meetings, or remotely over the telephone. The contact details are below:
- Rowan Consultancy
4 Kinnoull Street, Perth, PH1 5EN
01738 562005
www.rowan-consultancy.co.uk
- 10.3 Counselling sessions allow employees to air their views and feelings with a qualified counsellor, who will help them to get to the root of the problem
- 10.4 This support is available for both the complainant and the alleged harasser.

11. 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 Tollcross Housing Association's code of conduct policy and other relevant policies. This may therefore result in termination of the individual's contract, or engagement within Tollcross Housing Association.

12. Malicious Allegations

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

13. General Data Protection Regulations

Tollcross Housing Association will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection and Data Retention Policies and Procedures. Information regarding how your data will be used and the basis for processing your data is provided in Tollcross Housing Association's Transparency Statements.

14. Review of Policy

This policy will be reviewed every 3 years or sooner as determined by Management Committee or in line with legislative updates.