



Title	Dignity at Work Policy
Purpose	<p>The purpose of this policy is to ensure that all employees of Maryhill Housing are treated and treat others with dignity and respect, and that the environment we work in is free from harassment, bullying, victimisation and intimidation of any nature.</p> <p>All employees should ensure they understand what types of behaviour are unacceptable under this policy.</p>
Scope	<p>This policy covers all individuals working for Maryhill Housing or at any of our premises irrespective of their status, level or grade. It therefore includes all employees, managers, directors, officers, consultants, contractors, trainees, homeworkers, casual and agency staff, including Board members and volunteers.</p>
Definitions	<p>For the purposes of this policy the following definitions apply:</p> <p>Dignity at work: People are treated with dignity and respect. This should be irrespective of any protected characteristic.</p> <p>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. Maryhill Housing will extend this definition to include all and will not be restricted to those identified as having a protected characteristic. It is possible that serious harassment could also be a hate crime.</p> <p>Bullying: ACAS describes bullying as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.</p> <p>Cyber Bullying: this policy also extends to interacting with Maryhill Housing employees on Social Networking sites. It is potentially gross misconduct to harass and/or bully and/or discriminate against an employee through the use of Social Networking websites, such as Facebook etc.</p> <p>Victimisation: Victimisation occurs where a person who has, in good faith, made, supported, or assisted in the making of, a complaint of bullying or harassment is treated less favourably or retaliated against. There should be no victimisation of any person for making, supporting or assisting a complaint of bullying or harassment even if the complaint is not upheld.</p> <p>Protected Characteristics: Under The Equality Act 2010 it is unlawful to discriminate against people at work because of nine areas termed in the legislation as protected characteristics: age, disability, gender reassignment, marriage and civil</p>

	<p>partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.</p> <p>Vicarious Liability</p> <p>Is when an employer could be held responsible if one of their employees discriminates against someone.</p>
<p>Policy Statement</p>	<p>Policy Aims</p> <p>Maryhill Housing is fully committed to providing a working environment that ensures all employees are treated with dignity and respect, regardless of protected characteristics or other grounds.</p> <p>Policy Conditions</p> <p>This policy covers harassment, bullying or victimisation which occurs both in the workplace (this includes when working remotely) or in situations that could be deemed an extension of the workplace, such as on business trips or at events or work-related social functions. It covers harassment, bullying and victimisation by employees and also by third parties such as customers, suppliers or visitors to our premises. This works in conjunction with Maryhill Housing's 'Unacceptable Action Policy'.</p> <p>Employees must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.</p> <p>Examples of behaviour constituting harassment include but are not limited to the following:-</p> <ul style="list-style-type: none"> • unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault; • unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it; • continued suggestions for social activity after it has been made clear that such suggestions are unwelcome; • offensive or intimidating comments or gestures, or insensitive jokes or pranks; • sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet); • racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender; • outing or threatening to out someone as lesbian, gay, bisexual, transgender, queer or questioning, or any other gender identity or sexual orientation.

- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

- mocking, mimicking or belittling a person's disability;

harassment, ridicule or exclusion of people, due to their actual or perceived medical condition.

Unwanted behaviour can include:

- a serious one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects a person.

The person being harassed might feel:

- disrespected
- frightened
- humiliated
- insulted
- intimidated
- threatened

It can still be against the law even if the person being harassed does not ask for it to stop.

The Dignity at Work policy also extends to interacting with Maryhill Housing employees on Social Networking sites. It is potentially gross misconduct to harass and/or bully and/or discriminate against an employee through the use of Social Networking websites, such as Facebook etc

Legitimate, reasonable and constructive criticism of someone's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying on their own.

Policy Principles

This policy aims to:

- Ensure integration of equality, diversity and inclusion into all aspects of Maryhill Housing'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.

Although the primary responsibility for providing a workplace free from bullying, harassment and victimisation rests with Maryhill Housing, individual

employees at all levels have a responsibility to assist in the prevention of bullying and harassment and to help protect themselves by:

- accepting personal responsibility to ensure bullying, harassment and victimisation do not occur;
- ensuring that their behaviour is not in breach of this policy;
- offering support to a known victim of bullying, harassment or victimisation;
- drawing to the attention of management any apparent instances of bullying, harassment or victimisation;
- not indirectly supporting bullying, harassment or victimisation by ignoring an incident or incidents.

Relevant Legislation

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

The Equality Act 2010 prohibits harassment related to any of the protected characteristics. For more information see our Equality, Diversity and Inclusion Policy and associated strategy.

The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which employees know or ought to know would be harassment, which includes causing someone alarm or distress.

Under the Health and Safety at Work Act 1974 employees are entitled to a safe place and system of work.

Individual members of employees may in some cases be legally liable for harassment of colleagues or third parties and may be ordered to pay compensation by a court or employment tribunal. There is no limit on the amount of compensation, which can be awarded as a result of a successful claim under the above legislation.

The Equality Act 2010 says an employee and employer could both be held responsible if the discrimination happens 'in the course of employment'. This means something that's linked to the employee's work.

This could be at work or outside the workplace, for example at a work party or through social media that's linked to work.

For example, a member of staff makes a negative comment to someone they work with about their race. The employer can also be held responsible for that discrimination unless the employer can demonstrate that they have taken all reasonable steps to prevent discrimination happening Bullying

While there is still no current legal definition of bullying, ACAS describe it as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting

- an abuse or misuse of power that undermines, humiliates or causes physical or emotional damage to someone.

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, but is not limited to, by way of example:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance; constantly criticising someone's work
- abuse of authority or power by those in positions of seniority
- deliberately excluding someone from meetings or communications without good reason.
- deliberately giving someone a heavier workload than everyone else
- excluding someone from team events (this could include WhatsApp groups for example)
- constantly putting someone down in meetings
- putting humiliating, offensive or threatening comments or photos on social media

It is possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone

Bullying and Harassment are often confused. By Law (Equality Act 2010) bullying behaviour can be harassment if it relates to one of the 9 protected characteristics.

Upward bullying

Bullying can also happen from staff towards someone more senior, for example a manager. This is sometimes called 'upward bullying' or 'subordinate bullying'.

It can be from one employee or a group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority

- doing things to make someone seem unskilled or unable to do their job properly

It can be difficult for someone in a senior role to realise they're experiencing bullying behaviour from their staff.

It's important to consider the real reasons for the behaviour. For example, there might be a wider issue with the culture of the organisation that can be identified and addressed.

Along with the legislation noted above there are a number of other legal principles contained in the following legal documents that will apply as follows:

- 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
- 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
- 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 Regulations

Maryhill Housing 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 in Maryhill Housing's employee privacy notice.

Implementation

Employees must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Maryhill Housing have a zero-tolerance approach to bullying and/or harassment whether this be intentional or unintentional.

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

Maryhill Housing will ensure that all new employees will receive an induction on this policy. The policy will be integrated into all policies and procedures within Maryhill Housing. Copies of this policy will be issued to all employees and will be available to all who request it.

Non-Compliance

We will take allegations of harassment, bullying or victimisation seriously and address them promptly and confidentially where possible. Harassment, bullying or victimisation by an employee will be treated as misconduct under our Disciplinary Policy. In some cases, it may amount to gross misconduct leading to summary dismissal.

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 the Staff Code of Conduct, Disciplinary Procedure and Unacceptable Action Policy.

In circumstances where the Maryhill Housing's disciplinary procedures are instigated in relation to this policy, the outcome may include up to an including dismissal.

Breaches of this policy by any of our contractors/suppliers will be dealt with in line with the conditions set out in their contract with Maryhill Housing. Any breaches of the policy by members of the Board of Maryhill Housing will be managed under the member's code of conduct.

Procedure in Dealing with breaches of Dignity at Work policy

This procedure is complemented by Maryhill Housing's Equality, Diversity & Inclusion, Discipline and Grievance policies and Staff Code of Conduct.

a) Informal stage

Where possible/appropriate, breaches of this policy should be dealt with informally in the first instance. In many cases inappropriate behaviours may be unintentional and may easily be resolved once the behaviour has been highlighted.

Any employee who feels they are being bullied, harassed or victimised should initially consider raising their concern informally with the person responsible, if they feel able. If this is too difficult, they should speak to their line manager or Human Resources, who can provide confidential advice and assistance in resolving the issue formally or informally.

If an employee is not certain whether an incident or series of incidents amount to bullying, harassment or victimisation, they should initially contact their line manager or Human Resources informally for confidential advice.

b) Formal Stage

If informal steps have not been successful or are not possible or appropriate, employees may raise the matter as a grievance under Maryhill Housing's Grievance Policy. As a general principle, the decision whether to progress a complaint is up to the employee. However, we have a duty to protect all employees and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

Where appropriate, complainants can be offered access to our Employee Counselling Service. No undue pressure will be exerted on the complainant to receive counselling.

The employee must put their concerns in writing and give this to their line manager or Human Resources. Maryhill Housing will then proceed with the complaint in line with our Grievance Policy and procedure.

- There is no evidence to uphold the complaint
- There is evidence that may involve action against another member of employees

	<ul style="list-style-type: none"> • Action is required on an organisational basis <p>Given the sensitive nature of a grievance concerning alleged bullying, harassment or victimisation, the following principles will be considered in dealing with this under Maryhill Housing's Grievance Policy:-</p> <ul style="list-style-type: none"> • the right of both complainant and alleged perpetrator to be accompanied; • commitment to reasonable time scales for resolution of problems of which the complainant will be advised; • investigating officer(s) who is/are not connected with the allegation and who is/are usually more senior; • commitment to confidentiality where appropriate for everyone involved, including witnesses; • ensuring care is taken so that the complainant does not unnecessarily have to state repeatedly in evidence circumstances leading to the grievance; • protection for everyone involved, ensuring, where appropriate, that the complainant, alleged perpetrator and witnesses do not have to make statements in front of each other if they feel threatened or uncomfortable. • An opportunity to appeal any decision in respect of a Grievance outcome decision. <p>Support from Maryhill Housing's occupational health provider may be offered to the complainant and the alleged perpetrator pending an investigation into the complaint.</p> <p>Malicious Allegations Any person found to be making fictitious or malicious allegations will be dealt with in accordance with Maryhill Housing's disciplinary procedure which may result in up to and including dismissal.</p>
Approval	6 June 2024
Policy Owner	Arlene McLaughlin, HR Manager
Review	This policy will be reviewed every 3 years and/or updated in line with changes in legislation