



<b>Title</b>	<b>Dignity at Work Policy</b>
<b>Purpose</b>	<p>The purpose of this policy is to ensure that all staff 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 staff should ensure they understand what types of behaviour are unacceptable under this policy.</p>
<b>Scope</b>	<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>
<b>Definitions</b>	<p>For the purposes of this policy the following definitions apply:</p> <p><b>Dignity at work:</b> the terms bullying and harassment will be used throughout this policy to mean dignity at work.</p> <p><b>Harassment:</b> 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.</p> <p><b>Bullying:</b> ACAS define 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><b>Protected Characteristics:</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• gender reassignment</li> <li>• marriage and civil partnership</li> <li>• pregnancy and maternity</li> <li>• race</li> <li>• religion or belief</li> <li>• sex</li> <li>• sexual orientation.</li> </ul> <p><b>Victimisation:</b> 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</p>

	no victimisation of any person for making or supporting or assisting a complaint of bullying or harassment even if the complaint is not upheld provided the action was taken in good faith.
<b>Policy Statement</b>	<p><b>Policy Aims</b></p> <p>MHA is fully committed to providing a working environment that ensures all staff are treated with dignity and respect, regardless of race, colour, nationality, ethnic or national origin, sex, gender reassignment, marital or civil partner status, pregnancy or maternity, disability, sexual orientation, religion or belief, age, HIV status or other grounds.</p> <p><b>Policy Conditions</b></p> <p>This policy covers harassment, bullying or victimisation which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers harassment, bullying and victimisation by staff and also by third parties such as customers, suppliers or visitors to our premises.</p> <p>Staff 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"> <li>• 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;</li> <li>• 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;</li> <li>• continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;</li> <li>• offensive or intimidating comments or gestures, or insensitive jokes or pranks;</li> <li>• 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);</li> <li>• racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;</li> <li>• outing or threatening to out someone as gay or lesbian;</li> <li>• ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.</li> <li>• mocking, mimicking or belittling a person's disability;</li> </ul>

- harassment, ridicule or exclusion of people, due to their actual or perceived infection with AIDS/HIV.

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;
- abuse of authority or power by those in positions of seniority
- deliberately excluding someone from meetings or communications without good reason.
- Legitimate, reasonable and constructive criticism of someone's performance or behaviour, or reasonable instructions given to staff in the course of their employment, will not amount to bullying on their own.

### **Policy Principles**

This policy aims to:

- Ensure integration of diversity 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 but there is still no current legal definition of bullying. However ACAS provides a definition which is widely recognised as being best practice.

The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. For more information see our Equality and Diversity Policy.

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

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

Individual members of staff 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.

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**

MH 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 MH's employee privacy notice.

### **Implementation**

Staff 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.

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

Maryhill Housing will ensure that all new staff 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 staff 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 code of conduct and disciplinary procedure.

In circumstances where the MH's disciplinary procedures are instigated in relation to this policy, the outcome may include 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 and Diversity and Discipline and Grievance policies.

#### **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.

Any employee who feels they are being bullied, harassed or victimised should initially consider raising the problem informally with the person responsible, if they feel able. They should explain clearly to them that their behaviour is not welcome or makes them uncomfortable. If this is too difficult or embarrassing, 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 staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

Where appropriate, complainants will be offered counselling. 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. 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 complainant. 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
- Given the sensitive nature of a grievance concerning alleged bullying, harassment or victimisation, the following principles will be taken into account in dealing with this under MHA's Grievance Policy:-
- 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.

Support from Maryhill Housing's occupational health provider may be offered to the complainant and the alleged perpetrator pending an investigation into the complaint.

**Malicious Allegations**

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

<b>Approval</b>	Staffing Committee, 10 September 2018
<b>Policy Owner</b>	Carol Bain, HR Manager
<b>Review</b>	This policy will be reviewed every 3 years and/or updated in line with changes in legislation.