



Cloch Housing Association Limited

Dignity at Work

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Responsibility of	Head of Corporate Services
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Equalities Impact Assessment Required	
Link to other policies	057 – Equalities & Diversity 067 – Data Protection Employee Privacy Notice
Consultation	

1. Introduction

Cloch 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 Cloch 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; Cloch Housing 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.

This Policy links to Business Plan Outcomes:

Strategic Priority 19: Embrace Change and encourage diversity.

Strategic Priority 20: Support our People.

2. Duty of Care

Cloch Housing Association has a duty of care to its staff and visitors. It is responsible for ensuring that the behaviour and conduct of staff in the course of their work is acceptable. Failure to recognise or investigate incidents of unacceptable behaviour does not excuse the Association from liability and could have serious legal consequences.

3. 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.

4. 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 Delict.
- 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

5. 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. Cloch 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.

6. 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.

7. Implementation of Policy

The Chief Executive Officer (CEO) at Cloch 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 Cloch Housing Association.

Copies of this policy will be issued to all employees, governing body member, agency worker, contractor, 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, all have a responsibility to abide by the principles outlined above and also alert their line manager or CEO of Cloch should any behaviours be witnessed which breached 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. Criminal Offences

The Association expects members of staff to exercise their legal rights to protect themselves in cases where a criminal offence may have been committed. If a criminal offence takes place individuals should contact the Police as soon as possible ensuring the CEO of Cloch is advised.

9. Procedure in Dealing with breaches of Dignity & Respect

This procedure is complemented by the Association's Equality and Discipline & Grievance policies.

9.1 Staff

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 dealt with by mirroring the Association's grievance procedure (as outlined in staff's Terms and Conditions).

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

In the event the complaint is regarding the CEO at Cloch, the Governing Body will deal as detailed above.

Where action is required against another staff member this will follow the organisation's disciplinary procedures (as outlined in staff's Terms and Conditions). 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, consultants 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 CEO of Cloch 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. 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 member, agency worker, contractor, and/or consultants this will be dealt with in accordance with the Association's Code of Conduct Policy, the Board Member's Code of Conduct, the Contractor's Code of Conduct, and other relevant policies. This may therefore result in termination of the individual's contract or engagement within the Association.

11. 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.

12. Data Protection Regulations

The Association will treat your personal data in line with our obligations under the current data protection regulations and our own policy (No 67 – Data Protection Policy). Information regarding how your data will be used and the basis for processing your data is provided in the Association's Employee Privacy Notice.

13. Review of Policy

This policy will be reviewed every three years and in line with legislative updates.