



**Muirhouse
Housing
Association**



**Muirhouse
Homes Ltd**

Title of Policy:	Dignity at Work
Date of Adoption or Last Review:	New
Lead Officer:	Stevie McAvoy, Chief Executive
Date of Next Review:	March 2023

Regulatory Standards of Governance and Financial Management:

Standard 5

The RSL conducts its affairs with honesty and integrity.

Guidance

5.1 The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.

5.2 The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.

5.3 The RSL pays due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.

Policy: Dignity at Work

1. Introduction

Muirhouse Housing Association (“MHA”, “we”) 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 MHA has a responsibility to treat all colleagues with dignity and respect, regardless of any personal characteristics.

There is no place for any form of discrimination, harassment, victimisation or sexual misconduct at MHA. Such behaviour is contrary to our values, goes against our mission and core values, and diminishes the dignity and integrity of all parties.

Under legislation there are certain characteristics protected from harassment, we will acknowledge these and extend this protection to everyone within MHA. The terms bullying and harassment will be used throughout this policy to mean dignity at work.

2. Purpose

This Dignity at Work Policy aims to:

- Ensure diversity is considered in all aspects of MHA’s business;
- Ensure that all employees, governing body members, agency workers, contractors, and consultants are treated with respect and dignity by 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 always respected and treated with dignity and respect;
- To highlight the options available to those who feel they are or have been subject to bullying, harassment, racial discrimination, sexual misconduct, or any other inappropriate or unacceptable behaviour;
- Set out the responsibilities for managing and supporting staff when concerns are raised under the Dignity at Work Policy.

3. Scope

This policy applies to Muirhouse Housing Association as a group including its subsidiary MH4. This policy covers all employees, governing body members, agency workers, contractors, and consultants referred to in this policy as ‘MHA employees and associated individuals’ or ‘All’.

4. Legislation

Harassment is the only term relating to this policy that is covered under legislation in the Equality Act 2010, however there are some 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

We will also work in the spirit of the guidance published in January 2020 by the Equality and Human Rights Commission; "Sexual Harassment and Harassment at Work".

5. Definitions

Terminology used within the scope of dignity at work has 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.

Harassment is defined as '*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*'. MHA will extend this definition to include everybody and it will not be restricted to those identified as having a protected characteristic.

Bullying is defined as '*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.

6. Principles and Approach

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

We will ensure that all new employees, governing body members, agency workers, contractors, and consultants will receive an induction on this policy and will be issued with a copy. The policy will be integrated into all policies and procedures within MHA and will be published on our website.

All MHA employees and associated individuals have a responsibility to abide by the principles outlined above and to alert their line manager or the Chief Executive should they witness any behaviour 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. Behaviour 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.

MHA expects everybody to treat each other with respect, courtesy and consideration always. All are expected to behave professionally and have the right to expect professional behaviour from others. All have a personal responsibility for complying with this Policy and Procedure and demonstrate active commitment to it by:

- Treating others with dignity and respect.
- Discouraging any form of discrimination and harassment by suitably challenging inappropriate behaviour, making it clear that such behaviour is unacceptable (and raising concerns with managers where appropriate so these can be dealt with).
- Supporting anyone who feels they have been subject to discrimination and / or harassment, including supporting them to make a formal complaint if appropriate

Line Managers have responsibility for setting standards and ensuring appropriate workplace behaviours are maintained. They should set a good example and ensure concerns raised are acted upon.

We will implement the guidance on the “7 steps to take” from the Equality and Human Rights Commission’s Guidance on “Sexual Harassment and Harassment at Work:

1. Develop an effective anti-harassment policy

2. Engage with our staff
3. Assess and mitigate risks in the workplace
4. Think about reporting systems
5. Deliver training
6. Know what to do when a complaint is made
7. Know what to do if dealing with harassment and third parties

7. Procedure in Dealing with breaches of Dignity and Respect

This procedure is complemented by MHA's Equality and Diversity policy and Discipline and Grievance policy.

Staff

Where an employee feels that they have not been treated with dignity and respect at work, there are several ways in which this can be addressed. If at any stage the employee is not comfortable with speaking to the Line Manager or Chief Executive, they may address their concerns directly to the Chair of the Staffing Subcommittee.

1) Informal stage

Where possible, breaches of this policy will be dealt with informally in the first instance. In many cases, behaviour is perceived or unintentional and issues 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 will in the first instance alert their line manager to the behaviour, thereafter the line manager will encourage and support the employee to approach the individual and highlight what behaviour has caused a problem. If the employee is uncomfortable with this then the line manager will accompany them to a meeting. If appropriate, mediation may be arranged to mend any breakdown in relationships. All meetings and outcomes will be recorded.

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 will be dealt with through MHA's grievance procedure.

The employee must put their concerns in writing and give this to their line manager. The line manager will then arrange a meeting with them. At this meeting the manager will establish what the concerns are, and how the employee would like things resolved. The manager will then conduct any necessary investigations. No investigation will take place prior to this meeting. 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 MHA'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

Governing Body Members will follow the process outlined in the Grievance procedure for Governing Body Members and put their concerns to the Chair of the Board.

Agency Workers, Contractors and Consultants or members of the public

Where an agency worker, contractor, consultant and/or members of the public feel that behaviour towards them has breached the principles of this policy, they have a responsibility to inform the Chief Executive of this as soon as reasonably practical. The complaint will be investigated appropriately and dealt with in accordance with the relevant policies and procedures.

Breaches of this Policy

Where individuals are found to be in breach of this policy this will be dealt with in accordance with MHA's code of conduct policy and other relevant policies. This may therefore result in termination of the individual's contract, or engagement with MHA.

Malicious Allegations

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

8. Training and monitoring

We will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of harassment and bullying. This policy and procedure will be communicated effectively to all employees, and we will ensure that all employees are aware of their responsibilities. Appropriate training, where necessary, will be provided.

9. General Data Protection Regulations

All information provided to us by individuals will be treated in strict confidence and will only be discussed with other parties with the individual's (or their appointed representative's) prior consent. We will comply with the Data Protection Act 2018 and the General Data Protection Regulation 2016 when holding personal information in our files and on our computer systems.

10. Diversity and Equality

We are committed to Equality and Diversity and will not discriminate in the operation of this policy on the basis of any of the protected characteristics in the Equality Act 2010. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

We aim to promote equal opportunities and comply with all current legal requirements relating to equal opportunities and the Equality Act 2010.

11. Review of Policy

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