



**Policy on Dignity at work
(Incorporating bullying and harassment)**

Date approved by the Assurance sub-Committee:
Latest review date:

December 2022
December 2025

1. Introduction

- 1.1 Cernach Housing Association is committed to providing a working environment which is free from harassment, bullying and intimidation of any nature. All of the Association's employees, governing body members, agency workers, contractors, and consultants have 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. The 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.
- 1.2 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. Section 3 outlines the definitions.

2. Legal and regulatory framework

2.1 Legal framework

- 2.1.1 The relevant statutes or regulations which can be used against either the bully or harasser, the organisation or both are detailed below, however bullying in itself is not actionable by law.
- *The Equality Act 2010* – This provides a legal definition of harassment but there is still no current legal definition of bullying. It also protects characteristics from harassment.
 - *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 in relation to the duty of care.
 - *Health and Safety at Work etc Act 1974 (Sections 2 and 3)* – This legislation places a duty of care on employers to ensure the health and safety of their employees, and to conduct assessments of potential risks to employees and to take appropriate remedial action. This may extend to acts by people over whom the employer has no direct control but, whom the employer might have reasonably foreseen the potential for harassment.
 - *Employment Rights Act 1996* – This gives employees the right to access an employment tribunal where they believe they have been "constructively

or unfairly dismissed". This may apply, for example, where an organisation has failed to take appropriate action to deal with a complaint of bullying or harassment.

- *Personal Injury protection* – including the duty to take care of workers arising out of the law of delict.
- *Public Interest Disclosure Act 1998* – This legislation was developed to protect so-called "whistleblowers". Where any employee is dismissed because he or she made a "protected disclosure", the dismissal will be deemed automatically unfair.
- *Trade Union and Labour Relations (consolidation) Act 1992* – Dealing with specific types of intimidation.
- *Criminal Justice and Public Order Act 1994* – Reduction of existing rights and in greater penalties for certain "anti-social" behaviours.

2.2 Regulatory framework

2.2.1 Regulatory Standard 5.3 states that the Association should pay “*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.*”

3. Definitions

3.1 *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. The Association will extend this definition to include all, and will not be restricted to those identified as having a protected characteristic.

3.2 *Bullying* – Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

3.3 *Protected characteristics* – Under the Equality & Human Rights Act 2010, the legal grounds in which discrimination claims can be made: that is age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

4. Policy principles

4.1 This dignity at work policy aims to:

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- Ensure integration of diversity into all aspects of the Association's business
- Ensure that all employees, governing body members, agency workers, contractors, consultants and members of the public are treated with respect and dignity from each other.
- 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.

5. Equality and human rights

- 5.1 The Association's Equality and Human Rights policy, which was approved by the Committee in April 2021, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics¹. This includes ensuring that everyone has equal access to information and services, and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.
- 5.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Human Rights policy for more information).
- 5.3 In line with section 6 of the Equality and Human Rights Policy, the Association carried out an Equality Impact Assessment on this policy and no remedial action was identified as necessary. The full assessment is appended at the end of this policy.

6. Procedure

- 6.1 This procedure is complemented by the Association's equality and human rights, disciplinary and grievance policies.

¹ The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender reassignment and sexual orientation.

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6.2 Where an individual believes that they have not been treated with dignity and respect at work, there are several ways in which this can be addressed.

6.3 Informal stage

6.3.1 Where possible, breaches of this policy should be addressed 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.

6.3.2 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, to approach the individual and highlight what behaviour has been offensive.

6.3.4 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.

6.3.5 Where the matter cannot be raised by the individual to the line manager or Director because either (i) the concern relates to the Director's behaviour and she is also the line manager or (ii) the concern relates to the behaviour of the individual's line manager and the Director, then the most senior member of staff not involved should be approached.

6.4 Formal stage

6.4.1 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.

6.4.2 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 employee.

6.4.3 Once the investigation has been concluded, there could be a variety of outcomes including:

- There is no evidence to uphold the complaint

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- 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 Association'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.

6.4.4 As in the informal stage, where the matter cannot be raised by the individual to the line manager or Director because either (i) the concern relates to the Director's behaviour and she is also the line manager or (ii) the concern relates to the behaviour of the individual's line manager and the Director, then the most senior member of staff not involved should be approached.

7. Committee members, agency workers, contractors, and consultants

7.1 Where a governing body member, agency worker, contractor, consultant or anyone else employed by or acting for the Association feels that behaviours towards them have breached the principles of this policy, it is recommended that they inform the Director of this as soon as reasonably practical. Where the Director is involved, then the matter should be raised with the Depute Director, or the most senior member of staff not involved.

7.2 The complaint will be investigated appropriately and dealt with in accordance with the relevant policies and procedures.

8. Breaches of the policy

8.1 Where individuals are found to be in breach of this policy whether that be employees, Committee members, agency workers, contractors, and/or consultants this will be addressed in accordance with the Association's Codes of Conduct and other relevant policies.

8.2 Established breaches may therefore result in taking steps to terminate the individual's (or company's) contract or engagement with the Association. In some circumstances, this will also constitute a notifiable event to the Scottish Housing Regulator.

9. Malicious allegations

9.1 Because of the potentially serious ramifications associated with breaches of this policy and the detrimental impact that an investigation could have on staff

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and Committee morale (even if the allegations are ultimately unfounded), any person found to be making fictitious or malicious allegations will be subject to the Association's disciplinary procedure. This could result in dismissal.

10. Policy review

- 10.1 The policy and procedure for dignity at work will be reviewed every three years or sooner to reflect legal, regulatory or best practice requirements. The next review will take place in or before November 2025.

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Cernach Housing Association Equality Impact Assessment



Name of the policy / proposal to be assessed		Dignity at Work Policy	Is this a new policy / proposal or a revision?	Revision
Person(s) responsible for the assessment		L Crawford		
1. Briefly describe the aims, objectives and purpose of the policy / proposal		To ensure all the Association's employees, governing body members, agency workers, contractors, and consultants treat all colleagues with dignity and respect. The Association's Equality and Human Rights policy, which was approved by the Committee in April 2021, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics.		
2. Who is intended to benefit from the policy / proposal? (e.g., applicants, tenants, staff, contractors)		Staff, Contractors, Management Committee Members, Tenants, Applicants, Factored Owners and any other stakeholders.		
3. What outcomes are wanted from this policy / proposal? (e.g. the benefits to customers)		This policy plays an important part in preventing staff from experiencing bullying and harassment whilst at work and ensures all staff are clear about what is acceptable behaviour in the workplace. Everyone should be treated with dignity, respect and courtesy and to experience no form of discrimination.		

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4. Which **protected characteristics** could be **affected** by the proposal? (*tick all that apply*)

- Age
 Disability
 Marriage & Civil Partnership
 Pregnancy/Maternity
 Race
 Religion or Belief
 Gender
 Gender Reassignment
 Sexual Orientation

5. If the policy / proposal is not relevant to any of the **protected characteristics** listed in part 4, state why and end the process here.

After careful consideration, there is no known elements of this policy that would impact any of the 9 protected characteristics.

	Positive impact(s)	Negative impact(s)
After careful consideration, there is no known elements of this policy that would impact any of the 9 protected characteristics.		
7. What actions are required to address the impacts arising from this assessment? (<i>This might include collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts</i>).		

Signed: *L. O'Neil*

Job title: Corporate Services Officer

Date the Equality Impact Assessment was completed: 18/11/22