

TO:	Governance Sub-Committee
PREPARED BY:	Linda Sichi (Deputy CEO)
SUBJECT:	DIGNITY AT WORK POLICY
DATE OF MEETING:	25 November 2024
APPROVED BY:	Paul Martin (CEO)

DIGNITY AT WORK POLICY

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DIGNITY AT WORK POLICY

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1. MILNBANK HOUSING ASSOCIATION (MHA) STRATEGIC OBJECTIVES

MHA's mission is to provide excellent homes and services in a thriving community. We believe that people living in the MHA community should:

- Have warm, safe, and affordable homes, and receive excellent services from MHA.
- Live in neighbourhoods that are clean and well cared for, with real community pride.
- Have access to opportunities and services that promote a good quality of life.

2. MHA's VALUES

Working as 'One Milnbank' so that we offer the same quality of services, support and housing to all tenants and residents.

3. LEGAL & REGULATORY COMPLIANCE

The Management Committee leads and directs MHA to ensure good outcomes for its tenants and other service users. MHA adheres to the Scottish Housing Regulator's Regulatory Framework Financial & Regulatory and to all relevant legal employment requirements associated with this policy. For the Dignity at Work Policy, the following legislation is highlighted:

- The Equality Act 2010 (Protects the rights of individuals and advances equality of opportunity for all).
- Worker Protection Act 2023 (An amendment of the Equality Act 2010 aims to better protect employees from sexual harassment, prioritising prevention).
- Public Interest Disclosure Act 1998 (Provides protection to employees who have been victimised at work or they have lost their job due to a disclosure they raised).
- Health & Safety at Work Act 1974 (Sets out the framework for managing workplace health and safety in the UK).

4. POLICY INTRODUCTION

MHA is committed to providing a working environment and culture where all employees have the right to be treated with dignity and respect free from bullying, harassment, sexual harassment, discrimination and victimisation of any nature. Every employee, agency worker and consultant of MHA has a responsibility to treat anyone who is associated with the work of MHA with dignity and respect, regardless of any personal characteristic.

We believe that a culture of equality, diversity and inclusion not only benefits MHA but supports wellbeing and enables people to work better, be themselves and feel that they belong.

5. **POLICY PRINCIPLES**

- Set out standards of behaviour expected for employees, agency workers and consultants of MHA.
- Ensure that employees, agency workers and consultants can report any unacceptable behaviours, and relevant action is taken to resolve it.
- Promote proactive and preventative measures to support positive and respectful working relationships.
- Ensure integration of diversity into all aspects of MHA business
- Ensure that all employees, agency workers and consultants are treated with respect and dignity from each other.
- Set clear guidelines and standards regarding treatment of employees by third parties.
- Ensure that all employees, agency workers 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.
- Provide a process for complaints to be properly managed.

6. **DEFINITIONS**

Protected Characteristics: The legal grounds in which discrimination claims can be made. These include age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation.

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. MHA will extend this definition to include all and will not be restricted to those identified as having a protected characteristic.

Harassment can occur where someone perceives another person to have a protected characteristic. Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic.

Examples of harassment could include but not limited to:

- jokes, 'banter', taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic.
- unwanted physical behaviour (e.g. pushing or grabbing).
- excluding someone from a conversation or a social event or

marginalising them from the group.

- unwelcome comments about someone's appearance or the way they dress that is or is not related to a protected characteristic.
- revealing someone's sexual orientation against their wishes or threatening to.
- consistently using the wrong names and pronouns following the transition of a person's gender identity.
- displaying images that are offensive.
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

Sexual Harassment: conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct. Please refer to Appendix 1 – Sexual Harassment for specific information relation to sexual harassment.

Bullying: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

Examples of bullying could include but not limited to:

- Spreading a false rumour
- Consistently giving heavier workloads to one individual in a team
- Unjustly cutting off or preventing someone from reasonably expressing their views in a meeting
- Regularly undermining the authority of any other employees.

Victimisation: Treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else's discrimination complaint.

Unacceptable behaviour: A one-off act, if it is serious, can amount to bullying or harassment. All behaviours will be guided by and in line with MHA Code of Conduct.

Examples of unacceptable behaviour could include but not limited to:

- derogatory comments, offensive language, remarks or jokes.
- spreading malicious rumours or insulting someone.
- insulting behaviours or gestures.

- displaying offensive or suggestive literature or remarks.
- intrusion by pestering, spying or stalking.
- embarrassing, threatening, humiliating, patronising or intimidating remarks.
- physical or verbal assault, such as shouting.
- undermining a person's self-esteem, e.g. by constantly making unfavourable comparisons with others or belittling their status.

Harassment, bullying, victimisation or unacceptable behaviours may be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online or on social media. These may occur at work or outside work.

It is not the intention of the perpetrator (the person accused of bullying or harassment) that decides whether bullying or harassment has taken place; instead, it depends on whether the behaviour is unacceptable by reasonable normal standards and is harmful or unwelcome to the person or people on the receiving end.

7. IMPLEMENTATION OF POLICY

The Leadership Team is responsible for the implementation and review of this policy. MHA will ensure that all employees, agency workers and consultants will receive an induction on this policy. The policy will be integrated into all policies and procedures within MHA. Copies will be issued to all employees, agency workers and consultants and will be available to all who request it.

This policy applies to all employees, agency workers and consultants of MHA who will receive a copy of it. Therefore, all mentioned parties, have a responsibility to abide by the principles outlined above and to alert their line manager or the Deputy CEO should any behaviours be witnessed 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. 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. Serious cases may be regarded as gross misconduct and may result in dismissal.

8. ROLES & RESPONSIBILITIES

8a. Organisational

MHA are committed to providing a safe and respectful workplace and promoting a working environment based on dignity and trust, and one that is free from discrimination, harassment, bullying or

victimisation. MHA adopt a zero-tolerance approach to instances of bullying or harassment. We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our employees, agency workers and consultants.

8b. **Employees, Agency Workers and Consultants**

All employees, agency workers and consultants have a personal responsibility to act in line, observe and uphold this policy and follow MHA Code of Conduct. They also have the responsibility to participate in any relevant mandatory training course.

8c. **Managers**

Anyone responsible for leading, managing or supervising people have additional responsibilities to ensure:

- They understand their own and the organisational responsibilities.
- They are familiar with content of the Dignity at Work Policy and communicate to the relevant people.
- Role model behaviours expected and encouraged a positive workplace culture
- Challenge unacceptable or questionable behaviour they become aware of.
- Ensure any breaches or complaints relating to this policy are responded to quickly, sensitively, confidentially and investigated in line with policy.

9. DEALING WITH BREACHES OF DIGNITY & RESPECT PROCEDURE

9.1 This procedure is complemented by MHA's Equality & Diversity and Discipline & Grievance policies. Where an employee feels that they have been discriminated against, victimised or harassed by another employee, not been treated with dignity & respect at work, there are several ways in which this can be addressed.

9.2 **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:

1. In the first instance alert their line manager to the behaviour.
2. 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.

3. A note should then be put on file of the person who has displayed the inappropriate behaviour and the individual that raised the issue.

9.3 **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 MHAs grievance procedure.

1. The employee must put their concerns in writing and give this to their line manager.
2. The line manager should then arrange a meeting with the employee to establish what the concerns are, and how the employee would like these resolved.
3. The manager should then conduct any necessary investigations. No investigation should take place prior to there being a meeting with the employee.
4. Upon conclusions of the investigation, 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 employee which will be managed through MHAs disciplinary policy.
 - Learning is identified on an organisational basis

Where action is taken regarding an employee, agency worker and consultant other than the person who raised the complaint, the complainant will not be informed of any action taken against other individuals.

9.4 **Support for those affected or involved**

MHA understands that anyone affected by, or involved with, a complaint relating to a breach of this policy may feel anxious or upset and we will do what we can to support you.

10. MALICIOUS ALLEGATIONS

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

11. EQUALITY & HUMAN RIGHTS

MHA's commitment to equal opportunities and we will respond to the different needs and service requirements of individuals, and we will not discriminate against any individual for any reason outlined in Equality & Human Rights Legislation.

12. DATA COLLECTION

MHA will manage all personal data in accordance with our obligations under the GDPR regulations and the Association's Policy.

13. POLICY MONITORING & REVIEW

The Flexi Time & TOIL Policy will be reviewed by the Governance Sub-Committee on a bi-annual basis in line with EVH updates, or as otherwise deemed necessary.

Sexual Harassment

Introduction

MHA is committed to providing a positive experience whilst at work for all our employees, agency worker and consultants which includes a zero-tolerance approach to sexual harassment.

This appendix sets out MHAs expectations of behaviour by employees, agency workers and consultants and provides information on how we will deal with complaints of sexual harassment.

Definitions

The Equality Act 2010 defines sexual harassment as 'conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment'. Sexual Harassment is unlawful under the Equality Act 2010. It is also unlawful to treat someone less favourably because they have submitted a complaint of sexual harassment or have rejected such a behaviour.

Sexual harassment includes a wide range of behaviours including but not limited to:

- Making sexual remarks about a colleague's body, clothing or appearance
- Suggestive looks, staring, or leering.
- Propositions and sexual advances
- Sexual gestures
- Emailing, texting or messaging sexual content.
- Unwelcome touching, hugging, massaging or kissing
- Sexual comments or offensive jokes
- Making sexual comments or jokes about someone's sexual orientation or gender reassignment
- Displaying or sharing sexually graphic images, or other sexual content
- Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications

Sexual harassment can be a singular event or something that is an ongoing pattern of behaviour. Sexual harassment may be physical, verbal or non-verbal conduct. It can occur face to face or can be done by email, phone calls, online and on social media. Sexual harassment may occur at work or outside work.

Sexual conduct that has been welcomed previously can become unwanted, the person in receipt of the behaviour decides whether it is unwanted. An individual can experience sexual harassment from someone of the same or different sex.

Sexual interactions that are invited, mutual and consensual are not considered as sexual harassment.

Behaviour expectations

MHA expects you to follow the expectations as set out within the Code of Conduct. Any Sexual Harassment by employees towards others in connection with work will be considered under the Disciplinary/Grievance policy and action taken under this policy can include up to and including dismissal. Sexual harassment may constitute gross misconduct and may result in dismissal.

Preventative Duties

The Worker Protect Act (Amendment Equality Act 2010) requires employers to take reasonable steps to prevent sexual harassment. MHA has taken preventative steps to ensure a workplace free from any sexual harassment. In addition to this policy, a risk assessment has been completed to assess the risks and preventative steps include:

- **Engage with teams** – 1:1 meeting, staff surveys, exit interviews
- **Training & Development** – specific training for each group based on risk, managers capability, sexual harassment training
- **Dealing with complaints** – Process, managers awareness, confidential, sensitively
- **Third party complaints** – training managers, induction/comms for third parties, clear
- **Reporting** – effective reporting procedure, anonymous complaints process, communication of this process
- **Monitor and evaluate policy and complaints** – learning from incidents, reviewing policy regularly, reviewing trends on complaints and taking action to rectify cultural concerns.

Reporting procedure & dealing with all sexual harassment complaints

Allegations should always be taken seriously, and action taken as quickly as possible to stop any further inappropriate behaviour identified. Where possible, breaches of this policy should be dealt with informally in the first instance. Dependant on the serious nature of some complaints together with the risk to the safety of the complainant and others, we may need to take formal action immediately.

Informal stage

In managing the issue informally employees should:

1. In the first instance alert their line manager to the behaviour.
2. 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.

3. A note should then be put on file of the person who has displayed the inappropriate behaviour and the individual that raised the issue.

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 MHA grievance procedure.

1. The employee must put their concerns in writing to their line manager.
2. 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.
3. The manager should then conduct any necessary investigations. No investigation should take place prior to there being a meeting with the employee.
4. 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 employee which will be managed through MHA disciplinary policy.
 - Learning is identified on an organisational basis

Where action is required against another employee, agency worker or consultant this will follow the organisation'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.

Anonymous complaint

We may receive anonymous allegations of sexual harassment through the "Whistle-blowing procedure". While we recognise that it can be difficult to investigate such complaints, MHA will conduct a thorough an investigation as possible, given the information available. This will always include informing the accused person that a complaint has been received about them.

Third Party Sexual Harassment

MHA will also take reasonable steps to prevent any sexual harassment by third parties, as required by the Worker Protection Act 2023 A third party can be a customer, consultant, contractor visitor. Employees, agency workers and consultants are encouraged to report any sexual harassment, which may involve a third party.

MHA will follow the process as detailed within 'Procedure for dealing with all Sexual harassment complaints' section.

When a complaint is received MHA will ensure that steps are taken to protect the individual raising the complaint. MHA will take steps to remedy a complaint and action to prevent this from happening again. Examples of action MHA may take, but not limited to are:

- Warning a customer about their behaviour
- Banning a customer
- Reporting any criminal acts to the police
- Sharing information with other part of the business.

Support for those affected or involved

We understand that anyone affected by, or involved with, a complaint relating to sexual harassment, or a breach of this policy may feel anxious or upset and we will do what we can to support you during this period. (e.g. support networks, counselling services)

Witness to unwanted conduct of sexual nature

Tackling sexual harassment is everybody's responsibility. You do not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If you see it happening or become aware of it, you should report it in line with '*Reporting procedure & dealing with all Sexual harassment complaints*' if you feel able to do so.

Your actions can be important in helping create a culture free from sexual harassment.

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, agency worker and consultants this will be dealt with in accordance with MHA Code of Conduct Policy, Disciplinary Policy, Grievance Policy and other relevant policies. This may result in disciplinary action up to and including dismissal.

General Data Protection Regulations

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own policy. Information regarding how your data will be used and the basis for processing your data is provided in MHA employee privacy notice.

Sexual Harassment Risk Assessment Template

Organisation/ Area/Dept covered by this risk assessment	
Assessor	
Date of Risk Assessment	
Risk Assessment Sign Off	
Date of Assessment	
Review Date	

Risk factors	Who might be at risk and why (list all that apply):	How we have assessed the risk:	Steps already taken to reduce those risks:	Further action necessary:	Who is responsible for acting?	Date action to be completed?	Complete	Any remaining significant risks: