

# Dignity at Work Policy

*We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.*

# Dignity At Work Policy

## POLICY PURPOSE, SCOPE AND PRINCIPLES

The purpose of this policy is to ensure that all employees to Cube Housing Association Limited ('Cube') are treated and treat others with dignity and respect, free from harassment, bullying and victimisation. All staff should take the time to ensure they understand what types of behaviour are unacceptable under this policy.

This policy covers all individuals employed by Cube or at any of our premises irrespective of their status, level or grade. It therefore includes all managers, directors, officers, employees, consultants, contractors, trainees, homeworkers, casual and agency staff, including management board members (collectively referred to as staff in this policy). This policy does not form part of any employee's contract of employment. This policy may be amended at any time in consultation with our recognised Trade Unions.

Cube is fully committed to providing a working environment that ensures all employees are treated with dignity and respect, regardless of race, colour, nationality, ethnic or national origin, sex, gender identity, marital or civil partner status, pregnancy or maternity, disability, sexual orientation, religion or belief, age, HIV status or any other grounds.

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 employees and also by third parties such as customers, suppliers or visitors to our premises.

Employees 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.

We will take allegations of harassment, bullying or victimisation seriously and address them promptly and confidentially. 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. Cases such as these, where dismissal is a potential outcome, will be dealt with by the individual's employing organisation and in line with their policies and procedures.

Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to Employee Relations.

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### SECTION A - RELEVANT LEGISLATION

The Equality Act 2010 prohibits harassment related to age, disability, gender identity, 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 Equal Opportunities Policy.

The Enterprise and Regulatory Reform Act 2013 and Public Interest Disclosure Act 1998 provide protection for Whistle-blowers against victimisation and / or detrimental treatment. For further information, please refer to our Whistleblowing Policy.

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

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

Individual employees 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.

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### SECTION B - WHAT IS HARASSMENT?

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. Harassment also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender identity, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

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Harassment can occur at all levels and may occur as the result of conduct of one individual or a group. Employees can be harassed by colleagues or subordinates as well as by managers and supervisors. Customers, clients and contractors may be involved, either as perpetrators or recipients.

Examples of behaviour constituting harassment include but are not limited to the following: -

- 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;
- 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;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- 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 or on social media);
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender or gender identity;
- outing or threatening to out someone as gay, lesbian, bisexual or trans;
- Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity;
- mocking, mimicking or belittling a person's disability;
- Harassment, ridicule or exclusion of people, due to their actual or perceived infection with AIDS/HIV.

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### SECTION C - WHAT IS BULLYING?

Bullying is 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.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example: -

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- 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 employees in the course of their duties, will not amount to bullying on their own.

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### **SECTION D - DEFINITION OF VICTIMISATION:**

Victimisation means 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 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.

Cube will take all reasonable steps to ensure that employees are protected against victimisation or retaliation for bringing a complaint of bullying or harassment. It will be regarded as a disciplinary offence to victimise or retaliate against a worker for bringing a complaint in accordance with this policy.

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### **SECTION E - EMPLOYEE RESPONSIBILITIES**

Although the primary responsibility for providing a workplace free from bullying, harassment and victimisation rests with Cube, individual employees at all levels have a responsibility to assist in the prevention and 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.
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## SECTION F - COMPLAINTS

Any employee who feels they are being bullied, harassed or victimised should initially consider whether they can address the situation informally with the person responsible, if they feel able. In many cases inappropriate behaviours are unintentional and can easily be resolved once the behaviour is highlighted to the individual in question. The employee 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 Employee Relations, 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 Employee Relations informally for confidential advice.

If informal steps have not been successful or are not possible or appropriate, employees may raise the matter as a grievance under Cube's Grievance Policy. If the grievance relates to the employee's employing organisation, then this should be raised under the employing organisation'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.

Where there is a need to apply a precautionary suspension (with full pay) or temporary redeployment pending an investigation into alleged bullying, harassment or victimisation, the alleged perpetrator will, in normal circumstances, be the employee who is suspended or moved. There may be certain circumstances when this is not appropriate or possible and in such situations, consultation will take place with the complainant and any relevant Trade Union (where appropriate).

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 Cube'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;

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- 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 Cube's occupational health provider and/or internal support may be offered to the complainant and the alleged perpetrator pending an investigation into the complaint;
- notes will be kept of all investigation meetings held and individuals being interviewed will be given the opportunity to review and sign the notes by way of confirmation of their agreement with the content

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### SECTION G - ACTION FOLLOWING COMPLAINT

If the investigating officer considers that there is no viable complaint, the complainant and the alleged perpetrator will be informed and the complainant will be advised of the next steps in the Grievance Policy. Whether or not an employee's complaint is upheld, we will consider how best to manage the ongoing working relationship between the employee and the alleged harasser, bully or victimiser. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties. Where appropriate, the investigating officer will meet with both parties to discuss working arrangements.

Alternatively, if the investigating officer believes that there are grounds for the complaint(s) to be considered at a disciplinary hearing, this will be arranged in line with Cube's Disciplinary Policy.

Should the matter progress to disciplinary action, the complainant will be informed of this. However, the complainant does not have a right to be informed of any specific disciplinary action taken.

If, following a disciplinary hearing, the senior officer believes that there has been bullying, harassment or victimisation; action will be taken in line with Cube's Disciplinary Policy. If, in addition or as an alternative to disciplinary action, a transfer is determined as part of the solution to the problem, the perpetrator will be moved if this is deemed appropriate.

Where the bully, harasser or victimiser is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

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### **SECTION H - MALICIOUS CLAIMS**

Cube has a responsibility to protect employee from spurious claims made by other employees from any organisations within Wheatley Group. If it is believed that any allegations made under this policy are unwarranted and/or made by an individual which they know is untrue (e.g. spite, malicious intent or personal gain), or that any employee involved has deliberately provided false information the employee(s) in question may be liable to disciplinary action (up to and including dismissal by the employing organisation)

Further information is set out in Cube's Disciplinary Policy.

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### **SECTION I - WHISTLEBLOWING COMPLAINTS**

Legislation also protects employees who report a concern in the public interest from detrimental treatment or victimisation by work colleagues for raising a concern. Cube will take reasonable steps to protect an individual who raised the concern from any harassment, victimisation or bullying.

In the event where an individual has raised a concern in the public interest and is be subjected to detrimental treatment or victimisation, Cube will fully investigate the complaint and appropriate disciplinary action may be taken against the accused individual.

For further information, please refer to Wheatley Group's Whistleblowing Policy and Cube's Disciplinary Policy.

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