

Dignity at Work Policy

Introduction

Voluntary Sector Gateway West Lothian (VSGWL) is committed to providing a working environment which is free from harassment, bullying and intimidation of any nature. Every employee, volunteer, board member and stakeholder of VSGWL 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, VSGWL will acknowledge these and also extend this protection to all within VSGWL. The terms bullying and harassment will be used throughout this policy to mean dignity at work.

VSGWL will provide and sustain a safe environment in which everyone is treated fairly and with respect. Those working or dealing with us must not encounter harassment, intimidation or victimisation on the basis of trade union membership, offending background or the protected characteristics set out by the Equality Act 2010 – age, disability, gender reassignment, marital status, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment.

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.

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.

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

Harassment may be, but is not limited to:

- Physical contact - ranging from touching to serious assault, gestures, intimidation, aggressive behaviour;
- Verbal - unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language; and
- Non-verbal - offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

It may be an isolated occurrence or repetitive. It may occur against one or more individuals.

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

Bullying is:

- Unlikely to be a single or isolated instance; and
- Usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting.

Bullying includes but is not limited to:

- Conduct which is intimidating, physically abusive or threatening;
- Conduct that denigrates, ridicules or humiliates an individual, especially in 'front of colleagues;
- Humiliating an individual in front of colleagues;
- Picking on one person when there is a common problem;
- Shouting at an individual to get things done;
- Consistently undermining someone and their ability to do the job;
- Setting unrealistic targets or excessive workloads;
- "Cyber bullying" i.e. bullying via e-mail and other social media. (This should be borne in mind where employees are working remotely and are managed by e-mail. Care and sensitivity should be practised with regard to the choice of context and language); and

- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

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.

Harassment and Bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

Principles

This Dignity at Work Policy aims to:

- Ensure integration of diversity into all aspects of VSGWL activities;
- Ensure that all employees, volunteers, board members and stakeholders are treated with respect and dignity from each other, and members of the public;
- Ensure that all employees, volunteers, board members and stakeholders respect the differences within the community they serve and treat customers and members of the public accordingly; and
- Provide a working environment where all backgrounds, cultures, values and lifestyles are respected and treated with dignity at all times.

Implementation

All VSGWL staff and volunteers are responsible for the implementation of this policy.

VSGWL will ensure that all new employees, volunteers and board members will receive an induction on this policy. The policy will be integrated into all policies and procedures within VSGWL.

Copies of this policy will be issued to all employees, volunteers and board members and will be available to all who request it.

This policy applies to all employees, volunteers and board members of VSGWL and therefore all mentioned parties, have a responsibility to abide by the principles outlined above and also to alert their line manager 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.

Procedure for dealing with breaches of Dignity & Respect

This procedure is complemented by VSGWL Equality & Diversity and Discipline and Grievance policies.

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.

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/volunteers should in the first instance alert their line manager to the behaviour, thereafter the employee/volunteer should be encouraged by the line manager and with their support approach the individual and highlight what behaviour has been offensive. Should the employee/volunteer 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.

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 VSGWL's grievance procedure.

The employee/volunteer must put their concerns in writing and give this to their line manager. The line manager should then arrange a meeting with the employee/volunteer who has highlighted the concerns. At this meeting the manager should establish what the concerns are, and how the employee/volunteer 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/volunteer. 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 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.

Board members, agency workers, contractors and consultants or members of the public

Where a board member, agency worker, contractor, consultant 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 VSGWL of this as soon as reasonably practical. The complaint will be investigated appropriately and dealt with in accordance with the relevant policies and procedures.

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,

volunteers and board members will be dealt with in accordance with VSGWL code of conduct policy and other relevant policies. This may therefore result in termination of the individual's contract, or engagement within VSGWL.

Malicious Allegations

Any person found to be making fictitious or malicious allegations will be dealt with through VSGWL's disciplinary procedure which may result in 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 Personal Data Protection policy. Information regarding how your data will be used and the basis for processing your data is provided in VSGWL's employee privacy notice.

Monitoring the policy

Responsibility for monitoring the application of this policy will rest with all staff and volunteers of VSGWL.

The policy will be reviewed every two years with the amendments being made as appropriate and communicated to all staff and relevant stakeholders.

Date of Adoption	31.08.23
Date of Review	31.08.25
Authorised	
Title	Chair
Date	11.09.2023

