

# **TSSA HARASSMENT POLICY & PROCEDURES**

## **TSSA Harassment Policy**

1. This policy applies to all TSSA members and employees attending TSSA events.
2. The principle aim of this policy is to foster an atmosphere of mutual respect that recognises and accepts diversity within TSSA at all levels.

### **Rights**

3. Every individual member therefore has the right at all times to be treated fairly and with dignity and respect. The TSSA expects all members to behave in ways that are consistent with this policy and not act in any manner that could be interpreted as harassment. Whilst the TSSA provides an environment for discussion which encourages freedom of speech, such an environment must not be intimidating.
4. The TSSA deplores all forms of harassment and will not tolerate any form of behaviour from TSSA members which has the effect of harassing, abusing or intimidating others and discouraging them from participating in TSSA activities.
5. The TSSA views sexual, racial, disability or personal harassment as a matter of utmost seriousness. Formal complaints will be investigated in accordance with this policy and the TSSA's harassment procedure. Where the complaint is substantiated the individual(s) responsible will be subjected to appropriate disciplinary action.

### **Responsibilities**

6. Whilst the overall responsibility for ensuring that there is no harassment in the union rests with TSSA, individual members at all levels also have certain responsibilities.
7. The most important responsibility is to ensure that all members feel able to participate fully in TSSA and have pride in their membership of the Association. TSSA is committed to the greatest possible participation of all members in the activities of the Association. This requires members to familiarise themselves with the behavioural guidelines that will be available at all TSSA events. This also requires members to familiarise themselves with this policy and the obligations that it places on them in terms of respecting and having consideration for others.

### **Harassment**

8. Harassment can be both a civil and criminal offence under the Protection from Harassment Act 1997. Harassment comprises two specific elements:
  - ◆ unwanted conduct, which
  - ◆ violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.
9. Harassment therefore occurs when someone engages in unwanted conduct, which has the purpose or effect of violating someone else's dignity or creating an intimidating

environment. It is not the intention of the perpetrator which defines whether a particular type of conduct is harassment but the effect it has on the recipient and whether the same would be viewed as harassment by any reasonable person.

10. Each individual is free to decide whether they find particular behaviour to be either acceptable or unacceptable. It does not necessarily matter what the perpetrator thinks, or indeed what other colleagues may think. If the individual being subjected to the behaviour finds it unacceptable and she or he feels damaged or harmed by it, this is likely to constitute harassment.

11. Harassment can take many forms and the following are examples of the types of behaviour that can be considered as harassment:

- verbal or written forms of harassment through crude language, offensive jokes, pranks, uneducated stereotyping, suggestive remarks, shouting, personal insults, innuendoes, lewd comments, wolf whistles, gossip, offensive letters and offensive songs;
- physical contact, ranging from unnecessary touching, patting, pinching or brushing against another person to assault and physical coercion;
- display of posters or pornographic material, obscene gestures, graffiti and offensive objects;
- coercion, ranging from pressure for sexual favours to pressure to participate in political, religious or trade union groups, to isolation or 'freezing out' .;
- intrusion by following, pestering, spying, etc
- persistent attention

The list is intended as a guide and should not be considered to be exhaustive.

12. There is no age, class or gender profile of the person most likely to harass. Like other forms of discrimination, harassment can be deliberate, wilful and conscious. It can however, also be unintentional or unconscious.

13. Reasons why people harass others include:

- ◆ Many regard "banter" to be a normal part of their environment (a view often expressed is that "It's just the way things are around here")
- ◆ Some see overtly sexist or racist behaviour as a laugh and a joke, and not to be taken seriously
- ◆ Some see harassment as the appropriate treatment to be meted out to certain groups, i.e. sending someone to 'Coventry'
- ◆ Some have grown up with a set of values that view members of the opposite sex as sex objects or subservient, other racial groups as inferior in some way, disabled people as subnormal/freakish, or homosexuals as "unnatural"
- ◆ Some see it as part of the natural order of things - "the way things are in the world", (a view often expressed is that "we always play pranks on the new people")
- ◆ Some privately view their behaviour as embarrassing but are unwilling to do anything about it because their colleagues do it and they don't want to be seen as being different.

14. Regrettably, sometimes people do not even realise that there is a problem until it has been pointed out that such a problem actually exists. The best approach is to understand that harassment is a serious issue and to behave accordingly.

15. People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. It needs to be recognised that individuals feeling harassed often suffer increased levels of stress which can ultimately impact on their health and general wellbeing.
16. Harassment is not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for the TSSA including:
- poor morale and poor member relations
  - member and representative resignations
  - damage to TSSA's reputation
  - incurring significant costs for all parties.

## **TSSA Harassment Procedure**

1. The biggest challenge is getting those who are genuinely being harassed or bullied to deal with the situation. There are both informal and formal ways of stopping unacceptable behaviour and complaints will be treated seriously and in confidence as far as is reasonable.
2. Anyone experiencing harassment should not wait until things become unbearable. There are three ways in which complaints of harassment can be dealt with under this policy. It is up to the person experiencing harassment to determine which route is appropriate.
3. All cases will be treated with confidentiality and sensitivity at all times by all members and paid staff involved.

### **Route 1 – Individual Action**

4. Sometimes the person may not realise that his/her behaviour is unwanted. An individual may raise the issue directly with the person they are experiencing problems with either verbally or in writing.

### **Route 2 – The Informal Procedure**

5. TSSA will appoint four Harassment Advisers to whom people can speak in confidence. If an individual is in doubt as to whether an incident or series of incidents which have occurred constitute harassment, they can approach one of the Harassment Advisers on an informal basis. He or she will be able to advise as to whether the complaint necessitates further action, in which case the matter will be dealt with informally or formally as appropriate.
6. If the Harassment Adviser believes the matter can be resolved informally, then the Harassment Adviser can then approach the person who is being complained about to see if an outcome can be reached.
7. The four Harassment Advisers will comprise of :-
  - ◆ two members of the paid staff
  - ◆ two members of the Executive Committeeall of whom will receive appropriate training.
8. At conferences and other events where none of the Harassment Advisers are present, their contact details will be provided to delegates.

### **Route 3 – The Formal Procedure**

9. This route should be adopted in circumstances either when the informal procedure has failed to properly address the issue of harassment or if the harassment is so serious that the informal procedure is inappropriate.
10. The person complaining about harassment (the 'Complainant') should put the complaint in writing to the General Secretary. If necessary, the General Secretary or

his/her nominee should meet the Complainant at the earliest opportunity to obtain further particulars.

11. Once the written complaint has been received, the General Secretary will refer the matter to a Disciplinary Committee under TSSA's procedures. The Disciplinary Committee will carry out a thorough investigation as quickly as possible, maintaining confidentiality. All parties involved in the investigation are expected to respect the need for confidentiality.
12. Steps may be taken by the Disciplinary Committee to keep the Complainant and other party separated during the investigation. In an appropriate case the other party may be temporarily excluded from TSSA events.
13. If either party remains dissatisfied with the outcome then an appeal can be made to conference in the usual way.
14. A member who brings a complaint of harassment will not suffer victimisation for having brought the complaint. However, if the complaint is found to be untrue and has been brought in bad faith (eg spite), further action will be taken.

### **Review of the Policy**

15. This policy will be reviewed and monitored on an annual basis or in light of any legislation which may be brought in force.

## **TSSA Harassment Procedure guidelines:**

1. No disciplinary action shall be taken against any Member until the matter has been properly investigated.
2. Formal complaints will be investigated by an appropriately trained Disciplinary Committee selected from a panel consisting of individuals of appropriate integrity, seniority, knowledge and experience, who are able to carry out an investigation into the alleged incidents, and to produce an objective report and recommendations. The Disciplinary Panel will include members of the paid staff and former EC members.
3. A Disciplinary Committee to be appointed from the Panel by the General Secretary to investigate: to be at liberty to ask the member to reply in writing, to interview witnesses, to obtain documents and other evidence. The Disciplinary Committee will consist of three members
4. Written details of the complaint shall be put to the member accused.
5. Any investigation shall be proportionate in terms of time and expense, having regard to the nature and seriousness of the allegations made. The Disciplinary Committee shall attempt to complete its investigation as promptly as it can.
6. The Disciplinary Committee may impose obligations of confidentiality upon any individuals party to the investigation and in case of breach of such obligations the Disciplinary Committee may report such breach to the General Secretary who may refer the breach as a matter of disciplinary action to a differently constituted Disciplinary Committee.
7. If any member commits any abuse of process during the Disciplinary Committee's investigation, including but not limited to interference with or intimidation of witnesses or attempts to disrupt or interfere with the Disciplinary Committee's work, the Disciplinary Committee may report such breach to the General Secretary who may refer the breach as a matter of disciplinary action to a differently constituted Disciplinary Committee.
8. The accused member shall ordinarily have the opportunity to state his/her case at an oral hearing – but in minor cases the Disciplinary Committee may resolve to deal with the matter on the papers, especially e.g. where there is no substantial dispute as to the matters complained of.
9. The accused member shall not ordinarily be entitled to representation at any hearing. In serious cases, where e.g. the accused member's livelihood is at risk, exceptional allowance for representation including formal legal representation may be made – but at the member's own cost, and at the absolute discretion of the Disciplinary Committee. The accused member may be accompanied to any hearing by a friend or colleague. That person may represent the member at the hearing but at the discretion of the Disciplinary Committee the member may be required to appoint a different person (e.g. if the Disciplinary Committee thinks that proceedings might otherwise be disrupted, or confidentiality breached).

10. The Disciplinary Committee shall have complete discretion as to the format, conduct and rules applicable to any hearing, but shall always have regard to the rules of Natural Justice.
11. The Disciplinary Committee will endeavour to hold hearings at times and places convenient to the member but if the Disciplinary Committee reasonably believes that despite reasonable opportunities having been made available to the member to attend a hearing, the member is failing to co-operate in the Disciplinary Committee's investigation, the Disciplinary Committee may decide to proceed in the member's absence.
12. The Disciplinary Committee shall present its conclusions in written form and send a copy to the General Secretary to progress as necessary.
13. In an appropriate (i.e. serious) case the Disciplinary Committee may impose an interim precautionary / investigatory suspension on the member to prevent him/her taking part in TSSA activities or carrying out the functions or duties of any TSSA office. Such a suspension shall not continue for longer than 4 weeks.
14. The substance of the Disciplinary Committee report shall be at the discretion of the Disciplinary Committee taking account of the complexity of the case.
15. The Disciplinary Committee may apply any one or more of the following disciplinary sanctions, having regard to the nature and seriousness of the matter(s) complained of, and taking into account such matters as the member might raise in mitigation :
  - ◆ suspension from membership for a period
  - ◆ expulsion from membership (in the most serious cases, or where there has been serious repetition of more minor offences)
  - ◆ a rebuke or other formal warning
  - ◆ removal or suspension from any TSSA office
  - ◆ a recommendation as to training/education
  - ◆ a recommendation as to an apology or other remedial steps
  - ◆ a stipulation as to future conduct and behaviour
  - ◆ any other reasonable sanction [but not including any monetary fine] including a "suspended" sanction.
16. If either party is dissatisfied with the Disciplinary Committee's decision or the level of sanction applied, they may appeal to Annual Conference as if against a decision of EC.