

# **TSSA ANTI DISCRIMINATION POLICY & PROCEDURE FOR MEMBERS**

## **TSSA Anti-Discrimination Policy**

1. This policy applies to all TSSA members interacting with other TSSA members and TSSA staff attending any TSSA event, training, branch meeting or in any union activity or interaction.
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 and creates a culture within our union that is free of discriminatory language and behaviour, harassment and bullying.

### **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 discrimination, harassment, or bullying. Whilst the TSSA provides an environment for discussion which encourages freedom of speech, such an environment must be inclusive and free from intimidation.
4. The TSSA deplors all forms of discrimination and will not tolerate any form of behaviour from TSSA members which has the effect of discriminating, harassing, abusing, or intimidating others and discouraging them from participating in TSSA activities.

The TSSA views any discrimination as a matter of utmost seriousness. Formal complaints will be investigated in accordance with this policy and the attached TSSA harassment procedure for members. Where the complaint is substantiated the individual(s) responsible will need to go through the disciplinary process as outlined in the TSSA Rule Book; paragraphs 5.2 & 9

### **Responsibilities**

5. Whilst the overall responsibility for ensuring that TSSA has a culture free of discrimination, and that there is no harassment in the union, rests with TSSA Executive Committee and Senior Leadership; individual members at all levels also have a certain responsibility to work with us to create a union free from discrimination, bullying, harassment and inappropriate banter and behaviour.
6. 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 examples of unacceptable behaviour outlined in this document and the obligations contained within this policy, the TSSA Rule Book and the TSSA Equality Agenda.

7. This policy will be applicable at all TSSA events, training courses and will be disseminated to all branches, Divisional Councils and SOGs. It will be available on the TSSA website.

**The Equality Act 2010** Under the Equality Act 2010. discrimination exists where a person who has a protected characteristic is treated less favourably than others. These characteristics are: age, gender reassignment, sex, pregnancy and maternity, marriage and civil partnership, disability, race, religion or belief, sexual orientation.

**Discrimination can be direct or indirect. Discrimination can take many forms, including bullying and harassment.**

**Bullying is persistent unwanted behaviour from one person to another which the recipient feels degrades or undermines them.**

**Harassment is any behaviour towards someone that is unwanted and inappropriate and is related to a protected characteristic or has sexual undertones.**

Related Documents:

- TSSA Rule Book
- TSSA Equality Agenda

## **TSSA Discrimination Procedure**

1. It can be a challenge for those who are facing discrimination in any form to have the confidence to address their situation. There are both informal and formal ways of addressing unacceptable behaviour.
2. Any member or TSSA staff experiencing discrimination, harassment or bullying by another TSSA member should not wait until things become unbearable. There are three ways in which complaints of discrimination can be dealt with under this policy. It is up to the victim to determine which route is appropriate.
3. Complaints made to TSSA will be treated seriously, with sensitivity and in confidence as far as is reasonable and practical by all members and paid staff involved.
4. Discrimination and Harassment Advisers - TSSA will appoint a minimum of four Discrimination and 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 discrimination, they can approach one of the Discrimination and Harassment Advisers on an informal basis. They 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.
5. The Discrimination and Harassment Advisers will comprise of a minimum of:-
  - ◆ two members of the paid staff
  - ◆ two members of the Executive Committeeall of whom will receive appropriate training.
6. At conferences, training and other events where none of the Advisers are present, their contact details will be provided to delegates. Branch Officers should disseminate this policy and procedure to their attendees.

### **Route 1 – The Informal Process**

Sometimes the person may not realise their behaviour is unwanted or unacceptable. An individual may raise the issue directly with the person they are experiencing problems with either verbally or in writing.

7. If after seeking advice from an Adviser it is believed the matter can be resolved informally, then the Adviser can either support the member in raising their concerns with the perpetrator or directly approach the person who is being complained about to see if an outcome can be reached.

### **Route 2 – The Formal Procedure**

8. This route should be adopted in circumstances either when the informal procedure has failed to properly address the issue or if the act(s) are so serious that informal processes are inappropriate.

9. The person complaining about harassment (the 'Complainant') should put the complaint in writing to the General Secretary. If necessary, the General Secretary or their nominee should meet the Complainant at the earliest opportunity to obtain further particulars.
10. Once the written complaint has been received, the General Secretary will refer the matter to a Disciplinary Committee under TSSA rule book procedures. The Disciplinary Committee will carry out a thorough investigation as quickly as possible, maintaining confidentiality and utilising the guidelines contained in this document. All parties involved in the investigation are expected to respect the need for confidentiality.
11. 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 and activities.
12. If either party remains dissatisfied with the outcome, then an appeal can be made to conference as per The TSSA Rule Book
13. A member who raises a complaint 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 in spite), further action will be taken.

#### **Review of the Policy**

14. This policy will be reviewed and monitored regularly and considering any legislation which may be brought in force.

## **TSSA Discrimination 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.
3. A Disciplinary Committee will 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. The Disciplinary Panel will include members of the paid staff and former EC 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 their case at a verbal hearing – but in minor cases the Disciplinary Committee may decide to deal with the matter based on the papers provided, especially e.g. where there is no substantial dispute as to the matters complained of.
9. The accused member will be allowed to be accompanied at investigation interviews and at any disciplinary 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). In serious cases, where e.g. the accused member's livelihood is at risk, exceptional allowance for formal legal representation may be made – but at the member's own cost, and at the absolute discretion of the Disciplinary Committee.

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 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 considering 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.