

Report

Equality Policy and Practice in the TSSA

Submitted to: The Transport and Salaried Staffs Association

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Contents

Executive Summary.....	3
Introduction and Background	4
Methodology.....	6
Documentary Analysis	7
TSSA Rule Book (2019)	7
The TSSA Equality Handbook (2019)	9
TSSA Anti-Discrimination Policy & Procedure for Members (2020)	9
TSSA Harassment & Bullying Policy for Staff (May 2018)	11
TSSA Harassment Policy and Procedure for Members (01/12/2020)	12
Guidance Sheet for Participation in TSSA Events (undated)	12
TSSA Social Media Policy (Nov 2019) and Acceptable Use Policy (undated)	12
Gender Pay Gap analysis (2021) and Draft Ethnicity Pay Gap analysis (2022)	13
TSSA Equality Audits	14
GMB Survey (2021)	15
Interview Analysis	16
The Sample	16
The Interview Questions	16
Why do this research now?	16
How comprehensive are the Equality, Diversity and Inclusion (EDI) policies in TSSA?	17
How do TSSA staff and members experience EDI practice in the TSSA?	19
Is there an ‘implementation gap’ between EDI policy and practice in the TSSA?	31
What can TSSA do to improve EDI policy and practice in the future?	34
Conclusions	36
Recommendations	39
Appendices.....	41
Participant Information Sheet	41
Consent Form	45
Privacy Notice for Research Participants	46

Executive Summary

- The TSSA has two opposing organisational cultures in relation to equality, diversity and inclusion. The first is an outwardly facing culture in which the union actively campaigns on equality, doing particularly pioneering work on LGBTQ+ and neurodiversity in its capacity as an organisation representing its membership. The second relates largely to the union as an employer, where the senior management culture described by the staff and members we interviewed is 'cliquey' and 'toxic', predicated on bullying, harassment and sexual harassment, using fear, victimisation and legal means to build 'a wall of silence'. The behaviour of the senior management team is ultimately the responsibility of the executive committee. Interviewees felt that poor behaviour goes unchecked because the executive committee is not sufficiently in control of the senior management team.
- There is a historic culture of excessive alcohol consumption that the union has not sufficiently changed in its senior ranks, and which continues to fuel poor behaviour during working time, but particularly at work related social events. The result is that union social events are not safe places for women and the work environment is a risk to the mental health and well-being of its employees.
- Women are not numerically underrepresented in senior decision-making structures, although have only proportional representation on the executive committee. The reports that we received are that senior women have not challenged poor behaviour and are not supportive of women or men who feel that they have suffered bullying, harassment and/or sexual harassment. Women are under-represented in Branch structures. In some Branches, but not all, behaviour is frequently misogynistic and discourages some of the women members we spoke to from taking part in Branch meetings.
- Representation of Black and Asian members in senior decision-making structures is poor and more support needs to be provided to the E-Mix Reloaded SOG. The union supports disabled members when pressed, but organisational learning on accessibility requirements needs to be improved.
- Our documentary review established that the equality policies are partial and in some disarray. The documents that we received and reviewed contained some serious limitations, particularly in relation to appeals procedures that bring into question their usefulness. Some of the positive aspects of the policies, such as the use of bullying and harassment advisors at union events, are not implemented in practice.
- Most of the interviewees we spoke to felt that equality policies were good 'on paper'. The strong message imparted by interviewees is that the bullying, harassment and sexual harassment policies for staff are not implemented fairly and policies for members are not used. From the reports of interviewees, the Acceptable Use and Social Media policies are routinely flouted by senior management.
- In conclusion, our research indicates that the equality, diversity and inclusion objectives of the union Rule Book, particularly in relation to the union as an employer, are not being met.

Introduction and Background

Trade unions are crucial to the delivery of equality outcomes in the workplace. Most trade unions now put a substantial focus on equality in relation to trade union democracy and many of the legal and employment relations victories for workers who have protected characteristics would not have been achieved without trade union campaigns and funding. Despite this, trade unions do not have an unblemished record in relation to the delivery of equality as employers or as representative organisations. The Monaghan report (2020)¹ has recently highlighted this in relation to sexual harassment in the GMB and its role as an employer, but the report also highlights the relationship between trade union culture, democracy and collective bargaining outcomes evident in the Allen case (Allen and Others v GMB [2008]). The Women in Focus Self Organised Group (SOG) are concerned that similar issues exist within the TSSA.

Although focussing on sexual harassment, the Monaghan Report pointed to structural barriers related to wider equality issues. The TSSA has completed equality surveys of members in 2015 and in 2021 for which the research team were contracted to complete the analysis. These surveys reveal a number of equality issues, many of them intersectional, experienced by members of the TSSA. The surveys are limited to TSSA members and do not report on equality issues experienced by TSSA staff, which as the Monaghan Report has highlighted, cannot be ignored. The TSSA therefore commissioned this research to examine the equality policy and practice more broadly within the union. The research acts as an important addition to the substantial bank of data that the TSSA already hold in relation to equality within its membership.

The findings of the Monaghan Report that the GMB is institutionally sexist is underpinned by statistical data on the under-representation of women in senior positions in the union, meaning that challenging entrenched cultures of sexism and misogyny has been difficult. The TSSA has a lower percentage of women members (28%) than the GMB (50%). In terms of the representation of women in decision-making positions in the TSSA, the executive committee has 3 women and 9 men, meaning that women are slightly under-represented at 25%, whilst the senior management team (3 women and 3 men) is gender balanced. Women are, therefore, not numerically under-represented in decision-making positions in the TSSA. However, it was noted by one of the women interviewees that proportional representation of women on the executive committee means that, even if all 3 women vote in the same way, it would not be possible for women to win a vote without the support of 4 men.

In terms of representation amongst lay trade union officials, the 2014 TUC Equality Audit reported that, of 343 Branch officials, 63 (18%) were women. Of 555 workplace representatives, 110 (20%) were women. Women members are, therefore, under-represented in workplaces and Branches, although 41% of learning reps were women. In terms of the wider representation of equality groups in the union, the 2016 SERTUC Equality Audit reported that of 29 paid officials, 12 were women (41%); 2 (7%) were Black; 5 (17%) disabled; 3(10%) LGBT and 1 (3%) Young (26 and under).

There are no Black or Asian members in either the executive committee or the senior management team, meaning that the largest ethnic minority groups of members are unrepresented in decision-making bodies. There is LGBTQ+ and neurodiversity representation on the executive committee.

Of the other paid position within the union, regional organisers include 7 women and 9 men with 6 vacant positions. In business support services there are 5 women and 7 men with 1 vacant position. The draft Ethnicity Pay Gap Report completed in 2022 states that 6 (15%) of the unions' 39 employees are from ethnic minorities, all of whom are employed at the London Head Office.

¹ https://www.gmb.org.uk/sites/default/files/gmb_investigation_report_2020.pdf

We note from the 2014 TUC Equality Audit that the union employed 64 people, 9 (14%) of whom were from ethnic minorities.

Sexism and other forms of discrimination, bullying and harassment in organisations extends beyond statistical representation and may be embedded in culture, policies and practices regardless of the numerical representation of non-dominant groups. The aim of this research is therefore to examine, in detail, the equality policies of the union and the views of a sample of its current members and staff across all grades on the policies, practices and culture in relation to equality. The remit of this research did not extend to an investigation of formal individual grievances, past or present, in the union.

Methodology

The research was largely qualitative consisting of:

Secondary documentary analysis of:

- equality policy for TSSA staff
- HR equality tracking data completed by the TSSA
- the 'Ethnicity Maturity Matrix',
- the submission to Stonewall to become an LGBT+ Champion
- the submissions to the TUC Equality Audits
- the Gender Pay Gap analyses (s.78 EqA 2010)
- additional documents supplied to us by interviewees

In addition to the documentary and secondary analysis, it was envisaged that approximately 60 interviews would be conducted across all aspects and levels of the union employment and democratic structures to include:

- the General Secretary
- HR Manager

and a sample of:

- Organising Directors x2
- Executive Committee Members x3
- Paid organisers x4 (one from each team)
- Support staff x3
- Members of Self Organised Groups x5 (one from each group)
- GMB representatives x1
- Lay union representatives and members x20
- Union Branch Officers x20

The research was funded by the TSSA. The TSSA senior management team circulated the details of the project to all groups. All interviewees volunteered directly to the research team to protect their anonymity and were free to withdraw their data at any time up until this report was submitted to the TSSA. The interviews were conducted remotely via Microsoft Teams or by telephone. All interviews were anonymised and transcribed. All use of anonymised direct quotes in this report has been agreed with the relevant interviewee. Copies of the participant information sheet, consent form and privacy notice are contained in the appendices. University ethics approval for the research was received on 2nd February 2022 (Ref: FBL21:12:18).

Documentary Analysis

The original end date to the project was initially 30th April 2022. However, the contract was extended following a delayed start to the project whilst the research team were awaiting access to the documents agreed for the analysis in the proposal. Access to the documents was given on 14th February 2022. A contract amendment was put in place and the new end date of the project is 31st August 2022.

The documents agreed for the analysis in the proposal are:

- equality policy for TSSA staff
- HR equality tracking data completed by the TSSA
- the 'Ethnicity Maturity Matrix',
- the submission to Stonewall to become an LGBT+ Champion
- the submissions to the TUC Equality Audits
- the Gender Pay Gap analyses (s.78 EqA 2010)

The equality policies we have been provided with and analysed are:

- TSSA Anti-Discrimination Policy & Procedure for Members (2020)
- TSSA Harassment & Bullying Policy for Staff (May 2018)
- The TSSA Equality Handbook (2019)
- TSSA Harassment Policy and Procedure for Members (01/12/2020)
- TUC Equality Audits (2014, 2020)
- the 'Ethnicity Maturity Matrix'
- the submission to Stonewall to become an LGBT+ Champion
- TSSA Return to the Certification Officer 2018
- Gender Pay Gap analysis (2021)
- Draft ethnicity pay gap analysis (2022)
- SERTUC equality survey (2016)
- TSSA Social Media Policy (Nov 2019)
- The Acceptable Use Policy (undated)
- TSSA Rule Book (2019, from the website)
- GMB survey on Sexual Harassment of TSSA staff (2021, supplied by participant)
- Guidance Sheet for Participation in TSSA Events (undated, supplied by participant)

The delay we encountered in receiving the documents and the minor version discrepancy we found in relation to the copies we were provided with and those available on the website indicated a lack of organisation in relation to equality documentation. The departure of the HR officer in months prior to the research and additional workload to cover this was given as the reason for the delay in locating the documents. We were unable to locate a generic equality policy for TSSA staff and members and we were surprised that there seemed to be a lack of equality policies in relation to recruitment and the composition of interview panels, although interview data suggested that additional policies might exist and there was some evidence of good practice in relation to using a diverse range of the methods, including assessment centres.

We started the documentary analysis with the TSSA Rule Book, which we thought would provide the highest level of authority for equality policy and practice in the union.

TSSA Rule Book (2019)

The Rule Book gives prominence to issues of equality and two of the objectives of the union are to:

(h) To promote equality for all in all ways including, for example: (1) collective bargaining, publicity material and campaigning, representations, union organisation and structures, education and training, organising and recruitment, the provision of all other services and benefits and all other activities, and (2) TSSA's own employment practices.

(i) To oppose actively all forms of harassment, prejudice and unfair discrimination. (pg. 7)

Section 8 of the Rule Book allows for the establishment of Self-Organised Groups (SOGs), which are "a group of members which has identified itself as 'underrepresented' by the traditional structures of TSSA and has been formally recognised by the Executive Committee under Rule 8" (pg.20). The TSSA currently has 6 SOGs:

- Disability Working Group
- BME and E-Mix
- Women in Focus
- Retired Members
- LGBTQ+
- Future TSSA

Section 9 of the Rule book documents the powers of the Executive Committee of the union. In relation to equality, these include:

(5) to suspend, dismiss or remove from office members obtaining benefits by false pretences or engaging in or promoting racist activity or racial discrimination, or for other actions which, in the opinion of the Executive Committee, are detrimental to TSSA's interests (pg. 22)

The Executive Committee also has disciplinary powers to "suspend or, in case of serious misconduct, dismiss any TSSA officer" (pg. 22).

Section 10 of the Rule Book relating to the Annual Delegate Conference states that each SOG can be represented by one delegate. In relation to gender balance in representation at conference the Rule Book states:

(d) Where a Branch may be represented at the Annual Delegate Conference by two delegates and sends two delegates, at least one of those delegates must be a woman, if a woman indicates a willingness to attend Conference at the Branch meeting at which the delegation is determined. If no woman Branch member indicates a willingness to be nominated then both delegates may be men. Where a Branch may be represented at the Annual Delegate Conference by two delegates, but sends only one delegate, that delegate may be either a man or a woman. (pg. 29)

In relation to gender equality, Section 11.2 of the Rule Book relating to delegation to Annual Conferences of the TUC and Labour Party state the following:

(1) the number of women in a delegation shall be at least in proportion to the number of women in TSSA as a whole, excluding members in the Republic of Ireland and Northern Ireland;

(2) for Labour Party delegations, the number of women in the delegation shall be at least in proportion to the number of women in TSSA as a whole who pay towards

the Political Fund, excluding members in the Republic of Ireland and Northern Ireland; (pg. 34)

(6) Where the number of women nominated is lower than the whole number referred to in Sub-Clause (4), then for the purposes of this rule the number of women in a delegation shall be equal to the number of women nominated.

The TSSA Equality Handbook (2019)

The second document that we considered might be the source of equality policy was the TSSA Equality Handbook. The Handbook is informally drafted in the style of a newsletter or recruitment marketing literature, which focuses on organising and campaigning. It is visually attractive, accessible, colourful, positively focussed and easy to read. It contains some useful definitions from the Equality Act 2010 in relation to discrimination at work, but it lacks some basic information on what to do if things go wrong in the union. For example, there should be links to the anti-discrimination, bullying and harassment and social media policies. There should also be some links to equality provisions in the Rule Book in relation to equality and union democracy. This is particularly important in the absence of clearly defined and easily accessible equality policies and procedures.

The handbook does have a page that focuses on the TSSA as a model equality employer, which highlights the following:

- Fair and transparent recruitment practices
- Fair and transparent pay system
- Commitment to equalities
- Internal policies that are family friendly and equality conscious
- Workplace culture of inclusivity, acceptance and respect
- An expectation that union members will promote equality and challenge inequality

TSSA Anti-Discrimination Policy & Procedure for Members (2020)

Sections 1 and 2 of the policy states:

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.

The policy is written in clear and emphatic terms that “deplores all forms of discrimination” and “will not tolerate” any forms of discrimination, harassment, abuse, intimidation or exclusion, which will be treated with the “utmost seriousness”.

The policy places responsibility on the executive committee and senior leadership to ensure the TSSA “has a culture free of discrimination, and that there is no harassment in the union”.

Section 6 of the policy refers to examples of unacceptable behaviour later in the document, but these appear to be missing. The policy refers to legal definitions of discrimination and harassment that relate to protected characteristics in the Equality Act 2010:

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. (Pg.2).

The remainder of the document details the procedures for pursuing discrimination complaints. Procedures for pursuing bullying and harassment complaints are contained in separate documents (reviewed below).

The procedures for reporting discrimination are framed in less emphatic language than the policy. For example, section 3 of the procedures states: "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." (pg. 3) The reference to reasonableness indicates that some complaints might be considered unreasonable and will not be acted upon.

The procedures take two routes – informal and formal, which are distinguished by the perceived seriousness of the complaint. Again, this would appear to indicate that unwanted behaviour might be judged to be unintentional and not serious. Furthermore, Section 13 of the policy states:

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. (Pg. 4).

Using this language in circumstances where there is a lack of trust that policies and procedures will be implemented fairly and non-judgementally, will act as a disincentive for victims of discrimination to report it. Furthermore, the formal procedures place the process in the hands of the General Secretary or their nominee. There are no alternative arrangements if members of the senior management team or executive committee are involved in the complaint, although appeals can be taken to the Annual Conference.

Section 4 of the procedures do provide for support to be given by 4 discrimination and harassment advisors, who will be appointed by the unions (2 members of paid staff and 2 members of the executive committee), who will receive appropriate training. An interviewee provided us with guidance on the role of the advisors and how to access them that was given out at TSSA events (Included below). However, it was considered that the guidance had not been given out on the past 5 or 6 years and that the advisors were not currently active. This is an important point because the informal process relies on advisors to support and guide members who feel they have suffered discrimination, bullying or harassment through a process that requires them to confront the protagonist.

The remainder of the document outlines the procedures for the formation of a disciplinary committee to investigate complaints of discrimination, bullying and harassment. This is again under the direct control of the General Secretary to select a panel of 3 members from the paid staff and executive committee. There are no alternative arrangements if the complaint concerns a member of the senior management team or the executive committee.

Section 5 of the guidance again indicates that some discrimination, bullying or harassment might be less serious than others:

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. (pg, 5)

Section 6 of the guidelines states that the disciplinary committee can impose an obligation of confidentiality on the process. Section 10 of the process gives the disciplinary committee “complete discretion as to the format, conduct and rules applicable to any hearing, but shall always have regard to the rules of Natural Justice” (pg. 6), where ‘Natural Justice’ is not defined. Section 14 of the guidance gives discretion on the substance of the report to the disciplinary committee before passing it to the General Secretary to “progress as necessary”. Taken together these elements of the process would seem to provide the potential for a lack of transparency and subjectivity in the investigation process and outcomes. Interestingly, one of our interviewees raised the fine line between confidentiality and secrecy.

TSSA Harassment & Bullying Policy for Staff (May 2018)

This document states its purpose as “to assist in developing and encouraging a working environment and culture in which harassment and bullying are unacceptable and discrimination is not tolerated”. The policy and procedures it contains should be used for all incidents of bullying and harassment where the alleged perpetrator is a member of staff. It provides definitions of harassment and bullying. The document refers to an Equal Opportunities and Diversity Handbook, which has not been made available to us (unless this is the same as the Equalities Handbook).

The policy states that the “TSSA is committed to providing a workplace in which all employees are given the dignity and respect to which they are entitled. TSSA also has a legal responsibility to ensure the health and safety of staff and a working environment that is free from unlawful discrimination”.

The policy distinguishes between the legitimate management of staff and bullying and harassment, but managers should not behave in ways that are considered to be unreasonable. A definition of what is reasonable in these circumstances is not provided but the document does state that “It is for each individual to determine what is acceptable to him or her and what he or she regards as offensive”. On page 3, the policy provides a list of 25 examples of what are unacceptable behaviour.

The policy also includes sexual harassment, of which it states:

TSSA takes a zero-tolerance approach to sexual harassment whether [sic] this occurs internally or externally in the course of all staffs’ employment with us.

The rest of the policy details the procedures for staff to take complaints. The time scales in this section are vague (“as quickly as possible” pg. 4). Emphasis is placed on confidentiality but anonymity for the complainant is considered to be in conflict with progressing the complaint, which may instead be pursued by “indirect methods” that presumably are not directed at an alleged perpetrator. Breaking of confidentiality is considered a disciplinary offence, which might work in the interests of the alleged perpetrator rather than the complainant wishing to encourage witnesses to come forward. There is reference to group complaints, but the process seeks to individualise the investigation and the outcome.

The complaints procedure follows a similar process to the policy for members with a formal and informal route, distinguished by the perceived seriousness of the complaint. Again, this stands in tension with a ‘zero tolerance’ approach. Different from the policy for members, there is reference to the possibility of mediation, but this is not detailed.

The procedure for investigation of a complaint is passed to a senior manager, but there is no alternative process for complaints that involve any of the senior management team. The appeals process is placed in the hands of the General Secretary, whose decision is final, with no alternative should the complaint involve the senior management team. The procedure contains the same warning about complaints “brought in bad faith” as the policy for members and will similarly act as a deterrent to bringing a complaint, particularly where there is a lack of faith that the procedures will be fairly administered.

TSSA Harassment Policy and Procedure for Members (01/12/2020)

This policy takes a similar format to the policy for staff but with a focus on TSSA members attending union events and on harassment, rather than bullying. The policy contains the same clear language that the union “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” (pg. 1). The policy contains the same definition of harassment as the policy for staff. The list of examples of unacceptable behaviour is shorter and all relate to sexual harassment, although unlike the policy for staff, there is no specific section to define sexual harassment.

The procedures in relation to reporting harassment by a member follows a similar format to the procedures for staff but contains 3 rather than 2 routes. The first route is called “Individual Action” and essentially involves members sorting the issue out amongst themselves with no union input. The second route is the “Informal Route”, which includes the involvement of the union nominated advisors in trying to settle the issues between the parties. The third route is the “Formal Procedure”. Like the staff policy the formal procedure is considered to be for ‘serious’ cases of harassment, which indicates that some forms of harassment are less serious. Control of the process is again in the hands of the General Secretary to appoint a disciplinary committee. The right of appeal differs from the policy for staff in that appeals must be taken to the annual conference. Details of how this would work in practice are not provided, but it would seem to be a very visible and public process, unlike the confidentiality that is stressed in the staff policy, and which would be particularly inappropriate for sexual harassment cases. In addition, it may be many months to the next annual conference. Lastly there is the same warning about complaints brought in “bad faith”, which like the policy for staff, may act as a deterrent to bringing a complaint, particularly if there is a lack of faith that the procedure will be fairly administered.

Guidance Sheet for Participation in TSSA Events (undated)

One of the interviewees who volunteered to take part in the research provided us with a copy of guidance that had, in the past, been issued at TSSA member events. The aim of the document is to encourage inclusive debate at events with a focus on the language that is used during discussions. The document discourages the use of stereotypes, jargon and notes that “Jokes or comments that propagate discrimination, harassment or bullying will not be tolerated.”. The document ends with a reminder that these rules apply, not only during the main event, but in ‘free time’ and residential areas late at night.

TSSA Social Media Policy (Nov 2019) and Acceptable Use Policy (undated)

The social media policy that we were given is a draft document that focuses on outwardly facing use of social media, such as Twitter. There is a recognition that social media is a ‘double-edged sword’ that can be vitally useful in trade union organising, but that it can also lead to embarrassing situations that could potentially damage the reputation of the union or relationships with employers and other trade unions. There are 2 references in the document that involve alcohol: “posting a drunken picture of a colleague on an evening out”; “Consider only communicating online when in a sober and calm state of mind!”. There

is a reference to cyber bullying, and defamatory language of colleagues with an instruction to “avoid”, whilst other rules use “Do Not” or “Never”.

The document concludes by stating: “Any breach of this policy may be dealt with under our disciplinary and grievance procedure and in serious cases may be treated as Gross Misconduct”.

The Acceptable Use policy covers computing and communications infrastructure owned by the TSSA, which includes work e-mail and mobile telephones. The policy contains the following conditions that are relevant to issues of equality, diversity and inclusion:

In summary users must not knowingly use the computing and communications infrastructure to:

- Access, store or transmit offensive, indecent or obscene material or abusive images and literature;
- Access, store or transmit material which can reasonably be considered as harassment of, or insulting to, others;

Gender Pay Gap analysis (2021) and Draft Ethnicity Pay Gap analysis (2022)

The Gender Pay Gap (GPG) report begins by stating: “TSSA is not required to publish their figures as we are under 250 employees however, we have chosen to do so for transparency and have been doing this since 2018.”. The document goes on to report that

- in 2018 the GPG was 0.6%;
- in 2019 the GPG was 3.3%;
- in 2020 the GPG was 3%;
- in 2021 the GPG was 8.7%

The calculations are based on using the mean average. The relatively small number of staff employed by the union and the relatively even gender distribution in all but the 2 most senior grades (both male) means that one departure or arrival of either gender can have a noticeable impact on the gender pay gap. The report highlights how this was the case in relation to the increase in the GPG between 2020 and 2021 which saw the recruitment of a new male organising director but the retention of the previous male organising director on a staged retirement plan. The report does note that progression, particularly in the lower grade 2, is a particular issue for women, but also mentions a “plan originally put in place in 2019 to support and ensure women move successfully through our pay and grading structure”. The report mentions the low recruitment in the union, almost certainly as a result of the recruitment freeze that has been put in place, since there are 7 vacant positions (6 in Operations for organising directors and 1 in Business Support Services for a Systems Manager. Whilst the TSSA have taken additional steps to monitor the GPG by conducting regular job evaluations and equal pay audits, they should be alert to the increase since 2018.

The draft 2022 Ethnicity Pay Gap (EPG) Report notes that the union began calculating the ethnicity pay gap in 2021, although the report does not provide the 2021 figures. Using the mean, the 2022 EPG is calculated at 19%. It is noted that this is significantly higher than the national EPG of 2.3% reported by the ONS in 2019, but similar to the regional London EPG of 23.8%. The report notes that recruitment of employees from ethnic minority backgrounds is crucial to improving the EPG figure in future years:

We only have 6 employees from BAME backgrounds out of our 39 employees, so our priority for 2022 is to ensure all recruitment exercises include at least one BAME candidate is shortlisted and that existing BAME employees are encouraged to make further progress through the competency framework.

The comparison with the London EPG should be treated with caution since the non-white population in London is 36.8%², more than double the ethnic diversity of staff members in the TSSA (15.4%). Furthermore, the London EPG reflects employment segregation of ethnic minorities into low paid and casualised jobs, something that trade unions are seeking to fight against for their members. The report does not mention attempts to map the position of ethnic minority employees in the pay structure. Attempts at external recruitment of ethnic minorities should be accompanied by training and advancement schemes, similar to those planned for women, to ensure progression to higher paid roles for existing staff.

TSSA Equality Audits

In this section we consider the following documents:

- TUC Equality Audits (2014, 2020)
- SERTUC equality survey (2016)
- the 'Ethnicity Maturity Matrix'
- the submission to Stonewall to become an LGBT+ Champion

TUC Equality Audits are required to be completed by trade unions affiliated to the TUC since a rule change in 2001. The Audits are required every 2 years but alternate between reporting on bargaining activity and non-bargaining activity. The reports in 2005, 2009, 2012, 2016 and 2020 covered collective bargaining activity whilst the reports of 2007, 2011, 2014 and 2018 covered non-bargaining activity. We examined the TSSA submissions for 2014 and 2020 and a SERTUC Equality Audit completed in 2016.

The Equality Audits provided a range of useful numerical information on the representation and employment of members and staff that we have drawn on throughout the report, particularly in relation to the Introduction and Background section. The Audits also provided information on the campaigns and research that the union has engaged in since 2014. Notable amongst these in the 2014 report are campaigns and organising in relation to Neurodiversity and the recruitment of Neurodiversity Champions. The Equal Pay campaign in Network Rail also features. We note that the 2014 return mentions the development of an Equality Action Plan, which was not made available to us and was not mentioned during interviews. The 2020 Audit focuses on campaigns and the Equality Standard for LGBTQ+ and Neurodiverse members.

The Ethnicity Maturity Matrix³ contains a list of progressive measures the union can take in relation to developing race and ethnicity equality for its employees. Actions range from Level 1 (Investing in Ethnicity Employer) to Level 4 (Outstanding). The responses are either "completed" or "planned" with recommendations for actions to be completed. TSSA completed the Ethnicity Maturity Matrix in 2021 and achieved Level 1. The scores for each category are replicated in Figure 1 below. From this it is clear that the TSSA has started to consider ways of improving race and ethnicity equality in the union, but has some way to go.

² <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/regional-ethnic-diversity/latest#areas-of-england-and-wales-by-ethnicity>

³ <http://www.spmgroup.co.uk/>

The Ethnicity Maturity Matrix is a useful exercise for mapping what actions still need to be put in place.

Figure 1 TSSA Ethnicity Matrix Scores

Category	Your Points	Out of / Total points	% <u>completion</u>
Leadership & Commitment Points	3	29	10.34%
Policy & Data Points	6	22	27.27%
Culture & Inclusion Points	9	21	42.86%
Network Group Points	13	26	50%
Employee Life Cycle Points	9	29	31.03%
External Impact Points	3	24	12.5%
Total Points	43	151	28.48%
Level	Level 1: Investing in Ethnicity Employer		

The Stonewall Workplace Equality Index (SWEI) works on similar principles as the Ethnicity Maturity Matrix in that it provides a list of equality actions that relate to the implementation of equality for LGBTQ+ employees. We were provided with the submission to the 2017 SWEI. The SWEI document does not provide an overall ranking but the TSSA were the first trade union to partner with Stonewall and become Stonewall Diversity Champions.

Taken together, the equality audits completed by the TSSA offer useful pointers to where EDI needs to be developed. A useful strategy would be to develop an equality action plan that maps out the next stages, identified in the audits, that the union is aiming to achieve so that it can monitor its progress. The actions for each equality strand could be identified and agreed with SOGs.

GMB Survey (2021)

During the interviews conducted for this research we were made aware of a survey on sexual harassment in the TSSA that had been organised by the GMB who represent some members of staff in TSSA. One of the interviewees made the survey report available to us. The introduction to the survey states that it is a follow-up to a Trade Union and Political Staff wide survey on bullying and harassment. It is not clear from this document why the TSSA was selected for a follow-up survey on sexual harassment or how many responses the survey is based on, although one of the interview participants said that it was completed by about 20 members of staff (approximately 50%), which in normal circumstances would be considered an extraordinarily high response rate. We are aware that the senior management team are concerned that the survey is not representative of staff. The survey indicates that 41% of the people surveyed had either witnessed or experienced sexual harassment at a TSSA event; 56% of the respondents felt unsafe for themselves or another colleague whilst at work events; 61% of respondents felt uncomfortable for themselves or others at work events; 59% had heard offensive or misogynistic language at work or work event; 12% of respondents had complete confidence that incidents would be resolved; 12%

felt that training was effective in challenging a sexist culture; 71% of the respondents felt that there was a sexist culture in the TSSA workplace.

The survey indicates that there is an 'implementation gap' between equality policy and practice in the TSSA. For this reason it is important to further investigate these issues across a range of staff grades and representative structures in the TSSA. The following section reports on the analysis of the interview data conducted for this research.

Interview Analysis

The Sample

The proposed research was to interview approximately 60 participants across a range of staff grades and membership structures. Despite concerted efforts to recruit participants from each of the agreed groups, the final number of interviews conducted was 23, which consisted of 12 women and 11 men. We did not receive the expected number of volunteers from Branch officers or lay representatives or any volunteers from the LGBTQ+ and Future TSSA SOGs. We were particularly concerned at the lack of ethnic diversity amongst the volunteers. We did, however, receive a volunteer from the E-Mix Reloaded SOG. We received enquiries from past employees of the TSSA who wished to be included in the research and some interviewees did express their concern that the research would not be complete without the views of staff who had left the union following cases of bullying and sexual harassment, but for contractual, legal and ethical reasons we were unable to accept these offers. We did interview the HR officer who left TSSA shortly before the start of the research, with the agreement of the union and the HR officer.

Most of the interviews were conducted via Microsoft Teams. We did note, when setting up the interviews, a degree of anxiety about the confidentiality of the research and reluctance in some cases for us to record the interviews. In these cases the interviews were not recorded and field notes were taken. We think this anxiety may explain the reluctance for some groups, particularly staff members, to come forward as volunteers, which was supported by some of the responses we received in interviews.

The Interview Questions

We began the interview by asking participants an introductory question about why they thought we were doing the research and their thoughts about its timeliness. This was to gauge the level of understanding of each participant and allow them to set the agenda. Based on these responses we then structured the interviews around the participant's interests and concerns but included 4 more focussed questions:

1. How comprehensive are the Equality, Diversity and Inclusion (EDI) policies in TSSA?
2. How do TSSA staff experience EDI practice in the TSSA?
3. Is there an 'implementation gap' between EDI policy and practice in the TSSA?
4. What can TSSA do to improve EDI policy and practice in the future?

Why do this research now?

The responses to this question fell roughly into two categories: interviewees that were aware of recent cases and social media coverage in relation to bullying and sexual harassment and those who were not aware of the cases. The former category were largely staff members, but also some of the members who are active around equality issues. The

second group were mostly members who were not specifically active in relation to equality and had not recently attended union events.

The group that was aware of recent cases considered that the research was intended to investigate issues of bullying and sexual harassment in the TSSA as a result of those cases:

I think it's good that they're actually doing an independent study into it rather than having people involved just investigating it on a loop because we're quite small. If you are having any grievance or anything, then it's someone you know very well who's then investigating. It might be someone that's involved. So it's quite difficult with us being so small, but I don't think there's much we can do to avoid that.

One interviewee felt the GMB survey was the trigger that prompted staff representatives to discuss various options including industrial action and for women members to take up the issue on behalf of staff members. Interviewees who were aware of the cases were expansive and largely negative, but not entirely so, about how staff experience equality, diversity and inclusion (EDI) in the union, which will be covered in more detail in later sections of the report.

Interviewees who were not aware of the cases felt that the research was part of the TSSA's ongoing campaigns to improve EDI in the rail sector generally and to improve the representation of equality groups in the union. For example, one interviewee thought that there may be some concern about the lack of ethnic minority representation at Annual Conference:

Well, I suspect, I don't know, that someone has noticed that when it comes to people going to annual conferences, they're not many people from the ethnic minorities there.

Others felt that movements such as #MeToo and Black Lives Matter mean equality and diversity is a 'hot topic' that the union could not stand still on and that there was always room for improvement.

The difference, then, was largely between a view of the research as a reactive approach to poor equality practice and a view that saw the research as proactively seeking to improve EDI in the union. In most cases, in both groups, interviewees felt the research was necessary and timely.

How comprehensive are the Equality, Diversity and Inclusion (EDI) policies in TSSA?

Most of the interviewees were rather vague on what the EDI policies in the TSSA are, particularly in relation to policies for members. A few interviewees mentioned guidance that was given out in relation to bullying and harassment at TSSA events, but also noted that this had not been given out in recent years.

Some interviewees felt the policies were good, or at least looked good on paper:

I think they are pretty good. They seem to cover the main issues.

I think with TSSA the policies are all very good. There's never any issue with the policies that I can think of. I don't know them off by heart but I think it may be just

the reality of putting them into practice is not quite the same thing. But the policies are very good I think.

Some interviewees noted general limitations in the way policies were written and what they covered:

I've looked at the policy a little bit. I feel it is a bit cut and paste to be fair. With the policy, I think there are areas that do need to be tackled

We don't even have equality policies that would give us equality in the structures

Another interviewee noted that the policies were not sufficiently disseminated to members and were not easy to find on the union website. They also noted that equality policies and procedures were not covered in training for new Branch officials. One interviewee commented that staff policies sitting on a "virtual shelf" were unlikely to be readily understood by staff without some form of training.

Some members felt that a move to an organising model of unionism had led to a focus on recruitment at the expense of training for lay representatives to deal with equality problems encountered in the workplace:

The training is there, but again, I don't think it's implemented properly because every training session is about recruiting. Training the reps instead of training them how to represent people properly. And for me, if you train a rep properly and they're able to represent a member properly it has a knock on effect. You always speak about the good things that happen, the positive things and that would encourage other people to come and join. But you go to these training sessions and all they do is bang on about recruiting and recruitment is right in its place. But there are a lot of other things that are important as well, such as equality, how you treat people and making sure that people understand.

It's alright training people to recruit, but you've got to have something to offer them. And you've got to offer results.

Some interviewees felt that member employer's equality policies were more advanced than the union policies and one interviewee felt TSSA policies were less advanced than in other unions:

What has surprised me is that we're a bit behind sister unions like the RMT, Unison, PCS. In terms of policy. They're talking about things and I'm looking at it and thinking we don't do that. We really don't do this... we talk about breaking through the glass ceiling at work, we need to break through the glass ceiling within our union.

Interviewees that were aware of the recent cases felt that problems that had arisen were rooted in the way that policies were designed and implemented by senior managers:

The policies are as good as they are going to get in the current climate... Obviously we've had problems with them because we wouldn't be where we are if we hadn't. I also think perhaps they could be less, no, they could be more, stronger in a wellbeing sense. It's still very mechanical, still very much, let's see what the minimum is that we can do and how much we can protect things as well... The problem isn't the policies. I think the problem is who is implementing or being on the management side of it and their interpretation and bias of it.

I think with what's just happened, it's shown clearly that they're [policies] are not fit for purpose at the moment. I think there are issues. There are issues right to the very heart and the top.

One interviewee noted that the formal procedures for members to take grievances to conference were “very, very formal and would intimidate most members”. We agree with this statement and, as noted in our documentary analysis above, feel the appeals procedures for staff and members are particularly inappropriate for cases of bullying and sexual harassment.

An interviewee noted that the staff policies are stored on an internal HR website which allows monitoring of who accesses and, therefore, might be thinking of using them. This is problematic in an organisation where there is low trust in management.

How do TSSA staff and members experience EDI practice in the TSSA?

Sexism and other persistent issues for a male dominated industry

Our interview data indicated that the way staff and members experience EDI in the union is very much shaped by the culture of the union, which in-turn was shaped by its history. There was a general view that some aspects of the union were stuck in the past:

I mean, TSSA struggles, it yeah, it struggles with some different things. So, I find it quite sort of old fashioned really with a lot of things and I think that we certainly don't always practice what we preach really with a lot of our policies, although the policies are very good.

The union, like the other rail unions, it is traditionally male-dominated and, although it was acknowledged that the culture of the union had improved in relation to women, some of the most striking elements of where the historical patterns of behaviour still existed were in relation to sexist beliefs:

Since its formation, the TSSA has reflected society and when I joined the Association in 1970 racism was an issue, but not in the TSSA. On the contrary, there were and continue to be, many good things about our work. The association was very proud when it had its first black members elected to our conference and the Executive Committee and we've been very pleased to receive deputations from different countries, and from different ethnic backgrounds. Nevertheless, within our culture, there were embedded issues, particularly about women. Although women have made and continue to make, a significant contribution to the Association, they have not always been treated with the respect they deserve. Arguably, people are understanding feminist issues much better than in previous years and that's good. People have certainly changed but what worries me is that some of those old thoughts and habits from previous years, always from a minority, still get voiced from time to time. Also, as far as our approach to gays and lesbians is concerned, I still hear mutterings. We have moved forward to a massive extent but what I'm saying is reaction never sleeps and there are still issues to be resolved.

Over the years I've been a member of very long time, so it's obviously changed because I was a member about 30 years ago and when I came in and I was like quite

shocked, it's like it was a late 80s and it's like it's late 80s, not like the 1950s and some of the Branches were very patronising and quite resistant to change. And you know, that's changed quite a lot and we have a lot of really good comrades, men and women and some of the equalities are quite good, at least on paper.

And if you're a delegate to TUC or something, you can be treated a bit badly, really. When we have gone to TUC and I've sat with sort of three men and they kind of ignore you. And really it's like you're not important. You're not one of the big guys. It's not that I want to go and spend all my time with them, but it's sort of the peacock arena. They're kind of like we're here!

There was a women's dinner and it was in Norwich and we were at Delia's football club and we had a dinner there and some of the men in that local Branch, they're meant to be like hosting us, thought it would be a real laugh to go around and sell tickets at the women's night to the men to go to lap dancing club afterwards and imagine when that got found out. People were very angry. On every level. I laughed when TSSA put in a motion about sexual slavery...and I thought join the dots, you don't know what those women are working in those clubs.

Some of the women interviewees noted that getting heard in the male-dominated environment in Branches and conference was difficult and that they often encountered bullying or silencing. Male interviewees had also picked up on this behaviour, saying that some male organisers do not take sexism seriously, patronising women in public and talking over and interrupting them in meetings. One interviewee noted that she no longer attended branch meetings as a result but was still very active at her workplace.

There's no room for diverse opinions. It's like you are either with me or you're not...its either my way or the highway.

One interviewee commented on how the poor behaviour of some male colleagues meant that female colleagues needed to act defensively to avoid sexual harassment saying that they avoided staying late in the office, especially on Fridays and, if attending a work social event, made careful travel plans to be able leave early if necessary.

Alcohol and a drinking culture

Another aspect of the male-dominated culture in the union related to alcohol consumption:

There used to be [a culture of heavy drinking]. It's got better over the years, more of us are standing up and not drinking. But there is certainly amongst the people who've been around a long time and certain people, there is still a very much a culture of heavy drinking.

It was noted that the drinking culture had a particularly negative impact on women, who one interviewee felt were put under pressure to stay and drink, meaning that they often either left early or avoid social events altogether. It was noted that there were still frequent meetings in the pub where excessive alcohol consumption meant that behaviour could 'turn nasty'. One interviewee reported that female colleagues were often 'scared' at the prospect of encountering poor behaviour of drunken senior male managers.

Alcohol consumption was considered to impact negatively on day-to-day working relationships with senior managers:

One of the things I learned is not to have a meeting with him straight after lunch, because if he'd been out drinking, then he would be quite difficult to deal with in the early afternoon.

[at meetings] in the last couple of months where I've been told that they felt that he was drunk as well and, whilst you know doing the day job you know. So there are issues with alcohol consumption and how it's treated.

Although most of the interviewees that raised this issue felt it had improved in more recent times, the issue of excessive alcohol consumption was closely linked to issues of bullying and harassment and particularly to sexual harassment, which is explored in more detail later. Alcohol consumption was a feature of social events that occurred outside of work or Annual Conference and some women interviewees found Conference itself a positive experience:

Conference is really, really one of the best places to be because you get to mix with everybody and see how everybody's going on. And I mean lately within our Union they've been a lot of issues and we've discussed a lot of issues at conference and it's good. It's good to know that other people have similar issues.

Trade union leadership and democracy

Despite the positive experience of attending annual conference, there was a strong feeling amongst interviewees that the culture of the union was shaped by what happened at Head Office and that there was a particular leadership style, which reflected past traditions. The leadership style was described to us by many of the interviewees, both staff and members as 'cliquey', closed and determined by close ties that were consolidated in alcohol consumption:

There was a little clique in particular who were very much seen as the in crowd. And those people who weren't who weren't part of the drinking circle were not seen as part of the in crowd.

There's a, there's a very strange dynasty... they are still kind of dynasties. They will always decide who they think will be anointed

Because when you're in meetings, and you know, you're talking to certain people, they've got their own positions to keep. They've got, you know, you have to understand that the top they've known each other for years and years and years. Right. So it's a clique, a little bit. I'm not saying that, it doesn't make it wrong, but it means that they're not necessarily open to change.

It's very, at the top, it's quite cozy. I have to say this. Everyone knows each other. Everyone knows their families. It's all very nice, but no one really asks is the big questions.

It feels some kind of like a closed shop like you have to, you have to make sure you fit in with a certain type of people, really.

We joke about it sometimes. You say it's a lot like working for the, although you shouldn't joke about it, it's like working for the Mafia really. So it's like a family connection. Everyone's, like, connected to each other.

Although close working between senior management teams is inevitable, it was felt that in the case of the union this led to an unhealthy power imbalance and protection against sanction that fostered poor working relationships and a lack of trust:

But my union is classic for the, you know, power corrupts

Equally, it did feel like we were kind of trapped because we didn't feel like we were able to sort of raise concerns with anybody senior because they're all potentially implicated in some way.

I wouldn't feel completely comfortable speaking to higher members of staff so this is why I need to be sure this is confidential, because I think there's lots of, what I would call cronyism, and really where people were just, they've known each other for such a long time, so it's difficult to sort of get in amongst them and they kind of close ranks a bit really.

Some interviewees felt that power was retained and asserted by senior management control and manipulation of democratic structures:

I think senior management very much want to protect what they are and who they are and they have engineered some processes to ensure that the people who are also making decisions within the EC are of a like mind and they can control them.

It's a problem with the democratic structures. There's definitely a problem with the democratic structures and they're really good people working there. They're really good reps around and about the country, and but it's been run by very few people and pretty much by one person or by two people for a few years. And we see it as a bit of a fiefdom and not a democracy.

It's an incredibly challenging environment to be the person who wants to make changes...I have never come across an EC that is so controlled by non-elected positions as I have in TSSA.

Communication and language

Members generally felt that communications on equality, diversity and inclusion were good, although few knew where to find the policies. It was felt by some that communication with the membership on recent important issues had declined:

The communication is sadly lacking within the union. I know it's hard because everything's very technical. But years ago, when we met and chatted together it was a much friendlier union, it's become a bit detached, I think now.

By contrast, staff considered poor communication to be one of the main symptoms of a closed and controlling senior management style. For example, communication within the senior management team, particularly in relation to equality was felt to be poor, with equality issues rarely being discussed in management meetings and that equality impact assessment of decisions was never made. Internal structures for staff equality within the union for this purpose i.e. the Joint Equalities Committee (JEC) was said to have rarely met

and was frequently cancelled because it was not considered to be a priority. The research team were not made aware of the JEC until it was mentioned, quite late in the research, by an interviewee. Had we been made aware at the outset of the research that there was such a committee we would have requested the minutes as part of the documentary analysis.

One aspect of communications with senior management, which interviewees commented on was in relation to foul language, often with sexist content:

...and the "C" word is used on a regular occurrence and even if it's just...it's not. That's never been used in the meeting, but it's it happens just before or just after. It's not really acceptable behaviour and it just gets laughed off. And it's been used in the WhatsApp group as well on several occasions. That word and it's the one word. It's derogatory to women...I should pull it up, but I don't feel comfortable in pulling it up.

Interviewer: OK, then why?

Because it's just me. They just make you feel that. How can I put this, that 'ohh she's at it again'. You know 'she's on a whinge'. You know that kind of you get made to feel like that and it's like oh, she's on one again. But they don't understand how that word makes a woman feel.

Because it's [inappropriate language] comes from a senior manager or a senior person, or somebody who is protected by, very protected, by senior management. There's nothing you can do about it. You can't say anything. There's no point in challenging it.

One interviewee felt that language in meetings was underpinned by casual sexism in relation to performance, with references to having to 'man-up', 'get some balls' or being 'nutless'. Sexist language can constitute sexual harassment and it is clearly in contravention of the Social Media and Acceptable Use policies. We came across examples, less offensive than those above, but still uncivil and unnecessarily aggressive language in e-mails that indicated poor working relationships between managers.

Bullying and harassment

One of the features of senior management style that interviewees frequently referred to were in relation to bullying and harassment of staff. This was not directly related to equality or diversity. Not all of the bullies were men and not all of the victims were women or other equality groups, but the interviewees, both staff and many members, were of the view that bullying and harassment were endemic in staff relations:

There are too many people around that, get away with bullying and they are clever, tactical aren't they? They know what they're doing that they want to control everything.

I complained a lot about my line manager[] but it wasn't at any kind of equalities issues or things like that, but yeah, well that was, I didn't feel supported. No... But I have to say on a personal level, I mean it's got better. But we've been working from home for the last two years, so you're less likely to be bullied when you're at home... I mean it was so normal as well. You just became used to it really. Like, somebody shouting and you'd hear people shouting and different things that. That's why I don't

wanna go back to the office. Things like the horrible atmosphere, really, that I just don't like it at all.

When I first started, there were lots of, I got swore at by people and a member of staff I work with was swore at by someone and shouted at by someone. People are very tetchy, this is horrible atmosphere and things like.

Most of the bullying and harassment we heard about consisted of verbal abuse, sometimes for prolonged periods of time:

I remember [colleague] telling me that [manager] pulled them into one meeting. I think it was near the end of the day so [they] should have been going home to [their] kids [and partner] at the time but it lasted like 3 hours.

However, we were given examples of bullying and harassment that included threats of serious physical violence. We cannot refer in detail to these incidents since they would compromise the identity of the interviewee. However, the threats were so serious that they would be considered to be gross misconduct in most workplaces.

Many of the interviewees we spoke to felt that bullying and harassment was often linked to performance issues:

I think performance was used by [senior manager] a number of times as a bit of a veiled threat.

As the bullying and harassment procedures note, managers have the right to manage performance "but managers should not behave in ways that are considered to be unreasonable". The examples we were provided with were in many cases felt to be unreasonable and sometimes unjustified in poor performance:

One of the shining stars of organizers. He did so much work That was really positive and [manager] would just be unreasonably critical of him during meetings.

The view of senior management was somewhat different, feeling that grievances were taken as a distraction after staff members fell into poor performance measures. Although most of the complaints were heard in relation to bullying and harassment involved staff, we did hear of some examples in Branches where the members felt, based on what they had heard about the culture at Head Office, they could not use the grievance procedures for members because they had little faith that senior management would take the issues seriously.

When we asked about how staff resisted and coped with bullying and harassment we were told by most interviewees that challenging poor treatment meted out by members of the senior management team would inevitably result in victimisation in the form of harsh performance management justified in the past by the need to restructure and 'downsize':

one of the members of staff that talked to me, who's a current member of staff is just very fearful for her job, but she will lose her job anyway because what happens is and anybody who's like ever complained or put in a grievance or knows what's going down has been put on instead of hearing the grievance they've been put on a disciplinary or a performance review.

Representing trade union workers

Somewhat ironically for a trade union, some staff felt they were unable to approach their (GMB) representatives either because they felt their trade union reps had lost interest or had little power:

Again, I just don't know who to speak to. I wouldn't even speak to our reps about it really, because I think that they're just tired of all these different things.

We're in the GMB and I attend these meetings and some of them are so like volatile and things like that and people you've had people like breaking down in tears and different things... and these meetings can be, yeah, it can be very, very tense, so I know there's issues there.

Or, extremely worryingly, that staff reps would also be victimised:

it's very difficult for trade union reps who are representing trade union workers when you're working in the trade union as it can be if you're an organization. They are slightly less for the members side than they should be because of their positions in the organization and I'm afraid that happens and I've talked to a number of women and men and that happens in quite a few trade unions that the reps, who are maybe sort of in the GMB or something, whatever the Union is representing the staff are not as impartial and on their members side as they should be as they're also standing up to senior trade unionists.

Some interviewees felt that there was some protection for GMB representatives but that it was difficult to speak up at union meetings because managers were also members of the GMB and therefore received the minutes of meetings and had, on occasion, attended union meetings.

This view of the effectiveness of the GMB representatives was not universal and one of the interviewees still felt that they could count on the support of their representatives:

I've a lot of confidence in our reps, so I go to them. If I have an issue and I didn't know how to deal with it.

However, the inability to challenge bullying and harassment directly or via their collective representatives meant most staff and some members we interviewed felt 'there is a huge wall of silence'. Despite the inability to openly voice their concerns, some interviewees felt that the recent turnover of staff was a strong indication of what was happening:

there's obviously some problems within one of the teams at TSSA, is that people keep leaving...it's very difficult to get a job there. And then I see people just, if they do, they leave. You know, they don't last very long in that department either... there were so many people leaving and things like that. The atmosphere was terrible, really. [following the restructure] the people who are not happy were kind of managed out of the organization... So these things have gotta be obvious to people who are on the, when the different panels, I think they should be looking at these things. Why? Why, you know, are so many people leaving without jobs to go to? Why have so many people left? But they don't seem to pick up on it.

The irony that these issues had arisen in a trade union whose aim it is to protect the working conditions of its members and champion equality issues had not been missed by the people we interviewed:

trade unions are also employers and I don't know what their standards are there, and if they have, but if they have the standards, they don't adhere to them. It's the same way that they kind of play left, but they don't follow through.

[It] almost felt like they were trying to control us by having our careers at risk. And there was all sorts of different I mean it, it went over, you know, so long ago now but you know, at first they didn't seem to wanna give us job security, which is unusual for you would think for trade union, really.

they're sort of poachers turned gamekeeper. So then they, you know, they kind of know some of the angles already you would hope that by knowing that that they would be more supportive of trying to support the staff but they use those experiences against you.

They [TSSA] should care about the way people are treated, you would think so. And I mean the trade unions are built upon their belief that that everyone should be treated fairly and they're not doing that.

Sexual harassment

Most of the staff and many of the members that we interviewed felt that sexual harassment in the TSSA is a “widely known secret” in the trade union movement. Excessive alcohol consumption underpinned some of the most serious examples of abuse in the form of sexual harassment that we were told about.

It has happened definitely. But, the language, especially when the drinks are flowing and I have been made to, where men have come on to me and you are like, really? Is that acceptable and you just try and laugh it off and I remove myself from the situation. But I have been made to feel, not in conference but, you know, afterwards when you've had a drink and you are in social events. I have had it happen to me that men have come on to me and it not acceptable but its when the drinks are flowing.

I did once have my arse grabbed by a rep at a function. I just turned around because he was obviously drunk. I just turned around, you know and got out . Every woman has had to deal with this. So every woman deals with it differently. The way I normally deal with it. I turn around, made his hand fall off and went 'What do you think you're doing?' And then walked off and made sure I told somebody. Just said stick with me tonight because he's getting a bit handsy. And he was known to be a bit handsy as well.

I guess there was one thing happened... It was kind of well it was inappropriate, but it wasn't with staff. It was with a member who basically came up to me quite drunk and decided he tried to sort of kiss me on the lips. So I sort of turned away from him and tried to wriggle out. And then he sort of ended up kissing me on the cheek. And then I sort of had to wriggle out and went and found a staff member and just said I'm gonna stand next to you because I don't wanna be near that man right now.

(discussion in the pub after a job interview): It'll be fine, [senior management team member] said it's all fine. Just don't grope anybody. And everybody laughed. And one of the members of staff that overheard that was not amused, she was really

angry and she pulled them up on it. And she said this is, he can't do this. You know, you can't laugh with this behaviour. It shouldn't be happening.

Staff also provided accounts of sexual harassment by a senior manager that they had witnessed and which they thought had been treated like a 'laughing matter' by the line manager and HR manager because sexual harassment had become normalised:

But it seemed so normal as well. [sexual harassment] That's to me, it was so abnormal to do something like that, but to everyone else within the existing staff. It was that it just seemed very, very normal really.

I feel like someone's being... someone was being sexist towards me or being patronizing towards me and I spoke to the head of HR about this kind of informally and she said, oh, I wouldn't. I wouldn't worry about it. So and So's like that with everyone.

I feel we're conditioned within TSSA to just sort of put up with these things. I didn't really consider it at the time.

Interviewees further noted the impact that experiencing sexual harassment had on their colleagues and the impact of witnessing sexual harassment had on them:

I think he made it...made her stay there [at TSSA] quite uncomfortable really

and sometimes this (sexual harassment) has been alongside mental health issues because I think there is certainly mental health issues for people involved in those assaults and they've been off work for a very long time. So eventually they get managed out

It's triggered a lot of people as well, whether they were directly involved, there's been past incidences where people have either witnessed or been sexually harassed, not directly in this situation, but in other situations. But they didn't even think about people's mental health. They would just more be thinking about how can we, you know, manage and contain the situation and the news rather than thinking about how it impacts the staff. ... It's not unknown who's been impacted by this. Sorry, it makes me very angry.

Some interviewees expressed feelings of guilt at either being involved in drinking sessions where things had gotten out of hand or not being able to help colleagues who are being bullied and harassed because of fear that it will be turned on them.

There's probably times where I could have done more. Yeah, although feeling very trapped at being able to raise things

A senior member of staff that we spoke to said that the union were considering making mental health counselling available to staff who felt under stress by events concerning sexual harassment.

Inequality and SOGs

The focus of our research is on equality policy and practice in the union across a range of equality strands and we recognise that equality issues are not the same across different protected characteristics. Furthermore, we are also aware that the poor management

behaviour that the people we interviewed recounted was not restricted to groups with protected characteristics, since some of the victims and not all of the protagonists were men. The staff and members that we spoke to did give us some insight into issues that are faced by equality groups in the TSSA, although this was rather partial because we did not get volunteers from all of the SOGs (LGBTQ+ or Young member) and very few volunteers from Black or Asian ethnic groups. The following sections summarise some of the issues for equality groups that were raised by the people we interviewed.

In relation to gender, one of the women we interviewed felt she had not suffered any form of discrimination and another felt that although she had not personally suffered any discrimination, there were issues in the TSSA and the wider trade union movement:

I've not had any issues myself with anyone really. I think that there's a in the wider trade union... it's a bit of a boys' club sort of thing. You know, there's a lot of white men who are involved in decision making and things like that. So sometimes it feels a bit like you're outnumbered, but that's just trade unions, not TSSA specifically. But no, the culture to working as an employee is, for me, it's not a problem. Maybe a couple of times I've had an inappropriate comment made, but not to the extent that I would have done anything about it. It's sort of just that was slightly inappropriate, but carry on and not that I would say that was worse than in any other employer I've worked for.

The majority of women we interviewed did feel that their gender had negatively shaped their experience in the union, but that they had learned how to be resilient in a male dominated environment and gained support from some, although not all, other women:

you've got to grow like a barrier. You know you've just to get on with it, you know, to carry on. And we should be questioning that behaviour. But you don't. You just, because you don't want to make yourself a nuisance, you just, like, put this barrier up and you just sort of laugh along with it, even when you know deep down if it happened in a workplace, we would absolutely not be putting up with that behaviour.

It's better in as much as I'm here talking to you, which I wouldn't have done. I wouldn't consider that I'd have just put up and shut up. It's better in as much as I've got friends within the Union who do understand and know what's going on and have pushed me forward to do this. And it's better in as much as. I know they've had issues as well. But more than that, it we've got women, more women members on our Executive Committee now. There are more avenues. To put forward ideas and suggestions and different issues. But it's a fear of using them. Because there is, there's still barriers there.

Interviewer: Do you think that's made a difference, having more women on the executive?

No, to be honest. Because the executive committee are quite weak. They don't seem to have a very strong voice.

It is important to note here that in this research we only interviewed current members and staff. As noted above, some of the women who feel they have experienced sexual harassment are no longer employed by the union.

In relation to ethnicity, because we got very few volunteers from Black and Asian ethnic groups, we have drawn mostly from supportive comments we received from white interviewees, who were conscious of the lack of ethnic diversity in the union:

I've not heard a lot about anything to do with race. Or mainly that we have so little diversity is the problem. I think with TSSA, but I think that's trade union wide rather than TSSA specific.

I mean, obviously I think that our lack of ethnicity is a bit of an issue, diverse, you know, people of colour is very little in our staff. I feel we probably might be able to do a bit more on that. I know that there was efforts made to try and advertise a certain role out to. But not to a specific ethnicity, because that would be discrimination itself, but trying to reach a wider audience.

I think there's an obvious problem in in there. We don't recruit many people from BAME. If at all there are so few people, in fact, we've got less staff from BAME since when I started. So I'm only aware of two or three people from a BME background, so that's about 10% of our workforce. Particularly for London, that's very poor... there doesn't seem to be much push for the for recruiting in these areas.

One interviewee noted that the union had provided recent training on race discrimination:

There's sort of follow up training on certain specific things. So when George Floyd and Black Lives Matter movement or came up, we did series of race webinars, which I thought were very good and they were about ethnicity and perceptions of race. There was a bit on unconscious bias. I don't think a specific one, but they are very good.

Most importantly, the representative from E-Mix Reloaded noted that lack of representation at senior levels in the union did have consequences for the functioning of the SOG:

I don't really know anyone else in the EC who we can talk to and say, you know what, this is what we're trying to do [in the E-Mix Reloaded SOG]. So in the end we're looking at collaboration, so we can demonstrate to them that we're a functioning live group. We require funding for events and just to get the message out there. So that's something about our approach and then hopefully the links with top levels of the Union will come as a result of that so in the end its actions, not just words.

Senior managers we interviewed were aware of the lack of ethnic diversity amongst the union staff, feeling this reflected the white, male domination in the rail sector. Previous efforts to advertise posts in the publications that might attract a more diverse field of candidates were generally thought to have been unsuccessful.

In relation to disability, we did manage to interview members who were active in the Disability Working Group SOG and staff members who commented on how disability was experienced as an employee of the union. It was clear that access to Annual Conference and other union events was an on-going issue. First choices of conference venues were still often felt to be inaccessible as were the new Head Office premises. However, it was acknowledged that the union did eventually listen and that support had been given at the highest level.

The staff members that we spoke to had different experiences in relation to disability. One staff member felt that the union failed to implement reasonable adjustments in relation to mental health, which led to reduced performance that was then used as a capability issue to manage certain people out of the union. Another staff member gave us a positive example where reasonable adjustments had been put in place at the suggestion of the HR manager. Another staff member commented on the lack of thought in relation to disability in the design of training events:

we had this 'winning together' training and there was some like physical elements to it. And I remember that some of the people in the room couldn't actually do them very well because they had a disability and maybe that wasn't thought about. But I do think that that was brought up at the time and we haven't actually been able to do winning together since because of COVID. So they probably would have changed the activities.

Neurodiversity is one of the areas that the union has championed and features in its equality and diversity literature. Neurodiversity is treated somewhat separately from disability in these campaigns, although some forms of neurodiversity fall within the definitions of disability in the Equality Act 2010. Some of the interviewees felt that neurodiversity was well supported as a campaigning issue by the union for members, although one interviewee felt that the campaign had more recently lost momentum:

But I think there's also people that's struggling with neurodiversity, which ten years ago we took the lead on and now it's got put back on a back burner so I think, yeah, the membership want that. But in workplaces we also need, like, the neurodiversity programme as well.

There was a view that the union does not support its own neurodiverse employees and that neurodiversity is a feature of performance management disciplinary cases.

Although we did not speak directly to a member of the retired members' SOG, we did speak to a number of retired members who were active in retired members Branches. It is clear from these interviews that there is an active and thriving retired members caucus within the TSSA. Not surprisingly the issues that retired members organise around differ from those that mobilise members who are still employed. In terms of equality, it was noted by one interviewee that their retired members' Branch was less diverse in relation to some of the other equality strands than their workplace Branch had been:

So may maybe our Branch is not as diverse as it could be, but I don't really know why that is.

Interviewer: But do you think it's simply a reflection of the membership of TSSA, especially in the last decades?

No, because again, when I was at work, the work Branch certainly had more women members as a proportion than that anyway.

In this particular retired members Branch consisted of 78 members are men and 5 are women.

There was a view from one interviewee that retired members still held a lot of influence in the union and its democratic structures:

The biggest group that exists is the retired members group, they really do exist. They have got, that's something else that maybe needs because they have such a powerful voice. If you go to conference the average age of the attendees of conference must be close to like 68 or something like that.

As has already been noted, the TSSA does have SOGs for LGBTQ+ and young members but, as we did not receive any volunteers from these two groups, we do not have any data on their views or experiences and are therefore unable to comment on those specific groups.

One issue that did become apparent during the interviews is the view that union resources and support were disproportionately distributed amongst the SOGs, which gave rise to some tensions:

the big things they make a lot about and they're good at for example, and it's partly because one of the members of staff is particularly keen on both those and there's a lot on LGBTQ diversity, which is good and there's a lot on neurodiversity, which is good. But it's very weighted to that. And it doesn't seem generally, you know, it doesn't seem all around

I think LGBT is more sort of favoured in TSSA because I guess more time has put into it, whereas ethnicity is, I would say less visible. I've seen more sort of things, both internally as staff, but also with our members about LGBT. Then I have about ethnicity, but whether that's because of, you know, the drive for it from members. I don't know.

Although we did not interview anyone directly from the LGBTQ+ SOG, one interview did identify as LGBTQ+ and put forward the view that the LGBTQ+ group actively campaigned for the resources it received.

Is there an 'implementation gap' between EDI policy and practice in the TSSA?

Given some of the responses provided in the previous section, it is not surprising that most of the interviewees felt that there was an implementation gap, or more realistically a chasm, between policy and practice in the TSSA:

I don't get the impression that they [policies] work particularly well or there wouldn't be so many people leaving after they have problems.

I am certainly not of the view that policies manifest themselves in practice.

The formal policies are in place and they're good policies, in practice. In theory, they're good policies. In practice, they don't exist... They're not implemented, no... we know how you should behave and how they should be implemented. In practice, it's not happening.

I know people who've gone through grievance procedures in the workplace, but not within the Union. It all seems to be a bit of a, it's all kept very quiet.

There was a view that the policies were not investigated fairly in the senior management team because of their close relationships.

They either are heard or investigated by a member of the senior management, or somebody who is extremely close to them. Therefore, they are biased because we know that they have an established, they have an established way of protecting each other. We know they lie and therefore that makes anything that comes out of it, we have less faith in it.

And that the executive committee did not exercise their power in relation to the implementation of policies:

I know members of the EC, for example, they're good people. I don't have a problem with them, but I feel like they are a little bit set in their ways when it comes to implementation and that just needs to be changed.

It was also noted that the problems might lie in the procedures that were used to implement the policies:

I guess in practice, you know, it's one thing to say or tell your line manager for a problem, but then if you have a problem and you think it might be partly because of your line manager or to do with your team and that's awkward then. That could be difficult, but. I'm not sure what the answer to that would be.

Being excessively under the influence of alcohol at union events essentially nullified aspects of the bullying and harassment policy. For example, when asked about bullying harassment advisors that should support staff and members at work-related external events:

No, [bullying and harassment advisors] was certainly not at functions that are outside of work but are work related. That really doesn't happen. And if there was the person who's, let's be honest, they would say ohh you can report it to your line manager. Most of our line managers are drunk by then anyway.

Interviewees reported to us the difficulty of making either informal or formal complaints about sexual harassment:

[When a member of staff complained about sexual harassment] she was pinned against the wall by another senior member of staff to say don't do this. Stop making a fuss. You can't make a fuss. We gotta be careful. We can't give the Tories anything. Which is the old, you know? Oh, then don't go to the right wing press. You know, it's like they don't need any ammunition. No. Well, no, actually, don't do it [sexual harassment].

One controversial aspect of policy in relation to individual grievance and disciplinary cases that ends in the termination of the employment contract is the use of non-disclosure or compromise agreements that included a 'gagging' clause. There is some dispute as to the precise terminology used or the numbers involved, but agreements of this sort have been used by the TSSA:

Some of them [victims of bullying and sexual harassment] just want to leave and the promise of some money to leave can be quite attractive in those circumstances and it's very difficult.

Both staff and members told us that they were aware of their use and of the potential costs involved from union financial records:

And from the Members' point of view we would be very curious to know how much Members' money is spent on paying off members and staff rather than spending on what we would see as very positive, say employment tribunals, which nobody ever seems to be able to get help on... And we are a little bit concerned that it [TSSA] could be spending a little bit too much on buying staff silence

I hear things, but I don't know for sure because a lot of these things are not out in the open, but I know we use a lot of what's called compensation agreements, I think and I did notice because they published the accounts every year, I did notice we paid, well, I think was £40,000 to someone to a member of staff but I'm not sure what that is. So I may have misread that completely, but my understanding of it is towards the compensation agreement for someone. I can't say for sure because it's all confidential.

The culmination of the issues that we found from interviewing staff and members of the TSSA was a general lack of trust in the way the union is managed. The focus differed between members and staff, with members feeling that the lack of trust stemmed from limited transparency and communications on important issues facing the union:

There's a lack of trust. There's a lack of communication. And it tends to be. The people that shout the loudest, the bullies that, I don't know, they seem to set the standards in a lot of cases.

Staff members, in contrast, were largely concerned about the handling of recent cases and the impact on relations with senior managers:

I think trust is probably quite an issue in TSSA at the moment especially... I think trust needs to be rebuilt and I think that, yeah, if having an independent review hopefully could help with that. But I think that's gonna be a long ongoing thing cause it does seem a little bit like there isn't trust. So that's unfortunate. You know, I wanna work together and I want us to all work for the Union. A lot of us do this job because we want to, it's something we believe in. And if there's not that sort of trust amongst staff, between each other, it can be quite difficult to actually achieve those aims for the members.

The general lack of trust further manifested as little confidence in the efficacy of the equality policies and procedures:

as we all know, with appeals, if you're going into the same court, you gonna get the same judgment.

I spoke to my boss [who] said well, I'll support you if you want to put grievance in, but I don't really feel confident about doing that. I'm not necessarily that confident about raising a formal grievance about it because I don't necessarily think that it would be dealt with impartially or fairly.

I've not ever heard much positive coming from people raising grievances in the past.

I remember a number of [colleagues] raising a sort of collective grievance against their manager and not feeling like it was handled, and I don't know the detail, but I know that the general outcome of it was they didn't feel it was handled particularly

well... It did feel like we were sort of boxed into a corner, but and that the outcome people weren't really happy with.

So I know there's a procedure, but. You have to write. You can raise a formal complaint in different things like that and do these things, but I wouldn't do that, though.

Despite these criticisms, the overwhelming sense we got from the people we interviewed was a strong sense of identification with and dedication to the union:

It doesn't feel like we're modern enough at the moment, then that could change. No, I wouldn't have joined if I felt the union weren't doing anything. I probably would've joined somewhere else. But I wouldn't do that because I do, despite my misgivings about certain things, I do love the union. I've been in the union over nearly what, nearly 20 years now, so it's not something I would do, I'm not just gonna leave.

Most of the people we interviewed cared deeply about the future of the union and wanted to support it to overcome the crises it is currently facing both material and reputational. The following section examines some of the suggestions that interviewees put forward for ways to improve equality policy and practice in the TSSA and their thoughts about its future.

What can TSSA do to improve EDI policy and practice in the future?

The members and staff that we spoke to provided a broad range of ideas that they thought should be implemented. Some would require significant and long-term change in the structures and culture of the union; some involved more modest changes to policy and practice that would still require approval through the democratic structures of the union whilst others suggested administrative measures that could be undertaken relatively easily.

At one end of the spectrum, interviewees felt that the most serious issues of bullying, harassment and sexual harassment of staff would only change if changes were made to senior management:

I think the Union need to start at the top. They need to look at the people running the Union and how they operate. Because I think a lot of the problems are there.

These are, of course, issues that need to be decided by the membership through the democratic structures of the union. It should be noted that the TSSA Rule Book does give the executive committee power over, and responsibility for, the paid officers of the union. The executive committee are in turn answerable to the membership of the union through Annual Conference, although interviewees pointed out to us that even these formal structures were open to manipulation and circumvention.

Regardless of whether changes are made in the senior management team, it was felt that the management style needed to change to reflect the values of collectivism and unity to ensure respect and dignity for working people that are already in the Rule Book and the equality policies of the union:

It would be nice if we regained our reputation and practiced what we preached.

Some of the interviewees felt that examples of change needed to be drawn from outside of the union and younger generations:

Collaborations tends to be a younger generations thing, and maybe that the older generation don't really understand how that works. But you know when it's like stuff on YouTube, for example, stuff on Twitter or stuff on Facebook, you know, everyone's sharing ideas. I as you know...And I think we can all learn how to do things better and how to implement policy better and make us not make a sound like a bunch of fuddy duddies that don't know anything, so that's what I would like to take from this.

We need to look at new areas, collaboration. Well, outside organizations, more events where we can put our message out there. So for me it's not just about the policy is about how we reach out to other organizations you know and collaborate. I think collaboration is the thing that we don't do very well. We can support organizations and we can we give them resources and money, but collaboration is something that we're short on in my opinion.

Others felt that there was a wealth of information and experience already within the union:

You know that that there are quite a few really experienced people within the Union who've got years of experience representing people. And their best placed to train the younger ones, really. And that's not happening.

Another view was that any change to improve equality policy and practice within the union crucially needed to involve the SOGs.

Most of the interviewees recognised that the policies needed to be rethought, particularly in the light of recent events and problems that had arisen as a result of individual cases. This should also entail a review of the practices that were in place to implement the policies:

I think that some of our recruitment practices probably could be reviewed just to make sure that they are as good as possible to try and encourage more diverse staff because obviously if we've got a more diverse staff, then that might encourage more diverse members.

The procedures for staff and members to pursue grievances against the union were thought to be particularly problematic and that grievance panels should have a lay member on them or be led by an independent chair. Part of the problem was considered to be the small size of the union, the close relationships between the senior management team and therefore the lack of independence in investigations. A review of the full suite of equality policies was recommended and, once reviewed, it was felt that better dissemination of the policies that stressed a commitment to change would be needed.

Some interviewees made suggestions for better use of Information Technology to improve equality policy and practice. One interviewee suggested better use be made of monitoring the website to record and analyse hits on items in the equality pages. Another noted that the membership databases needed to be radically improved in relation to the way that equality data was collected and recorded by the union.

There were mixed views on whether more equality training would be of use since it was felt that training was already implemented but had not resulted in any noticeable change in management behaviour, but some felt that equality training needed to be continued and

improved. Allyship is another key equality campaign of the TSSA for its members and it was suggested true allyship was key to overcoming the union's own problems with bullying harassment and sexual harassment, but only if this was a genuine endeavour and not at the risk of becoming victimised. Others felt that union action, for example by having a higher union profile at anti-racist demonstrations, would be more effective at raising awareness.

Finally, in relation to the future of equality and diversity in the TSSA, most interviewees were keen to discuss the planned merger. Whilst the merger is generally not within the remit of this research, we were happy to hear how members felt it would impact on equality issues within the TSSA. Some interviewees were positive and thought that the merger would be an opportunity to change:

It's more of a cultural reset we need to do. And as I said, you know, may be when this merger, or if this merger happens, then we can really start to change...And I feel very positive that if the merger talks do come to fruition, you know they can learn from us as much as we can learn from them. So I think that's something really positive.

Most were more apprehensive and sceptical that the merger would lead to improvements:

Yeah, I'm yeah, I don't. I don't hold out a lot of hope, but I do hope that the truth will get out

In relation to equality some of those we interviewed had noted that the IBB did not have their own equality policies in place and were looking to the TSSA for guidance. One interviewee thought this was a backwards step in terms of equality.

Conclusions

From the data we have collected it appears there are two very different faces of the TSSA in relation to EDI policy and practice. The positive face is of a union that actively champions LGBTQ+ and Neurodiversity rights for members and celebrates being the first rail union to sign the Rail Mental Health Charter. The Rule Book and the TSSA Equality Handbook give prominence to equality and the role of the TSSA as a model employer. The bullying and harassment policies use emphatic language to denounce bullying, harassment and sexual harassment. The Social Media and Acceptable Use policies prohibit the use of information technology that engages in bullying and harassment or offensive behaviour.

However, the examples we have been given, particularly by staff that we interviewed, reflected a negative face of the TSSA that breaks all of these policies and its Rule Book equality objectives on a regular basis, particularly in relation to the expectation that the union will act as a model employer. The staff interviews corroborated many of the findings of the GMB survey in relation to sexual harassment. Interestingly, in relation to interviews with members, women members were far more critical of the union than male members, who seemed less aware of the issues of bullying and harassment or sexual harassment. The picture we have been given is of a union that is trying but failing to break free of a white, male-dominated culture that, as an employer, does not support women or other equality groups, largely because of a failure in the leadership of the union to 'practice what it preaches', a phrase that we heard numerous times when collecting the interview data.

Women's representation in senior roles is often held to be the key to more women friendly behaviour in trade unions. This might be the case in some unions, but women are not

proportionately under-represented in the senior decision-making ranks of the TSSA. In a male-dominated organisation, proportional representation of women on the executive committee is not sufficient to bring about change where a majority vote is required. Similarly, gender parity amongst senior officers will not bring about change if senior women do not support other women by challenging poor behaviour and do not themselves treat staff and members with respect. It is important to note that not all of the threatening behaviour towards staff that we heard about came from senior men.

Branches that we heard about are still numerically and culturally male-dominated. We gained the impression that equality was not high on the agenda and women can and do feel marginalised in some Branch meetings. The women we spoke to have either become resilient to sexism or have abandoned the Branch as a place of activism and found other ways of being active in their union at workplace level. Still, union member spaces, particularly where alcohol is consumed, are not safe spaces for women, nor is the TSSA a safe workplace for its staff. This should be an oxymoron in trade unions, but sadly it is all too common; the majority of staff and about half of the members we interviewed feel that “bullying, misogyny, cronyism and sexual harassment” (Monaghan, 2020: 4) are commonplace in the TSSA too.

Black and Asian members are not represented in decision-making structures or in senior staff groups, which is reflected in the ethnicity pay gap. It is surprising that the union has sought to justify its ethnicity pay gap by comparing itself to the London average, which has a much higher representation of ethnic minority workers but is shaped by segregation, casualisation and discrimination that unions are committed to fight against rather than compare themselves to. Some good work to challenge these issues in society in general is being undertaken by E-Mix Reloaded, the SOG that represents Black and Asian members, but the group needs greater support and resources as a matter of urgency. A great deal more work is required in the union to improve its own recruitment and retention of Black and Asian staff, particularly into senior positions.

In relation to disability, the union is responsive but largely because of the significant effort of the DWG to make sure that union events are accessible. There needs to be some organisational learning to mainstream disability considerations into decisions about venues and premises. The union has done significant work on Neurodiversity, but this momentum needs to be maintained. The good work that has been undertaken on Neurodiversity for members needs to be translated into improvements for staff, particularly in relation to performance management.

We cannot comment on LGBTQ+ or young members’ SOGs because they did not participate in the research. It is perhaps telling that the SOG considered to have most power was the Retired Members’ SOG. The Retired Members’ SOG does actively participate in Annual Conference and, unlike the other SOGs, does have an active network of retired members Branches. The example we have been given of the composition of a retired members’ Branch is overwhelmingly white, male dominated, even more so than ‘work’ Branches.

The reports we received across a wide range of staff and members described a toxic staff management culture in the TSSA that is predicated on fear and victimisation. We have encountered evidence of the ‘wall of silence’ that one interviewee referred to and feel that this has almost certainly hampered the conduct of this research by limiting the number of responses we have received. Twenty-three members and staff did come forward but most were extremely anxious that they would be recognised and subsequently victimised for putting forward any critical views of the management of the union. The wall of silence does not end for staff once they are no longer employed by the union because of the use of non-

disclosure clauses in compromise agreements. Ironically ex-members of staff did want to speak to us, but interviewing them if their settlement agreements prevent it is ethically problematic so we did not include them in this research. Staff and members of the TSSA are undoubtedly intimidated by the senior management of the union and have little faith that they can rely on equality policy or practice in the union to protect them. Most worryingly, especially for a trade union, the ability to bring about change, collectively or democratically, seems to be absent and largely prevented by the bullying and harassment policies. Far from championing the mental health of its own workforce, the management style of some senior managers is creating an unhealthy and threatening workplace that staff and elected members seem powerless to change other than to distance themselves as far as possible by working from home and avoiding social events where large amounts of alcohol are consumed.

Equality policies in the TSSA are incomplete and are in some disarray. This reflects the current lack of resources provided for HR management and specifically for staff equality issues. Although most of the interviewees we spoke to felt that the equality policy was good, at least on paper, the policy that we have been provided with is minimal and largely serves the purpose of promotional and recruitment material. Policies to prevent bullying and harassment and sexual harassment that look satisfactory on the surface are flawed, particularly in relation to appeals procedures. Once the management culture is factored in it is possible to see how staff in recent cases may not have received fair treatment. It is difficult to see how bullying and sexual harassment policies for members could work at all, and the reports we have received are that they are not used. Some aspects of the bullying and harassment policy that are innovative and progressive, notably the provision of harassment advisors at conference, do not exist in practice.

The Rule Book gives disciplinary powers to sanction the poor behaviour of any paid official of the union to the executive committee. These powers need to be enforced but the view we received from the people we interviewed is that the executive committee are effectively controlled by the senior management team. The Monaghan report into the GMB found similar issues and its recommendations included practical administrative measures to try and restore the independence of the Central Executive Committee of the GMB. Similar measures are required in the TSSA if the executive committee are to meet their obligations under the Rule Book in relation to the behaviour of senior managers, although the extent of the control by the current senior management team is likely to make this difficult.

The evidence is that trust in the senior management team, particularly in relation to staff management, is low. The members and staff that we spoke to are fully committed to the aims of the TSSA but are worried about the future of the union and its reputation. We are aware that equality issues often take a back seat in times of crisis. We hope the staff and members of the TSSA will view this report on equality policy and practice as supportive of their interests for a stronger, more equal and democratic union for the future.

Recommendations

1. The executive committee should take back all delegated powers for staffing issues (Rule Book 12.3).
2. Past individual cases of bullying, harassment and sexual harassment involving ex-staff members, where they are in agreement, should be independently investigated, even where compromise agreements have involved non-disclosure clauses. Patterns of bullying and harassment cases and high staff turnover in particular staff teams should be included in the investigation. The investigator should be provided with a copy of this report.
3. Following the independent investigation, the executive committee should review the behaviour and performance of the senior management team in relation to past bullying, harassment and sexual harassment cases and enforce their disciplinary powers where necessary.
4. As a matter of urgency, the union needs to instil a professional approach to alcohol consumption during work and at work related events. The first step should be to introduce a policy on alcohol misuse. In most workplaces alcohol consumption during working time is a disciplinary offence. Where alcohol is consumed at social events, professional behaviour should be required at all times. Advice on developing a policy on alcohol misuse can be sought from the Health and Safety Executive and the CIPD⁴.
5. The Social Media and Acceptable Use policies apply to the senior management team and the executive committee and should be enforced.
6. Senior managers should join a different trade union than other staff grades.
7. The executive committee should appoint a Human Resources Director with expertise in equality issues who should report directly to the executive committee.
8. A full suite of comprehensive and workable equality policies and procedures to implement them should be put in place. These should be developed using external expertise in relation to bullying, harassment and sexual harassment. Separate policies and procedures are required in relation to sexual harassment.
9. The provision of bullying, harassment and sexual harassment advisors under the current policies should be retained. Their presence at future Annual Conference and other events, including socials, should be fully implemented in practice and the names of the advisors present should be formally recorded in the minutes or programme of each event.
10. There should be processes to allow collective grievances that do not seek to individualise the investigation or outcomes.
11. Procedures for investigating complaints and appeals of bullying, harassment and sexual harassment that involve any member of the senior management team or executive

⁴ <https://www.hse.gov.uk/alcoholdrugs/develop-policy.htm#article>
https://www.cipd.co.uk/Images/drug-alcohol-misuse-work-report-1_tcm18-83090.pdf

committee should be undertaken outside of the senior management team. The investigator must have experience of any relevant equality issues pertinent to the case they are investigating.

12. Once the new suite of policies and procedures are in place, they should be made clearly available on the members section of the TSSA website/ staff intranet site. Copies of policies for members should be e-mailed to Branch secretaries. Copies of staff policies and updates should be e-mailed to all staff and provided to new staff on appointment.
13. Compulsory training on the new equality policies and procedures should be provided to officers, staff, Branch officials and members. Training on the policies should feature in induction of new staff and branch officers.
14. Urgent steps need to be taken to improve the representation of Black and Asian members and staff in decision-making positions in the union. This will require external expert advice on all aspects of the recruitment process (e.g., advertising posts, job descriptions, person specifications, shortlisting, conduct and composition of interview panels and other selection methods). Issues of retention, performance management, grievance and disciplinary cases of Black and Asian staff need to be monitored and independently assessed.
15. An internal training and promotion scheme from staff grades to organising and officer grades should be considered.
16. The membership database needs to be considerably improved to better monitor all equality strands.
17. Support and resources provided to SOGs should be evenly distributed. Each SOG should have a member of the executive committee assigned to them to speak on their behalf.
18. A process of mainstreaming equality into the decision-making structures of the union needs to be designed in partnership with the GMB staff equality representatives and the convenors of the SOGs. This could involve the use of equality impact assessments.
19. The union should use the equality audits it has completed to develop an equality action plan that maps out the next stages that the union is aiming to achieve for staff and members so that it can monitor its progress. The actions for each equality strand should be identified and agreed with SOGs and the GMB equality representatives before being presented to the Annual Delegate Conference for ratification.

Appendices

Participant Information Sheet

Study title

Equality Policy and Practice in the TSSA

You are invited to volunteer to take part in research taking place at the University of the West of England, Bristol. Before you decide whether to volunteer it is important for you to understand why the study is being done and what it will involve. Please read the following information carefully and if you have any queries or would like more information please contact Professor Hazel Conley, Faculty of Business and Law, University of the West of England, Bristol hazel.conley@uwe.ac.uk.

Who is organising and funding the research?

The project lead is Professor Hazel Conley. Dr Stefano Gasparri is a co-Investigator. The team's bios and details of their work are available at:

<https://people.uwe.ac.uk/Person/HazelConley>

<https://people.uwe.ac.uk/Person/StefanoGasparri>

The project is funded by the TSSA.

What is the aim of the research?

The research is looking at equality policy and practice in the TSSA. Our research questions are:

- 1, How comprehensive are the Equality, Diversity and Inclusion (EDI) policies in TSSA?
- 2, How do TSSA staff experience EDI practice in the TSSA?
- 3, Is there an 'implementation gap' between EDI policy and practice in the TSSA?
- 4, What can TSSA do to improve EDI policy and practice in the future?

To help us answer these questions we will be conducting documentary analysis on TSSA policies and reports including:

- equality policy for TSSA staff
- HR equality tracking data completed by the TSSA
- the 'Ethnicity Maturity Matrix',
- the submission to Stonewall to become an LGBT+ Champion
- the submissions to the TUC Equality Audits
- the Gender Pay Gap analyses (s.78 EqA 2010)

We will also be conducting interviews with around 60 TSSA staff and lay officers including:

- Organising Directors x2

- Executive Committee Members x3
- Paid organisers x4 (one from each team)
- Support staff x3
- Members of Self Organised Groups x5 (one from each group)
- GMB representatives x1
- Lay union representatives and members x20
- Union Branch Officers x20

The aim of the interviews will be to collect information that will be confidential and made anonymous.

The results of our study will be analysed and used to write a report for the TSSA.

Why have I been invited to take part?

As a person who falls into one of the groups above, you can volunteer to be interviewed for the research by directly contacting the researchers whose names and contact details are at the end of this information sheet. We may not be able to interview everyone who volunteers. If we receive more offers than we need from each group, we will select the required number from those who volunteer, making sure we get diverse participation from equality strands. We are interested in gaining information about experiences and views about equality policy and practice in the TSSA so the interview will ask you about these things. The purpose of the questions will be to gain information that can help to improve equality policy and practice in the TSSA.

Do I have to take part?

You do not have to take part in this research. It is up to you to decide whether or not you want to be involved. If you do decide to take part, you will be given a copy of this information sheet to keep and will be asked to sign a consent form. If you do decide to take part, you are able to withdraw from the research without giving a reason until the final report has been submitted to the TSSA. This point will take place on the 31st August 2022. If you want to withdraw from the study within this period, please write to Professor Hazel Conley. Deciding not to take part or to withdrawal from the study does not have any penalty.

What will happen to me if I take part and what do I have to do?

If you agree to take part you will be asked to take part in an individual confidential interview. This will be conducted by Dr Stefano Gasparri and/or Professor Hazel Conley and will be arranged at a time that is mutually convenient. The team are experienced in the subject matter and are sensitive to issues it may raise. The interview will take approximately one hour. The interviews will take place on Microsoft Teams wherever possible, but arrangements can be made for telephone interviews or face-to-face interviews in some circumstances and subject to any Covid restrictions.

The subject and focus of the discussion will be your experiences and views of equality policy and practice in the TSSA. Your answers will be fully anonymised.

Your interview will be recorded on Microsoft Teams or, if by telephone or face-to-face, on an encrypted recording device. A unique identifier to aid anonymisation will be used to report verbatim

quotes in the final report. Once the report has been accepted by the TSSA, all recordings will be destroyed.

What are the benefits of taking part?

This work is funded by the TSSA to respond directly to the union's request for research to look at equality issues within the union. We have the endorsement of the General Secretary and the Executive Committee of the union. If you take part, you will be helping us to gain a better understanding of equality policy in practice in the union and will be helping to influence measures that could improve future policy and practice.

What are the possible risks of taking part?

We do not foresee or anticipate any significant risk to you in taking part in this study. If, however, you feel uncomfortable at any time you can ask for the interview to stop. If you need any support during or after the interview then the researchers will be able to put you in touch with suitable support agencies. The research team are experienced in conducting research interviews and are sensitive to the subject area. The interviews have been designed with these considerations in mind.

What will happen to your information?

All the information we receive from you will be treated in the strictest confidence.

All the information that you give will be kept confidential and anonymised in the final report. The only circumstance where we may not be able to keep your information confidential is if you provide information about a criminal offence which is later the subject of a police investigation. Voice and video recordings will be destroyed securely immediately after the final report has been accepted by the TSSA.

Where will the results of the research study be published?

A Report will be written containing our research findings and submitted to the TSSA.

Anonymous and non-identifying direct quotes may be used for publication and presentation purposes, with your agreement.

Who has ethically approved this research?

The project has been reviewed and approved by the Faculty of Business and Law Research Ethics Committee at the University of the West of England. Any comments, questions or complaints about the ethical conduct of this study can be addressed to the Research Ethics Committee at the University of the West of England at:

Researchethics@uwe.ac.uk

What if something goes wrong?

We do not anticipate that there will be any problems with the conduct of the research but please contact either the Principal Investigator, Professor Hazel Conley or the Faculty Research Ethics Committee if you wish to discuss any aspects of the conduct of the research.

What if I have more questions or do not understand something?

If you would like any further information about the research please contact in the first instance:

Professor Hazel Conley hazel.conley@uwe.ac.uk

Dr Stefano Gasparri stefano.gasparri@uwe.ac.uk

Thank you for agreeing to take part in this study.

You will be given a copy of this Participant Information Sheet and your signed Consent Form to keep.



Consent Form

Equality Policy and Practice in the TSSA

This consent form will have been given to you with the Participant Information Sheet. Please ensure that you have read and understood the information contained in the Participant Information Sheet and asked any questions before you sign this form. If you have any questions please contact a member of the research team, whose details are set out on the Participant Information Sheet

If you are happy to take part in an individual confidential interview, please sign and date the form. You will be given a copy to keep for your records.

- I have read and understood the information in the Participant Information Sheet which I have been given to read before asked to sign this form;
- I have been given the opportunity to ask questions about the study;
- I have had my questions answered satisfactorily by the research team;
- I agree that [anonymised] quotes may be used in the final Report of this study;
- I understand that my participation is voluntary and that I am free to withdraw at any time until the 30th August 2022, without giving a reason;
- I agree to take part in the research

Name (Printed).....

Signature..... Date.....

Privacy Notice for Research Participants

Equality Policy and Practice in the TSSA

Purpose of the Privacy Notice

This privacy notice explains how the University of the West of England, Bristol (UWE Bristol) collects, manages and uses your personal data before, during and after you participate in **Equality Policy and Practice in the TSSA**. ‘Personal data’ means any information relating to an identified or identifiable natural person (the data subject).

This privacy notice adheres to the General Data Protection Regulation (GDPR) principle of transparency. This means it gives information about:

- How and why your data will be used for the research;
- What your rights are under GDPR; and
- How to contact UWE Bristol and the project lead in relation to questions, concerns or exercising your rights regarding the use of your personal data.

This Privacy Notice should be read in conjunction with the Participant Information Sheet and Ethical Consent Form provided to you before you agree to take part in the research.

Why are we processing your personal data?

UWE Bristol undertakes research under its public function to provide research for the benefit of society. As a data controller we are committed to protecting the privacy and security of your personal data in accordance with the (EU) 2016/679 the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (or any successor legislation) and any other legislation directly relating to privacy laws that apply (together “the Data Protection Legislation”). General information on Data Protection law is available from the Information Commissioner’s Office (<https://ico.org.uk/>).

How do we use your personal data?

We will only process your personal data when the law allows us to. In addition, we will always comply with UWE Bristol’s policies and procedures in processing your personal data. Our lawful basis for using your personal data for research purposes is fulfilling tasks in the public interest, and for archiving purposes in the public interest, for scientific or historical research purposes.

Our lawful basis for using your special category personal data for research purposes is Article 9 (j) Archiving, research and statistics (with a basis in law) by virtue of paragraph 4 of Schedule 1 of the DPA 2018

You can find out more information about lawful bases at the following webpage:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>

We will always tell you about the information we wish to collect from you and how we will use it. We will not use your personal data for automated decision making about you or for profiling purposes.

Our research is governed by robust policies and procedures and, where human participants are involved, is subject to ethical approval from either UWE Bristol's Faculty or University Research Ethics Committees. This research has been approved by the Faculty of Business and Law Research Ethics Committee Reference Number FBL.21.12.18
email:researchethics@uwe.ac.uk

The research team adhere to the the principles of the General Data Protection Regulation (GDPR).

For more information about UWE Bristol's research ethics approval process please see our Research Ethics webpages at www1.uwe.ac.uk/research/researchethics

What data do we collect?

The data we collect will vary from project to project. Researchers will only collect data that is essential for their project. The specific categories of personal data processed are described in the Participant Information Sheet provided to you with this Privacy Notice.

Who do we share your data with?

We will only share your personal data in accordance with the attached Participant Information Sheet.

How do we keep your data secure?

We take a robust approach to protecting your information with secure electronic and physical storage areas for research data with controlled access. Access to your personal data is strictly controlled on a need to know basis and data is stored and transmitted securely using methods such as encryption and access controls for physical records where appropriate.

Alongside these technical measures there are comprehensive and effective policies and processes in place to ensure that those who process your personal information (such as researchers, relevant University administrators and/or third-party processors) are aware of their obligations and responsibilities for the data they have access to.

By default, people are only granted access to the information they require to perform their duties. Mandatory data protection and information security training is provided to staff and expert advice available if needed.

How long do we keep your data for?

Your personal data will only be retained for as long as is necessary to fulfil the cited purpose of the research. The length of time we keep your personal data will depend on several factors including the significance of the data, funder requirements, and the nature of the study. Specific details are provided in the attached Participant Information Sheet

Anonymised data that falls outside the scope of data protection legislation as it contains no identifying or identifiable information may be stored in UWE Bristol's research data archive or another carefully selected appropriate data archive.

Your Rights and how to exercise them

Under the Data Protection legislation, you have the following **qualified** rights:

- (1) The right to access your personal data held by or on behalf of the University;
- (2) The right to rectification if the information is inaccurate or incomplete;
- (3) The right to restrict processing and/or erasure of your personal data;
- (4) The right to data portability;
- (5) The right to object to processing;
- (6) The right to object to automated decision making and profiling;
- (7) The right to [complain](#) to the Information Commissioner's Office (ICO).

We will always respond to concerns or queries you may have. If you wish to exercise your rights or have any other general data protection queries, please contact UWE Bristol's Data Protection Officer (dataprotection@uwe.ac.uk).

If you have any complaints or queries relating to the research in which you are taking part please contact either the research project lead, whose details are in the attached Participant Information Sheet or UWE Bristol's research governance manager (researchgovernance@uwe.ac.uk).

v.2: This template Privacy Notice was last amended in November 2020 and will be subject to regular review/update.