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## **Foreword**

In Summer 2022 I was asked to conduct an Inquiry into sexual harassment within the TSSA after [Reel News](#) published a video in which Claire Laycock made allegations against Manuel Cortes (MC) (the then General Secretary of the TSSA), Luke Chester (a member of TSSA staff) and Tim Roache (then General Secretary of the GMB). In the video, Claire Laycock also intimates a broader dysfunctionality in the TSSA. My Inquiry was focused only on the TSSA; the GMB has of course been the subject of its own Inquiry by my professional colleague Karon Monaghan KC.

My terms of reference for this Inquiry into the TSSA as an institution related to two overall questions –

1. Was, or is there, sexual harassment, discrimination or bullying at the TSSA? And,
2. Was, or is there, a culture or leadership that enables, reduces or prevents sexual harassment, discrimination or bullying?

My summary response to these questions, on the information provided and within the constraints and limitations of what has not been – self-evidently – a judicial / criminal or civil investigation – is that there has been sexual harassment, discrimination and bullying within the TSSA and that the leadership and culture has enabled these behaviours through wilful blindness, power hoarding and poor practices. Throughout the Inquiry I approached the credibility of evidence on the balance of probabilities, although frequently it was beyond reasonable doubt that the testimony of witnesses was truthful.

Since I began this Inquiry, Manuel Cortes has retired from the organisation. Manuel Cortes has been described to me by many people as someone who becomes disinhibited by alcohol and then behaves inappropriately towards women. However, in my view it would be a mistake to think that any matters relating to sexual harassment, discrimination and bullying are resolved by his departure.

I took on this Inquiry in the knowledge that sexual harassment and assault rarely exist in isolation. They occur in environments that tolerate, or support, misogynistic attitudes. They occur on a spectrum, where at one end there is ‘banter;’ at the other end, the most egregious forms of male violence, including rape and domestic abuse. In my mind, ‘banter’ can never be harmless if it in any way denigrates, objectifies or humiliates women. And sexual harassment should be called out for what it is – an

abuse of power derived from patriarchal systems - that harms not only the immediate victim, but all women. Every story of male abuse, however 'minor,' serves to make women more cautious, more reserved, less likely to put themselves forward - to be activists or take on leadership roles. Men who become disinhibited through alcohol and 'get too friendly' with a woman in the pub, perhaps placing a hand on a knee or whispering in their ear, are not doing something innocuous. They are creating layers of harm not just to that woman – but to all women. There is no excuse in the 21<sup>st</sup> century to be ignorant of this fact. I also want to make it clear that misogyny is not the sole preserve of men. There are women who have internalised the notion that the way to thrive, particularly in male dominated environments, is to adopt certain behaviours, mimicking the worst of male machismo. So, both men and women can be accomplices in 'keeping women in their place,' or ensuring their ongoing subordination in the workplace or wider society.

I approached this Inquiry with caution. I made it clear to all that I was not planning on reinvestigating or adjudicating past wrongs or perceived wrongs as they relate to specific individuals or cases. My starting point was that, as a lifelong advocate of the trade union movement, I would be looking for evidence that the TSSA was running its organisation – that is, its internal staff body – at least as well as it would call for other organisations to be run. I wanted to see evidence of a modern, progressive organisation; one that values staff voice, personal and professional development, healthy and robust discourse and that, as a baseline, treats **all** with appropriate respect and dignity. I was not looking for these things for academic interest or out of idle curiosity. These things are important because they are the attributes of high performing and healthy organisations. And this country needs a high performing and healthy union movement. The recent history of wage suppression, particularly in the public sector, the casual erosion of employment rights, the increase in precarious work such as zero-hours contracts, the current challenges to the right to strike – all point to an urgent need for healthy unions: Ones that members can invest their time and their money in, ones that the wider public can respect (even if they don't agree with everything they do), and that staff can be proud of and believe in. There are wonderful examples of the Trade Union movement at its best – pushing for diversity, inclusion and belonging, facilitating member education and development – as well as driving better wages and conditions. I was hoping to meet an example of such an organisation.

It gave me no pleasure, therefore, to uncover a series of appalling incidents, alongside leadership and management failings in the TSSA. These incidents included inappropriate and sexual touching, sexual assault, coercive and manipulative behaviour, violent and disrespectful language, humiliation and denigration of members of staff, reps and members of the Executive Committee (EC). Some of this behaviour was actually witnessed – or heard – directly by me. I was disappointed by behaviour I witnessed in the EC and by some of the language used by senior staff when I spoke with them.

I also heard evidence of failings in due process, natural justice and governance. Sometimes these failings have been all the more shocking for the obvious lack of common sense or oversight that seems to have infiltrated the organisation's senior decision making. My impression is of a concentration of absolute power in a very small number of hands, with little or no scrutiny.

Beyond specific instances, I have found a culture that is stuck, it seems, in a morass of staff upset and grievance – on matters relating not just to sexual harassment and assault – but also to the bullying, silencing and marginalising of staff. The internal leadership claims little or no knowledge of the state of things. It is acknowledged by leadership that there are a few disgruntled individuals, much as there would be in any organisation. This perspective simply doesn't wash in the face of the volume of evidence that was presented to me. Over 50 individuals came forward voluntarily to meet me. A small number provided written evidence. Throughout, the themes were consistent. Only two individuals had something positive to say about the culture at TSSA, one saying it was 'comradely and healthy' and another saying it was 'supportive' (of that individual through personal and professional difficulty). Whilst I do not wish to diminish these two voices, it should be noted that one was a senior member of staff and the subject of fear and distrust on the part of many, and in the second case the individual's need for support did not involve anything that risked casting the TSSA in a bad light. From the remaining contributors, the words that were used to describe the culture included *toxic, dysfunctional, worn down, vindictive, fearful, sexist, misogynistic, racist, homophobic, embarrassing, 'mafia-like' 'in freefall.'*

One of the more distressing aspects of this Inquiry was how little the TSSA leadership seems to have moved with the times. Attitudes to women, knowledge and insight into organisation power dynamics, and gender, sex and race relations, all appear to be entrenched in a historic moment. I found myself having to explain what has been long known about how

victims of male violence or abuse, or indeed any trauma, can behave; that their accounts are often not completely consistent, particularly in relation to timing and sequencing of events. That their confidence in their stories may be low, and that they may be continually asking themselves 'Is it something about me? Was I too friendly? Did I give the wrong impression?' Movements such as MeToo and the hashtag #Ibelieveher have been around for some time now. Even before their inception, it would have been alarming for an organisation that stands for rights and justice not to be able to demonstrate an understanding of the basic dynamics of power and how it is used and misused in organisation contexts.

These outdated attitudes of scepticism and disbelief of women form an even more dangerous mixture when combined with governance failings. Neither the EC nor the internal leadership seemed to understand that 'I never myself witnessed anything,' is not an acceptable response to an atmosphere of fear and an environment of 'open secrets.' Such a response is particularly wrong when inappropriate behaviours - not limited to sexual harassment and assault but also including problem drinking (including during working hours), drug abuse, bullying and harassment - are involved.

Further, I was disappointed in the approach to 'management' within the organisation. We have long evolved from an industrial era where the performance of staff was easily measurable. Modern employers have moved on from seeing their staff merely as units of productivity, to seeing their humanity, their need to be in a workplace in which they feel respected, can flourish and grow. These employers seek to play to staffs' strengths and to make the most of what is sometimes called the 'human capital' of their organisations, growing impact (in the case of not-for-profit organisations) or value (commercial organisations) through, and because of, their investment in, and respect for, their 'talent.'

In the TSSA, I found a form of management that I understood to be controlling, hierarchical and, as evidenced to me by many individuals, bullying. What has been described to me by some managers as 'robust' or 'assertive' is being experienced by many staff as harassing, humiliating, degrading and dispiriting. The leadership seem to see staff as a problem. I have heard that people in the organisation have been described by senior staff as 'useless cunts.' I have heard people who had tried to raise concerns as being described as 'whingers,' 'disloyal' or 'damaging' to the trade union movement. The claim by people at the top that anything negative about the Union should be buried is a recipe for malign outcomes. I want to be very clear that closing ranks around unacceptable behaviour is not an act of

solidarity that will protect or sustain the trade union movement. It is simply the typical short-term self-preservation defence that we have seen in countless institutions; from the church to élite schools, from broadcasters to corporations. It is the way to silence potential whistleblowers. The true act of solidarity would be to centre the needs of those most at risk in the current climate – marginalised and minoritized workers – and doing so through developing a culture of inclusion, belonging and trust within the organisation. I want to emphasise that I was impressed by the commitment and decency of the staff and saddened to hear their repeated descriptions of bad behaviour from the coterie at the top of the Union.

Finally, for this foreword, I want the TSSA to examine its democratic standing and traditions. It appears that engagement at branch level is dwindling and is heavily orientated towards retired members. This can present a real problem. Not only because it detaches the leadership from reality of the current world of work as it is being experienced by members, but also because it means there is no healthy throughput of talent to key roles within the organisation. Only TSSA members can stand for election to General Secretary (GS), the most powerful role in the union. The most likely candidate to be successful in a GS election is someone who knows the organisation inside and out – i.e. a staff member. Very few staff members belong to the TSSA. So, GS elections are, to all intents and purposes, uncontested (or are notionally contested by candidates who have little prospect of winning). A key individual is seen to be ‘groomed’ for the post by the small number of senior managers who hold power, and that individual is then ‘crowned.’ A small group of people working together to ensure continuity and to retain power is, again, not a demonstration of solidarity. It is opportunity hoarding and does nothing to advance the reputation or quality of trade union leadership.

All of this said, I do not despair for the organisation. As mentioned, I met some truly good people, with good intentions, who were clear-sighted about both the organisation’s challenges and what it will take to move on from the current situation. I also met a number of people who, were the rules to be different, could make viable, strong candidates for TSSA leadership. In this report I make recommendations for the future. All of these are implementable, but a sweeping change in leadership, a realistic timeframe, and serious investment of time in culture change will all be required to make a success of the organisation for the years ahead.

## **Terms of Reference and Approach**

1. The Terms of Reference for this Inquiry were as follows:

- A. To investigate and report on the allegations of sexual harassment, discrimination and bullying within TSSA, relating to TSSA officials and others employed by the union, reported within the Reel News video and alleged in other media coverage.
- B. To examine the nature of settlement agreements used within the union with particular reference to their use in relation to sexual harassment, discrimination and bullying allegations.
- C. To assess the effectiveness of actions taken by TSSA in response to any identified reports of sexual harassment and/or sexual assault, discrimination and bullying.
- D. To assess TSSA policies and procedures relating to sexual harassment, discrimination and bullying and the manner in which these have been implemented.
- E. To assess processes in place to prevent workplace sexual harassment, discrimination and bullying:
- F. training provided to managers and other relevant staff.
- G. the mechanisms for raising complaints relating to sexual harassment and levels of confidence in these mechanisms by those covered by the policies.
- H. the use of non-disclosure agreements when addressing complaints of sexual harassment.
- I. To consider the steps taken to ensure that those reporting sexual harassment, discrimination and bullying are supported and not victimised during or after the process.
- J. To look at the wider issue of the culture of the union, particularly insofar as it is experienced by women.
- K. To make recommendations for improvement on the above.

2. These Terms of Reference were made public through a dedicated section on the TSSA's website and through TSSA member communications in early Autumn 2022. The TSSA's Women in Focus group was proactive in promoting the Inquiry. Individuals were free to come forward to me to provide information. I also spoke to TSSA staff (excluding the TSSA 'Senior Management Team' (SMT)) in a group meeting to provide further information on the Inquiry, with a specific focus on confidentiality.

3. Over 50 people came forward voluntarily. The majority provided evidence to me in person. A small number provided documentary evidence. Those who came forward included current staff (from a staff

body of c35), ex-members of staff and members (including EC members) as well as individuals who had experienced the TSSA at public events.

4. In recognition of the difficulties that both victims and witnesses can experience speaking out on matters relating to sexual harassment, assault and bullying, Sian Jones at the TSSA helpfully organised a wholly confidential and independent helpline through the [Survivors' Trust](#), which was available for anyone who wished to use it.

5. I interviewed those providing information over the course of Autumn and Winter 2022/23. I had expected to complete this Inquiry before the end of 2022, but the volume of evidence rendered that aim unachievable.

6. Nearly all of those who came forwards, including all existing staff below SMT level, were in real fear of the implications of providing information. These fears were not limited, though, to existing staff. I was told frequently that the trade union world is a 'small one,' and that speaking up can damage reputations and employment prospects beyond the current employer. One individual specifically requested that her name be used in this report (see para 37 below).

7. In this report I explain my findings and make recommendations. Possibly to the disappointment of some, I do not draw conclusions relating to specific, named individuals in this report. That was not the purpose of this work. This report is to shed light on overall themes and make recommendations for moving forward. In addition, wording may at times appear cautious; I am bound to protect confidentiality of those who contributed. My findings cannot state this conclusively, but I certainly have cause for concern that retaliatory practices may be – and have been – deployed towards those who 'speak up.'

### **Language used in this report**

The Executive Committee or EC describes the body that has overall responsibility for the TSSA discharging its objects. The Senior Management Team or SMT is a group of internal senior staff who run the TSSA day to day, and is led by the General Secretary. Because I do not believe that much power resides in the SMT as a unit (see para 30 below), I use the term '*internal leadership*' to refer to the very small group within the TSSA staff and SMT that I have concluded exercises almost absolute power.



## Governance at the TSSA

### Overview

8. Good governance is essential to any organisation. It ensures scrutiny of leadership and management. It ensures that those most entrusted with decision-making at the highest level in the organisation can be – and are – held to account. It provides a diversity of thought and experience as well as an external perspective, mitigating the risks of internal ‘group-think.’ In the case of the TSSA, this governance role falls to the EC.

9. Good governance operates to both short- and long-term time horizons. It considers immediate risks and opportunities as well as the risks and opportunities that the organisation faces in the long term. It can be hard for internal leadership (the SMT in the TSSA’s case) to take a long view, particularly when tenures are timebound by election cycles. In the case of the TSSA, I consider that the EC should be playing a vital role in looking at the long-term sustainability of the organisation as well as considering short-term issues that may impact financial health, reputation or performance.

10. Considering the EC’s governance obligations to address **short term risks** and issues, I understand that when Claire Laycock originally made a complaint about the General Secretary, alleging his having sexually harassed her at an office social event, not only were the EC not made aware of this, but the complaint was handled entirely internally. No thought was given to looking for an external, independent individual to consider the complaint – this being despite the fact that the complaint was being made about the most senior, and therefore most powerful, person on staff. Anyone internal considering the complaint was – inevitably - lower in the hierarchy to the General Secretary (MC). I cannot see how justice could have been done in these circumstances. Likewise, when Claire Laycock registered a grievance which referred, amongst other things, to the above allegation concerning the General Secretary, it was investigated internally. The appeal was also heard internally. I consider that if the EC had been involved, and if the EC had cultivated a respectful culture of pluralism and independence, they would have (as would any individual with any common sense) pointed out that there was a conflict of interest in any member of staff to be given the task of investigating their boss – or their boss’s boss. **It is a great shame that this did not happen.**

11. **Long term sustainability** must be considered through the lenses of a) leadership – Is the leadership pipeline robust? Is it diverse? Is it

representative of the future we want to see?; b) strategy – the choices that the organisation makes as to how it uses its assets and resources for growth and impact; and, c) culture – is there a culture in the organisation that enables people to give their best, to grow and develop, to have voice in matters that impact them? Is the culture one that promotes equity and belonging for all? Is human dignity a central value? How is the culture changing over time?

12. It was therefore of great concern to me to discover that there is confusion on the EC as to its role. They were told that all matters concerning the operational side of the Union was none of their business. It was never explained that they had a duty to assess risk, which included reputational risks to the Union, and operational matters which meant disbursement of Union money.

I became aware of numerous failings of governance that appear to have happened as a result of lack of knowledge, neglect or wilful blindness. I heard that various EC members have tried to push for more training, greater role clarity and for important conversations to be prioritised, but have been shut down and / or threatened /or labelled as ‘trouble-makers.’ Indeed, I witnessed an unpleasant incident in an EC meeting in which one member aggressively shut down another individual who was seeking to be heard. If this was the behaviour that played out in front of me, I was concerned about what further incivility would be experienced by EC members in my absence. The EC atmosphere has been described to me as ‘macho,’ ‘nasty,’ and ‘unpleasant.’ An ex-member of staff explained that the EC were managed by internal senior management as ‘mushrooms;’ ‘you just keep them in the dark and feed them shit.’ It is clear to me that it is true that an appropriate pipeline of information does not flow to the EC. I am concerned that even if it did, the culture of the EC is such that civil and sensible discussion about the information would be extremely difficult.

### **Risks not recognised, ignored or withheld from EC**

13. As far back as 2017, the EC received an email from an ex-member of staff expressing concerns about ‘serious sexual harassment allegedly perpetrated by a senior figure within the staff at TSSA.’ It seems the EC were instructed by the President and internal leadership that the 2017 memo came from a disgruntled former employee, a ‘troublemaker’ effectively, and was to be ignored.

14. I understand that the TSSA’s Women in Focus group has tried to raise issues along the same lines at various points. I am told that Women in

Focus has been marginalised and excluded. I gathered that the expectation of the senior team is that Women in Focus's job is to recruit women to the TSSA, not to seek to improve the TSSA for women.

15. A 2021 survey of TSSA staff conducted by the GMB revealed that 71% of respondents felt the culture at the TSSA to be sexist, 12% had absolute faith that the TSSA would respond appropriately to an incident and 61% had felt uncomfortable for themselves or others at work. I understand that there was an inadequate response to the survey from the internal leadership. This response stated that the survey was flawed and that therefore, to all intents and purposes, its findings had no merit. A document produced by a member of the internal leadership in response to this survey states:

“Members of our union are about 72% male and 28% female. The fact that the staffing is almost gender balanced, including our management team, suggests that as an employer the union is doing something right in addressing gender discriminatory behaviours and attitudes. In over 25 years of employment at TSSA I have never witnessed gender harassment or bullying in the workplace. I have witnessed and challenged behaviours at events where staff and members have been present - which is not surprising given that the railways remain a male dominated industry where such behaviours are often viewed as banter. During the period of my TSSA employment I am aware of three staff complaints of sexual harassment, only one of which was against another member of staff.”

This is a worrying emphasis on what has been witnessed by one individual and seems to overlook the responsibility to consider pro-actively risks to women. Under-reporting is a well-known societal and organisational phenomenon (the TUC's Guidelines on 'Preventing sexual harassment' clearly state that 'Unions should take all reasonable steps to **prevent** sexual harassment at work.') The response also seems to conflate 'representation' with power. The question in any organisation is Who has power? Where in the power structure are the women? The statement is also somewhat contradictory or confused as to what constitutes a workplace.

16. An exit interview from 2021 stated

*“When joined I felt unsafe as a young woman at TSSA during social activities. Was a heavy drinking culture and found it difficult to participate in more social events where would have to drink. Saw people in more senior positions behaving inappropriately. Hard to know what to do about it as it involved senior staff visibly being a part of it.”*

I understand only 4 exit interviews were conducted (from 21 departures over the last 5 years). For even one of these to have made this statement is a cause for concern. As far as I understand, nothing was done in respect of this exit interview. Certainly, I understand that the EC were not informed of it, **despite the risks and dangers it states.**

17. Information provided by a male member of staff as part of an internal investigation triggered by a grievance process in 2021 stated the following:

*Q8 – are you in fear of reprisal if you raise issues with any level of management?*

*A – Yes. I think there is a general concern across employees at TSSA about raising concerns to the management. I think people are put off having witnessed how people are treated when they do raise concerns. I personally do not have much confidence that if I raised concerns that it would be dealt with adequately and appropriately. I would be concerned that it would turn the spotlight on me, and I would be the one who was criticised for either raising the issue or it would be implied that it was only a problem for me, or even that I was the problem. Different colleagues have told me that they have experienced this and therefore they do not feel they can raise concerns. I am concerned that my response here will be detrimental for me. Frankly, answering these questions has been stressful because of my concerns as to the consequences for me.*

*Q9 – would you consider TSSA to be an unsafe place for women?<sup>1</sup>*

*A – Yes, I feel TSSA can be an unsafe place for women to work. I feel TSSA needs to do much more work regarding challenging inappropriate behaviour and attitudes in the workplace and listening to women – particularly younger women about their experiences. As an organisation, I feel that we can do much more to improve upon our understanding of the culture of our workplace and how this impacts upon female colleagues at all levels of the organisation. I feel that the language used tells us a great deal about attitudes and culture within the workspace. For example, there is still a need to challenge some men (both colleagues and reps) regarding how they sometimes describe women in a stereotypical way; some do not understand (or claim they do not understand) that, for example, their “joke” about harassment is harmful, limiting and offensive to women. They do not understand that when colleagues ‘joke’ about such matters they are normalising it somewhat and this makes it hard for women to speak out. Why is it funny to joke about women being harassed? I find it shocking that as a Union, anyone would find it amusing to joke about behaviour which*

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<sup>1</sup> All underlining in this section is Inquiry’s own

*humiliates and disempowers women. Reps are not routinely challenged and held to account about how they describe female colleagues (especially when describing assertive women). Assertiveness in women can be perceived as particularly problematic by some male colleagues who seem to perceive this as reductive for them in some way and they may wish to push back through their choice of language. Male body parts are invariably used, by a significant number of men, to describe assertiveness, courage and weakness. For example, I have heard frequently: “they need to grow a pair/nutless/left holding your dick in your hand/man up”. The frequent use of male genitalia to imply weakness and strength is excluding, gross and macho. I think it adds up to making the workplace an uncomfortable, hostile place for women at times and therefore not feel like a safe place to work.*

*..... A female employee who was still at work felt very uncomfortable around him and a male colleague who were having a conversation and laughing about the General Secretary sexually harassing female colleagues. This conversation is problematic for many reasons, appearing to condone these actions, not least that they seem to find harassment amusing but that they openly discussed this in the workplace. When this was reported, no action was taken and indeed the woman reporting the incident was criticised for doing so.*

*I have heard a male colleague “joke” that he felt like he had been “raped” when describing a meeting he had attended. A female colleague told me that she was horrified by this expression, as was I.*

*Female colleagues have used phrases like “he scares me” about some male colleagues, reflecting how uncomfortable some of our colleagues feel about some of their co-workers. Female colleagues have told me how they have to consider how late they work in the office dependent upon who is going to be there or whether some colleagues might come back after drinking. Some have had to consider how they travel to events/meetings and overnight stays as they do not want to travel with a certain male colleague who intimidates them and makes them feel uncomfortable. Female colleagues have described how they feel that they have been pressurised to drink more in the Pub or feel they have to prepare for being asked to go to the pub on a regular basis after work, when they do not wish to do so as the combination of alcohol and some male colleagues makes them feel anxious....*

*... Putting this down on paper makes me very uncomfortable as I worry about possible repercussions of committing this to paper, but you asked the question and I need to be honest.*

*In summary, to answer your question, I feel that there is a culture in TSSA that has not been addressed regarding attitudes to women. Inappropriate attitudes and comments are not challenged or dealt with adequately. I would*

*like to see us taking a far more pro-active response to the issues around gender in the workspace.”*

Official findings stated:

*‘There is no evidence of, or support for, the proposition that TSSA is an unsafe workplace for women.’*

18. Even pre-dating the 2017 email referred to above, I understand from almost everyone I spoke to, with the exception of some senior staff, that it was an ‘open secret’ that MC had a habit of drinking too much and becoming ‘over familiar’ with female staff. Such was this ‘open secret’ that women joining the organisation were warned never to be alone with MC. I also understand that the ‘open secret’ extended beyond the TSSA.

19. The totality of the above (para 12 – 18) suggests a problem. It suggests a culture of mistrust, fear and lack of safety – both psychological and physical – for women, as well as of deep anxiety of male colleagues who want to be supportive. It presents grave risks for the union’s reputation, to the reputation of the wider union movement and therefore to all those members who rely on unions to support and represent them. The only response I heard to this challenge from the senior individuals – the *internal leadership*<sup>2</sup> and the President – was – ‘well I never witnessed anything;’ or, from some of the EC, ‘this is a staffing matter, so we cannot get involved.’ I do not accept either of these arguments.

20. To not have witnessed an incident does not abrogate one of responsibility. There would be no functioning of the criminal justice system if it required that all crime is actually witnessed by all who testify. Incidents of sexual harassment, assault and bullying, tend, by their nature, not to occur out in the open. They often play out through insidious behaviours, manipulation and coercion. (Although it should be noted that many of the incidents of inappropriate touching that I heard information about did, in fact, occur publicly and it stretches credulity for me that the internal management and President of the TSSA were not aware of these). The TUC has done a great deal of education and provision of resources on prevention of sexual harassment. Only a cursory glance at these would show the inadequacy, in safeguarding, in duty of care or in moral responsibility, of the ‘I never saw anything’ response. Indeed, had the TSSA completed the TUC’s Preventing sexual harassment checklist in a thorough

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<sup>2</sup> See p8 ‘Language used in this report’ and para 30 below

and open manner, collaboratively with staff, I have no doubt that they would have been compelled to act to make change.

21. Secondly, I cannot accept the argument that these challenges having been made, the EC had no right to hear about them or have voice in them. They are not ‘staffing matters’ in the operational sense. They relate to the culture of the organisation, and so to its effectiveness (in terms of its ability to deliver its mission) and to its sustainability (in terms of risk to its reputation). If these matters had had attention paid to them, **if they had been considered with the seriousness that any allegation of misconduct of this type deserves, I do not believe I would be writing this report now.**

22. For the avoidance of doubt, I consulted the Rule Book on this matter. It is very clear (section 1.2 h & i) that the TSSA’s objects are...

*“(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<sup>3</sup>  
 (h) To oppose actively all forms of harassment, prejudice and unfair discrimination.”*

It is the EC’s job to hold the TSSA to its objects.

23. Again for the avoidance of doubt, as I have been left with the impression that the General Secretary and anyone the GS chooses to bring into their inner sanctum (in this case a small number of the SMT), is all powerful and certainly is not subject to EC scrutiny in any meaningful way, the Rule Book states

*“12.1 GENERAL SECRETARY  
 Duties of General Secretary  
 (a) There shall be a General Secretary whose duties shall be  
 (1) to attend all Delegate Conferences and Executive Committee Meetings (2) to record the business of such gatherings  
 (3) to act generally under the orders of the Executive Committee”<sup>4</sup>*

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<sup>3</sup> Inquiry’s own underlining

<sup>4</sup> Inquiry’s own underlining

24. It has also been put to me that ‘this is just how political organisations work.’ In other words, people will go to any lengths to take down those who disagree with them. I certainly agree that there is wildly political behaviour in the TSSA. I heard dissenting staff, and those with complaints, described by members of the *internal leadership*<sup>5</sup> variously as ‘whingers,’ ‘rats coming out of the woodwork’ and ‘circling vultures,’ which left me in no doubt that there is a strong culture of ‘pick your side.’ However, once an organisation operates with ‘open secrets’ about its General Secretary (and other senior staffs’) behaviours, once there have been written complaints including from departing staff, once a survey has been produced, once a detailed explanation of why the TSSA is not ‘safe for women’ has been articulated, once the TUC have made clear their campaign on sexual harassment is serious, once we are all living in a post MeToo climate, I did ask myself **‘what more would those with power need to have heard to legitimately suspect that there is a problem here? Or at least something that merits further investigation?’** In any organisation, it cannot be concluded by those in power that every challenge is simply a result of people playing politics or whingeing. To believe so is a classic – and highly harmful – example of the self-reinforcing mindset known as ‘groupthink.’ In my view the majority of the Senior Management Team, and the small (possibly two or three) number of the EC with meaningful power, have been subject to this groupthink. And this constitutes a serious failing in both leadership and governance.

25. I have concentrated in paragraphs 12-25 on key governance failings insofar as they relate to the core issues that initiated this Inquiry. I make the following, additional comments on governance:

- A. There appears to be no routine reporting to the EC with metrics that would enable insight into the health, wellbeing and performance of the organisation’s staff (including, for example, turnover, sickness absence, training days, numbers of grievances and disciplinaries). Nor does there appear to be any routine inquiry into levels of morale or engagement amongst staff. Without this data, the EC cannot adequately conduct its governance role – it has no basic information from which to make inquiries, monitor trends or assess risk.
- B. I understand from the EC that the President should lead a process of annual performance review of the General Secretary. In the 10 years of the current President’s tenure, I have been told by the President that this has never happened. Therefore, no-one has been formally scrutinising the GS throughout this period.

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<sup>5</sup> See p8 ‘Language used in this report’ and para 30 below



- C. I have heard instances of the letter of the Rule Book being invoked at various points, for example in determining who attends Conference or who may stand for election to be President. It certainly provides at length for (what I gather are largely uncontested, or not meaningfully contested) electoral processes. It is disappointing to be prompted to think that the Rule Book may be useful when holding up existing power, but not when challenging it. It is also disappointing how light the Rule Book is on the explicit and specific responsibilities of the EC.
- D. When Manuel Cortes retired from the TSSA, I understand he was paid a sum of money, about which I have requested information but which, at the point of writing, I have not received. I was told that this sum of money was ‘agreed by the lawyer, the Assistant General Secretary and the President’ though the President says he did not play any part in deciding the appropriate sum. I am told that this matter was not discussed with the rest of the EC. If ever there was an example of an area where an EC should be able to give their views, I would say this is one. It is members’ subs that form the union’s funds and the EC come from the membership. I cannot believe that EC members would not have wanted to participate in this debate (and perhaps to challenge the idea of paying someone a sum on their departure when they have retired with an inquiry into conduct ongoing). I was also told that this retirement was mandated by another union that was in talks with the TSSA regarding a potential merger. Again, I understand that this information was not shared with the EC, beyond the President.
- E. It has been hinted to me that financial impropriety has taken place in the TSSA in the past. Any such matters are beyond the scope of this review, but such hints do cause me concern given what I have learned about current inadequacies in governance. This matter should be discussed with auditors as soon as possible.

26. I conclude that there have been severe governance failings at the TSSA. These include, but are not limited to, consideration of the matters raised in Claire Laycock’s video and associated concerns about the culture in the organisation. The EC lacks diversity and it lacks adept leadership.

**I recommend that:**

- **The membership considers candidates for President and Treasurer roles particularly carefully in the light of this report. I believe that the President and Treasurer have failed in their task of oversight and should step down from the EC forthwith.**

- **All EC members consider the findings and recommendations of this report and only stay on the EC if they want to get behind the findings and support delivery of the recommendations.**
- **All remaining EC members undergo immediate training on governance and work with a governance expert to ensure absolute clarity of their roles. This training should be repeated for all new EC members as part of a thorough, planned induction to the role.**
- **Also a new reporting template should be developed with the help of a governance expert that considers all appropriate issues that the EC should have sight of from the SMT, including matters relating to the values and culture of the organisation.**
- **The Rule Book is reviewed and changed to include more specific detail on the responsibilities of the EC and reconsiders its sections on women and representation – to provide for a strengthened influence and power for women in the TSSA.**
- **A thorough and independent financial review is undertaken to ensure high quality processes, decision making and reporting in respect of the TSSA’s finances.**

### **Leadership and Management**

27. The internal staff body has been led by the General Secretary (GS). An Assistant General Secretary supports the GS, along with a Senior Management Team (SMT), comprising for example Organising Directors and a head of Communications.

28. When I began this Inquiry, the Senior Management Team consisted of Manuel Cortes the General Secretary, Frank Ward (FW) who was the Assistant General Secretary, Lorraine Ward (married to FW), Nadine Rae, Luke Chester (LC) and Sian Jones.

29. It was proudly put to me by both MC and FW that this is a gender-equal senior team. However, nothing I have heard indicates that power is shared gender-equally within the organisation. When I have asked each witness where power lies within the TSSA I was told time and time again that power was held by MC, FW, LW (albeit she is currently not at work), LC and to some extent by Val Stansfield (VS), the HR manager. There seems to be a common understanding in the organisation that Luke Chester has been ‘groomed’ to be the next GS. Indeed, LC had put his hat into the ring for this post until I asked for the elections for future GS to be delayed until this report was published.

30. I consider calling this group of individuals a '[senior] **management team**' to be incorrect. I understand that they do not meet routinely to discuss management matters, they do not receive routine reporting about the overall performance (financial, HR, operations) and wellbeing of the union's staff body and they do not seem to hold any shared aims in this regard. My understanding is that even at the beginning of the Covid lockdown, which presented a management crisis for any employer, the team did not come together to consider how best to manage and support the union's paid workforce. This is a concern to me as it compounds the risk of power being concentrated in a very small number of hands. There appears to be little appropriate scrutiny from the EC, and little distribution of power within the organisation. I struggle to see how, in these circumstances, the AGS or the GS can be held to account.

When I refer to *internal leadership*<sup>6</sup> I refer to this locus of power – between FW, LW, LC and VS (and MC during his tenure), **not** the SMT. As one ex-member of staff said to me 'you will not believe what that group [the internal leadership] believes they can get away with.'

31. There seems to be a high focus from internal leadership on the organisation's performance management system. It was put to me that there is a routine occurrence of 'our staff aren't performing, we put them into the performance management process, then they go off sick, then they come back and make a grievance.' This narrative situates the problem firmly with apparently under-performing staff. As a result of the volume of evidence I have heard, I look at this differently. I consider that the performance management system is a blunt instrument that is used to detrimental effect by the senior staff who are poor managers of people. Performance management is used by them to bully people out of the organisation or to make them conform to a 'one way of doing things' mentality. When you are told that performance management is something that is used a lot, you have to look to wider issues; are the right people being recruited? Are expectations realistic? Are staff being appropriately supported and developed? Is the environment one in which people can flourish and take risks, make a mistake? I am also inclined to note that this heavy reliance on a 'performance management system' stands in stark contrast to the fact that the General Secretary's performance has never been formally evaluated.

32. It is not appropriate within the terms of reference of this work for me to comment on specific cases, other than to note that the number of exits from

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<sup>6</sup> See also p8 'Language used in this report'

the organisation as a result of disciplinaries appears to be high, and that the number of upheld grievances seems to be low.

It was put to me that those using the grievance process were ‘whingers’ and ‘disloyal’ staff. I have not run any investigation into specific cases but on the basis of what I have heard from those who provided evidence confidentially to this Inquiry, I am sceptical of, and concerned by, this narrative.

33. The TSSA, like all unions, can only flourish with good leadership and management. The role of the General Secretary is vital. The person in this role is a figurehead and advocate. They are responsible for the inner workings of the union, as well as for its external voice. The incumbent must embody and uphold the best of the union movement’s values – to equity, justice and progress. The role is accountable to the President and the EC, who represent the membership. It is therefore of critical importance that there is a good throughput of talent for this role and that the membership, in electing a GS, is confronted with a meaningful choice of talented, committed and viable candidates.

34. I do not consider that the reputation of Manuel Cortes, nor any of the internal leadership, reflect the capabilities nor the behaviours that one would wish to see in a GS. The power that has been held in such a concentrated way has resulted in an organisation that seems to be, to all intents and purposes, in crisis. There appears to be a failing in leadership and a failing in culture. Its finances, I understand, are in a poor state and its membership has declined. Even if I had not been exposed to the information provided during this Inquiry, I would consider that the track record of the deployment of leadership power has been disastrous for the TSSA.

35. I conclude that the internal leadership at the TSSA (as defined in 30. above) is not fit for purpose. It is impossible for me to imagine any of the current internal leadership taking on the role of next General Secretary with the backing of staff or with a moral legitimacy.

### **I recommend that:**

- **In response to this report, the EC considers with great seriousness the leadership direction of TSSA. I believe that none of the internal leadership (as defined in 30 above) should remain in the organisation. A Crisis Administration should be appointed to support the TSSA as it initiates a sweeping culture**

**change and as it transitions into a well- functioning organisation.**

- **The EC works with greater discipline on the question of succession planning or pipeline development for future staff roles within the organisation, particularly leadership roles. This may mean a change to the Rule Book or it may mean encouraging more staff to become TSSA members. This is for the EC and membership to consider and act accordingly.**
- **A Code of Conduct is introduced for the General Secretary which a) any prospective GS is required to respond to and comment on as part of the electoral process and b) forms part of the GS's annual performance review and c) forms the subject of '360 degree' feedback on the GS from staff, volunteers and the EC. I provide in Appendix 3 outline content for this code of conduct.**

## **Culture**

36. Organisation culture is not something fluffy nor soft. Organisation culture has been the key factor in many organisations' successes and in countless organisation failures. Such is the importance of culture that the Financial Reporting Council (FRC) has placed a heavy emphasis on the importance of Board's engaging with corporate cultures. Similarly, the Charity Governance Code (including the Code for smaller charities) emphasises the importance of Trustees' engaging with the culture of their organisations.

37. Organisation culture is sometimes described as 'the way we behave when no-one's watching.' It is worrying to consider this definition in the light of some of the submissions to this Inquiry. These include the following involving internal leadership:

- Drinking in the daytime, in working hours.
- Being so incapacitated from drinking the previous evening that they have failed to attend important work meetings the next day.
- 'Doing business in the pub,' 'putting the union credit card behind the bar.'
- Falling asleep in pubs and bars through excessive drinking, crashing into furniture and fixtures, speaking disrespectfully and aggressively to hospitality staff.
- Summoning a drug dealer to a party attended by staff.
- Persistent attention to young women, violent, sexualised language ('you're off cockhunting are you?' calling people 'cunts'), belittling

women for their clothes, their general appearance, their education and seeking to undermine them and humiliate them ('no-one likes you,' 'you're useless').

- Staring – in a way that was experienced as highly intimidating, leering, inviting women for drinks and plying them with alcohol. Persistent insistence to women, particularly younger women, that they stay 'for just one more drink' to the point where women cannot get home without help.
- Junior members of staff feeling the need to casually intervene or pretending to fall or trip to prevent pending incidents and protect colleagues ('he was about to put his hand on her backside so I pretended to trip' 'I went and sat between them on the sofa.')
- Specific examples I heard of non-consensual sexual behaviour included the sliding of a hand in between the upper thighs of a woman from behind, sliding a finger up and down the thigh of a young woman, squeezing breasts, repeatedly groping a woman from behind, whispering inappropriate suggestions ('if... I would fuck you...'), commenting on women's bodies or general appearance, asking women for a kiss and concentrated staring at a woman who had been harassed previously.
- Mel Taylor, a current member of staff, has agreed to be named in this report as providing evidence of incidents of her having been inappropriately touched by Manuel Cortes at two TSSA gatherings, one in 2011 and one in 2015. The first of these incidents was witnessed by many individuals who came to speak to me. At the second incident, it was reported to me that MC finally stopped groping Mel ('he kept doing it...') once Mel had spoken to LW who told MC to stop.
- Mel has stated that she did not feel able to raise a formal complaint against the General Secretary on either occasion and to her knowledge it was not raised or reported by others at the time, and believes that her colleagues may also not have felt able to do so. Mel attributes the lack of follow-up after the events to a culture of 'oh, that's just Manuel.... You know what he's like,' and concern about raising the issue. Following the first incident, Mel has stated that she was told by a senior colleague that it was her fault because she had sat next to Manuel.
- Gaslighting and victim blaming of women who have tried to speak up ('they're too emotional,' 'they've got mental health problems' 'they just became obsessed with x, y, z' 'they're drinking too much and it's interfering with their medication' 'this happened two years ago, you can't bring it up now.').

- Trivialising women's experiences or assuming that they are lying. This point is particularly manifest in the tone used to comment on – and report on – women's grievances. For example, documents show it has been acknowledged that a member of the SMT used a 'raised voice,' whilst disagreeing that this was shouting; it has been agreed that someone in a position of power expressed anger and frustration, but denied that this impacted a particular individual in the way they stated.
- Belittling women by comparing women to each other in workplace environments, in terms of which woman is 'more fun.'
- Eye rolling or indicating 'oh not this again,' when people have tried to raise their concerns – a 'boys will be boys' attitude.
- A woman being paid less than a man she was line managing and this not being corrected immediately.
- Marginalising and excluding men and women who have stood up to power e.g. through trying to seek office or bring matters to leadership attention; not involving particular individuals in investigations or complaints without good reason.
- Using ostensible legal language as a cover for inaction – 'this was not corroborated,' 'there were no witnesses.' The default position seems to be that women lie. The only proof of an incident's having taken place, it seems, is for the incident to have been witnessed by the President, GS and his team.
- Using language about members that suggests disrespect or contempt, such as 'write them [a member] a 'fuck off' letter;' 'tell that person to take a running jump.'
- Dealing with performance errors or under performance with rage and abuse, swearing and cursing, screaming insults such as 'you pathetic moron' 'you cunt' in the presence or earshot of others, demeaning, degrading and dehumanising the member of staff.
- Member complaints of racism being poorly followed up, trivialised or dismissed.
- Poor memory – it has been surprising to me how much cannot be recalled to mind by internal leadership – and yet how much is remembered, and consistently, by staff.
- Poor handling of grievance and disciplinary procedures, without consideration of principles of natural justice or conflicts of interest.
- Using costly exits (through settlement agreements which include non-disclosure) to remove staff.

38. I have been told that since the pandemic, there has been less of a 'drinking culture.' I am pleased to hear this. After hours drinking to build

work networks often acts as a barrier to marginalised or minoritized groups' participation. However, it appears likely that alcohol is still playing a significant role in the TSSA, with recent incidents of a senior staff member being visibly drunk on videoconference having been reported to me. I understand that as a result this individual was taken off media interviews. I am not aware of any disciplinary action having taken place.

39. As I have explained above, an authority, the EC, has not been 'watching' and the internal leadership does not appear to have been capable of self-regulating. The TSSA's culture is poor and the problem is at the top. Within the small circle of power, there seems to be a startling defensiveness and lack of care and compassion for staff. I have experienced staff as fearful, anxious and distressed. I have not experienced staff as vengeful, political, unkind or lacking in decency.

40. I state for the record that although this Inquiry has not reconsidered investigations from the past, I believe that the significant majority of the accounts that I have been given have been truthful. I have no reason not to accept their testimonies, albeit unsworn. They are consistent, credible and given by individuals who display clear and visible distress.

### **I recommend that:**

- **The EC considers – with great seriousness – the responsibilities it bears to the TSSA's paid staff, volunteers and its membership as a result of this report. The impact of a failing culture goes much wider than the immediate staff body. It is reflected in interactions with members and with the wider movement.**
- **Under new leadership, serious attention must be given to the organisation's values, its culture and rebuilding trust between leadership and staff. Routine reporting on staff morale and insights into the culture must become the norm. Staff voice, development, equity and psychological and physical safety must be prioritised, particularly for women, people of colour and other minoritized or marginalised groups. There should be a professionally qualified HR leader on the SMT who has the skills and experience to deliver on these priorities, with the commitment and support of the wider SMT. The remit of this HR leader must include the development of annual training plans that cover, at a minimum, creating safe workplaces and the prevention of sexual harassment. The psychological safety of participants in any trainings must be prioritised, with a clearly**



**communicated and enacted zero tolerance policy towards any disrespectful behaviour.**

### **Policies and procedures**

41. In any organisation, policies and procedures are trumped by values and culture. No policy can make a healthy, productive organisation if its implementation is limited by poor values or a dysfunctional culture. **If there is a predisposition to disbelieve women, to minimise peoples' experiences or to protect specific individuals or power dynamics, no policy is going to deliver justice.** This being said, I offer the following comment on the TSSA's policies and procedures:

42. There should be a sexual harassment policy that is separate from the bullying and harassment policy. The TUC has produced excellent guidance on this matter.

43. All policies – grievance, disciplinary etc – should make it clear that conflicts of interest need to be evaluated as a matter of course and that no-one should be investigating or adjudicating on the behaviour of someone senior to them in the hierarchy. External support (e.g from a law firm or independent HR consultant) should be appointed to manage any such cases as a matter of policy.

44. Informal complaints, grievances, disciplinaries and exit interviews should all be analysed for themes, risks and opportunities for organisation and leadership learning. The lead on HR matters should be qualified for the job and engaged with contemporary best practice. There appear to have been a number of red flags at the TSSA that were either ignored or overlooked due to poor information assessment and governance.

45. There should be a documented, policy commitment to routine listening exercises or staff surveys to assess staff engagement and morale. These should be operationalised in such a way that enables confidential contribution from staff.

46. There should be a documented, policy commitment to an external helpline or independent body for staff to raise any concerns that they feel cannot be raised within the line management structure.

47. In consultation with staff, the TSSA's performance management system should be reviewed. The values behind this review should be

staff voice, professional growth, development and wellbeing, not assessment, hyper-vigilance, control and monitoring.

48. The staff handbook should be reviewed by an independent body with expertise in workplace equity – ensuring that the values of anti-racism, gender justice and other human rights are protected and promoted.

49. The remits of the EC and the SMT need to be clearly and simply communicated to all – staff, volunteers and members. This remit should be described in terms of both **powers and responsibilities**.

Accountability mechanisms should be made clear, as should processes for complaints. This clear and simple document should be made available through staff, volunteer and EC inductions, should be kept up to date and should be easily accessible in both physical and digital workspaces.

### **I recommend that:**

- **The EC has oversight of a programme of policy and process improvement that consists, at a minimum, of the revisions in 42. to 49. above. This programme should be initiated by the Crisis Administration referred to above and should take no longer than one year to complete. As part of this review process, HR policies and procedures, particularly in relation to grievances and disciplinaries, should be re-written to make it clear that should a member of the SMT or EC be under investigation, the investigation (and any appeal) will be handled by an independent third party.**

## **Appendix 1 Terms of Reference: Summary Response**

- To investigate and report on the allegations of sexual harassment, discrimination and bullying within the organisation, relating to the organisation officials and others employed by the union, reported within the Reel News video and alleged in other media coverage.

*This has not been a formal investigation. Based on the information provided, I believe the accounts.*

- To examine the nature of settlement agreements used within the union with particular reference to their use in relation to sexual harassment, discrimination and bullying allegations.

*Settlement agreements have been used widely. It appears likely that there has been an intention to silence which derives from a fundamental misunderstanding of the problem. If victims complain, they are not 'bringing the union into disrepute.' It is the perpetrators who, by their behaviour, are bringing the union into disrepute.*

*I understand that the EC has never been provided with insight or information on the use of settlement agreements.*

- To assess the effectiveness of actions taken by the organisation in response to any identified reports of sexual harassment and/or sexual assault, discrimination and bullying.

*These processes have been ineffective. It would not be necessary even to look at the detail to recognise that it is a fundamental breach of good practice and natural justice to have an internal staff member – who reports to the GS – deal with a complaint that refers to the GS.*

*In the report I have also expressed concerns about the values and assumptions that have been brought to considering these claims. They appear to be rooted in a culture of disbelief and protection of those holding power.*

- To assess the organisation policies and procedures relating to sexual harassment, discrimination and bullying and the manner in which these have been implemented.

*See above – this is not so much an issue of policy – it is an issue of principles and practice. I have clear evidence of the wrong principles and poor practice.*

- To assess processes in place to prevent workplace sexual harassment, discrimination and bullying.

*See above. Bullying is endemic. A large number of staff feel that they are victims of it.*

- Training provided to managers and other relevant staff.

*There have been attempts to put in place trainings on awareness of sexual harassment. We understand that there has been some poor behaviour in these trainings.*

- The mechanisms for raising complaints relating to sexual harassment and levels of confidence in these mechanisms by those covered by the policies.

*There appears to be no confidence in the staff that these mechanisms are effective. I share this lack of confidence.*

- The use of non-disclosure agreements when addressing complaints of sexual harassment.

*See above.*

- To consider the steps taken to ensure that those reporting sexual harassment, discrimination and bullying are supported and not victimised during or after the process.

*The evidence suggests that victimisation after making a complaint, or not complying with management 'orders,' is almost routine. This appears to have been the case in multiple situations.*

- To look at the **wider issue of the culture of the union**, particularly insofar as it is experienced by women.

*Words that have been used about the culture: toxic, dysfunctional, worn down, vindictive, fearful, 'like a mafia' 'it's like we're in freefall'*

*As one individual told me 'It's ironic that there were signs on the trains saying 'we won't tolerate abuse' when it was ripe in the office.'*

## **Appendix 2 Recommendations: Summary View**

**I recommend that:**

- **The membership considers candidates for President and Treasurer roles particularly carefully in the light of this report. I believe that the President and Treasurer have failed in their task of oversight and should step down from the EC forthwith.**
- **All EC members consider the findings and recommendations of this report and only stay on the EC if they want to get behind the findings and support delivery of the recommendations.**
- **All remaining EC members undergo immediate training on governance and work with a governance expert to ensure absolute clarity of their roles. This training should be repeated for all new EC members as part of a thorough, planned induction to the role.**
- **Also a new reporting template should be developed with the help of a governance expert that considers all appropriate issues that the EC should have sight of from the SMT, including matters relating to the values and culture of the organisation.**
- **The Rule Book is reviewed and changed to include more specific detail on the responsibilities of the EC and reconsiders its sections on women and representation – to provide for a strengthened influence and power for women in the TSSA.**
- **A thorough and independent financial review is undertaken to ensure high quality processes, decision making and reporting in respect of the TSSA's finances.**
- **In response to this report, the EC considers with great seriousness the leadership direction of TSSA. I believe that none of the internal leadership (as defined in 30 above) should remain in the organisation. A Crisis Administration should be appointed to support the TSSA as it initiates a sweeping culture change and as it transitions into a well- functioning organisation.**
- **The EC works with greater discipline on the question of succession planning or pipeline development for future staff roles within the organisation, particularly leadership roles. This may mean a change to the Rule Book or it may mean encouraging more staff to become TSSA members. This is for the EC and membership to consider and act accordingly.**
- **A Code of Conduct is introduced for the General Secretary which a) any prospective GS is required to respond to and comment on**

as part of the electoral process and b) forms part of the GS's annual performance review and c) forms the subject of '360 degree' feedback on the GS from staff, volunteers and the EC. I provide in Appendix 3 outline content for this code of conduct.

- **The EC considers – with great seriousness – the responsibilities it bears to the TSSA's paid staff, volunteers and its membership as a result of this report. The impact of a failing culture goes much wider than the immediate staff body. It is reflected in interactions with members and with the wider movement.**
- **Under new leadership, serious attention must be given to the organisation's values, its culture and rebuilding trust between leadership and staff. Routine reporting on staff morale and insights into the culture must become the norm. Staff voice, development, equity and psychological and physical safety must be prioritised, particularly for women, people of colour and other minoritized or marginalised groups.**
- **There should be a professionally qualified HR leader on the SMT who has the skills and experience to deliver on these priorities, with the commitment and support of the wider SMT. The remit of this HR leader must include the development of annual training plans that cover, at a minimum, creating safe workplaces and the prevention of sexual harassment. The psychological safety of participants in any trainings must be prioritised, with a clearly communicated and enacted zero tolerance policy towards any disrespectful behaviour.**
- **The EC has oversight of a programme of policy and process improvement that consists, at a minimum, of the revisions in 42. to 49. above. This programme should be initiated by the Crisis Administration referred to above and should take no longer than one year to complete. As part of this review process, HR policies and procedures, particularly in relation to grievances and disciplinaries, should be re-written to make it clear that should a member of the SMT or EC be under investigation, the investigation (and any appeal) will be handled by an independent third party. Any policy revisions must be accompanied by staff training.**

### **Appendix 3- General Secretary Code of Conduct**

1. The General Secretary commits to upholding the highest values of the trade union movement including equality, fairness, justice, and dignity and respect for all, as well as to showing care and compassion to all the union's staff and members.
2. The General Secretary commits to centring members in their decision making – always seeking to act in members' best interests. In doing so, the General Secretary commits to upholding the highest standards of integrity, operating truthfully and never making decisions based in their own, their family, their friends' or close colleagues' interests.
3. The General Secretary commits to best endeavours to increase the diversity of the union's membership, particularly its activist members. In making this commitment, the General Secretary understands that institutional barriers to participation and activism, such as 'social drinking,' long hours, expectations of travel and male dominant behaviours, need to be dismantled.
4. The General Secretary understands the importance and profile of their role as a figurehead and advocate, not just for the TSSA, but for the union movement, and so commits to best endeavours of exemplary conduct in both public and private life.
5. The General Secretary commits to seeking, proactively and regularly, feedback from diverse groups – staff, members, volunteers and Executive Committee members – on their role modelling of these values and their operation of this Code of Conduct.