

BFAWU: EQUAL OPPORTUNITIES POLICY FOR MEMBERS

1. Introduction

The Bakers, Food and Allied Workers' Union (BFAWU) is committed to providing the highest quality of service to all our members, in a manner that is fair, equitable and appropriate.

The union has a responsibility to respond to the changing nature of the workplaces within which we recruit, organise and operate and the differing of groups of members we represent.

The BFAWU believes it is important to recognise that we have a diverse membership in terms of gender, race, colour, nationality, ethnic group, religious belief, sexual orientation, gender re-alignment, age and disability.

We value and welcome the perspectives and contributions that such a diverse membership brings to the union. We will endeavour to offer and provide services in a manner designed to meet the needs and interests of all members.

2. Aims of the Policy

This Policy sets out the BFAWU's commitment to equality of opportunity for all members. The implementation of this Policy throughout the union has three key aims. These are to:

- i. encourage the use of the union's services by all members;
- ii. increase the participation of all groups of members within the union's democratic processes; and
- iii. ensure that no member is subject to unfair discrimination, victimisation, harassment or bullying as a result of their BFAWU membership or activity.

3. Statement of Intent

The BFAWU brings together women and men from many types of backgrounds and cultures. We respect and value this diversity, which we believe is a strength and an asset.

It is to the benefit of the union, as well as being a matter of union policy, that every member should receive the same opportunities and levels of support, and should be treated with dignity and respect at all times.

The BFAWU is committed to the principle of equal opportunities within all areas of our activity. The union will therefore strive to ensure that no discriminatory practices, either direct or indirect, occur and will challenge any such practices brought to our attention.

Discrimination, including victimisation, harassment or bullying, will not be tolerated within the union.

Proven discrimination, including victimisation, harassment and bullying, on the grounds of a member's gender, gender re-alignment, marital status, race, colour, ethnic group, nationality, national origin or disability are unlawful.

As a provider of services to members, the BFAWU is covered by the terms of the law, in particular the Sex Discrimination Act 1975, the Sex Discrimination (Gender Re-Alignment) Regulations 1999, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

Under this legislation, the BFAWU has a legal duty not to discriminate on the grounds of gender, marital status, gender re-alignment, race, colour, ethnic group, nationality, national origin and disability in terms of access to membership, membership and in the provision of services to members. Further information on how the law impacts on members' rights is included in Appendix 1.

It should be noted that the protection offered under this Policy extends to groups who are not specifically covered by anti-discrimination law at present (see Appendix 2)

4. Alleged Breaches of this Policy

The BFAWU has a complaints procedure for dealing with allegations of breaches of this Policy. This is contained within Rule 11.46 of the union's rule book and is outlined in Appendix 3.

The union will ensure that where complaints of alleged discrimination, victimisation, harassment or bullying are made by members to the union these will be dealt with as speedily and effectively as possible.

All complaints relating to alleged breaches of this Policy will be taken seriously and will be investigated. Any such complaints which are upheld may lead to the appropriate disciplinary action being invoked against any member, lay official or employee of the union. It should be noted that it is Union policy to expel any member found guilty of discrimination.

5. Membership of the BFAWU

The union recognises that under the provisions of Section 14 of the Trade Union Reform and Employment Relations Act 1993, individuals have the right to join the trade union of their choice.

The BFAWU will admit into membership any person meeting the criteria set down in Rule 3: "Any person employed or working in the baking or allied trades". The union will not refuse membership for any reason not covered by the rule book.

The union aims to have an open information policy, with members receiving regular news of BFAWU activities and initiatives. We actively seek the contributions and comments of members in relation to every aspect of the work of the organisation.

6. Advice, Support and Representation

Any member contacting the BFAWU (via the appropriate mechanism within the union structure) will be treated with dignity and respect. Members should apply equal respect and courtesy to each other and towards the staff of the organisation.

Subject to membership entitlements, all members of the BFAWU are entitled to receive advice and representation on all matters according to rule.

Such advice and representation will not be refused to any member for any reason other than those set out in any rules of the union.

7. Direct Benefits to Members

Access to membership benefits is limited only by entitlement as laid out within the union rule book. The BFAWU will not discriminate on the grounds outlined in paragraph 3 of this Policy in terms of advertising or offering membership benefits.

8. Access to Buildings and Venues

The BFAWU welcomes and accepts our responsibilities to our disabled members and our obligations with respect to any legal requirements placed on the union. Section 13 of the Disability Discrimination Act, which came into force in October 1999, makes trade unions legally liable for disability discrimination perpetrated by a paid official, an employee or a lay union representative of the union.

In line with the Disability Discrimination Act 1995, and any further disability related legal provisions, the union will ensure that all BFAWU offices and any venues select for educational courses, conferences or meetings provide suitable access and facilities for people with disabilities.

9. Representation of Interests and Memberships Participation within the BFAWU

The BFAWU is a democratic organisation and wishes to positively encourage participation by all our members in the activities of the union at all levels.

Subject only to the limitations of the rule book every member shall have voting rights. All members are encouraged to participate in the democratic decision-making processes of the union, as outlined in the rule book. No member shall be denied to the right to attend, or participate in, any union activity only on the grounds of their age, colour, nationality, ethnic group, national origin, gender, gender re-alignment, sexual orientation, marital status, disability or religious belief.

The BFAWU will strive to ensure that delegations to forums such as the Trades Union Congress and the Labour Party Conference are as representative of all members of the union as possible.

10. Implementation of the Policy

The BFAWU will strive to ensure that the wording of this Policy is put into effect throughout the organisation and in relation to all our members.

The General Secretary will have overall responsibility for the implementation, monitoring and review of this Policy in respect of services offered to and participation of members.

SIGNED: _____ (General Secretary)

DATE: _____

aPPENDIX 1:

KEY ELEMENTS OF DISCRIMINATION LEGISLATION

1. Introduction

The key pieces of legislation dealing with unlawful discrimination related to the union's Equal Opportunities Policy for Members are:

the sex discrimination Act, 1975

The Sex Discrimination (Gender Realignment) Regulations, 1999

The Race Relations Act, 1976

The Disability Discrimination Act, 1995

The Fair Employment (Northern Ireland) Act, 1989.

The Sex Discrimination Act 1975 outlaws discrimination – including victimisation and harassment - on the grounds of gender, marital status or gender re-alignment.

The Race Relations Act 1976 outlaws discrimination – including victimisation and harassment - on the grounds of race, colour, ethnic group, national origins and nationality.

The Disability Discrimination Act 1995 outlaws discrimination – including victimisation and harassment – on the grounds of an individual's disability.

The above place a legal duty on all organisations, including trade unions, not to discriminate on the grounds of employment, access and in the provision of services.

The Fair Employment Act 1989, only applies within Northern Ireland. The Act deals with discrimination and harassment on the grounds religious belief or political affiliation.

This Appendix is a guide to the key definitions relating to the law. It also provides advice on the impact of other elements of the law now in force within the UK.

2. Key Definitions

The following are some definitions covered within the Acts as guidance to members.

(a) Direct Sex Discrimination

Direct sex discrimination occurs where a person of one gender is treated less favourably and to their detriment, on the grounds of their sex, than a person of the other gender would be treated in the same or similar circumstances.

Direct sex discrimination, where proven, is a breach of the Sex Discrimination Act 1975 and of this Policy.

(b) Sexual Harassment

Where proven, sexual harassment is a form of direct sex discrimination and hence a breach of the Sex Discrimination Act of 1975.

The European Union defines sexual harassment as follows.

“Unwanted conduct related to sex which takes place with the purposes or effect of affecting the dignity of a person and/or creating an intimidating, hostile, offensive or disturbing environment. In particular if a person's rejection of, or submission to, such conduct is used as a basis for a decision which affects that person.”

Sexual harassment is conduct imposed on another person because of their gender. It is unwanted, unreciprocated and regarded as offensive by the recipient. It can take many forms, including:

physical contact, ranging from unnecessary touching, through to sexual assault and rape

verbal comments, such as suggestive remarks or jokes, sexual propositions, unwanted comments on dress and appearance or verbal abuse of a sexual nature

leering, displaying pornographic pictures or pin-ups and making suggestive gestures

ignoring, isolating or humiliating someone because of their gender.

There is a difference between “having a laugh” with colleagues, which both parties enter into and enjoy, and sexual harassment. The latter is unwanted by, and offensive to, the person on the receiving end. Whether or not the harasser intended to be offensive is, in law, irrelevant. The intention does not matter; it’s the effect on the individual which is paramount.

Sexual harassment is a degrading and humiliating experience. In terms of this Policy it is considered to be unfair and inappropriate behaviour within the union and as such, where proven, will be considered a breach of this policy.

(c) Indirect Sex Discrimination

Indirect sex discrimination occurs where an unjustifiable requirement or condition of membership is applied equally to both genders. Where the requirement or condition in question has a disproportionately adverse effect on one of the genders, because the proportion of that gender which can comply with it is considerably smaller than the proportion of the other gender which can, then it may be indirect sex discrimination.

Where proven, indirect sex discrimination is a breach of the Sex Discrimination Act 1975 and of this Policy.

(d) Direct Race Discrimination

Direct race discrimination occurs when a person is treated less favourably on the grounds of their race, colour, ethnic group, national origins or nationality than others are, or would be treated, in the same or similar circumstances.

Where proven, direct race discrimination is a breach of the Race Relations Act 1976 and of this Policy. The Unions Annual Conference has ruled that any members carrying out racist propaganda will be expelled from membership of the Union.

(e) Racial Harassment

Racial harassment is language or behaviour aimed at another because of the latter’s race, colour, ethnic group, national origins or nationality which the recipient finds unacceptable and offensive. Racial harassment can involve relations between members or unfair decisions and procedures being used by union or an officer of the union.

It can be unwelcome comments, name-calling, racist abuse and jokes, the display of racially offensive graffiti, physical attack, threatened assault, shunning or isolating workers, insulting or abusive behaviour and gestures on the grounds of their race, colour, ethnic group, national

origins or nationality. As with sexual harassment, the intent is irrelevant. It is the effect of the language or behaviour which is paramount.

Union action may include unfair division of responsibility, denying a black person access to benefits or training, or a refusal to investigate complaints of racial discrimination or harassment.

Where proven, racial harassment is a form of direct race discrimination and hence a breach of the Race Relations Act. Racial harassment is a humiliating and degrading experience. It is unfair and inappropriate behaviour in the union and will be considered a breach of this Policy.

(f) Indirect Race Discrimination

Indirect race discrimination occurs where an unjustifiable requirement or condition of membership is applied equally to all regardless of races, colour, ethnic group, national origins or nationality. Where the condition or requirement in question has a disproportionately adverse effect on an individual because of their race, colour, ethnic group, national origins or nationality, because the proportion of one group which can comply with it is considerably smaller than the proportion of the groups which can comply with it, then it may be indirect race discrimination.

Indirect race discrimination, where proven, is a breach of the Race Relations Act 1976 and of this Policy.

(g) Disability Discrimination

The Disability Discrimination Act (DDA) 1995 provides a different definition of discrimination to those used in the Sex Discrimination and Race Relations Act.

Unlawful disability discrimination is defined as follows.

“An organisation discriminates if, for a reason which relates to a person’s disability, they (the union) treat the disabled person less favourably than they treat, or would treat, others who do not have a disability; and the union cannot show that the treatment in question is justified.”

In the Disability Discrimination Act 1995 a disability is defined as follows.

“A person has a disability for the purposes of the Act if he or she has a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities.”

“Long term” is defined as a condition which has already lasted for 12 months or which medical advice confirms will last at least 12 months.

Section 13 of the DDA, introduced into law in October 1999, makes trade unions – like the BFAWU – legally responsible for any discriminatory acts carried out by their members, paid officials, lay officials and employees. As a result, any discrimination, harassment or victimisation of another on the basis of their disability, where proven, will be considered a breach of this policy.

(h) Harassment on the Grounds of Disability

Like the Sex Discrimination and Race Relations Acts, the Disability Discrimination Act does not specifically refer to harassment. Nor does the Act provide any definition of what such harassment may constitute.

However, as with the two earlier Acts, case law has now clarified that harassment of a person on the grounds of their disability may be a breach of the law. It can be defined as unwanted, unwelcomed and offensive behaviour or language directed at another because of their disability.

Where proven harassment based on someone's disability is a breach of the Disability Discrimination Act 1995 and of this Policy.

(i) Victimisation

It is unlawful to treat a person less favourably than other persons would be treated because that person has asserted, or intends to assert, their statutory rights under discrimination legislation, or by giving evidence or information in connection with such proceedings.

This includes complaints dealt with in the union through the disciplinary procedure, as well as through an Employment Tribunal.

Such victimisation would be a breach of the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995 and this Policy.

(j) Positive Action

This is covered by the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Fair Employment (Northern Ireland) Act 1989.

It describes those measures allowed by law used by a trade union to encourage participation by members of under-represented groups within the union's activities, or to provide special training for those groups to encourage their participation in union activities.

3. Other Elements of the Law

(a) The Sex Discrimination (Gender Realignment) Regulations 1999

These Regulations amend the 1975 Sex Discrimination Act. It is unlawful to treat someone who has undergone gender realignment treatment less favourably than another who has not had such treatment.

Different treatment based on someone having undergone gender realignment treatment is a breach of the law and of this Policy.

(b) Discrimination Resulting from Whistle Blowing

Under the terms of the Public Interest Disclosure Act 1998 an individual who "blows the whistle" on their organisation's criminal or fraudulent activities has protection against victimisation.

Victimisation of any kind resulting from a member's whistle blowing in relation to the union may be a breach of the law and will be considered a breach of this Policy.

(c) The Human Rights Act 2000

The Human Rights Act became law in October 2000. It gives rights to individuals in terms of:

the right to freedom of thought, conscience and religion

the freedom of expression

the freedom of assembly and association

the prohibition of discrimination.

Any treatment of an individual member of the BFAWU which may constitute a breach of the Act will also be considered a breach of this Policy.

APPENDIX 2:

GUIDANCE ON KEY TERMS USED NOT COVERED BY LEGISLATION

1. Introduction

Currently in law there is no protection from discrimination, victimisation or harassment based on an individual's religious belief, sexual orientation or age.

Nor is there any legislation specifically outlawing bullying at work.

However, the BFAWU is committed to preventing and eliminating discrimination, victimisation, harassment or bullying on these grounds.

This Appendix provides information which defines the union's policy in these areas.

2. Discrimination on Grounds of Religious Belief

The union believes it is unfair and inappropriate to discriminate against members or potential members on the grounds of their religious belief. Such discrimination, or harassment on these grounds, would include treating individuals less favourably on the basis of their religious beliefs, ideas, activities or cultural background.

Such discriminatory acts or omissions will be considered a breach of this Policy.

3. Discrimination on Grounds of Sexual Orientation

It is recognised that mistaken attitudes and prejudices exist based on heterosexuality (relationships between women and men) being commonly viewed as the only acceptable form of relationship. Consequently lesbians and gay men may be subjected to discrimination, victimisation, harassment, isolation and a withholding of membership benefits or rights.

In terms of the union's Policy it is considered to be unfair and inappropriate to discriminate against, or harass, members or potential members on the grounds of their sexual orientation.

Such discriminatory actions or omissions will be considered a breach of this Policy.

4. Discrimination on Grounds of Age

The union considers that to automatically ignore a pool of membership talent and experience purely on the grounds of age is wasteful as well as damaging for members and potential members.

In terms of the union's Policy it is considered to be unfair and inappropriate to unjustifiably discriminate against, or harass, members or potential members on the grounds of their age.

Such discriminatory actions or omissions will be considered a breach of this Policy.

5. Victimisation

In terms of this Policy it is considered to be unfair and inappropriate to treat a member less favourably than other members would be treated because:

(a) that member has, in good faith, raised or intends to raise a complaint on the grounds of an alleged non-statutory discrimination covered by this Policy; or

(b) that member has given, or intends to give evidence or information in connection with such a complaint.

Such acts of victimisation will be considered a breach of this Policy.

6. Discrimination Caused by Harassment and Bullying

Harassment or bullying of another member is unacceptable conduct or behaviour and, in cases of racial, sexual or disability harassment, may constitute unlawful discrimination.

Harassment includes offensive and unacceptable language and behaviour aimed at people because of their sexuality, age, religious beliefs or other personal characteristics. Often, this kind of behaviour constitutes bullying.

A generally accepted definition of bullying is:

Persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.

Bullying can take many forms, including: intimidation, humiliation, belittlement, ridicule, questioning of competence, withholding information, refusing reasonable requests, excessive supervision, overruling authority, setting impossible objectives/targets, excessive/unwarranted criticism, changing arrangements without advising the person concerned and spreading malicious rumours.

Harassment and bullying are inappropriate within and beyond the activities of the union and will, where proven, be considered a breach of this Policy.

APPENDIX 3:

COMPLAINTS PROCEDURE

Introduction

The BFAWU has a complaints procedure for use by members who believe they have been subject to treatment which breaches the union's Equal Opportunities Policy for Members.

This procedure is outlined. It is contained within Rule 11.46 of the union's rule book and members should refer to this rule in full for more detailed information.

If you would like advice on invoking the complaints procedure you should contact your Branch Secretary. If it is not appropriate for you to do so, particularly because your complaint involves the Branch Secretary, you may obtain guidance from your District Officer.

Stage One – Branch Level

A member who has a complaint resulting from treatment which they believe is in breach of the union's Equal Opportunities for Members Policy, he/she should in the first instance complain in writing to their Branch Secretary.

The Branch Secretary shall forward a copy of the written complaint to the person(s) being complained against immediately on receipt of the written complaint.

The Branch Secretary shall, as soon as possible thereafter, call a Committee Meeting to consider the matter. The member shall have the right to be heard at such a Committee Meeting.

Stage Two – Executive Council Level

If the member concerned is dissatisfied with the decision at Stage One, he/she has the right to appeal to the Executive Council by way of a written notice to the General Secretary. The Executive Council's decision is final.

Note

Under Rule 11.47 of the union, any member or members found to be in breach of the Equal Opportunities Policy for Members may be subject to disciplinary action as outlined under rule.

Action taken may include suspension for a stated period, or expulsion from the union.

Such action may be taken by a Branch or a District Secretary subject to the right of appeal referred to below.

The Branch or District Secretary shall give the member concerned written notice of the charge against him/her. Not less than 7 days' notice of the meeting at which the charge is to be considered shall be provided.

Such suspensions or expulsions should only be made by the Branch Secretary, District Board or a full Executive Council. At no point shall such suspensions or expulsions be made by the General Secretary or National President, or any other full-time official.

The member(s) concerned shall have a right to be heard at such a meeting. He or she shall be given a written statement of the decision. He or she shall have the right to appeal against a finding and penalty imposed by the Branch Secretary or District Board by way of a written notice to the General Secretary within 14 days of receiving written notification of a penalty.

Any penalty imposed by the meeting shall be stayed pending an appeal to the Executive Council.

In the event of an appeal being received, the General Secretary shall give the appellant at least 7 days' notice of the meeting of the Executive Council at which the appeal is to be heard. The decision of the Executive Council shall be effective immediately.

A suspended member shall remain liable to pay his or her contributions, but shall have none of the rights and privileges of a member.

INTERNAL POLICY- THE UNION AS AN EMPLOYER.

1 Introduction.

The policy set out above is an integral part the Unions procedures as an employer. This section covers the complaints procedures as agreed with the relevant Trades Unions representing Union employees.

The aim of the policy is to:

- eliminate harassment from the workplace
- provide effective procedures to resolve complaints
- to encourage a working environment free of harassment for all employees

2. Why the Union introduced a Equal Opportunities Policy

Choosing to ignore harassment costs time and money in terms in terms of the cumulative of replacing staff affected, any payment of sick leave to employees who miss work as a consequence, and the implications of reduced individual and group productivity - all expensive drains on the morale and effectiveness of workplace teams.

We can add to that the cost of investigating and defending complaints, legal costs, as well as the cost of losing public good will after adverse publicity. Employers are liable for what their employees do in the course of their employment, whether or not the employer knows of those actions. Employers can avoid liability for harassment amounting to discrimination only if they can prove they took appropriate measures to ensure that the offending acts was not done. The employer's liability is in addition to the employee's individual liability for his/her own actions.

Harassment has been held to constitute discrimination under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the fair employment (NI) Acts 1976 and 1989. In addition, under the Criminal Justice and Public Order Act 1994, harassment is now a criminal offence carrying a penalty of up to 6 months' imprisonment and / or a fine of up to £5,000. The Disability Discrimination Act 1995 and the Protection from Harassment Act 1997 are also applicable.

3 Policy Statement

The Union is committed to creating a working environment, which is totally free from any form of harassment.

Harassment is damaging both to the individual and to the organization and the Union will not tolerate such conduct. Any employee who participates in, or condones, acts of harassment may be subject to disciplinary action which will include dismissal for serious offences.

All employees are responsible for preventing behaviour by themselves and others, which could be construed as harassment.

It is the duty of Full Time Officers to bring the policy to the attention of all employees and ensure that when complaints arise that they are dealt with promptly, fairly and effectively.

4 Training.

The Union recognizes the need for training of Full Time Officers and Counselors. Training should aim to identify the factors which contribute to a working environment free of harassment and to familiarize participants with their responsibilities under the employer's policy and any problems they are likely to encounter.

In addition those playing an official role in any formal complaints procedure in respect of harassment should receive specialist training, such as outlined above.

5 What is meant by Harassment.

Harassment takes many forms and may be directed at an individual or group of individuals. People can be subject to harassment on a wide variety of grounds including religious or political convictions, membership or non-membership of a trade union, sex orientation, disability and age. This list is not exhaustive; anyone who is perceived as different, or who is in a minority is vulnerable.

The following are definitions of forms of harassment and are a guide to examples of harassment and are not meant to be exclusive: -

- Physical contact ranging from touching to serious assault.
- Verbal and written harassment through sectarian jokes/songs, offensive language gossip or slander.
- Visual display of posters, graffiti, obscene gestures, flags, bunting, emblems
- Isolation and non-cooperation at work, exclusion from social activities.
- Coercion, ranging from pressures for sexual favours to pressure to participate, or cease to participate, in political/religious groups.
- Intrusion by pestering, spying and following.
- Bullying of employees, either physical or verbal. This is defined as offensive, intimidating, malicious, insulting or humiliating behavior, abuse of power or authority, which attempts to undermine an individual or group of employees.

Two of the most publicised forms of harassment are sexual and racial harassment.

The EC Code of Practice defines Sexual Harassment as "unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of men and women at work".

It includes:

Unwanted physical behavior - including sexual advances or propositions, continued suggestions for social activity outside work after it has been made clear that such suggestions are not welcome, embarrassing remarks, innuendoes or lewd comments.

Unwanted non-verbal behavior - including the display of pornographic or sexually suggestive pictures, offensive objects or written material, offensive sexually suggestive gestures.

Offensive gender based conduct - conduct that is intimidating or physically abusive of an employee because of his/her sex, such as abuse and insults which are gender related and offensive comments about appearance or dress.

Racial Harassment is hostile or offensive action which may be verbal or physical and which includes attacks on property as well as on the person. Individuals or groups because of their colour, race, nationality or ethnic origin suffer it.

Examples of racial harassment may include:

Physical abuse or intimidation

Abusive language, mockery, racist jokes

Display or circulation of offensive material, racist graffiti

Patronising remarks

Offensive comments about appearance or dress

Intrusive questioning about a person's racial or ethnic origin, culture or religion or subjecting this to mockery.

The criterion in judging the seriousness of any harassment complaint will not necessarily be the action but the effect of the action on the recipient.

6 Procedure for Handling Complaints

6.1 Confidentiality

It is essential that if a complaint is made that the whole issue be treated with the utmost confidentiality. This extends to all those involved with the complaint as well as ensuring the safety of any record kept.

6.2 Representation

Employees should be able to seek assistance from someone of their own sex / sexual orientation / race or religion whom they can trust and who is acceptable to them. This person could be a trade's union representative a colleague or a counselor. The counselor would be someone jointly agreed by employees and management. They would be selected from a cross section of the workplace and trained; such training to include refresher training. Specialist training for harassment, which is of a disciplinary nature, will also be provided. The name(s) should be available to all employees.

The role of this person is to provide confidential support, help determine whether the behavior complained of is harassment, and to guide the employee towards taking appropriate action to resolve the problem. This may involve invoking the informal or formal complaint procedure.

6.3 The Informal complaints procedure

It is preferable for all concerned that complaints of harassment are dealt with internally and informally wherever possible. This is likely to produce speedy, effective solutions and minimise the risk of breaching confidentiality, the disruption of work and expensive litigation.

The decision to progress a complaint rests with the individual. In the first instance the complainant should be encouraged to raise the problem with the person who is creating the problem, pointing out that their conduct is unwelcome, offensive or interfering with work. The complainant can be represented at this stage if s/he so wishes.

6.4 The Formal Complaints Procedure.

The employee should speak directly to his/her superior, or somebody of equal status, or where this is not possible, to the Executive Council Member of the District, Female Officer or another Full Time Official. If the employee wishes s/he may ask a representative to act on his/her behalf. That representation to be by someone of equal status to any given to the alleged harasser.

6.4.1 The Interview.

Once a formal complaint has been made, the complainant should be interviewed. The interview must be handled sensitively and tactfully and focused on establishing the facts. The following types of questions must be avoided: "Did you do anything to lead him/her on?" "What were you wearing at the time?" "Surely s/he was only joking?"

It is important to establish what action the complainant has already taken, and what assistance s/he is seeking. No action should be taken which is contrary to the complainant's wishes

If the complainant does not wish to be identified, s/he must be advised that the only action that can be taken is informal action designed to discourage the harasser.

6.4.2 The Investigation.

The allegation must be fully investigated, in order to establish quickly but sensitively all the facts, with corroboration from witnesses where possible. The investigation should establish whether there have been any other complaints about the harasser. In the interests of all parties a prompt decision on future courses of action will be made.

Once all the evidence has been gathered, there are three courses of action:

1. Insufficient evidence - The complaint must be rejected and the situation monitored to ensure there is no victimisation of any party.
2. Evidence justifies informal action.
3. Evidence justifies Formal Disciplinary Action.

6.4.3 Informal Action.

If the complainant wishes it, the superior may discuss the complaint with the alleged harasser. Where appropriate the standards required at work and the possible consequences of failing to comply may be indicated in writing. The complainant should be advised of any action taken.

6.4.4 Formal Action.

When the result of the investigation demonstrates that harassment has taken place, or informal action has not been effective, the formal disciplinary procedure must be applied.

Harassment must be treated as misconduct or serious industrial misconduct for the purpose of the disciplinary procedure

It may be appropriate to call witnesses to the disciplinary hearing. It should not be necessary to call the complainant to be cross-examined directly by the alleged harasser or an appointed spoke person.

7. Follow - up Action.

7.1 Monitoring.

In cases of harassment where a punishment other than dismissal has been given, attention must be paid to the possible risk of retaliation / victimisation by either party. Such victimization / retaliation will be treated as seriously as harassment and will be subject to the same course of action as that taken in relation to harassment. An independent Executive Council Member or the Female Officer must carefully monitor the situation, and action taken as required. It is open to the employer and the recognized trade union to suggest alterations to any part of this policy. Such proposals will be the subject of discussion between the employer and the recognized trade union.

7.3 Transfer of Employees following Harassment.

When a complaint of harassment has been made, it may be difficult for the parties to continue to work in the same department. The complainant should be given first choice whether s/he wishes to be transferred or whether the harasser should be transferred. Where a transfer occurs, it should not lead to any disadvantage for the complainant.

Where the harasser is transferred, any disadvantages that s/he suffers as a result must not be in breach of the contract of employment. Dismissal will occur in serious cases of harassment. Transfers, and transfers on disadvantageous terms may be an option in less serious cases. If a complaint is not upheld, consideration may still be given where practical, to the voluntary transfer of either party, rather than requiring them to continue to work together against their wishes.

8 Time Limits.

Under the Sex Discrimination Act, Race Relations Act, Disability Discrimination Act and the Fair Employment (Northern Ireland) Act time limits are set for complaints to be made. In relation to this policy a three month time limit from the incident of harassment, or, if continuing, from the last of these incidences, or from the time there is a failure to deal adequately with the complaint will be the case. In certain circumstances a six month time limit will be applied under complaints arising under the Fair Employment (Northern Ireland) Act to reflect that legislation. It is recognized that, if the harassment complained of comes under the Criminal Justice and Public Order Act 1994 or the Protection of Harassment Act 1997, there are effectively no time limits.

9 Dissemination of Policy.

Copies of this policy will be given to all members of staff so that they are aware of the policy and the seriousness with which the employer considers this matter. Further copies of the policy will be available to all employees of the Union upon request. Should any changes occur in this policy at any time, all employees will be provided with an up to date copy of the amended policy.