

A GUIDE FOR REPRESENTATIVES AND MEMBERS ON DEALING WITH HARASSMENT IN THE WORKPLACE

FOREWORD

People who know me will know my stance on bullying and harassment. There is no room to appease the bullies. We have seen previous tragic scenarios, which arose directly out of bullying incidents at work and our members **MUST** have confidence in the CWU that when they come to report an allegation of bullying and harassment they know we will take it very seriously.

The CWU believes that every worker should be treated with dignity and respect. We do not tolerate harassment, bullying or discrimination – wherever it comes from. We aim to do all we can to ensure our workplaces are free from the misery caused by harassment and that all workers can expect to be treated with dignity and respect.

This fact sheet is designed to be simple and easy to follow, giving you what we feel is the essential advice you need to know for both members and representatives.

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April 2009

UNDERSTANDING WHAT CONSTITUTES BULLYING OR HARASSMENT

Harassment is any conduct or behaviour which is unwanted, unwelcome, offensive and unreciprocated related to:
Sex, race, disability, sexual orientation, religion/belief, age, or any personal characteristics

Examples

- Unwelcomed sexual advances, propositions, demands for sexual favours
- Unwelcomed comments about dress appearance
- Displaying offensive material, pornographic pictures
- Pin ups and calendars, including electronic forms
- Asking intimate questions about people
- Name calling, jokes, offensive language mocking
- Exclusion from workplace social activities
- Making stereotypical assumptions
- Isolating people.

The list above is not exhaustive

BULLYING & HARASSMENT

We all need a bit of humour and fun to brighten up the workplace but be aware of other people's feelings and sensitivities when telling jokes or people not being amused at certain jokes, horseplay or behaviour.

It can still be regarded as harassment even if the perpetrator did not know they were causing offence or they were "just having a laugh". What may be acceptable to one person may not be acceptable to another person, and that person has the right to ask the person who is carrying out this behaviour to stop.

Often the question is asked by victims "why am I being treated like this why am I being targeted?". Many victims blame themselves believing that it must be something they have done to cause the person to treat them like this. In most cases this is not true; the problem lies with the harasser themselves and their inability to relate effectively with other human beings.

IF YOU ARE BEING HARASSED REMEMBER:

- You are not to blame
- You must not feel that this is acceptable
- You have the right to get it stopped
- You have the right to complain
- You have a right to confidentiality
- You have the right to be treated with dignity and respect.

THE EMPLOYER'S RESPONSIBILITY

In law your employer has a duty of care to provide a safe working environment for you to come to work in. The employer is responsible for acts of harassment committed by any of their employees. The employer has to prove that they have acted firmly enough against the perpetrator/s and that they have procedures in place for dealing with harassment and their workforce is aware of those procedures.

This means that no matter how good their procedures are on paper if they are ignored or

the workforce is not made aware of them, then it is the employer who is to blame for acts of harassment committed by its employees. It is your employer's responsibility to respond to the complaint and to resolve the matter fairly.

THE UNION'S RESPONSIBILITY

As a member, you are entitled to seek assistance and representation from the union. If a member comes to the union for help he/she can reasonably expect to be given clear advice and where appropriate, representation to help them challenge the behaviours they are complaining about.

All CWU representatives are obliged to undergo education and training to understand equality and diversity issues and they have been issued with guidance on how to deal with harassment sensitively and in confidence. All representatives have to attend the mandatory one day equality and diversity training course.

You should also be informed of your legal rights to take your case to an Employment Tribunal if you have grounds.

There are well established procedures with all of the employers and it is important that these are engaged accordingly. Advice and representation will be available from your local CWU branch.

There is no justification for any level of harassment and all the equality strands are protected from harassment as outlined in their various legislative statutes.

Previously, the Equal Opportunities Commission (now Equality and Human Rights Commission) launched an investigation into Royal Mail as there was a chronic problem with sexual harassment – the situation is still by no means perfect. It is important that our members have faith and confidence in the employer's ability to root out and deal with harassment complaints in a fair, timely and constructive manner.

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WHAT DO YOU DO IF YOU FEEL YOU ARE BEING HARASSED?

It does not always mean a formal route has to be followed when an incident of harassment takes place. If the victim feels confident and strong enough to approach the perpetrator and ask him/her to stop their behaviour, making them aware why it is offensive, this normally has the effect of resolving the issue. If the victim does not feel confident then they should either approach their union representative or manager so they can have a quiet word with the perpetrator or ask the person to stop.

Clearly, there are some incidents where the informal route will not be appropriate and an individual's behaviour will need to be investigated fully.

Sometimes there may be scope for 'Restorative Conferencing' to take place. This has to be done by a person trained in this specialist counselling. This is where the two parties come together to try and let each party know the effects the harassment has had on them and their close relatives. Both parties have to agree to this process.

FACTS

It is very important that you are able to give all the facts of exactly what happened in the allegation. The best advice we can give is that you ensure you keep a log or diary of the sequence of events in date order. Write down the date and time of the incident, what has happened, details of any witnesses – it might be an idea to get the witness to initial the account while it is still fresh in their minds.

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USEFUL INFORMATION & LINKS

CWU (Communication Workers Union)
Equal Opportunities Department
150 The Broadway
London
SW19 1RX
Tel: **02089717200**
Fax: **02089717300**
Website: **www.cwu.org**

ACAS (Arbitration Conciliatory and Arbitration
Service) **084574747**

Equality & Human Rights Commission
Website: **www.equalityhumanrights.com**
Tel: **08456046610**
Text phone: **08456046620**

Wales EHRC: **08456048810**
Scotland EHRC: **08456045510**

Equality Commission for Northern Ireland
Tel: **020890500600**
Website: **www.equalityni.org**

CWU Harassment Helpline 08001071909

This service is available 24 hours a day, 7 days a week and is confidential. The Helpline will log your complaint and will only pass the information onto the CWU National Equality Department who will coordinate any necessary action according to your wishes. You can also be transferred to a team of qualified, professional counsellors who can provide you with appropriate guidance and support.

www.cwu.org

Billy Hayes General Secretary
www.billyhayes.co.uk


The communications union