

GMB Sexual Harassment Policy

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The GMB Rulebook states our Aims: to promote equal opportunities within the union, the workplace and society in general, and end discrimination. The GMB believes that sexual harassment is unacceptable, undermines the dignity of an individual, is morally wrong, unlawful and has a detrimental impact on individuals, on the workplace and for the organisation as well as in society. We will not tolerate sexual harassment and we will take appropriate action when we are alerted to reports of sexual harassment involving our employees or members. This policy was developed by the Taskforce for Positive Change following the recommendations of the Monaghan Report into sexism and sexual harassment in the Union, which was published in 2020.

The GMB is committed to promoting an environment and culture free from all forms of sexual harassment and we recognise that we are responsible for protecting all employees from sexual harassment. We believe that sexual harassment is not inevitable and we recognise our responsibility to prevent it through practical action to protect workers against harassment and transform workplace cultures. Appropriate steps should be taken to achieve this as set out in this policy.

This policy covers full time and part time workers, night staff and those working atypical or unspecified hours, consultants as well as freelance, temporary or agency contract workers and job applicants. Sexual harassment can occur in a work situation, during or after any situation related to work such as at a social event, outside of the workplace such as a site visit or visiting a member's home or place of work, and on social media or in any online communication such as emails, video calls, phone calls or instant messaging platforms whether private or public.

This policy can be used:

- By anyone who wishes to make a report to the GMB that an **employee** of GMB has been sexually harassed in the context of their employment with GMB, by any person including a member of GMB

- By anyone who wishes to make a report to the GMB that an **employee** of GMB has sexually harassed any person – including a member – in the context of their employment with GMB or where the incident is relevant to their suitability to carry out their role in the GMB.

The GMB sexual harassment policy for Members should be used by anyone who wishes to report:

- the sexual harassment of a member or volunteer, done to them in a situation related to GMB activity by a person who was not a GMB employee
- sexual harassment done by a member of the GMB to any person who was not a GMB employee
- sexual harassment done by a volunteer for GMB to any person who was not a GMB employee, in a situation related to GMB activity

Members of GMB looking for Trade Union support because they were sexually harassed in their own workplace or because they have been accused of sexual harassment in their own workplace, are encouraged to contact their trained GMB representative.

All people will be treated fairly and equally under this policy, regardless of their seniority or position in the GMB.

This policy has six sections. They are:

1. What is sexual harassment?
2. How can sexual harassment be prevented?
3. Roles and Responsibilities
4. Procedure for making, receiving, and responding to complaints or reports of sexual harassment
5. Support for employees who have experienced sexual harassment or are involved in a sexual harassment case
6. Sharing this Policy

1. What is sexual harassment?

- 1.1. **Sexual Harassment** is unlawful. It is defined in the Equality Act [2010](#) as unwanted conduct of a sexual nature which has the purpose or effect of

violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

1.1.1. In Northern Ireland, the relevant legislation is the [Sex Discrimination \(Northern Ireland\) Order 1976 As Amended](#). Together, these are referred to in this policy as 'equality law'.

1.1.2. Sexual harassment can still be unlawful even if a person may not have intended their conduct to be offensive. Sexual harassment can still be a breach of this policy, even if it is not unlawful.

1.1.3. Unwanted conduct of a sexual nature covers a range of behaviour and can include:

- sexual comments, such as making remarks about someone's appearance, clothes or body, sexual jokes, innuendo or nicknames
- the display or circulation of pornography (even if not seen by an individual, if they are aware that the material is being viewed by others where they work)
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances including unwelcome 'flirting'
- requests or demands for sexual favours
- sexual gestures or inappropriate physical contact
- deliberately displaying private body parts
- taking photos of a sexual nature or for sexual gratification without someone's permission
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages, and sexual assault including unwelcome touching, hugging, massaging or kissing

1.1.4. The conduct does not need to be sexually motivated, only sexual in nature.

1.1.5. It is not necessary for someone to object either at the time, or at all, before conduct can be described as unwanted.

1.1.6. The conduct does not need to be a 'pattern of behaviour' under employment case law (although there is separate criminal legislation, the Protection from Harassment Act 1997 which does require a "course of conduct"). A series of incidents which taken separately may seem trivial, can together constitute sexual harassment. Equally, one isolated incident can be sexual harassment.

For example,

A woman attends a job interview and the interviewer tells her that he is happy to see she has increased her chances of getting the job by showing off her attractive legs. This violates her dignity and creates an offensive environment for her, constituting sexual harassment.

1.1.7. The conduct does not have to be specifically targeted at an individual to amount to sexual harassment.

For example,

A worker may work in an office where people display pornography or make sexual comments about LGBT people. This creates an offensive environment for the worker even though no one has made comments about the worker directly or behaved in a sexual way towards them.

1.1.8. Conduct that is directed at one person, or at no-one, may still constitute sexual harassment of another person because of the offensive environment it creates.

1.1.9. Some forms of sexual harassment are also criminal offences, for example behaviour that would be called exposure, sexual assault or rape. They are still disciplinary offences as well and are dealt with under this policy whether or not someone also reports them to police.

1.1.10. It is also unlawful to treat a worker worse because of sexual harassment that happened to them.

For example,

A supervisor stops a woman in his team from being promoted, because she had told the supervisor's best friend to stop asking her out and that she wasn't interested in a relationship

1.1.11. Equality law makes discrimination by trade unions against both their members and their employees unlawful. In some cases an award of compensation can be made both against the trade union and the employee or member who has perpetrated the discriminatory act, including an act of sexual harassment.

1.2. **Victimisation** is also unlawful under equality law. It is defined as treating a worker badly because they have alleged sexual harassment at work, it is believed they will report a case of sexual harassment in the future or have supported someone else who has alleged a case of sexual harassment. Treating a worker badly can include, but is not limited to:

- dismissing a worker
- denying a worker a promotion or development opportunity
- denying a worker shift hours
- making a worker do considerably more travelling or unsocial hours than before
- excluding a worker from tasks, projects, meetings or day to day work
- telling other companies to not hire someone due to their reporting of sexual harassment

1.2.1. There is no time limit on when a worker can experience victimisation, providing that the worker is subject to bad treatment as a result of the case involving sexual harassment and not some other reason.

For example,

A line manager hears a rumour that one of his team may raise a formal grievance of sexual harassment against a colleague who frequently touches her without permission. As the worker is employed on a temporary contract, the manager does not renew the contract to avoid dealing with the grievance. The worker, in fact, had no intention of raising a grievance. Nevertheless, the manager has subjected her to a detriment because he believed that she would, and as such her dismissal is an act of victimisation.

1.3. In the context of these definitions the GMB recognises that:

1.3.1. Anyone can experience sexual harassment and an individual can experience sexual harassment from someone of the same sex or a different sex.

1.3.2. Sexism at work often goes hand in hand with sexual harassment. Where there has been harassment related to sex, but the harassment is not sexual in nature, action should be taken under the Bullying and Harassment policy and the relevant Disciplinary/Grievance procedures which also cover harassment related to other [protected characteristics](#). This policy concerns itself only with behaviour that constitutes sexual harassment, that is behaviour that is 'sexual in nature'.

For example:

A manager regularly chooses to allocate specific kinds of low-status tasks to the two female members of his staff team, even though they have the same job description as the men in the team. This is harassment related to the protected characteristic of sex under the Equality Act 2010. It would be covered by the bullying and harassment policy and procedures, not the sexual harassment policy.

1.3.3. Sexual harassment can *at the same time* be harassment related to a [protected characteristic](#) in which case it is covered under this policy. Some forms of sexual harassment are specifically related to a person's combination of characteristics, such as many experiences of racialised sexual harassment directed at Black and Asian women.

For example:

A worker who identifies as a trans woman is asked frequent and inappropriate questions about her sex life and sexual acts in the context of her gender reassignment surgery by her colleagues. This is sexual harassment as they are asking intrusive questions about a person's sex life and it is also harassment related to the protected characteristic of gender reassignment under the Equality Act 2010.

- 1.3.4. Sexual harassment and victimisation can happen in a work situation, during any situation related to work such as at a social event or site visit, and on social media or any online communication.

For example:

A male worker alters a pornographic image by pasting an image of his male colleague's face on to it. He then sends it to their other colleagues on their personal email addresses, causing them to ridicule him. This still constitutes sexual harassment even though the emails were sent to personal email addresses.

- 1.3.5. Sexual harassment and victimisation can be perpetrated by other workers and third parties. A third party in this context means someone who a worker interacts with as part of their job but who is not employed by the same employer as them, for example a customer or a member. Third party sexual harassment can result in legal liability for employers, but in any case the GMB does not tolerate sexual harassment by a third party, encourages workers who experience it to report it and will be proactive in taking action to protect workers from sexual harassment and victimisation perpetrated by third parties.

- 1.3.6. GMB employees who have engaged in "unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them" in a work situation, or during or after any situation

related to work, are liable to be subjected to disciplinary procedures under this policy even if the person affected by the sexual harassment was not protected by law.

1.3.7. Sexual harassment is a manifestation of power relationships including imbalances based on inequality between men and women in the workplace and in everyday life. While women are most often the targets and men are most often the perpetrators, this is not always the case. Sexual harassment often occurs within unequal relationships in the workplace, for example between a manager or supervisor and an employee or between a permanent and temporary worker. These power imbalances will be taken into account when deciding what disciplinary action is taken. The act does not have to be directed at someone for them to experience sexual harassment.

1.3.8. Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

For example

A female worker has a brief sexual relationship with her supervisor. The worker tells her supervisor that she thinks it was a mistake and doesn't want the relationship to continue. The next day, at a work related social event, the supervisor grabs the worker's bottom, saying "Come on, stop playing hard to get". Although the original sexual relationship was consensual, the supervisor's conduct after the relationship ended is unwanted conduct of a sexual nature and is sexual harassment.

2. How can sexual harassment be prevented?

Under equality law employers are liable for harassment or victimisation committed by their workers unless they can show that they took all reasonable steps to prevent such behaviour.

The GMB recognises that there are multiple measures that can help prevent all types of sexual harassment. The GMB commits to action including but not limited to:

- 2.1. Training for all staff, members and activists on prevention, culture and reporting procedures in relation to sexual harassment. All employees should know what to do if they experience or witness sexual harassment and how to sensitively handle disclosures or complaints of harassment. Training will be tailored to the workplace environment and audience, intersectional, from a trauma-informed perspective and repeated at interim periods.
- 2.2. All line managers will be trained in implementing this policy and how to respond sensitively to any reports of sexual harassment. This competency will be reviewed as part of every manager's performance review.
- 2.3. Good management practice including inclusive, competent people management.
- 2.4. Annual anonymous climate surveys to find out about experiences of sexual harassment, explore workplace culture and environment, identify worker needs, gaps in response and how to address them. Where climate surveys have identified certain departments or areas of work where sexual harassment is present, the GMB may introduce targeted learning and development or other interventions as deemed necessary.
- 2.5. Undertaking risk assessments for sexual harassment as with any health and safety issue. Assessments identify the risks and the control measures necessary to minimise them. Factors may include, for example, power imbalances, job insecurity, lone working, the presence of alcohol, public-facing roles, lack of diversity in the workforce and workers being placed on secondment or at events.
- 2.6. Ensuring everyone has somewhere to go for safe, confidential discussions.
- 2.7. Ensuring a zero-tolerance attitude to sexual harassment is clearly communicated to all workers, members and any third parties, in internal as well as external facing communications. For example:
 - 2.7.1. in all staff inductions and employment contracts

2.7.2. publishing advisory notices or recorded messages at the beginning of telephone calls, online events or in-person conferences that sexual harassment will not be tolerated

2.7.3. communicating what steps will be taken to remedy a report of sexual harassment and prevent it happening again. For example, warning a colleague about their behaviour, banning a member from attending events, reporting criminal acts to the police, sharing information across branches and regions or with future potential employers.

3. Roles and Responsibilities

3.1. Duties of managers and supervisors

Ultimate responsibility rests with the General Secretary, with delegated responsibility to the Head of People Management and Support to ensure no one at the GMB is subjected to sexual harassment or victimisation and ensuring that employees and members are trained on the content and application of this policy.

All managers and supervisors have responsibility for:

- creating an inclusive culture and environment so that any incidences of sexual harassment and/or victimisation are robustly challenged and tackled;
- treating informal and formal complaints seriously, with sensitivity to the feelings, perceptions and confidentiality needs of the individual raising the report;
- treating their staff fairly and taking prompt action where they are aware of unacceptable behaviour;
- ensuring that anyone who reports sexual harassment, or supports others to do so, is not treated less favourably than others because of this (victimisation);
- assessing and managing risk arising from disclosures, reports and disciplinary processes

- dealing swiftly and explicitly with third party perpetrators with a view to banning individuals from premises, withdrawing membership or ending contracts
- Ensuring that they and their team undertake regular training on sexual harassment
- ensuring this policy is followed at all times
- being an exemplar of acceptable behaviour and being aware that they are in a position of power as well as leadership

3.2.Duties of individuals

All employees have a clear role to play in creating a work environment in which sexual harassment is not acceptable. All employees should:

- ensure they understand this policy and act in accordance with it, particularly if they are an alleged perpetrator of unacceptable behaviour;
- fully cooperate with any investigation and take seriously requests to cease or amend behaviour;
- not participate in, encourage or condone sexual harassment or victimisation of others;
- promote an inclusive culture in which colleagues or peers are not subjected to sexual harassment or victimisation by challenging and/or reporting these forms of behaviour to the appropriate person;
- treat all members, employees and those they encounter through work with dignity and respect
- think about their own behaviour and whether it might amount to sexual harassment or the maintenance of a culture supportive of sexual harassment: if so then change their behaviour

4. Procedure for making, receiving and responding to complaints or reports of sexual harassment

The GMB commits to dealing with cases of sexual harassment promptly, efficiently and sensitively when it becomes aware of them. You do not have to be the recipient or target of sexual harassment to make a report about it. If you see it happening or

become aware of a problem, you have the right to challenge it and to make a report to a line manager, trade union rep or other suitable person.

This policy includes an informal as well as formal process for dealing with reports of sexual harassment. The process for dealing with reports of sexual harassment differs in a number of ways from the process for dealing with other reported disciplinary offences or grievances, in light of the specific issues and dynamics that must be considered.

The word “reporter” is used to describe a person who has decided to share their experience of sexual harassment, whether informally or formally in the form of a complaint. At the GMB we do not refer to people who make reports of sexual harassment as “complainers” or “complainants” because we welcome their reports and we reject the all too common characterisation of reporters as “trouble-makers”. When people decide to report sexual harassment they normally do so out of a sense of wanting to make the workplace better for themselves and for others.

The phrase “alleged harasser” is used to describe any person who the reporter is saying was responsible for the harassment. The alleged harasser cannot be described as a “harasser” until after there has been a formal disciplinary decision. Using the word “alleged” does not imply that the reporter has made up an accusation. The GMB recognises that false allegations of sexual harassment are rare, that victim-blaming is common and that victims are often worried they will not be believed because of biases and myths in our society, or that they will be punished if an investigation does not conclude there was sufficient evidence to make a finding. The GMB will always assume that reports have been made in good faith unless there is evidence to the contrary. Any investigation will always examine the evidence from the case.

4.1. Informal process

4.1.1. If a reporter feels confident and able to do so, they can raise their experience directly with the person who is the alleged harasser. The reporter can explain directly to them why their behaviour was unacceptable, how their behaviour made them or others feel and that they would like them to stop it. This can be done in a conversation or in writing.

4.1.2. If the reporter does not want to approach the harasser, or feels unable to do so, they can ask a third party, either their trade union rep, line manager or any manager who has received management training in responding to reports of sexual harassment to support them. This third party will be fully engaged in resolving the issue and equipped to provide them with guidance in how to do so in a confidential manner. The third party will give playing this supportive role priority in their workplan and take one or more of the following actions as soon as practically possible:

- listen to the reporter
- provide the reporter with advice on how to approach the issue directly with the alleged harasser
- accompany them when speaking to the alleged harasser
- help the reporter set out their thoughts in writing
- raise the matter informally with the alleged harasser on the reporter's behalf
- help to obtain advice on how best to resolve the issue and/or assistance in doing so from other sources either internally such as from Human Resources or externally from sources such as the NNC
- help to obtain advice on or assistance in dealing with issues relating to particular protected characteristics. For example, from a charity with expertise relating to sexual harassment of LGBT+ workers or Black and minoritised women
- help to obtain counselling or support, safeguarding advice or a risk assessment for the reporter if appropriate, for example through the Survivors' Trust Confidential Helpline and Online Support Service
- assure the reporter that they do not have to raise a formal complaint, unless they want to, and the institutional response will be led by the reporter's choices.

4.1.3. Mediation, which is often used to resolve workplace disputes of various kinds informally, is rarely suitable for resolving sexual harassment cases which tend to involve significant imbalances of power and one party being at fault. It is inappropriate and unnecessary for a victim of sexual harassment to be invited to sympathise with the point of view of a harasser whose actions were unlawful and prohibited, whether or not they intended

harm.

4.1.4. If the reporter feels able to, they can also approach the line manager of the alleged harasser. This is something a third party can also support individuals with. The line manager may decide to have a training session or team discussion to improve the culture of the team, for example, or they may decide to invest some time in supervising the alleged harasser more closely. They must keep the informal report confidential.

4.1.5. It is also advised that anyone who has experienced or witnessed sexual harassment should tell a friend or someone they trust, in confidence – rather than trying to cope with it alone – and keep a diary of incidences. This will give a helpful record of the nature of the sexual harassment and when it occurred. It could be important if someone chooses to report the sexual harassment to establish a pattern over a period of time. There are online reporting platforms that will take a timestamp of a report, without sharing it with anyone else unless the person later decides to, for example through <https://app.talktopot.com/>

4.1.6. The aim of the informal process is to resolve the situation to the satisfaction of all parties, without escalating to a formal disciplinary process that may be time-consuming and stressful for everyone. A reporting party may want to give the alleged harasser a chance to show they understand they have behaved inappropriately, to apologise, and to make promises that they will change their behaviour for the better. Someone who has been approached with a concern about their behaviour may feel threatened or angry at first, but it is a good idea to try to listen carefully to what is being said and try to see the point of view of the reporter.

4.1.7. There could, very rarely, be circumstances where certain information may need to be shared with other people (such as police or another employer) because of a duty of care or safeguarding responsibilities, as a result of concerns identified whether in an informal or formal process. In these cases, permission will be sought and, if not granted, the risk of potential harm to the reporter and any others will be carefully considered. The wishes of reporting parties are respected and prioritised as a key

principle and only minimal information would be shared if absolutely necessary, after careful discussion.

4.2. Formal process

If a reporter does not wish to pursue an informal route, the informal route has been tried and not worked, it is felt the alleged harasser will not respond to an informal process or the case is too serious for an informal process to be appropriate, a formal process is also available and stipulated here.

4.2.1. A reporter or reporters who wish to make a formal complaint can ask a representative from their trade union, line manager or any manager who has received management training in responding to reports of sexual harassment, to help with this formal disciplinary and grievance process. It is advised to approach a third party who is more senior than the alleged harasser, if they feel comfortable doing this.

4.2.2. It is not the role of the third party to try to encourage, or discourage, a person from making a formal complaint. To do so could in itself constitute a disciplinary offence. Instead, that person should listen to the reporter and help them through the process.

4.2.3. A formal complaint can be made to any manager in the GMB who is senior to the alleged harasser or, if this is not possible, to a manager who is equally senior, i.e. a member of the Senior Management Team. In the case of a member being the alleged harasser, the complaint should normally be made to their Regional Secretary and or in accordance with the information set out in the Member policy.

4.2.4. The complaint should be sent in writing (by letter or email), it should state who it is from, that it is a formal complaint under the sexual harassment policy about a named person or a group of people, describing what has happened and asking for an investigator to be appointed.

4.2.5. On receiving a formal complaint of sexual harassment, a manager will immediately make a request to the Head of People Management and

Support to appoint an investigator who has been specially trained to handle cases of sexual harassment and who has no 'conflict of interest' (for example, a close relationship), with any of the parties. If the case would be too difficult or onerous for an internal investigator to conduct, or if there is a serious risk of a real or perceived conflict of interest, an experienced specialist investigator from outside the GMB may be appointed.

4.2.6. If the complaint concerns the Head of People Management and Support then another member of the Senior Management Team who has no conflict of interest may be approached to oversee the appointment of the investigator.

4.2.7. The reporter may prefer to talk to an investigator of the same sex in some sensitive cases and this preference should be respected.

4.2.8. The Head of People Management and Support or other qualified HR professional will be available to assist the investigator with procedural matters including formal communications to the parties directly involved in the case.

4.2.9. No other parties should interfere improperly with this process for managing reports of sexual harassment at any stage.

4.2.10. There is no time limit from the date of an incident within which complaints must be made. Clear timeframes will be set and communicated to the reporter for each stage of the formal process and the process should be conducted in as short a timeframe as possible, to reduce distress and build confidence in due process.

4.2.11. The investigator will conduct the investigation in line with ACAS recommendations on disciplinary and grievance procedures, including the specific guidance for sexual harassment cases, as appropriate. Reporters, witnesses and alleged harassers will always be interviewed separately and will be provided with documents to be considered at interview, at least five working days beforehand. Any special considerations for the protection of witnesses from retaliation or from other harm (for example allowing witness

anonymity) may be legitimately allowed but may affect the weight that can be given to their statement.

4.2.12. It is important that the process does not take an unreasonable length of time. Those conducting the process should prioritise, to ensure that actions are completed in the shortest possible time, in accordance with best practice and explaining any reasons for unavoidable delay to all parties involved. Parties invited to interview will be expected to make themselves available within two weeks of the initial proposed interview date if they decline the first proposed date. Unless there are special circumstances mitigating against it, a re-arranged interview will take place in their absence if they cannot attend.

4.2.13. Because of wider organisational and public interest issues, an investigation may be continued and concluded if the alleged harasser or reporter resigns from or leaves the GMB during the process.

4.2.14. Both the reporter and the alleged harasser, if they are an employee, have a statutory right to be accompanied to a formal hearing by a colleague or trade union representative. They also have the right to be accompanied by a colleague or trade union representative to any meeting relating to the complaint. The GMB will additionally allow the parties to be accompanied by a friend or family member to support but not to represent. Legal representation is not normally permitted.

4.2.15. All complaints will be received and investigated in a confidential manner at all times. Reporters, alleged harassers and their nominated support persons/third parties as well as witnesses and note takers must respect the confidentiality of the process although of course reporters and alleged harassers may share what they are going through in confidence with close family or counsellors. It is not appropriate to share information with people at different levels of management during the investigation unless they are involved directly. Breaches of confidentiality could lead to disciplinary action being taken against those responsible.

4.2.16. Reporters and alleged harassers are both entitled to reasonable disclosure of information about the progress of an investigation and the evidence put forward.

4.2.17. Wherever possible, the GMB will try to ensure the reporter and the alleged harasser are not required to work or associate together while the report is under investigation. Any perception that a reporter is being punished, or victimised, by being moved or otherwise inconvenienced during the investigation, should be guarded against. In a serious case, the person against whom the report has been made may be suspended while investigation and any subsequent disciplinary procedure are undertaken. Such suspension will be for as short a time as possible and will be on full pay with contractual benefits. Decisions to suspend will be made after consultation with the HR Department and the employee's trade union representative or work colleague. Any decision to suspend will be confirmed in writing within 3 working days. The suspension should be periodically reviewed and the reason for continuance confirmed in writing.

4.2.18. After investigating the report, if the investigator finds that there has been sexual harassment, they will ask the reporter and any witnesses if they wish to provide a 'victim impact' statement to assist the investigator with recommendations on sanctions and remedies. They are free to do this or not to do it and any attempt by others to influence a victim impact statement is likely to constitute misconduct.

4.2.19. The investigator will make a written report and recommend a disciplinary penalty to the appropriate decision maker. This may include dismissal from employment and/or expulsion from the Union.

4.2.20. The GMB will not require reporters or witnesses to enter into any non-disclosure or confidentiality agreement arising out of a complaint of sexual harassment unless a reporter, having taken independent legal advice, requests that the GMB do so for the reporter's personal protection and/or benefit.

4.2.21. The GMB asserts its right to retain information about formal and informal complaints of sexual harassment and to communicate the findings where a report of sexual harassment has been upheld or to communicate where an employee or member has left while a sexual harassment investigation was in progress, as this amounts to a legitimate interest under data protection regulation.

4.3. Sanctions and remedies at conclusion of formal process

4.3.1. Sexual harassment should always be treated as a serious disciplinary offence. Even a single incident, depending on the nature of it, may justify summary dismissal or the cancelling of membership regardless of whether it is a first offence. Certain serious cases, including but not limited to physical violence, will constitute gross misconduct and result in the immediate dismissal and/or expulsion of the harasser. In the event that an employee has committed an act of gross misconduct the GMB will be entitled to terminate their contract of employment without notice or pay in lieu of notice.

4.3.2. Every act of sexual harassment – whether it might be characterised as “banter” or otherwise trivialised – contributes to a culture that supports and encourages the full range of sexually harassing behaviours. The most major and serious instances of sexual harassment are more likely to occur when perpetrators observe a generally accepting climate for sexism and micro-aggressions that go unreported or attract no sanctions.

4.3.3. Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

Employee	Member
<ul style="list-style-type: none">• written warning• final written warning• adverse performance evaluation• reduction in wages	<ul style="list-style-type: none">• written warning• final written warning• demotion from office• suspension from membership or office

<ul style="list-style-type: none"> • transfer • temporary or permanent exclusion from certain events, locations and activities • behaviour agreement • apology to those affected (normally a written apology) • compulsory training • demotion • suspension • dismissal 	<ul style="list-style-type: none"> • exclusion from office • temporary or permanent exclusion from certain events, locations and activities • behaviour agreement • apology to those affected (normally a written apology) • compulsory training • expulsion from membership
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4.3.4. The nature and duration of the sanctions will depend on the gravity and extent of the harassment. Written warnings should be clear about further steps. The GMB will have regard to the views of the reporter when deciding which sanction(s) it will impose. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Aggravating factors that may affect the sanctions or remedies can include but are not limited to: abuse of power; combined discrimination; abuse of context such as events involving the consumption of alcohol; evidence of retaliation or victimisation; breach of confidentiality; refusal to engage in the process; or acting in bad faith.

4.3.5. If a person has breached this policy after receiving a final written warning, they should expect to be dismissed or expelled. A final written warning may be issued: a) where one written warning had already been given for a previous breach of this policy; or b) in response to a first offence of sexual harassment where the harasser was not expelled or dismissed but what they did was sufficiently serious to move directly to a final written warning.

4.3.6. Sexual harassment cases are under-reported. People who engage in sexual harassment may pose an enhanced risk to the safety and wellbeing of others in the workplace and beyond the workplace. Trade Union employees regularly come into contact with marginalised and vulnerable people who are at increased risk of being targeted for sexual harassment.

For these reasons the GMB will retain disciplinary records (accessible to HR and the relevant Regional Secretaries) for sexual harassment processes, including written warnings, for 7 years. This is intended to be the norm for sexual harassment cases and will be applied unless there is a clear case that the time on record should be reduced to 3 years or 5 years and only when:

4.3.6.1. There was no physical (touching) element to the sexual harassment; and

4.3.6.2. The sexual harassment would be described by a reasonable person as relatively minor; and

4.3.6.3. The sexual harassment was a first offence; and

4.3.6.4. The harasser has not reoffended during the reduced time the record has remained.

4.3.7. The line manager of the harasser and the reporter as relevant will ensure that the recommended disciplinary and or remedial action is carried out. Any failure by a line manager to ensure that this is completed in a timely manner is in itself likely to constitute misconduct.

4.3.8. If a harasser is going to continue or return to a working relationship with the reporter or victim, their line managers or other managers as appropriate are responsible for taking steps to improve working relationships and supporting their employees whatever the outcome.

4.3.9. The GMB asserts the right of reporters to be informed of the outcomes and sanctions in disciplinary cases where they were the victim.

4.3.10. A finding that an employee has been sexually harassed by a third party (someone who is not a GMB employee or member) should lead to the GMB to take action to reduce or eliminate the harasser's opportunity to interact with the victim and or other GMB employees or members, such as by banning them from activities or premises and enforcing the ban. This action would include a formal notification being made to that person and kept on record. It may be necessary and or proportionate (a legitimate purpose / substantial public interest) to inform the harasser's own employer and or Trade Union of the outcome of the investigation, to assist them with their

own duty of care to others. It may be necessary or proportionate to review any contractual relationship with the harasser's employer.

4.3.11.

In accordance with recommendations from the ILO Convention on Sexual Harassment, the GMB recognises that victim-survivors of sexual harassment should be entitled to the provision of remedies in recognition of the harm that they have been subjected to. Such remedies may include appropriate financial compensation in addition to time off work or provision of counselling for example. The range of remedies offered should take into account that victim-survivors of sexual violence and harassment may also seek justice through wider institutional actions: if their interest is to diminish the likelihood of something similar happening to others then their views about actions that could increase protection or prevention should be considered.

4.4. Appeal

An appeal involves looking at the original decision and the evidence already given (including any necessary additional investigation as set out in 4.4.2 below). It is not a repeat of the original hearing (known as a rehearing).

4.4.1. Both the reporter and the alleged harasser may appeal an outcome, on limited grounds:

4.4.1.1. Whether the correct procedure was followed

4.4.1.2. Whether there is substantial new evidence

4.4.1.3. Whether the sanction was wrong or unfair

4.4.2. Any request for appeal must be made within ten days of notification of the outcome. It must be made in writing to the Head of People Management and Support (or another member of the Senior Management Team if there is a conflict of interest). It must state who it is from, that it is a request for an appeal, and what the reason is for the appeal. The Head of People Management and Support or other suitable person will appoint a specially trained investigator following the procedure set out at paragraph 4.2.5 to

review the case, decide whether there are grounds for appeal, and if there are grounds then to make a decision, undertaking any additional investigation only if that is necessary and communicating the findings and changes or additions to recommended sanctions and or remedies. The decision of the appropriate decision maker hearing the appeal is final.

4.5. Legal action

4.5.1. If an act of harassment may also amount to a criminal offence and in limited circumstances, a trained manager from the GMB may raise the possibility of reporting the matter to the police with the reporter and provide them with the support to do so. Wherever possible, the GMB will follow the wishes of the reporter. The GMB, reporters and witnesses should refer to ACAS guidance on Sexual Harassment: When it's a Crime.

4.5.2. If formal or informal steps do not solve the problem, the reporter might want to take a case to an employment tribunal. A claim to an employment tribunal usually must be made three months less one day from when the (most recent) incident occurred although requests for extended time can be made and can be granted by a tribunal. The employment tribunal will expect the reporter to have tried to resolve the problem internally and any records they have kept will be considered as part of the hearing. Resignation might be the last resort but reporters must make sure they have tried all other ways to resolve the situation. An employee needs to be sure they have met any employment qualifying requirements before resigning and making a claim to the employment tribunal. Employees should take advice about this via the NNC or independent trade union, or a legal specialist.

5. Support for employees who have experienced sexual harassment or are involved in a sexual harassment case

The Safe Space Helpline and online support service is run independently by the Survivors Trust and offers all employees, ex-employees and members affected by sexual harassment a free and confidential safe space where you can talk with supportive and knowledgeable people.

It is unlikely that investigations can happen without reports being made by people who identify themselves to the GMB through the formal and informal procedures described in this policy. But sometimes workers and members can feel unable to raise complaints in person. The GMB recognises that there is a role for anonymous reports that can be fed back to the GMB so that action can be taken such as monitoring a situation or providing training in a particular area of the organisation. The Survivors Trust Safe Space can contact the GMB with concerns that have been raised anonymously to them.

Employees can also contact the following organisations for support and advice:

- [ACAS](#) which has dedicated pages all about sexual harassment at work
- the [Equality Commission for Northern Ireland](#)
- [The Labour Relations Agency for Northern Ireland](#)
- The NNC or independent trade union
- [Rights of Women](#) free and confidential legal helpline for women who have experienced sexual harassment at work in England and Wales: 020 7490 0152
- [Scottish Women's Rights Centre](#) sexual harassment legal service: 020 7490 0152
- [Galop](#), the LGBT+ anti-violence charity, 0800 999 5428
- Citizens Advice Bureaux
- The Equality Advisory and Support Service (EASS)
<http://www.equalityadvisoryservice.com/app/ask>
- The Employee Assistance Programme for counselling and health concerns
- [Galop](#), the LGBT+ anti-violence charity, 0800 999 5428
- [Rape Crisis England and Wales](#)
- [Rape Crisis Scotland](#)
- [Rape Crisis Northern Ireland](#)
- [SurvivorsUK](#) – male rape and sexual abuse support

6. Sharing this policy

The GMB will ensure that this policy is effectively communicated to all employees by:

- Publishing this policy in an easily accessible location, that can be accessed by all employees at all times without having to ask another member of staff for the policy

- Making reference to the policy in the contract of employment, or other terms and conditions of work
- Verbally communicating the policy and where it can be found, during the employee induction process and during regular sexual harassment training sessions
- Sharing the policy with any other organisations that supply workers and services to ensure they understand the expectation of them
- Ensuring any update to this policy is communicated to all employees.

The GMB commits to reviewing the policy on a regular basis and at least every three years to monitor its effectiveness for example through:

- centralised records of formal and informal complaints and reports
- climate surveys which ask all workers questions on an anonymised basis to obtain as accurate a picture of harassment that is happening in the workplace as possible
- feedback through conversations with employees in exit interviews and 1-2-1's

Any changes to the policy will be developed with the internally recognised trade union.

This Policy is accompanied by a flowchart:

<https://gmbunion365.sharepoint.com/:b:/s/GMBTaskforce/EaTOqv02HuIFnIdgVmKN-z8BuMlvPNguTraiu6xA1FTugw?e=vNlzXV>