

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



## FOREWORD

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.

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

Harassment is any conduct or behaviour which is unwanted, unwelcome and unreciprocated, relating to; sex, race, disability, sexual orientation, religion/belief, age or any personal characteristics.

**Examples** The list below is not exhaustive

- 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.

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 an 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**

### **EMPLOYER'S RESPONSIBILITY**

The law states that your employer has a duty of care to provide a safe working environment for you at work. 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 the 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 the acts of harassment committed by its employees. It is your employer's responsibility to respond to the complaint and to resolve the matter accordingly.

### **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 they can reasonably expect to be given clear advice, where appropriate, representation to help challenge the behaviours they are complaining about.

All CWU representatives are obligated 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 confidentially. All representatives have to attend the mandatory one day equality and diverse training course.

You should also be informed of your legal rights to take your case to an Employment Tribunal if you have grounds. There is no justification for any level of harassment and all 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 and timely constructive manner.

### **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 asking the person to stop.

Clearly, there are some incidents where the informal route is not appropriate and an individual's behaviour needs 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 and let each other know the effect the harassment has 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 diary of the sequence of events in date order. Write down the date and time of the incident, what 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.

### **USEFUL INFORMATION & FACTS**

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

**ACAS**  
(Arbitration Conciliatory and Arbitration Service)  
Website: **[www.acas.org.uk](http://www.acas.org.uk)**

**Equality & Human Rights Commission**  
Website: **[www.equalityhumanrights.com](http://www.equalityhumanrights.com)**  
Tel: **0808 800 0082**  
Text phone: **0808 800 0084**

**Equality Commission for Northern Ireland**  
Tel: **028 90 500 600**  
Website: **[www.equalityni.org](http://www.equalityni.org)**

### **CWU Harassment Helpline 0800 090 2303**

This service is available 9-5 on weekdays and after hours there is answering machine. The helpline logs your complaint and passes the information on to the CWU National Equality Department who then coordinates any necessary action with you.