

fact sheet

UNISON continues to fight for equality in all areas. We have had some successes, including some excellent employment laws. However, on occasion, some members have found themselves falsely accused of breaking these laws. Often, the false allegations come directly from co-workers.

Usually, the false allegation comes in the form of a counter-claim against a member who has taken a grievance against another. This can be a very upsetting experience, with the standard practice in most employers being to suspend both members pending an investigation.

During 2005, the National Lesbian Gay Bisexual Transgender (LGBT) Committee raised the issue of false allegations with UNISON's service groups. At the 2005 Health Conference, Karen Jennings, UNISON Head of Health, said:

"Many health workers work on a one to one basis with colleagues or clients. They can be out in the community and often work with vulnerable people. Without question we must support anyone experiencing genuine harassment, any claim of sexual harassment must be listened to seriously and fully investigated. But our commitment to tackling sexual harassment must not close our minds to the fact that malicious allegations have been made."

"Allegations may be made against anyone, but lesbian, gay, bisexual and transgender workers may be particularly vulnerable to false allegations. People allege harassment because they know that they can rely on other people's prejudices and the difficulty the accused may have in defending themselves against such a charge."

Although the reason for initially producing this fact sheet was in response to LGBT members raising their concerns, we believe this fact sheet will provide information useful for any branch that has concerns about false allegations being made against their members.

Brian Crosby
National Officer LGBT Equality

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PROTECTING MEMBERS FROM FALSE ALLEGATIONS

CREATING DISCRIMINATION-FREE WORKPLACES

... developing within the employer

Not all workplaces are free of discrimination, despite legislation designed to protect individuals from it. Branches with robust equality policies agreed with employers, hopefully as part of an effective equalities strategy, will have better working environments than those with no policies in place. This is because effective strategies require that equality training is provided to all staff.

UNISON has drafted a 'Model Statement on Sexual Orientation and Gender Identity', which can be jointly agreed by branches and employers to demonstrate a commitment to creating an environment that respects all staff and service users, regardless of their sexual orientation or gender identity (see www.unison.org.uk/out for a copy). This model statement identifies five core areas that could underpin similar models for other equality areas:

1. Employer needs to recognise and value the diversity of its workforce
2. Employer should recognise the existence of discrimination and prejudice
3. Employer recognises a need to take positive steps to promote equality and tackle discrimination
4. Employer recognises people's rights to be open about their sexual orientation or gender identity and their right to keep this confidential
5. Employer is committed to effective implementation and monitoring* of steps to equality

* NB. This does NOT mean monitoring the number of staff who may be LGBT, it means monitoring the effectiveness of the equality strategy.

... developing within the branch

In addition to joint working with the employer, UNISON branches have the opportunity to enhance their organisational development by embracing the equality agenda. UNISON has published a guide on 'Organising for Equality' (communications stock reference 8742 – May 2006), which sets out the case for self-organisation amongst black, disabled, LGBT and women members. The guide explains that self-organised groups:

"... have a valuable role in ensuring that the union identifies and takes up equality issues, actively challenges discrimination and that our democratic structures reflect the whole membership".

Branches should not see equality issues as a separate 'bolt-on' to other negotiation issues. Developing broad-based equality strategies should be seen as mainstream work, and an activity that will protect all members from the likelihood of bullying, harassment and indeed false allegations.

PROTECTING MEMBERS FROM FALSE ALLEGATIONS

REVIEWING EXISTING BULLYING AND HARASSMENT POLICIES

In 2005, Nottinghamshire Healthcare NHS Trust* reviewed its bullying and harassment policies. The revised policy now states that where employees make counter-claims against someone who has recently registered a grievance against them, then *“these will normally not be considered until the ongoing matter has been satisfactorily resolved.”*

The Nottinghamshire Healthcare policy makes it clear that all complaints will be fairly investigated but that, in normal circumstances, it will deal with the initial complaint first. One of the benefits of this stance is that members who are facing a counter-claim from another member of staff may not automatically be removed from the workplace or suspended from work. Although such a suspension would be on full pay, the suspension in itself can be extremely stressful and demoralizing – especially if it turns out the allegations were totally false!

Importantly, the policy warns staff that if they make “vexatious allegations” against other staff (ie false and malicious claims) then this would in itself constitute a serious disciplinary offence.

The policy advises all staff of their responsibility to treat fellow colleagues with dignity and respect, and the Trust reminds managers of the need to work in partnership with trade union representatives to try to resolve concerns about inappropriate behaviour *“immediately, and as close to the source (of the employee creating the offence) as soon as possible”*.

[* UNISON wishes to thank Kate Duncan and James Fleet, Personnel Dept, Nottinghamshire Healthcare Trust for permission to quote extracts from this policy in this member’s fact sheet]

USING THE UNISON REPRESENTATION GUIDE

UNISON republished its guidance on how to represent members in July 2005 (Communications stock number 2426). This guide explains in detail how local stewards can best represent their members.

Every member has a right to turn to UNISON for support – it is in everyone’s interest (the member, the branch, the union, the employer) that a member accused of harassment receives fair treatment. However, as the guide points out, *“false allegations of harassment are sometimes made for malicious purposes or prejudiced reasons. For example, lesbian, gay or bisexual workers may be particularly vulnerable to charges of sexual harassment for behaviour (or imagined behaviour) that would be seen as ‘normal’ for a heterosexual worker.”* A review of existing policies may be a way to ensure that these situations are prevented from happening in the first place.

PROTECTING MEMBERS FROM FALSE ALLEGATIONS

Visit the LGBT section of the UNISON website for up to date advice, information and events:

www.unison.org.uk/out

For help when you need it call UNISON*direct*, UNISON's information and advice phone line service for members on 0845 355 0845 (voice) or 0800 0 967 968 (minicom) between 6 am and midnight, Monday to Friday and 9 am to 4 pm on Saturday.

UNISON welcomes comments on this Factsheet.
Please either write to or email us at:

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