

INVESTIGATION INTO SEXUAL HARASSMENT AND THE  
MANAGEMENT OF SEXUAL HARASSMENT  
COMPLAINTS  
WITHIN THE GMB

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## **Executive Summary**

The GMB is institutionally sexist. The General Secretaries and all regional secretaries are, and always have been, men. Women are underrepresented throughout the GMB's ranks.

There is significant job segregation at regional level, with officer grades disproportionately filled by men and staff grades disproportionately filled by women.

Branches are male dominated with limited female participation, and are often organised in a way that deters women members' participation.

Bullying, misogyny, cronyism and sexual harassment are endemic within the GMB.

The culture in the GMB is one of heavy drinking and late night socialising, salacious gossip and a lack of professionalism.

The GMB's policies and practices are not sufficiently clear or robust to deal with sexual harassment among employees or members.

The regional secretaries hold disproportionate power in the GMB. Many use that power to bully and manipulate members of the GMB's lay bodies, from branches up to the CEC. Regional secretaries are also in the majority on the Senior Management Team.

Fundamental change is required if the GMB is to meet its promise to women in the GMB and to women in society more widely. It is unlikely to achieve

this change unless the lay bodies discharge their leadership duties and

responsibilities under the Rule Book, and nor is it likely to achieve it without external supervision from an outside body.

I have made a number of recommendations. These can be found in the Annex to this report.

## 1. Introduction

1. On the 25<sup>th</sup> May 2020 I commenced an investigation for the GMB into sexual harassment. My terms of reference were as follows:
  - Assess the effectiveness of:
    - Actions taken by the GMB in response to formal and informal reports of sexual harassment, including sexual assault.
    - The GMB's policies and procedures relating to sexual harassment and the manner in which these have been implemented, including:
      - processes in place to prevent workplace sexual harassment.
      - training provided to managers and other relevant staff.
      - the accessibility of mechanisms for raising complaints relating to sexual harassment and levels of confidence in these mechanisms by those covered by the policies.
    - Steps taken to ensure that those reporting sexual harassment are not victimised.

In undertaking the assessment I was asked to consider information relating to reports made in the past 10 years.

- I was also asked to:
  - assess the extent to which formal or informal ways of working, particularly those related to decision-making, and culture, impact on the GMB's ability to prevent and address sexual harassment effectively, and to
  - Make (i) specific recommendations to address areas where individual or organisational practice and/or the culture of the

organisation could be improved in relation to preventing and



responding to sexual harassment and (ii) any other such recommendations to the GMB as seem to be appropriate.

2. The closing date for receipt of information from those who wished to contact me was 30 June 2020, though this was extended given the number of people who approached me to provide information and the volume of materials I received.
3. The immediate trigger for the investigation was the receipt of an undated letter addressed to Barbara Plant, the President of the GMB. The letter contained allegations of a “serious sexual assault (rape)”, drug use and sexually predatory behaviour, by a senior man within the GMB. The letter also alleged that a number of named people were aware of the incident (the alleged rape) and those included senior members of staff. The name given at the end of the letter, as purportedly authors of the letter, was “GMB Sisters”.

## **2. Conduct of the investigation**

4. The investigation took a period of approximately 13 weeks. Around 150 people contacted me to provide me with information. I had emailed a small number of people requesting that they contact me, but overwhelmingly those who contacted me did so unsolicited and in response to the announcement of this investigation. Many provided me with detailed statements and other documents. The investigation generated hundreds and hundreds of emails indicating the level of interest in it.
5. I interviewed 39 people, mainly on zoom/Teams although some by ‘phone.
6. Apart from in the case of the General Secretaries, I gave an assurance of

confidentiality to all those I interviewed. This was necessary given the

anxieties and sometimes fear as to what might happen if identities were disclosed. Those concerns were not fanciful. As I indicate below, the culture of bullying and victimisation in the GMB is such that I am satisfied the concerns were well founded.

7. The confidentiality assurance was to the effect that the names of interviewees would not be included in this report and nor would they be identified directly or indirectly as a source of any information included in this report. As it happened, much of the evidence I have referred to in my report came from more than one source and frequently many.<sup>1</sup>
8. I gave no assurance of confidentiality to the three ex-General Secretaries I interviewed.<sup>2</sup> This was because of their special position in the organisation. None of the General Secretaries asked for confidentiality and all three indicated that they wished to give evidence transparently.
9. There are a number of matters that I have decided that I cannot include in this report. These include matters relating to the letter referred to above. There was no question of me investigating the underlying allegations contained in the letter, as my terms of reference make clear. However, since my terms of reference include consideration of the ways in which formal and informal reports of sexual harassment have been addressed by the GMB, it seemed to me that I could investigate certain aspects of the letter. While I know this will be a disappointment to some, I have decided not to make any findings on the letter or to otherwise refer to it in this report. This is because to do so would inevitably lead to a breach of confidentiality, and of the anonymity, that I have promised. I

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<sup>1</sup> It was also explained to those I interviewed that none of the materials I collected (emails, documents, notes of interviews etc) would be passed on to the GMB. Arrangements have been made to store these with the independent solicitor who instructed me. They will be kept

for 6 years (unless needed for a longer period) when they will be destroyed.

<sup>2</sup> The last General Secretary, Tim Roache, will have come to the end of his term of office by the date of delivery of this report.

am satisfied, however, that “GMB sisters” were not the authors of the letter. “GMB sisters” is an informal network of women GMB members in London. There are similar networks in other regions.

10. Finally, I received numerous emails containing complaints relating to individual members and staff. As I made clear in my responses, my terms of reference do not extend to investigating individual complaints and I have not done so. However, I have used the contents of those complaints and associated materials to inform my general conclusions.
11. I set out below the definitions of key terms used in this report. I also set out the GMB’s Rules, where relevant, and the formal policies, and say something about how they operate, and their impact, in practice. I then turn to the culture of the GMB and sexual harassment, and finally to my conclusions. I have made a number of recommendations. These are referred to throughout the report. An Annex can be found at the end of this report listing all the recommendations in one place.

### **3. Definitions**

12. The Equality Act 2010 makes it unlawful for trade unions to sexually harass and victimise its employees and its members,<sup>3</sup> applicants for employment and membership, and, in some circumstances, its ex-employees and ex-members.<sup>4</sup> In some cases, bullying will also be unlawful, either under the Equality Act 2010, if it is related to one of the protected characteristics,<sup>5</sup> or where it breaches an employee’s or member’s contract of employment or membership.

13. These terms are defined below.

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<sup>3</sup> Sections 57 and 40, Equality Act 2010.

<sup>4</sup> Section 108, Equality Act 2010.

<sup>5</sup> Age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

### 3.1 Sexual harassment

14. The Equality Act 2010 defines sexual harassment as follows:

- (2) A ...harasses B if—
  - (a) A engages in unwanted conduct of a sexual nature, and
    - (b) the conduct has the purpose or effect... [of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B].<sup>6</sup>

15. This means that for sexual harassment to occur, the conduct must be “unwanted” and of a “sexual nature”.

16. “Unwanted” means, in essence, the same as “unwelcome” or “uninvited”.<sup>7</sup> It is not necessary for a woman<sup>8</sup> to object first before conduct can be described as “unwanted”. Some conduct will obviously be unwanted. One example is where a man referred to a female colleague as “big tits”.<sup>9</sup> But conduct that might seem more trivial may nevertheless be clearly unwanted given the circumstances.

17. Conduct “of a sexual nature” can cover “verbal, non-verbal or physical conduct including unwelcome sexual advances, touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings or sending emails with material of a sexual nature.”<sup>10</sup> Non-verbal sexual harassment includes looking a woman up and down, staring at her breasts and leering, for example. Verbal forms can cover sexual “banter” or asking about a woman’s sex life, for example.

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<sup>6</sup>Section 26(2), Equality Act 2010.

<sup>7</sup>*Insitu Cleaning v Heads* [1995] IRLR 4.

<sup>8</sup> I will refer to women as victims of sexual harassment because they are very much more likely to experience it than men. But some men are victims of sexual harassment, particularly gay men and that must not be overlooked: “Sexual harassment of LGBT in the Workplace: A TUC report” (April 2019); *Grant v HM Land Registry* [2011] IRLR 748.

<sup>9</sup> *Insitu Cleaning v Heads* [1995] IRLR 4.

<sup>10</sup> Code of Practice on Employment (2011) EHRC, §7.13.



18. A single verbal or non-verbal act may be sufficient to amount to sexual harassment depending on the words used or conduct, and the impact on the woman concerned. Conversely, trivial incidents by themselves may not amount to sexual harassment but where they form part of a course of conduct, they may become so.<sup>11</sup> This will include conduct that in isolation does not amount to sexual harassment but is persisted in notwithstanding objection, whether vocal or apparent.<sup>12</sup>
19. If the purpose of the conduct is to violate a woman's dignity, or to create an intimidating, hostile, degrading, humiliating or offensive environment for her, then, if unwanted and of a sexual nature, it is unlawful. This may occur, for example, where it is done intentionally to embarrass or humiliate a woman in public, or is part of a pattern of bullying.<sup>13</sup>
20. In deciding whether the conduct has the effect (as opposed to the purpose) of violating a woman's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for her, the following will be taken into account: (a) the perception of the woman; (b) the other circumstances of the case; (c) whether it is reasonable for the conduct to have that effect.<sup>14</sup> There is a clear focus on how the woman perceives it and in deciding whether that perception is reasonable, all the circumstances should be considered including the power relationship between the woman and the harasser (eg. if the man is the woman's boss or superior).<sup>15</sup>

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<sup>11</sup> *Reed and Bull Information Systems v Stedman* [1999] IRLR 299.

<sup>12</sup> *Driskel v Peninsula Business Services Ltd and O'rs* [2000] IRLR 51.

<sup>13</sup> *Reed and Bull Information Systems v Stedman* [1999] IRLR 299.

<sup>14</sup> Section 26(4), Equality Act 2010.

<sup>15</sup> *Driskel v Peninsula Business Services Ltd and O'rs* [2000] IRLR 51; *Reed and Bull Information Systems v Stedman* [1999] IRLR 299.

21. Because it is the impact on the particular woman that must be considered, the fact that one woman might not find the conduct offensive does not mean that the same conduct would not amount to harassment in the case of another woman (where the second woman experiences it as a violation of her dignity, or as creating an intimidating, hostile, degrading, humiliating or offensive environment for her<sup>16</sup>). Some women may be perfectly comfortable with a close male colleague commenting on her new dress or haircut, for example. That does not mean that such comments would be welcome from, for example, a boss a woman barely knows, or that another woman would feel comfortable about such comments being made in any circumstances at work. In *Grant v HM Land Registry*,<sup>17</sup> the Court of Appeal put it like this:

When assessing the effect of a remark, the context in which it is given is always highly material. Everyday experience tells us that a humorous remark between friends may have a very different effect than exactly the same words spoken vindictively by a hostile speaker.

22. If a woman does not perceive that her dignity has been undermined, or that an intimidating, hostile, degrading, humiliating or offensive environment has been created for her, then she will not have been sexually harassed for the purposes of the Equality Act 2010.
23. Sexual harassment may occur even if it was not done with the intention of sexually harassing a woman, and nor does it need to be directed at a particular woman.
24. The Equality Act includes what is often called *quid pro quo* harassment. This is conduct that occurs, in essence, when a worker is treated in the

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<sup>16</sup>Subject only to the requirement that “it is reasonable for the conduct to have that effect”.

<sup>17</sup> [2011] IRLR 748, §13.

ways described above<sup>18</sup> because they have submitted to, or rejected, unwanted conduct of a sexual nature. <sup>19</sup> The Equality Act defines this as follows:

(3) A also harasses B if—

- (a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
- (b) the conduct has the purpose or effect ....[of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B], and
- (c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

### 3.2 Victimisation

25. The Equality Act 2010 defines victimisation as:

(1) A person (A) victimises another person (B) if A subjects B to a detriment because—

(a) B does a protected act, or

(b) A believes that B has done, or may do, a protected act.

(2) Each of the following is a protected act—

(a) bringing proceedings under this Act;

(b) giving evidence or information in connection with proceedings under this Act;

(c) doing any other thing for the purposes of or in connection with this Act;

(d) making an allegation (whether or not express) that A or another person has contravened this Act.

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<sup>18</sup> “violating [a woman’s] dignity, or creating an intimidating, hostile, degrading, humiliating

or offensive environment” for her.

<sup>19</sup> Code of Practice on Employment (2011) EHRC, §7.14.

(3) Giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information is given, or the allegation is made, in bad faith.

(4) This section applies only where the person subjected to a detriment is an individual.

(5) The reference to contravening this Act includes a reference to committing a breach of an equality clause or rule [equal pay].<sup>20</sup>

26. In this way the Equality Act also protects against retaliatory acts in response to a complaint of harassment, including sexual harassment.<sup>21</sup> The protections against victimisation cover any adverse treatment (“detriment”) of an employee or member<sup>22</sup> who has made an allegation of harassment or who has acted as a witness for a woman who made an allegation of harassment.

27. I have used the word “victimisation” in this report to include victimisation under the Equality Act 2010. I have also used it more widely to describe bullying where it takes the form of retaliatory action (eg. punishment by words or actions or further bullying of any sort) because of any complaint or action which the person bullying objects to.

28. The legal framework that I have just summarised must underpin the GMB’s sexual harassment policy.

29. It is also important to bear in mind that sexual harassment is more likely to occur in environments that are sexist and misogynist. These factors can make it extremely difficult for victims, and sometimes witnesses, to challenge it or call it out. There is commonly a fear of repercussions that deters women from reporting sexual harassment: a fear that she will

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<sup>20</sup> Section 27, Equality Act 2010.

<sup>21</sup> Section 27, Equality Act 2010.

<sup>22</sup> Or an applicant for employment or membership or, in some circumstances, an ex-employee or –ex- member.



experience a backlash, damage to her career, reputational damage or that she will be ostracised, for example. Victims of sexual harassment may sometimes also experience feelings of shame and guilt. They may even feel implicated in the harassment because of a sense that they should have done more to prevent it or that somehow they were complicit in it. Women can come to fear exposure and may be reluctant to complain in consequence. These feelings can also be bewildering and distressing. These are all powerful deterrents to reporting sexual harassment.

30. Dealing with sexual harassment therefore requires a bespoke response. Without this there is a real risk that it may convey a message to all women in an organisation that their dignity and worth is not highly valued. Ensuring that those who may be less powerful in an organisation are protected and feel safe in disclosing sexual harassment, and engendering a culture of gender equality, are likely to be pre-requisites for combatting sexual harassment, as is adopting a “no tolerance” approach to it.

### **3.3 Bullying**

31. Bullying describes a wide range of actions. Generally we recognise it when it happens. ACAS describes it as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.<sup>23</sup>

32. ACAS also provides examples:

Bullying is behaviour from a person or group that's unwanted and makes you feel uncomfortable, including feeling:

- frightened ('intimidated')
- less respected or put down ('degraded')

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<sup>23</sup> “Bullying and Harassment at Work” (2014) ACAS.

- you're made fun of and it makes you feel uncomfortable ('humiliated')

- upset (insulted or 'offended')

Examples of bullying in the workplace could include:

- someone has spread a false rumour about you
- someone keeps putting you down in meetings
- your boss does not let you go on training courses but they allow everyone else to
- your boss keeps giving you heavier workloads than everyone else
- your team never lets you join social events

The bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or phone calls
- happen in the workplace or at work social events
- not always be obvious or noticed by others<sup>24</sup>

33. It can include sexual harassment and victimisation, as I have explained above.

#### 4. Rules, Structure and Policies

##### 4.1 Rules and Structure

34. The organisation of the GMB under the Rule Book (2019) is centrally relevant for my findings below. In particular, it prescribes (i) the way in which power and authority is distributed among individuals and the organs of the GMB and (ii) the way in which, in some contexts, disputes are resolved.

35. The Rule Book describes the GMB's **purposes** (p.3) as including striving to ensure that the GMB's profile reflects all equality strands in the union

<sup>24</sup> “Dealing with Workplace Problems” ACAS <https://www.acas.org.uk/dealing-with-workplace-problems>.

at all levels of the lay and employee National, Regional, Branch and Workplace structures. The Rule Book describes the GMB's **aims** (Rule 2) as including the achievement and maintenance of equal pay for women, the promotion of equal opportunities within the union, the workplace and society in general, and the ending of discrimination against people because of their sex, race, nationality, religious beliefs, disability, age, marital status or sexuality.<sup>25</sup>

36. The **structure** of the GMB is critically important. It provides the framework in which the culture I describe below is allowed to flourish largely unchecked.
37. The **Congress** of the union (Rule 8) holds "supreme authority". It is generally held annually.<sup>26</sup> Regions are entitled to send a number of delegates, dependent upon the number of members within their region. 90% of delegates to Congress are chosen in the first place by **branches**, with each branch being able to nominate one member. An election then follows at regional level. 10% of delegates are appointed by the **regional committee** "to ensure that the regional delegation properly reflects the balance of the regional membership in respect of ... ethnicity, gender, disability, youth and sexual orientation"<sup>27</sup>. The purpose of this rule is obvious: it is to endeavour to ensure diversity among delegates. However, the evidence I have seen indicates that around two thirds of delegates to Congress are male, and only around one third female. I address the prevailing culture at Congress below.
38. The Rules state that the day to day running of the GMB is to be carried out by the **Central Executive Council** ("CEC") (Rule 10). Lay members

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<sup>25</sup> The GMB should consider amending this to include all the characteristics covered by the Equality Act 2010. Currently the aims omit reference to civil partnership status, gender reassignment, non-religious beliefs and pregnancy and maternity; section 4, Equality Act

2010.

<sup>26</sup> Though there may be a Special Congress in some circumstances.

<sup>27</sup> Branches may be invited to nominate a further member for these purposes.

elected from the regions constitute this. There are reserved seats for representatives of each section in each region, and for women (and those with other protected characteristics e.g. relating to race), as well as general seats. **Branches** may nominate members for the reserved and general seats and members in the region will vote in respect of each of the seats to be filled. There are approximately 61 members of the CEC. The CEC meets at least six times a year and for its decisions to be valid, at least half the total number of members must be present. The regional secretaries attend the CEC meetings, although they have no speaking role. Members of the CEC vote openly: the regional secretaries, therefore, are able to see how members from their respective regions vote on any particular issue.

39. The CEC may appoint committees to carry out any part of its business and they may make decisions if authorised to do so by the CEC. There are reserved seats for committees, including in relation to women (Rule 10).
40. As I address below, while the CEC formally leads the GMB, in practice it is the **Senior Management Team (“SMT”)** who largely run the union. The members of the SMT are (i) the National president<sup>28</sup> (ii) the GS; (iii) all nine **regional secretaries**; (iv) the legal director; (v) the director of external relations and training; (vi) the finance director (vii) the human resources director and (viii) the IT director. This means that the regional secretaries (all men) are always in the majority on the SMT. The national equalities officer does not sit on the SMT. Given the very real problems in the GMB, and the steps it will need to take moving forward, the national equalities officer should sit on the SMT.

<sup>28</sup> I understand that the SMT formally comprises staff only (and I have seen a document to that effect) but in fact the National President does attend and chairs the meetings.



41. Elections for **President** and **Vice-President** of the GMB take place from among members of the CEC with nominations made by **regional councils** or a committee of a regional pre-Congress delegation. They are then elected at Congress (Rule 12). The President chairs Congress and the CEC. Barbara Plant is currently the President.
42. The CEC has the power to grant permission to start new regions and to break up or suspend any region or regional council that acts against the Rules or for any other reasons. I have heard of one example of a region being broken up. Further, the CEC can take any steps it feels are necessary to carry on the work of these regions (Rule 10). The CEC may also use any powers and carry out all acts, duties and responsibilities it feels are necessary to achieve the aims of the GMB, whether or not these powers, duties and responsibilities are specifically mentioned in the Rules. The scope of the CEC's powers and duties is important to bear in mind in determining what powers the CEC might exercise to deal with the problems identified below.
43. Under the Rules, the **General Secretary ("GS")** of the GMB is responsible to the CEC for delivering the objectives of the GMB (Rule 14). He (it has always been a he) is responsible for the good governance of the GMB, including the maintenance of high standards of administrative efficiency, financial management and probity. The GS attends all meetings of the CEC. The GS is elected, generally, for a period of five years. Nominations for GS are made by the **branches**. As I mentioned above, I interviewed the last three GSs: **Kevin Curran (KC)**, **Paul Kenny (PK)** and **Tim Roache (TR)**. I heard that it was the GS's job to enforce management instructions from Congress. The CEC has the power to take action if regions ignore Congress's instructions since it has authority over all national, sectional and regional officers (Rule 17a). The CEC also has the final say over all matters relating to conditions of

employment (except disciplinary matters) and its decisions are final and

binding on all officials.<sup>29</sup> As I have said above, in practice it is generally the SMT who run the GMB's day-to-day operation.

44. The CEC can pass on its authority over officials to **regional committees** (as long as doing so would not take away any of the CEC's overall authority, including the right to decide on the number and grade of senior organisers and organisers). I was unclear whether this function had been delegated. One person told me that it had in the past been delegated to the regions but that the CEC had taken back responsibility to help with consistency and standard setting. As I recommend below, any functions related to setting the terms and conditions of employment should be centralised and to the extent possible under the Rules, exercised by the CEC.
45. A member will not be eligible to be appointed, nominated or elected for any national, regional or section office within the union unless the CEC is satisfied that the member is suitably qualified and capable of efficiently carrying out the duties of the office. (Rule 17a). Regions have the power to appoint officers to work as **organisers** subject to the aforesaid approval of the CEC, and the GS (Rule 17b). The CEC may, from time to time, decide how these officers will be appointed. Organisers will, at all times, be responsible to and work under the direction and control of the **regional secretary**.<sup>30</sup> They are full-time paid employees of the union.

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<sup>29</sup> There is a Joint Negotiating Committee comprising unions, representing employees, and management. This negotiates on matters such as pay. But the authority to determine conditions of employment rests with the full CEC.

<sup>30</sup> In relation to GMB Scotland, the rules provide that any reference to regional secretary means the GMB Scotland secretary; any reference to regional president means the GMB Scotland president; any reference to regional council means the GMB Scotland council and

any reference to regional committees means the GMB Scotland committee. Any reference in this report to regional secretary, regional president, regional council, regional committee includes the equivalent Scottish office holders and organs.

46. A region can recommend to the CEC that it create a post for a senior organiser. The general duties of the **senior organiser** are set out by the CEC, or by regional secretaries or regional committees, as the case may be (Rule 17c). Any organiser from any region of the union can be appointed as a senior organiser.
47. When a vacancy arises for the role of **regional secretary** an appointment panel made up of an equal balance of members of the regional committee and the CEC will appoint a regional secretary. The person appointed will need to be approved by the CEC. Appointments are made (or rather, should be made) in accordance with guidelines and procedures issued by the CEC. The person appointed needs to be approved by the CEC.
48. For the purposes of the Rules, a regional secretary will be treated as if they are a member of the regional council, but not as if they are a member of the CEC.
49. The evidence before me clearly demonstrates that frequently it is the outgoing regional secretary and his corps, in any particular region, that decide who is to be the incoming regional secretary. They are able to do this because they have, and exercise, considerable power over the lay bodies at national and regional level. Appointments should be made in accordance with guidelines and procedures issued by the CEC, as I have said (Rule 17d). The most recent guidelines were agreed in 2015. These indicate that appointments to the post of regional secretary are by a National Appointments Panel. Those Panels should reflect the equality strands and sectors and be gender balanced. They will consist of an equal representation of members from the regional committee of the region concerned and of members of the CEC from outside the region. Also: "There is the opportunity for persons to be required by the panel

in an “ex-officio” role. They will be present to authenticate candidate’s

claims or provide information, as may be required, in line with agreed interview process, for the use of the panel in their deliberation. Any person acting as “ex officio” will not have voting rights.” To minimise the risk of the “nobbling” of members of the lay bodies and of members of the Appointments Panel, there is no reason why the CEC could not require that an independent observer (*ex-officio*) sit on Panels to ensure that the procedures are properly followed and the assessments are fair. Before being appointed, the CEC must approve the appointment of a regional secretary. It seems to me that there is no reason why the CEC could not decline to approve an appointment and direct that the process be re-run if there is any doubt about the propriety of the process. Nor is there any reason why the CEC could not include within a person specification and job description for the role of regional secretary the ability to promote equality at regional level, and to demonstrate experience of having done so.<sup>31</sup>

50. The regional secretaries and the organisers carry out the “core” functions of the GMB, as officers. Staff posts also exist and these provide support to the regions (eg. secretarial, finance management, reception, admin, cleaners etc).<sup>32</sup> The GMB has been described as an “institutionally sexist” organisation. I agree with that description and it is reflected in the distribution of jobs between men and women. Notwithstanding that more than 50% of its members are women, women are underrepresented in key grades in the regions. Regional secretaries have always been, and are all currently, men. <sup>33</sup> This is important because this is where power in the GMB is located. Further,

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<sup>31</sup> I have seen a job description and person specification for the post of regional secretary. They do not refer to equality at all.

<sup>32</sup> I was told that there has been a move to designate all posts “staff” but they remain divided into officer grades and staff grades in the employment records and that reflects the reality of

the roles, including as reflected in the Rules.

<sup>33</sup> There is currently a woman acting-up while the regional secretary for that region (John Phillips) acts as interim GS.



men predominantly hold officer posts in the regions, and women predominantly occupy the support grades. Two examples will suffice:

Birmingham Region<sup>34</sup>

- a. There are 48 employees in total
- b. 32 (66%) are women and 16 (33%) are men
- c. 24 employees (50%) occupy officer grades and 24 (50%) employees occupy staff grades
- d. Of the officer grades, 11 (45%) are women and 13 (54%) are men
- e. Of the staff grades 21 (87%) are women and 3 (13%) are men

Thus despite being the majority of employees in the region, women are a minority in officer grades and overwhelmingly represented in staff grades.

London Region

- a. There are 64 employees in total
- b. 37 (58%) are women and 27 (42%) are men
- c. 36 employees (56%) occupy officer grades and 28 (44%) employees occupy staff grades
- d. Of the officer grades, 10 (28%) are women and 26 (72%) are men
- e. Of the staff grades 27 (96.5%) are women and 1 is a man (3.5%)

Again, despite being the majority of employees in the region, women are a minority in officer grades and overwhelmingly represented in staff grades. The disparity is even greater in London than Birmingham.

51. The officer grades generally attract higher pay than the staff grades.<sup>35</sup>

52. This pattern of male and female employment in the GMB was described by one of the witnesses I spoke to as illustrative of “job segregation” in

<sup>34</sup> Below are rounded to the nearest percentage point and are as of April 2020.

<sup>35</sup> Though there are exceptions.

the GMB. <sup>36</sup> I agree. I have been told, and accept, that apart from differentials in pay, the impact of this job segregation is that it feeds conscious or unconscious biases in respect of women. Women are “seen” as support staff because they are most likely to occupy those grades so making it more difficult for them to enter officer grades, reinforcing the job segregation and stereotyping around male and female roles. As I come back to below, when women do succeed in achieving more senior roles, it is often said that they have “slept their way to the top.”

53. The GMB is divided into **regions and a national office**, the geographical boundaries of which will be decided by the CEC when necessary (Rule 19). A region can be made up of any number of members and branches. Each region will be run from a regional office. There are currently nine regions.
54. Regions are formally managed by **regional councils**, which meet once every six months. Regional councils are made up of one representative (a “section delegate”) for each 1,000 financial members of each section. Members of the regional council are elected every four years from nominations sent in by the **branches** in the region. The regional council administers the business and affairs of the region, and is required to take every means to secure the observance of the Rules and perform all the duties allotted to it by the Rules. There are reserved seats for women, Black and ethnic minority members, among others from protected groups, on regional councils (Rule 20).
55. In each region there is a **regional equality forum**. The forums are expected by the Rules to advise the regional council and the regional committee. I have heard convincing evidence that some of these forums are not effective and some do little by way of promoting equality. This is not true of all of them. There are some that have achieved more

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<sup>36</sup> Though the picture at national office seems to be somewhat better.

success and undertaken valuable work. That cannot be said of all of them, but I accept that there is a belief among many that much of the equality agenda is just “fluff” and this will not help those seeking to make change. There is also a **national equality forum**. It is made up of 9 regional representatives that regions can select or elect as they choose as long as they meet the criteria (that is, identifying with one of the equality strands and being active in the GMB); 5 elected national strand leads; 1 one member elected by the Retired Members Association (non-voting), and the North West and Irish region are entitled to nominate one additional representative if the representative for the North West is not Irish and there is not a person from Ireland representing a regional or strand seat. As with the regional equality forums, the national equality forum has been viewed as “weak” and lacking power.

56. Once elected by the regional council, the **regional committee** holds office for four years (Rule 21). The regional committee generally meets every four weeks. The regional committee deals with all financial matters of the region and carries out all the duties given to it by the Rules and the regional council. The committee makes decisions on behalf of the regional council. The business of the regional committee is arranged by the **regional secretary**.
57. The regional council elects the **regional president** every four years from its own members (Rule 22). The regional president chairs all regional council and regional committee meetings.
58. The **regional secretary** is responsible to the **regional committee** and **regional council** for delivering the objectives of the GMB (Rule 23). The **regional secretary** is responsible for the good governance of the region, including the maintenance of high standards of administrative efficiency, financial management and probity. They go to all meetings of

the regional committee and regional council and they have the right to speak on any business carried out at these meetings.

59. As I have heard over and over again, the regional secretaries in practice run their regions. I have been told, and accept, that there are, and have been in the past, a number of exceptions, but they are very much in the minority. Generally speaking, the regional councils and committees have very little real authority, if any. It is the regional secretaries who hold the real power, along with the GS. I have been told that there are examples of regions that have functioned collegiately at particular points in time, and regional secretaries that have endeavoured to introduce good practice, but they are rare. Because of their importance, I return to the role of regional secretaries below.
60. The purpose of each **branch** is to help achieve the aims set out in the rules, giving priority to recruiting, organising, providing services for and keeping members (Rule 35). As the basic unit of the union, branches are expected to encourage members to take part in its democracy. Each year branches must set out a **development plan** for the year ahead. This is essentially a strategy document and allows for review against standards. It should contain a recruitment plan for the year ahead; a schedule of dates and venues for branch meetings; details of branch organising, communication and training, among other things. That development plan must be sent to the **regional secretary** for him to register it with the **regional committee**. They are also referred to the **regional council** (Rule 35).
61. Each branch has a **president, secretary, equality officer, youth officer, race officer** and two auditors (except in branches of less than 100 members, which have one auditor), and a committee of no less than nine members. The **branch equality, youth and race officers**, are responsible

for promoting equal rights within the branch's activities and for

encouraging young people and Black people and people from other minority ethnic groups to join the union, and for promoting young people's and Black and minority people's issues, respectively, into the branch's activities (Rule 38). There does not appear to any similar officer dedicated to encouraging women to join the union and for promoting women's issues in the branch's activities. I do not know the reason for this. I have already observed that the equality functions at regional, and therefore branch, level are not always taken seriously in any event.

62. The regional secretary and the regional committee can remove a branch officer from office where they believe he (as they generally are) has not satisfactorily carried out his duties; fails to carry out any instructions or decisions of the CEC, regional council or regional committee; or for any reason it considers reasonable (Rule 35). The regional secretary has the power to close any branch or merge any branches for any reason they consider reasonable or necessary (Rule 35). Branches can also be dissolved (closed down) if the regional committee decides to do so, taking into account the views of the branch's members (Rule 42).<sup>37</sup> Except where this was done or threatened as a bullying tactic, I did not hear any examples of this being done. Instead, I was told that "40% of branches are moribund" and that branches are a "law unto themselves" and, in general, subject to very little oversight.<sup>38</sup> Further, as to training, while there has been training introduced for workplace representatives<sup>39</sup>, this does not extend to sexual harassment training and there is no training in sexual harassment among branches more generally. Branches should meet once in each quarter.
63. As I have said, women make up over 50% of the GMB's membership. However, they are significantly underrepresented throughout the GMB

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<sup>37</sup> A group of new members who number more than 20 can form their own branch, subject to the agreement of the regional secretary.



<sup>38</sup> There have been efforts to set standards for branches and templates have been prepared for branch development plans but the problems I identify in this report remain.

<sup>39</sup> A 10-day course.

ranks: as employees in the regions, among shop stewards and staff representatives, at branch level, in the lay bodies and among officers. Underrepresentation at branch level is contributed to, or at least not assisted, by the way in which many branches organise themselves. Active participation in many branches is difficult for someone with caring responsibilities – generally women - because of the hours they meet. The location in which some branches hold their meetings – the pub<sup>40</sup>, for example – can also deter some. In addition, I heard that the topics most commonly up for discussion at branch level, though very important, are often very male-centric; for example, on bonuses, protective gear etc. Putting it bluntly, many women will not be keen on leaving their children, perhaps after a full day's work, to go along to a pub to sit with a number of men drinking to talk about matters that do not directly affect them or women generally. Again, there are exceptions but this reflects very much the impression I was given as to the culture at branch level. They are typically run, I was told, by “geezers” and much like other aspects of the regions, on a “job for the boys” basis.

64. These institutional barriers can deter women from engaging actively in the GMB, and help to engender the heavily masculine culture that prevails in the GMB. The requirement that branches produce **development plans** provides an opportunity for tackling some of these barriers. If regional committees carried out their functions rigorously and conscientiously, they could decline to register a plan unless it was apparent that it included equality objectives; for example, increasing the number of women active branch members; the provision of equality training; the planned organising of branch meetings at times and in venues that are likely to encourage women to attend. And then monitor outcomes. I did not hear of any such examples, though I asked many

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people who were likely to know of any.

<sup>40</sup> See too CEC Special Report: “GMB Branches – A Future that Works” (2013). This showed that at that point 21.83% of branches held their meetings in social facilities and 10.48% in the pub.

65. **Shop stewards** and **staff representatives** are appointed (or elected by the members employed where necessary), if approved by the **branch committee** (or regional secretary if more than one branch is involved) (Rule 43). The shop stewards and staff representatives and their convenor or chief staff representative, work under the authority of the **regional committee**. Once a shop steward or staff representative has been appointed, their name, address and branch will be sent to the regional secretary, who then gives that person a credential card, shop steward's or staff representative's badge, and a handbook. When that shop steward or staff representative no longer holds office, they must return the credential card and badge to the **regional secretary**. The appointment of shop stewards and staff representatives provides one of the means by which regional secretaries are able to maintain control over branches. Regional secretaries in practice decide who will enjoy highly prized facility time and if and when to withdraw credentials. For shop stewards or staff representatives who enjoy facility time, the withdrawal of that time can have a significant impact on them; particularly on those who spend substantial time on representative duties. The threat that this might happen is a serious deterrent to upsetting the regional secretary.
66. As can be seen, the lay structure *formally* dominates under the Rules. However, despite all the powers outlined above, as I have indicated already, the real power in the GMB rests with the regional secretaries and the GS. As I have said, regional secretaries are in the majority on the SMT. In practice they make many of the decisions of substance, sometimes by manipulation. They might, for example, close down discussion in the SMT on a particular subject, or together decide that it was properly a matter for another person or body, or that it is "outside the Rule book". On occasions the regional secretaries bully CEC members to vote in particular ways. It was put to me that "nothing

happens [at the CEC] without the regional secretary whispering in the ear of their delegate.” The CEC votes openly so it is apparent to the regional secretaries which way a particular member has voted. Evidence I received indicated that the CEC has at times acted as no more than a “rubber stamping” body (though they appear to be currently endeavouring to exercise greater control).

67. The evidence I have heard indicates that there are, and have been, regional secretaries who maintain power largely through bullying, threats and victimisation and by creating a climate of fear. This means that officers and lay members in the regions do what the regional secretaries instruct them to do; that is, to vote for one office holder or another; carry out the functions in accordance with the regional secretaries wishes and so on. The very real fear deters lay members, officers and staff from “stepping out of line” and certainly operates to deter anyone who might wish to complain about a regional secretary (whether of sexual harassment or otherwise).
68. Again I have received evidence that indicates that some regional secretaries have not behaved (or do not behave, in the case of current regional secretaries) in this way. I have also seen pockets of good practice and examples of efforts made to improve the environment and culture, including through increased women’s representation. But the sheer volume of examples of bullying, threats and victimisation that were provided to me by so many of those who contacted me, makes it very clear that a large number of regional secretaries have behaved and do behave in this way. The examples of bullying behaviour by regional secretaries included the following: (i) in the case of employed officers: deliberately insisting on unmanageable amounts of work; insisting on excessive working hours, including over weekends; moving officers’ offices to the other side of the region, perhaps a hundred miles away

meaning an officer must move home (knowing that they could be

moved back) or spend hours getting to and from work<sup>41</sup>; threatening to close offices; threatening demotion, and shouting and swearing at people; (ii) in the case of lay members and branches: I have already mentioned the withdrawal of facility time but branches are also “nobbled”, for example to stop a particular member being nominated as a delegate to Congress or threatened with closure. And there is outright bullying of members holding office in the regions’ lay structures. These are just some examples. The fact that it is known that regional secretaries can do these things is usually enough to stop any opposition to them. As one person put it to me: “Unless stupid, they [the regional secretaries] get away with murder.” If a person challenges them “they have the ability to make your life a misery”. They are “almost unchallengeable”. They “choose their anointed successor” and ensure continuity when they retire. I was told that everyone knows who is the preferred candidate and women are repeatedly undermined or overlooked.

69. Efforts have made to address this by endeavouring to open up recruitment for regional secretary roles and to ensure that decisions on appointments do not lie exclusively with the regions. As I have set out above, and to this end, out of region CEC members sit on selection and appointments panels. But since the CEC members often rely on the beneficence of the regional secretaries to secure their position on the CEC, or to enjoy other benefits, the real influence still remains with the regional secretaries. I was told that there have been other efforts too, such as introducing a selection centre with task-based assessments for the purposes of identifying a shortlist. I have not seen or heard of any changes that have made a difference in practice. I have dealt with one

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way in which this might be addressed, above (§49).

<sup>41</sup> It has been drawn to my attention that there have been two cases in which a move was challenged: one before the CO and one before the ET. Both were unsuccessful. The first

concerned election of a shop steward. The second concerned a claim of disability discrimination in which the ET found that the claimant was not disabled and that his claim had been presented out of time. Neither affects my findings above.



70. I heard over and over again that the regional structure of the GMB contributed to its problems. The regions are run “autonomously” and in “silos”, under the regional secretaries, like “fiefdoms” (as it was put more than once to me), meaning that challenging their authority is exceptionally difficult.
71. The regional secretaries formally report to the GS. I have been shown some performance management documents. Firstly, there is a “management toolkit”. This describes its purpose as “to provide a benchmark to help identify development needs”. It identifies “equality” under “industrial relations”, in particular in relation to bargaining. It does not mention it under “management and leadership” though does refer to it under the generic heading “values” (“A champion of GMB and trade union values who puts members at the heart of everything we do, and applies those values as manager within GMB. A strong advocate of equality”). I have also seen 3 examples of performance and development reviews spanning the period 2018 to 2019. They are very thin indeed. They do not, in any of them, mention equality in the “objectives” or anywhere in the reviews. There are sections that are not completed and so far as I can tell, no development needs are identified.
72. There is a human resources department. It comprises two members of staff. This is insufficient having regard to the level of dysfunction in the organisation. There is no dedicated human resources capability at regional level. There needs to be much greater capacity at national level and some capacity at regional level.<sup>42</sup> This will be especially important going forward if change is to be effected because it may well produce results that require human resources support, including training, new policies, the management of sexual harassment and bullying complaints

<sup>42</sup> Currently human resources capability at regional level is limited to admin support, eg recording holidays etc.

and the introduction of preventive measures. There may also follow complaints and grievances about any changes consequential on this report.

73. The matters I have set out above all contribute to an environment in which sexual harassment takes place and in which it goes largely unchallenged and unreported. I deal with the culture of the GMB and sexual harassment below. However, if change is to occur, then the lay bodies will have to claim the authority the Rules give them. They will have to constrain regional secretaries and properly exercise authority over the GS, who in turn must properly manage the regional secretaries. I do not doubt for one second that this exercise will be traumatic. There will be considerable disruption in the short term.
74. I am satisfied that the fundamental change required will not be achieved without external monitoring and auditing and, if needed, support. The obvious organisation to take up that role is the TUC. I recommend that they be approached with a request that they provide that assistance.

**Recommendation 1:**

**The CEC and other lay bodies within the GMB should claim and exercise the authority the Rules give them over the GS, regional secretaries and the regional bodies.**

**Recommendation 2:**

**The CEC should draw up an action plan setting out the steps it needs to take to implement the recommendations in this report. It should establish a task force to drive through the changes required.**

Voting at the CEC should not be by show of hands. Regional secretaries should not attend CEC meetings unless it is to speak to a particular item, and then they should remain only for so long as is necessary for that purpose.

**Recommendation 4:**

The CEC should reclaim any powers or functions delegated by its decisions to the regions. These include the power to set conditions of employment which should contain fixed hours of work and workplace; arrangements for performance management and reference to a sexual harassment policy.

**Recommendation 5:**

Regional secretaries should not be in the majority on the SMT. The national equalities officer should sit on the SMT.

**Recommendation 6:**

The CEC and other lay bodies within the GMB (including any committees the CEC establishes to carry out its work) must mainstream equality considerations when setting their own objectives and standards.

The CEC and SMT should undertake an annual equalities audit and conduct equality impact assessments of all significant decisions of the CEC and the SMT.

**Recommendation 7:**

The CEC should formulate standards for the achievement of equality in the regions, including among officers and staff and regional lay bodies, including branches. The CEC should require regional councils to prepare action plans setting out the steps they intend to take to meet those standards.

**Recommendation 8:**

The CEC should require and scrutinise regular reports from regional councils and from regional secretaries.

These reports should include a breakdown by sex of the employees, officers, including at branch level, and members of regional councils and committees in their region, including by role and, where applicable, grade.

Regional councils and regional secretaries should also identify what steps they have taken to meet any CEC instructions on improving diversity and equality and tackling bullying and harassment, if appropriate by the use of positive action, and their outcome.

**Recommendation 9:**

The CEC should consider exercising its powers to break up or suspend any region or regional council if they do not comply with instructions from the CEC, one of its committees, or from the GS when exercising functions under the authority of the CEC.

**Recommendation 10:**

**The CEC should take steps to increase the representation of women at all levels in the GMB, among employees and lay officers and bodies.**



**Recommendation 11:**

The CEC should ensure that its guidelines on appointments processes are properly applied in the case of all vacancies. These should include a requirement that all vacancies be advertised, and that recruitment be by open competition, and supported by person specifications and job descriptions.

In the case of regional secretaries, the person specification must include the ability to promote equality at regional level, and to demonstrate experience of having done so.

The CEC should not approve an appointment, and should direct that an appointments process be re-run, if the guidelines have not been followed.

External observers (lawyers or human resources professionals, or similar, experts) should supervise the selection process for regional secretary appointments. Those external observers should report to the CEC before the CEC approves the appointment of a regional secretary.

**Recommendation 12:**

The CEC should oversee the performance of the GS and require regular reports from the GS on the steps taken to promote equality and their outcomes.

**Recommendation 13:**

**The GS should undertake proper performance management and appraisals of regional secretaries' performance. If weaknesses are**

identified in the performance of regional secretaries, including as measured against equality standards, then training must be provided. If regional secretaries are unable or unwilling to meet those performance standards even with training, then appropriate action should be taken, if necessary under the capability or disciplinary procedures.

**Recommendation 14:**

GSs and regional secretaries should be provided with management training.

**Recommendation 15:**

Branches should be required to include equality objectives in their branch development plans. These should be directed at securing the greater participation of women in branch activities, including as officers, shop stewards and staff representatives. Regional secretaries, regional councils and regional committees should not approve or register branch development plans that do not include equality objectives.

**Recommendation 16:**

The human resources department at national office should be strengthened and additional resources allocated to it, including additional staff.

There should be human resources capability at regional level.

**All human resources staff should be adequately trained.**

**Recommendation 17:**

**The GMB should make arrangements for external monitoring of the**

75. Above all, if the GMB is to change it must want to do so. It will take **steps they have taken to meet the recommendations in this report.**

robust and committed leadership to successfully push through the **The GMB should seek the assistance of the TUC in this regard.** changes required.

76. I have heard repeatedly that the “power-base” in the GMB is “entirely” male. The regional secretaries and the GS have “almost complete power”, with the GS depending on the support of the regional secretaries so having only “delegated power”. I doubt that all of the regional secretaries will be keen to relinquish that power and so firm leadership will be required.

#### **4.2 Policies**

77. There are **three policy documents** relevant to this investigation. Firstly the GMB’s “policy set”; secondly the GMB’s “zero tolerance” statement and thirdly, the GMB’s “Code of Conduct”.
78. The **policy set** includes a number of documents that concern standard **employment matters** (redundancy, whistleblowing etc) applicable to the GMB’s own employees. The policy set includes an equal opportunities policy (“EOP”), a Bullying and Harassment Policy and a Briefing on the Bullying and Harassment Policy. It does not apply to membership matters.

79. The EOP includes a commitment to equal opportunities in relation to employment. It needs updating since some of the protected characteristics are not included.<sup>43</sup>
80. The EOP defines discrimination<sup>44</sup> and outlines the responsibilities in relation to it but it does not mention in terms *sexual* harassment.<sup>45</sup>
81. Sexual harassment is dealt with under the Bullying and Harassment Policy and the Briefing on Bullying and Harassment Policy. The definition of sexual harassment in the GMB's policy misses out important aspects, in particular *quid pro quo* sexual harassment that is covered by the Equality Act<sup>46</sup> (see §24). Given that sexual favours are sometimes sought as a route to advancement (and there is gossip about the same too), as I describe below, this is an especially important omission.
82. The Policy also contains two matters that might deter a complainant from complaining. Firstly, referring to harassment only (and found in the paragraph immediately under sexual harassment; p.9), a sentence reads: "No employee will be presumed guilty, following an allegation of bullying or harassment". Secondly, the Policy warns a complainant that "false allegations" can have a serious effect upon individuals and if

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<sup>43</sup> "Belief" (this is wider than political belief. It would cover a belief in man-made climate change, vegetarianism, veganism, Darwinism, and many other non-political beliefs); civil partnership status, pregnancy and maternity and gender reassignment. Omissions relating to the protected characteristics are also found throughout the policy (pp. 3, 5, 9).

<sup>44</sup> It does not cover all the forms of discrimination covered by the Equality Act 2010; it does not include disability discrimination (ie arising from disability), gender reassignment discrimination, pregnancy and maternity discrimination (the pregnancy and maternity policy does not cover discrimination and harassment), a failure to make reasonable adjustments: Part 2, Chapter 2. However, my focus is on sexual harassment.

<sup>45</sup> It refers to "Abuse and/or Harassment: discrimination covers action which amounts to abuse and/or harassment of an employee or group of employees because they are....., woman.... Such actions would constitute unfavourable treatment by creating a hostile working environment, likely to affect the work and personal well-being of employees." This

partly reflects (but not fully) the definition in the Equality Act 2010 but does not address sexual harassment, a definition of which is also found in the Equality Act 2010.

<sup>46</sup> Section 26(3), Equality Act 2010.

“spurious” allegations are found to have been made, then the “perpetrator/s will be subject to the GMB Disciplinary Procedure”, up to and including summary dismissal.

83. It is not appropriate to include these warnings in a bullying and harassment policy – and certainly not one dealing with sexual harassment. They might be appropriate in a disciplinary procedure as an example of misconduct, but they do not appear there. Warning employees that disciplinary action could follow from a complaint of sexual harassment if it is not believed, is likely to deter a woman who might otherwise complain. This is particularly inappropriate in the GMB because making complaints of sexual harassment is anyway so difficult, and the risk of retribution so great (see below).
84. The Briefing on the Bullying and Harassment Policy again does not adequately define sexual harassment (p.16). In addition, while it states that harassment can be “physical” or “psychological”, the examples are very limited and do not include examples of physical harassment. Examples would be useful not least because some of those with whom I spoke did not recognise some forms of harassment as “sexual” harassment though they plainly were.
85. The Bullying and Harassment Policy indicates that support can be sought through a line manager, regional secretary or the human resources department, or a trade union or colleague (p.11): it is not clear what support is intended. However, the GMB has now introduced a “safe space ” (a telephone facility) run by the Survivor’s Trust. This allows employees, ex-employees and members to record incidents of sexual harassment anonymously and to receive support and guidance on how to formally complain if they wish to do so. It was also a place where reports could be made of sexual harassment and sexual assault



for the purposes of my investigation. I understand that this facility was

advertised widely including through a “FAQs” flyer. Very few complaints have been recorded through this route so far but it is a new scheme and no doubt will take some time to entrench. The scheme is intended to be in place for six months for the time being, and there has not yet been a decision on whether to extend it. I recommend that this facility be extended. It is a place where women can get independent support, and it allows for the monitoring of incidents anonymously and this will help the GMB in assessing the outcome of any steps it takes to address sexual harassment.

86. The Bullying and Harassment Policy states that a complaint of bullying or harassment should be managed “through the vehicle of the GMB grievance procedure” (p11). However, the Grievance Procedure appears to exclude from its scope complaints under the Bullying and Harassment Policy and does so within its first paragraph (“This procedure applies to all such complaints except those that fall under a more relevant procedure e.g. the Bullying & Harassment Procedure” p.46).
87. The Bullying and Harassment Policy does not state in terms to whom a complaint is to be made, though implies it should be to a manager (p.12). Nor does the Bullying and Harassment Policy identify to whom a complaint must be made if the alleged harasser is a line manager. Apart from stating that a complaint may be made to an immediate line manager, or “Management”, the Grievance Procedure does not do so either.
88. There is no procedure or guidance that I was made aware of that explains what a person should do if the subject of the complaint is the GS. When I asked witnesses, they generally guessed. Some said it might be human resources; some said it might be the President and some said they did not know. One said that it would be “almost inconceivable”

that a woman would be advised to raise a complaint against the GS. Having heard and seen the evidence that I have, I agree with that assessment at this point in time.

89. The GMB arranged for mandatory sexual harassment training for all of their employees. This took place between September 2018 and April 2019. I was told that only one other trade union has rolled out sexual harassment training to everyone in its employment. The GMB are to be commended for organising this. It is of note, however, that not all attendees approached the training appropriately. Though in the main those attending the training took it seriously, and contributed to discussion constructively, there were some who did not. Some attendees responded immaturely to the training (“snowflake mentality”). I was told that the trainer did not allow such behaviour to go unchallenged. Nevertheless, some attendees were positively resistant to the training and demonstrated by their words and conduct that they were not prepared to take it seriously. On one occasion the resistance was so severe and the atmosphere so bad that the trainer suggested she would bring an end to the training session, though in the event continued with it. On another occasion, in relation to complaints of sexual harassment, a woman participant said there was “a trust issue”. The evidence I heard suggests that the GMB has a lot to do if its members and employees are to have trust in the GMB’s procedures.
90. There have been discussions on refresher training and on the training of new staff. I understand that these have been stalled because of lockdown.
91. The GMB has a **“Zero Tolerance”** policy. It states that: “GMB will not tolerate any form of discrimination and will have no place in its organisation for those who would seek to discriminate”. It refers to

harassment, but not sexual harassment in terms. It is addressed to GMB members and officers and employees/workers.

92. The GMB has produced a **Code of Conduct** for activists, members and employees. This is signed by TR (GS) and Barbara Plant (National President). It is given to every attendee at Congress. It makes clear that certain forms of conduct are not acceptable at GMB events or meetings, including at social events after an event or meeting when “members are still representing GMB.” The conduct expected includes adhering to the GMB zero tolerance statement. It also states that the GMB is committed to ensuring that events and conferences are harassment free. It lists examples of discrimination and harassment in a helpful (and accurate) way. These examples include: making sexual comments; inappropriate physical contact; making offensive or inappropriate comments; verbal comments relating to someone’s appearance and making inappropriate comments about a member’s gender.
93. This sends a clear message in a short and readable flyer. It is included in all Congress packs. Handing it out at Congress is important because, as I address below, Congress is a site of poor behaviour, including of serious sexual harassment. However, it is not introduced at Congress in the opening address. It should be announced at the outset of Congress; delegates should be instructed to read it, and its importance emphasised.
94. As to complaints about a failure to meet the standards in the Code of Conduct, the Code says that a member, post holder or employee should report any incident to their Regional Secretary/General Secretary or Regional/ National president and that the “GMB will treat all complaints of discrimination and harassment seriously and will independently investigate them promptly, efficiently and in confidence.” That does

not reflect the Bullying and Harassment /

Grievance procedure for employees and nor is there a procedure for members.

95. There is no equal opportunities policy or designated sexual harassment policy applicable to lay members, at any level. There is no mechanism in place for challenging sexual harassment by a member against another member whether or not they hold office, except under Rule 6 of the GMB's Rules and this is not appropriate for addressing complaints of sexual harassment. Rule 6 provides that a member who wishes to complain must do so to their branch secretary, who will take the matter to the branch. There will then be a hearing at which the member can call evidence and make representations. Rule 6 says nothing at all about the sanction that may be applied by the branch to the member who is the subject of complaint, if the complaint is upheld, and the Rules do not appear to give branches the power to impose any sanction.
96. It is difficult to see why a member should or would complain to the branch or what the purpose of this part of the process is, unless it is presumed that all complaints will be dismissed at that stage. If the member is "not satisfied with the branch's decision or the branch decides it does not have the authority to deal with the matter" then the member can appeal in writing to the regional committee which will also hold a hearing. The regional committee will make the final decision. Again there is no explicit mention of a sanction in Rule 6 if a complaint is upheld by the regional committee, but presumably it is intended that the regional committee might take one of the steps under Rule 5<sup>47</sup>. There

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<sup>47</sup> The CEC, a regional council or a regional committee has the power to suspend a member from benefit or ban them from holding any GMB office, or ban a member from taking part in GMB business and affairs, in any case for as long as the council or committee feels necessary: if they believe the member is guilty of trying to harm the union or acting against the rules; if the member makes or in any way associates themselves with any defamatory or abusive comments made against any of our officials or committees; if the member, alone or together

with any other members or people opposes or acts against any of our policies; if the member acts against the best interests of the GMB; if the member encourages or takes part in the activities of any organisation or group whose policies or aims are racist or promote racist

is no provision for a member to make a complaint directly to the regional committee or elsewhere; every complaint must first be made to the branch secretary for the branch to consider. This is self-evidently problematic if the complaint is about the branch secretary or the branch and its members. A woman who has been the victim of sexual harassment at branch level is extremely unlikely to complain to her branch secretary. There is no sexual harassment policy in place at branch level meaning it is even more difficult since there is no framework for pursuing or determining a complaint of sexual harassment and no support for a woman who wishes to make a complaint.

97. The likelihood is that a woman who has experienced sexual harassment at branch level will simply stop taking part in branch and other GMB activities or even cancel her membership. This is important because women should be able to freely and safely engage in GMB activities with their dignity respected and without fear of victimisation. It is also important because, as I have heard from witnesses, involvement in branch activities is often a way into employment with the GMB, including as organisers and ultimately regional secretary. Since the GMB is so male dominated, particularly at officer and more senior level, this should be a cause for major concern to the union.
98. I have been told that no training on equality or sexual harassment is given to lay members, whatever their status.<sup>48</sup> This should be remedied because it is the responsibility of members of the GMB's lay bodies to ensure that the GMB functions properly and that sexual harassment is prevented and addressed in their areas.

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beliefs, or for any other sufficient reason. Regional councils or regional committees have the power to recommend that the CEC cancel, and the CEC (with or without a recommendation) has the power to cancel, the membership of any member for any of the reasons set out above.



The CEC will make the final decision on a recommendation from a Region.

<sup>48</sup> I heard of a very small number of occasions where branch secretaries were exceptionally invited to the training though it is not clear why.

99. The GMB should also remind its employees and lay officers that the Equality Act 2010 makes discrimination by trade unions against both their members <sup>49</sup> and their employees <sup>50</sup> 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. <sup>51</sup>
100. I was told about the Women's Taskforce, established under PK, and the Women's Leadership Programme, established under TR.
101. The Women's Taskforce followed a CEC Special Report "GMB Woman's Project" endorsed by Congress 2013. This contained a number of recommendations. The overarching objectives were described as follows: "There needs to be a full change management programme that embeds the necessary changes at all levels of the organisation. The General Secretary should champion the change and oversee an annual equalities audit (to be included each year in a report to Congress), to ensure that all appointments, procedures, initiatives, services etc. should be accompanied by an equalities impact analysis. This should be replicated within each Region...". So far as I am aware, there have been no equalities impact assessments or equality audits, or at least none has been drawn to my attention. Nevertheless, a Taskforce was established in consequence of the Report and some changes were introduced, I am told.
102. The Taskforce was dissolved by TR. TR introduced the "Women's Leadership Programme". This was directed at building women's skills, confidence building and providing opportunities for networking. I have

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<sup>49</sup> Section 57, Equality Act 2010. And the same is true of applicants for employment and membership and in some cases, ex-employees or ex-members.

<sup>50</sup> Section 39, Equality Act 2010.

<sup>51</sup> Section 109, Equality Act 2010. In *Yeboah v Crofton* the Employment Tribunal made an award of £45,000 against the employee who had done the discriminatory act, as well as making an award against the employer.

seen the syllabus and I note that some of the modules appear to be directed at building management skills. There is a certain irony in there being made available a course for woman to develop their skills, including in management, so as to improve access to leadership positions. Those who currently hold those leadership positions (almost exclusively men) have accessed and retained them without any such training.<sup>52</sup>

103. However, both the measures anticipated in the CEC Special Report and the Women's Leadership Programme are the sorts of measures that can contribute to real progress if they are supported by the leadership.

**Recommendation 18:**

**Freestanding sexual harassment policies for (i) employees and (ii) members should be drawn up. These should set out clearly what is meant by sexual harassment, giving examples of physical, verbal and other forms of, sexual harassment.**

**Recommendation 19:**

**The sexual harassment policies should include bespoke complaints procedures. These should clearly identify to whom any complaint should be made and if the complaint concerns that person, then it should state to whom instead the complaint should be made.**

**Recommendation 20:**

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<sup>52</sup> There is a training brochure for managers (including regional secretaries) who are already in post: "GMB Course Catalogue". It contains a number of modules including management

skills and equality. Selection of a module and attendance is voluntary.

sexual harassment should be involved in investigating or reaching a conclusion on a complaint of sexual harassment.

**Recommendation 21:**

The “safe space” facility (or something analogous) should be retained as a source of support for employees, ex-employees and members and ex-members who have experienced sexual harassment. It should be widely advertised. A person should be permitted to make an anonymous report through the “safe space”. The GMB should monitor the number of reports being made through the “safe space”.

**Recommendation 22:**

A portal should be established on the GMB’s website on its main page, and behind the members wall, containing all the documents relevant to sexual harassment i.e. its sexual harassment policies for employees and for members, and the complaints procedures and sources of support.

**Recommendation 23:**

Regular refresher training on sexual harassment should be provided to employees.

**Recommendation 24:**

Training on sexual harassment should be provided to members of lay bodies in the GMB, including the CEC, regional councils and

regional committees and branch officers. This training be refreshed periodically.

## 5. Complaints

104. Complaints of sexual harassment by members and employees are rare. The number of complaints recorded within the human resources department or in the regions that were provided to me within the period 25<sup>th</sup> May 2010 to 25<sup>th</sup> May 2020 (the period covered by my terms of reference) was very small: less than twenty. I also received notes of incidences concerning four women and one man through the Survivor's trust "safe space", though two appeared not to relate to sexual harassment (rather bullying/discrimination in appointments).<sup>53</sup> I also received one letter containing a general complaint of sexual harassment by two named male employees in the regions.<sup>54</sup>
105. Two or three of the complainants were lay delegates at GMB events. They did not use Rule 6 to complain but instead complained to more senior lay office holders and, in at least one case, to the regional secretary from their region. Very few resulted in formal action being taken against the accused. In one case, the person eventually seized of the complaint, concerning an incident some time before, noted in an email to the complainant, that it was expected that an individual should "initially refer any complaint of this nature [advances] to the alleged perpetrator". The complaint was peremptorily dismissed.
106. A second complaint that was pursued through the formal procedures concerned a serious incident of sexual harassment. The complainant complained in writing to the appropriate person. An investigation was conducted and the investigator's report stated that there were

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<sup>53</sup> I cannot be certain that the safe space complaints fell within the period covered by my terms of reference but it appeared likely given their contents.



<sup>54</sup> There were a small number referred to me which did not concern sexual harassment but rather (non-sex based) bullying or sex discrimination in appointments, for example.

reasonable grounds to conclude that the accused had committed an act of gross misconduct and the disciplinary process should go to the next stage. A senior man<sup>55</sup> within the GMB then emailed human resources stating: "I have decided under all the circumstances to assist [the accused] relocate to another Employer via a compromise agreement. The reasons which have tipped the balance for me are many but the two most telling ones are simply such a course of action would remove the need for the women who lodged the complaint to be cross examined in what is likely to be a very hostile environment whether internally or as is possible an external process. The second area is a more practicable and frankly mercenary reason is so far as this matter can drag on for months, create huge amount of work and cost without ultimately dealing with the primary reason for the suspension. To this end I would be grateful if you would produce a standard compromise agreement based on the sum of 30k. No other conditions."

107. There was no reasonable basis for bringing an end to the disciplinary process, or for that person to intervene in the process at all. I asked the person concerned about this. I was left with the clear impression that he had formed a view about what had happened and the likely sanction, and that he did not consider the complaint justified further action. He said that he was not at ease putting the complainant through the process: that was not his decision to make, and there is nothing in the file indicating that the complainant had expressed any unease. I am satisfied that the interference in the process was wholly inappropriate. I was told that there was at least one other improper interference in a disciplinary process of that sort (though I do not know who interfered or who was the GS at the time). I also heard that complaints were frequently dealt with by moving people or shuffling them out.

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<sup>55</sup> Not the man referred to in the letter that triggered this investigation.

108. The small number of sexual harassment complaints does not indicate that sexual harassment in the GMB is rare. Rather, it most likely indicates that women feel unable to make complaints, or that there is no point in doing so. The two examples above, along with the culture I describe below, indicate quite why women would choose not to complain of sexual harassment in the GMB.

**Recommendation 25:**

**Sexual harassment should be treated as a serious disciplinary offence. It should be made explicit in disciplinary documents that even a single incident, depending on the nature of it, may justify summary dismissal or the cancelling of membership even for a first offence.**

**Recommendation 26:**

**Complaints of sexual harassment should not be subject to interference outside the sexual harassment policies and procedures.**

## **6. Culture**

109. The GMB is a very masculine organisation in which misogyny; sexual harassment, bullying and cronyism are endemic.
110. As it was put to me, the GMB “has a woman problem.” I have set out some of the evidence for that above.
111. Unsurprisingly, given that environment, working relationships can be poisonous and the environment a “horrible” one in which to work. One

witness after another spoke malignly about others within the GMB,

often speaking about others in precisely the way they themselves were being spoken about. Meetings can be conducted in an “aggressive” and “testosterone fuelled” way, and a “bully-boy” atmosphere prevails.

112. I heard much evidence of cronyism, including from some of those who had benefitted from it but also from those who suffered in consequence of it. The examples I heard about concerned the placing of, mainly, men into posts that were either created for them or not advertised. This way of recruitment operates as a “reward” for good behaviour, as it is perceived, while ensuring that those who do not toe the line are excluded from senior posts. I also heard that this favouritism happens sometimes simply because, arbitrarily, a person is liked or, conversely, disliked. I was told that many regional secretaries will at times get their “lieutenants” around them and their “lieutenants” will in turn get their lieutenants around them. It was said to me ironically by one witness that it was sometimes called “talent spotting”. I have heard similar accounts in relation to GSs; that is, that they too “talent spot”.

113. I also heard from one witness after another that alcohol was a significant feature of the GMB’s culture. I was told that there is an “ingrained” drinking culture at GMB.<sup>56</sup> This is problematic for a number of reasons. Firstly, I heard that the working relationships were cemented and, sometimes, important decisions made, when out drinking late into the night together. This culture excludes those who do not want to, or cannot, participate in drinking, often excessively. This can have an effect on their ability to progress in the GMB, smoothing the path for those who do participate. Secondly, alcohol plays a significant role in perpetuating bad behaviour. This is so particularly at Congress where free alcohol in varying quantities is available. I heard examples of abusive conduct and sexual harassment (which I address below) at

<sup>56</sup>For the avoidance of doubt, I did not hear of routine lunchtime drinking. These were evening sessions.

Congress by those who had drunk excessively. Congress is a “boozy affair”. I heard of men coming in to meetings the day after a night out drinking smelling of alcohol. A number of those I spoke to pointed out that some women like drinking and drinking to excess. Of course that is quite true, but this “boozy” culture is very much a masculine one. The Code of Conduct referred to above is a positive step forward in trying to shift this culture. It makes clear that delegates are “on duty” throughout Congress but it does not appear, from the evidence I heard, to have made much of a difference, at least yet.

114. I also heard of external sponsorships<sup>57</sup> of free bars and even of gifts of the most expensive premier league football tickets (corporate seats and even boxes), again promoting a very masculine image of the GMB. There can be no reason to accept the sponsorship of free bars and certainly not free football tickets for a small number of senior men (and it was only men that I heard of that benefitted from these tickets).
115. I was also contacted by a number of people from Black and minority ethnic groups. They recognised that this investigation is concerned with sexual harassment but wanted to draw to my attention the very real and serious problems that exist for members and employees from Black and minority ethnic groups. Having read written communications and spoken to some who contacted me, I am satisfied that the GMB is not a comfortable place to be for many employees and members from Black and minority ethnic groups. Many of the cultural facets of the GMB that I have described above deter employees and members from Black and minority ethnic groups from participating in GMB work, and when they do, at functions for example, the environment can seem hostile or at least unwelcoming. The GMB needs to address its culture more broadly if it wants to be an inclusive union as its aims declare. At the moment it is “white, male and stale”.



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<sup>57</sup> Primarily solicitors firms, I was told.

116. The GMB also needs to recognise that sexual harassment may be experienced as a result of a combination of characteristics (for example, being a Black woman or being LGBT<sup>58</sup>) and its policies must recognise and reflect this.

**Recommendation 27:**

**Employees and members from other protected groups, including Black and ethnic minority groups, that are underrepresented in the structures of the GMB should be encouraged to participate in its activities, including at officer level, and be supported when they do so. Positive action should be taken where appropriate to facilitate this.**

**The GMB should provide resources for regular events led by women and members from other underrepresented groups, including Black and ethnic minority groups. The availability of resources for these purposes should be widely advertised.**

## **7. Sexual harassment**

117. Sexual harassment is common in the GMB. Examples of sexual harassment I heard about included touching hair, leering, commenting on body shape and clothes, placing hands around a woman's waist, staring at a woman's breasts or "tits", propositioning young women, "sloppy kisses", "lip kisses", "sticking a tongue" in a woman's ear, touching of knees, bottoms and hips, hugs, and slapping of a backside.

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Sometimes sexual harassment is used as a form of bullying with

<sup>58</sup> For BAME women, sexual harassment may be both racist (as predicated on racist stereotyping for example) and misogynist, and it may take particular forms in consequence

("Black Women Speak out about Racist Sexual Harassment" (2016) Imkaan and EVAW). The same is true of LGBT people: " Sexual harassment of LGBT in the Workplace: A TUC report" (April 2019).

examples given to me of men deliberately sexually harassing women in public to humiliate and embarrass them. I have also heard of more serious sexual assaults. I was told by one witness that “it is simply expected that you’ll have to suffer from being groped at events”.

118. Many of the witnesses I heard from said that there were lots of rumours that the senior man referred to in the letter that triggered this investigation “slept around”, was a “sexual predator” and had affairs. However, I note that many from whom I heard made clear that they had only heard second or third hand accounts or “rumours” about this. It was often assumed, however, that there was “no smoke without fire”. It is not necessary for me to make any findings about whether these rumours are true or false. I do note two things, however. Firstly, I heard that there was a general “predatory” attitude to women in the GMB. Secondly, this all feeds the demeaning and misogynistic narrative that women who do succeed in securing senior roles in the GMB have done so through having sex with a senior man. It is also reflective of the salacious, lewd and sometimes abusive gossip that has currency in the GMB.

119. Apart from the letter that triggered this investigation, there have been others. One was an undated letter to Barbara Plant signed off by organisation calling itself “GMB Hope” again referring to “sexual advances”, as well as alcohol abuse. One is dated 11 June 2020 and signed off by the “National Association of GMB Branch Presidents” and sent to me and John Philips, acting GS. This letter included allegations that the senior man referred to in the letter that triggered this investigation “is giving jobs to woman employees of the union for SEX”; “jobs were given to [them].. where all these have done favours for [...] away from the workplace”. The letter identified women by name. The letter also stated that a number of senior men in the GMB had affairs

with named women. I can see no basis for these allegations. The

repeated suggestion that women who are making their way through the GMB's ranks are doing so as a result of having given sexual favours to senior men is indicative of the prevalent misogynistic culture within the GMB. I did not hear any direct evidence of women securing jobs through sexual "favours" or a "casting couch" (as it was put). However, I did hear direct evidence of men getting jobs without going through the proper processes, largely as a result of cronyism.

120. The culture of the GMB must change if it is to be a safe and rewarding place for women. This requires firm action including disciplinary action. A culture of intolerance towards sexual harassment must be embedded. Where it happens, witnesses to it must call it out.

121. I repeat the recommendations that I have made above.

## **8. Conclusions**

122. I have made a number of recommendations directed at achieving change, but the reality is that the practices and culture of the GMB are so entrenched that a complete transformation is required. A fundamental shift in the GMB's culture, and in the balance of power that exists within it, will be necessary if it is to become an inclusive and positive place in which to work, and in which to participate as trade union members and activists.

123. If the GMB is a hostile environment for its women staff and members, there seems little reason to believe that it will function to serve women in the labour market and society more widely. The GMB should remind itself that one of its constitutional aims is "the achievement and maintenance of equal pay for women, the promotion of equal opportunities within the union, the workplace and society in general, and the ending of discrimination against people because of their sex,

race, nationality, religious beliefs, disability, age, marital status or

sexuality.” It has little chance of realising those aims without a seismic structural and cultural shift.

124. Equality for all its members must be put at the top of the GMB’s agenda. If it is to be respected as a trade union that values its women members and employees, real change is needed and the leadership has a critical role in creating the environment in which the GMB might hope to achieve this change.
125. I asked many of those I interviewed whether they wanted to suggest recommendations that they thought might help. One person I asked threw their hands in the air and laughed – indicating by their gesture that there was nothing that could be done. I do not believe that that is the case. But it will take tremendous effort.
126. Above all, if the GMB is to change it must want to do so. It will take robust and committed leadership to successfully push this through. And those who do try to drive through change must be supported and applauded.

KARON MONAGHAN QC

31 August 2020



## **ANNEX**

### **Recommendations**

#### **Recommendation 1:**

The CEC and other lay bodies within the GMB should claim and exercise the authority the Rules give them over the GS, regional secretaries and the regional bodies.

#### **Recommendation 2:**

The CEC should draw up an action plan setting out the steps it needs to take to implement the recommendations in this report. It should establish a task force to drive through the changes required.

#### **Recommendation 3:**

Voting at the CEC should not be by show of hands. Regional secretaries should not attend CEC meetings unless it is to speak to a particular item, and then they should remain only for so long as is necessary for that purpose.

#### **Recommendation 4:**

The CEC should reclaim any powers or functions delegated by its decisions to the regions. These include the power to set conditions of employment which should contain fixed hours of work and workplace; arrangements for performance management and reference to a sexual harassment policy.

**Recommendation 5:**

**Regional secretaries should not be in the majority on the SMT. The national equalities officer should sit on the SMT.**

**Recommendation 6:**

**The CEC and other lay bodies within the GMB (including any committees the CEC establishes to carry out its work) must mainstream equality considerations when setting their own objectives and standards.**

**The CEC and SMT should undertake an annual equalities audit and conduct equality impact assessments of all significant decisions of the CEC and the SMT.**

**Recommendation 7:**

**The CEC should formulate standards for the achievement of equality in the regions, including among officers and staff and regional lay bodies, including branches. The CEC should require regional councils to prepare action plans setting out the steps they intend to take to meet those standards.**

**Recommendation 8:**

**The CEC should require and scrutinise regular reports from regional councils and from regional secretaries.**

**These reports should include a breakdown by sex of the employees, officers, including at branch level, and members of regional councils and committees in their region, including by role and, where applicable, grade.**

**Regional councils and regional secretaries should also identify what steps they have taken to meet any CEC instructions on improving diversity and**

equality and tackling bullying and harassment, if appropriate by the use of positive action, and their outcome.

**Recommendation 9:**

The CEC should consider exercising its powers to break up or suspend any region or regional council if they do not comply with instructions from the CEC, one of its committees, or from the GS when exercising functions under the authority of the CEC.

**Recommendation 10:**

The CEC should take steps to increase the representation of women at all levels in the GMB, among employees and lay officers and bodies.

**Recommendation 11:**

The CEC should ensure that its guidelines on appointments processes are properly applied in the case of all vacancies. These should include a requirement that all vacancies be advertised, and that recruitment be by open competition, and supported by person specifications and job descriptions.

In the case of regional secretaries, the person specification must include the ability to promote equality at regional level, and to demonstrate experience of having done so.

The CEC should not approve an appointment, and should direct that an appointments process be re-run, if the guidelines have not been followed.

**External observers (lawyers or human resources professionals, or similar, experts) should supervise the selection process for regional secretary**

appointments. Those external observers should report to the CEC before the CEC approves the appointment of a regional secretary.

**Recommendation 12:**

The CEC should oversee the performance of the GS and require regular reports from the GS on the steps taken to promote equality and their outcomes.

**Recommendation 13:**

The GS should undertake proper performance management and appraisals of regional secretaries' performance. If weaknesses are identified in the performance of regional secretaries, including as measured against equality standards, then training must be provided. If regional secretaries are unable or unwilling to meet those performance standards even with training, then appropriate action should be taken, if necessary under the capability or disciplinary procedures.

**Recommendation 14:**

GSs and regional secretaries should be provided with management training.

**Recommendation 15:**

Branches should be required to include equality objectives in their branch development plans. These should be directed at securing the greater participation of women in branch activities, including as officers, shop stewards and staff representatives. Regional secretaries, regional councils

and regional committees should not approve or register branch development plans that do not include equality objectives.



**Recommendation 16:**

**The human resources department at national office should be strengthened and additional resources allocated to it, including additional staff.**

**There should be human resources capability at regional level.**

**All human resources staff should be adequately trained.**

**Recommendation 17:**

**The GMB should make arrangements for external monitoring of the steps they have taken to meet the recommendations in this report. The GMB should seek the assistance of the TUC in this regard.**

**Recommendation 18:**

**Freestanding sexual harassment policies for (i) employees and (ii) members should be drawn up. These should set out clearly what is meant by sexual harassment, giving examples of physical, verbal and other forms of, sexual harassment.**

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