

Committee for Justice – Protection from Stalking Bill
Record of Issues raised by – an individual
Informal Meeting conducted via MS Teams on 2 September 2021 at 2pm

Present: Sinéad Bradley MLA, Rachel Woods MLA and Peter Weir MLA

Staff in Attendance: Kathy O'Hanlon and Clairita Frazer

Members of the Committee met with an individual to discuss her personal experience of stalking behaviour in the workplace. The individual has been in contact with the Justice Minister to discuss her case and has found her empathetic to her experience.

The individual's concern is whether the Bill could be used by the police in the workplace - her experience took place in the workplace but current legislation meant the police could not act and, in turn, her employer stated that they could not act to protect her. She therefore wants to make sure that any new legislation should be available to those experiencing stalking in the workplace.

The individual indicated that she was unaware if this has been addressed in the current format of the Bill. Sinéad Bradley indicated that it was her understanding that this area has been dealt with and that the new Bill has a focus on behaviours and as opposed to the location of those behaviours, but recognised that is easier when the perpetrator is in a different place; difficulties might arise when people work in the same location.

Rachel Woods agreed that her reading of the Bill was that it was focused on the criminalisation of stalking behaviour and the threat of abuse; however, she did have a concern with the caveats mentioned in relation to Stalking Protection Orders which were meant to protect a victim or potential victims but could not be put in place if it conflicts with person's place of normal place of work, education or religious belief.

To illustrate her case the individual outlined the steps which she took or tried to take when she experienced stalking in her workplace and her employer's reaction to events.

At the time the individual hadn't realised that she was being stalked - she worked in a large HQ-type building and would often see an individual many times a day around the building who was initially friendly towards her when their paths crossed. However, on a staff night out there was aggressive physical contact on 2 separate occasions - once with a pool cue and then with a kick on the dancefloor. The individual was annoyed with herself for not reacting at the time and was upset on her return to work following this incident. Her employer decided to do an investigation given her feelings after this experience. The investigation concluded that there was no proof that this had taken place as no-one had seen anything happen and so there was no one to corroborate her claims. The perpetrator then launched a counterclaim

alleging the individual made her claims up which meant she had to go through the process of an investigation, but again nothing could be proved. After this, things got quite awkward and, despite being told that he should stay away from the individual, he would “accidentally” come into or through her office. The individual kept seeing him more and more in the building. He would watch from the kitchen for her arrival to work and be at the door or reception so she would have to go past him when entering the building; would hang round offices close to hers and leave at the same time she left hers; would be hanging round reception at her regular leaving time. Her desk in work was broken into – 6 times in total. No-one saw anything, however the perpetrator was a key holder and would lock up offices and the building at the end of the day so would have access.

The individual began to feel more anxious and scared, particularly coming into the building early in the morning in the winter when the building was dark. The employer did try to implement a policy that the lights were kept on at all times but she did not feel comfortable. The individual kept a log of events and took it to her employer but she was told there was nothing that they could do and that it would be expected that people who worked in the same place would run into one another during the day.

This behaviour continued until a Christmas staff event which the individual did not want to go to, but she had received assurance from the Acting Head of HR that there would be enough senior staff present to “run interference” so she felt that it would be safe to attend. The perpetrator came to sit close to her during the course of the event.

He persisted with this behaviour and at times the individual thought she was making a mountain out of a molehill imagining it all; however, she felt continuous dread going into work and it was affecting her sleep.

Whilst speaking to her boss she said she felt she was being stalked. She contacted the National Stalking Helpline to describe her experiences and they advised her not to be alone with him and to consider going to the police. She then went to her employer with a record of over 50 incidents and maintained that this was stalking. Her boss and the acting HR Director said that they did not know how to deal with this. The individual then approached Stalking NI who spoke to the acting HR Director to offer free National Lottery-funded training, which was turned down. One day when he was loitering around too much her employer told her to report it to the police; however, the police said that they couldn't do anything under existing harassment legislation and as such it was up to her employers. The police did record the previous incident of aggressive physical contact but said they could not act upon it as it was more than 6 months ago. The police referred her to Victim Support as they recognised that this might be important for the future if the pattern of behaviour escalated.

Her employer then moved her to a different building but within days he turned up at her new location. Even though he had been advised to make an appointment before he turned up at the premises he still turned up unannounced. The individual reported it and the individual maintained that he was there for a genuine reason. She was left with no other option but to lodge a formal grievance and followed the grievance

procedure. The person doing the Grievance Procedure spent 4 hours “tearing the report apart” saying that all the police, Stalking Helpline etc. had was all her side of the story. Despite it being seen as the responsibility of the employer, it was the police offering her information about what to do when he was seen near her and advice about fitting dash cam, personal safety etc. Through the grievance procedure there were lots of mistakes made by the head of HR – it was a sloppy investigation with e.g. dates were wrong; details of incidents were wrong including what other witnesses said and when. They didn’t want to have to deal with it. The individual was told if she was that unhappy she wouldn’t have gone to the Christmas do or would have left.

The police did try to contact the HR director on multiple occasions but he avoided returning their calls.

The entire grievance was classed as unsubstantiated as they said it was only her side of the story, her claims couldn’t be proven and that the individual refuted the claims made. The employer suggested mediation and ignored the factual log of repeated behaviour that the individual kept. He repeatedly lied but wasn’t challenged. The individual was told it was just interpretation of behaviour and she was being a bit sensitive. An appeal was lodged through the Union which submitted a report to say that the process hadn’t been followed. The individual also submitted a report highlighting the inaccuracies and errors made. The appeal was heard but only answered the Union’s report not the individual’s. The organisation said that there was no reason that the individual should not go back to work at Head Office as it hadn’t been found that he was stalking her. They also lied that stalking training had been arranged but Stalking NI and the National Stalking Helpline advised they had not been in contact regarding this. The individual spoke to the Chief Executive of the organisation who was horrified with the mistakes that had been made and approached the head of HR but despite this nothing was overturned and it became even more awkward in work.

She informed the employer that she was speaking to Minister Long about her experience anonymously and feels that she then became ‘persona non grata’. The individual left that employment shortly afterwards.

Rachel Woods thanked the individual for her openness and how much the Committee valued contributions such as hers. Rachel Woods asked if she felt that training would be enough or if there was any other support that there should be for people in the workplace. The individual felt that training would be a good start but if people felt able to report incidents employers would then be able to act.

Peter Weir highlighted that different organisations afford different levels of importance to training and which may therefore change their approaches to issues. He asked if there would be merit in a having a duty to record and retain a level of information about incidents/past behaviour. Repeat offenders and past behaviour can be flagged up even if claims aren’t proven at the time.

The individual feels that even if the employer can’t act there should be an ability for the police to act. Peter Weir highlighted the pilot with school and the police in the

South Down area which allows the police to share information with schools about domestic abuse incidents. If there was some sorted of level of information flowing this would then signal to the employer that this should be taken seriously.

Peter Weir highlighted the importance of the need for a uniform approach for employers to take, to take allegations seriously, to ensure that favouritism for particular staff doesn't influence the approach and to report allegations to the police. The question would be how to achieve this to ensure that practices are uniform and consistent across all employers.

The individual indicted that there should be an obligation for employers to engage with police if there are allegations made. In her case her employer tried to brush it under the carpet and the HR Director ignored calls from the police.

Peter Weir underlined the need to make sure that this doesn't happen in the future; every allegation should be judged on its own merits and investigated whether it is brought to any environment not just a workplace but schools, churches etc.

The individual reflected on her case for which changes would come too late - her employer didn't believe her; minimised everything thought she was exaggerating; didn't engage with specialist agencies (one engagement with one only); wouldn't engage with the police. It was easier for her employer to ignore. Employers shouldn't have the excuse not to act as this type of behaviour is happening more and more, not even just with colleagues within the workplace but also external perpetrators carrying out stalking behaviours at an employee's workplace.

Sinéad Bradley reflected on the individual's experience, particularly the early part where she doubted herself and went through a lot before recognising the behaviour as stalking. It was a long journey to get to the point of realisation but then the onus was on her as a victim to convince others. Whilst there is a period from allegation to findings of guilt, there is a duty of care on an employer to create a safe working environment to allow due process to take place. We need to explore how do we create an opportunity for employers to create a process to allow the workspace to remain this safe place throughout this process. Training is only a small element and it really relies on the understanding of the person then acting on it.

Sinéad Bradley questioned what would happen in the case of small employers – those without a dedicated HR Department or only has one small building – whatever is created needs to fit all sorts of employers and work situations. The individual's experience does expose the weakness in this legislation as it stands. Rachel Woods did refer to the SPO caveats for churches, workplaces etc. and Sinéad Bradley would be protective of this to a degree but there is going to be an overlap of the victim and alleged perpetrator. There is too wide a grey area with no tailoring to allow people to feel safe.

Sinéad Bradley also raised the point about the pilot project Operation Encompass – where the distinction is that the police were in a position to just alert the school of a child witnessing an incident but not sure that would marry across in terms of an allegation. As there is no detail shared how will the employer make the victim's day feel safer?

In closing, the individual said that she sometimes feels that what she has been through may be relatively minor compared to others who have been victims of stalking; however, it has had a massive impact on her mental and physical health. Every day she had to face the individual and could not get away. She felt that she had to tip toe down the stairs, she wouldn't socialise at lunch time and was afraid to move from her office even to use the toilet. These all built up and there was no way of getting away from this individual in the workplace.

The meeting concluded at 4.50pm.