
Fairness and Equality

Guidance Framework for Fire Services in Scotland

Revised April 2003



Introduction

1. Following the issue of the original guidance in December 2000, gradual change in the Scottish fire service approach to fairness and diversity has been noted. The Scottish Fire Services Fairness and Diversity Forum has discussed a variety of areas and the changes made to this framework are direct outcomes from the strategic discussions of the forum.
2. The details contained within this document have been organised, under the auspices of the Scottish Central Fire Brigades Advisory Council (SCFBAC), who oversee the work of the Scottish Fire Services Fairness and Diversity Forum. In November 2002 the Forum launched *Toward Diversity II for the Scottish Fire Service*¹, an action plan for all Scottish fire services to assist with the move towards more open, diverse and visibly fairer working environments in Scottish fire services.
3. This reviewed guidance details a framework of policies and practices designed to further support the development of equality and fairness to **all workers** of Fire Services in Scotland, which includes support staff, control, wholetime, retained, volunteer and auxiliary firefighters. It also covers anyone who comes into contact with the Fire Service, whether as a service user, a visitor or a contractor.
4. Equality and fairness of opportunity must be applied to both sexes, irrespective of sexual orientation, family status, racial group, culture, religion, background or age group.
5. Members of the Forum have been consulted on the review of this guidance
6. Following a recent survey of Scottish Fire Services, it has been decided that this guiding framework will be distributed to all Brigade and local Headquarters, for the purposes of assisting with policy development and to representative organisations.

¹ HM Fire Service Inspectorate for Scotland (November 2002) *Toward Diversity II for the Scottish Fire Service*. Available from < http://www.scotland.gov.uk/about/JD/HMIFS/00015130/Toward_Diversity_II.pdf>



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Context

Purpose

7. This revised documentation aims to provide model guidance to support fire services in progressing equality and diversity in the workplace. It is offered to the Scottish fire service on the basis that it may be amended, adopted or improved to meet their requirements. It is also important that if there are any omissions that these be identified so that they may be included in future amendments.

Inclusiveness

8. In preparing the documentation it is the intention that whilst emphasis has been given to wholtime firefighters since this is the group of staff who have received prominence in most brigades with this employment issue, there should be similar practices and policies for all staff, whether uniformed or not. Policies and practices should also cover the provision of services to the public, contractors of each Fire Service and visitors to Fire Service premises or functions. In essence, each fire authority is encouraged to have policies for all people regardless of their status within the fire service.

A New Perspective

9. The fire service will continue to build on previous initiatives and strive to demonstrate that it appreciates and recognises the contribution made by every individual, both within fire service organisations and within all those communities that they serve.

10. Fairness and equality principles apply to everyone.

11. The service operates in and on behalf of its local community and every member of that community is a potential employee. How the fire service creates the relationship between the community and its organisation directly influences how people think about the fire service; more importantly, it affects their perception of the safety advice offered by the service to help protect individuals and communities from fire.

A Scottish Perspective

12. The preferred approach in Scotland is to monitor equality of opportunity for applicants whilst at the same time encouraging and supporting Scottish fire services in their attempts to attract applications from a more diverse range of people. Considerable progress has been observed in respect of female entrants to the career fire service and it is hoped that the successful strategies identified can be applied to other groups of under-represented people.

13. Scotland has produced its own version of *Toward Diversity II*, which makes recommendations for fire services in respect of action plans for diversity. It should

be remembered that although much of the work in respect of fairness and diversity has concentrated on employment profiles, there are also service delivery areas that must be addressed.

14. In Scotland the First Minister has also placed great importance on the need to bridge any religious divides and to ensure those vulnerable in our society are protected and encouraged to reach their full potential regardless of their cultural background.

15. It is recognised that many of the areas being considered have already been subject, at a United Kingdom level, to considerable debate by the previous Home Office Equal Opportunities Task Group and more recently the Equality and Cultural Change Advisory Board. Whilst not wishing to duplicate that Group's work, and also recognising the "target-setting" commitment to this important subject, it is recognised that, there is a distinct strategy existing within Scotland.

16. The commitment to remain part of, and support the work of, the CFBAC Equality and Cultural Change Advisory Board is not diminished by this approach.

Scotland's Employment Profile

17. The following table identifies distribution factors relating to Brigade staffing levels. It identifies between male and female populations and combined ethnic minority groups.

Scottish Brigade Staff Levels as at 31 March 2002

		Central	D&G	Fife	Grampian	H&I	L&B	Strathclyde	Tayside	Scotland
Wholetime	Male White	230	101	370	327	132	722	2188	398	4468
	Female White	6	2	12	4	2	29	10	9	74
	Male Ethnic Minority	0	1	0	1	0	6	1	1	10
	Female Ethnic Minority	0	0	0	0	0	0	0	0	0
Retained & Volunteer	Male White	153	197	108	394	1314	301	789	254	3510
	Female White	6	5	4	30	66	16	58	12	197
	Male Ethnic Minority	0	0	0	0	1	0	0	0	1
	Female Ethnic Minority	0	0	0	0	1	0	0	0	1
Control	Male White	6	0	4	2	0	3	10	5	30
	Female White	10	15	17	23	18	29	57	15	184
	Male Ethnic Minority	0	0	0	0	0	0	0	0	0
	Female Ethnic Minority	0	0	0	0	0	0	0	0	0
Support Staff	Male White	17	5	7	31	20	51	193	29	353
	Female White	14	11	21	41	28	106	212	45	478
	Male Ethnic Minority	0	0	0	0	0	0	1	0	1
	Female Ethnic Minority	0	0	0	1	0	1	0	0	2

18. The paramount need is to encourage all who wish to join the service to do so and for those employed to ensure they are fairly treated. The benefits of diversity are significant. Similarly, fairness in the workplace affects every individual and represents both moral issues, such as dignity, and practical concerns. Fairness, for example, has a great deal to do with individual retention and progression into fulfilling and worthwhile work.

19. One of the most effective methods of increasing the diversity of a workforce is the use of positive action in recruitment. *Toward Diversity II for the Scottish Fire*

Service encourages Firemasters to promote positive action initiatives targeting under represented groups and gives examples of how it may be utilised (*TDII Scotland*, sections 5 and 24 respectively).

Diversity

20. It is important to recognise that the activities promoted within the equal opportunities initiatives are not solely political imperatives or legal requirements. Whilst there may be fear of recrimination, for getting things wrong, and litigation, where the law has been breached, the fire service should rightly value what it has currently achieved. It should welcome proposals to move forward in a manner which aims to strengthen the public's perception that it is an open and fair organisation. The content of HM Fire Service Inspectorate for England and Wales' Thematic Review² still makes a compelling case for improvement.

21. This need to improve is very apparent when considering the issue of diversity. All of us are individuals with personal characteristics bringing different experience, talents, skills and personal attributes. Diversity can be further increased by involving a variety of cultures, new ideas and new experiences through including all those groups in society.

22. The fire service, traditionally viewed as a predominately white heterosexual male occupation, has experienced a low turnover of staff for many years. This has resulted in barriers, unwitting or unplanned, being portrayed to other groups. It is essential as the service needs to reach all communities with the risk reduction messages through education that all communities and both sexes are truly represented in the workforce.

Race

23. In his report into the Stephen Lawrence Inquiry Sir William MacPherson defined *Institutional Racism* as "the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people". He was describing the results of apathy within organisations towards improving the position of people from minority groups, apathy that maintains the traditional make-up and culture of an organisation. The Government recognised that the public sector needed more encouragement to change its practices in order to more closely reflect the make-up and background of the community as a whole and enacted the Race Relations (Amendment) Act 2001 to give the public sector a duty to promote race equality. All fire service organisations in Scotland have a specific duty to monitor all their practices and arrangements for racial inequality and develop a plan to change their ethnic profile. The minority ethnic population in Scotland is small, making up less than 2% of the population. This does not mean that the fire service in Scotland should minimise the importance of

² HM Fire Service Inspectorate. (September 1999) *Equality and Fairness in the Fire Service* ISBN 184082 3445 and ISBN 18482 3453, TSO.

having comprehensive policies and arrangements which support the recruitment and retention of people from minority ethnic communities and the provision of a good service to all communities.

Gender

24. There are a number of areas in the fire service where gender stereotyping is strong. There are few women firefighters and few male control room operators. The lack of role models can inhibit the recruitment and retention of people from the under represented sex and can be very difficult to break down.

25. There is a perception that recruitment and selection tests have been lowered in order for women to be recruited as firefighters. For the fire service to maintain its ability to fulfil its role and responsibilities in the community, it must have selection tests which reflect that role and select people, of whichever sex, who can undertake the role. The tests must be appropriate and kept under review to ensure that people capable of doing the job are recruited.

26. Activities such as watching pornographic videos or displaying sexually explicit material of either sex is therefore unacceptable. It does little more than stereotype genders and shows immaturity as well as being offensive to individuals.

Gender Reassignment

27. People who have or stated their intention to change the sex of their birth are protected from discrimination in the workplace by reason of their gender reassignment by the Gender Reassignment Regulations 1999 which amended the Sex Discrimination Act 1975.

Sexual orientation

28. It is important to recognise that sexuality has nothing to do with a person's ability to do their job. A fixation with sexuality has more to do with the immaturity of an individual or the organisation rather than a serious concern regarding performance.

29. Central to dealing with the issue of sexuality is the need to create a supportive and open environment which enables individuals to discuss their home or partner in the same way many other individuals discuss their spouses and children. Freedom from fear of expressing their views is a key component. Similarly individuals who are in minority groups need the ability to network with others of like mind without fear of recrimination.

30. The ability of any individual to be free and open about themselves and to be comfortable within their working environment is important for everyone. The fire service needs to understand that self-identified gay men and women and transsexuals have visibly presented themselves as positive role models and open supporters of those who wish to discuss their sexuality in an open environment.

31. Enabling individuals to receive support, equal treatment and positive feedback from their Service management is an important process of dealing with

the issue of homophobia within the fire service. Dispensing with the image of a corporate taboo towards this subject is a clear step forward for many individuals. Freedom includes the avoidance of verbal abuse; whether direct or indirect and in particular includes not being made the subject of jokes or comments, especially where there is no visible support to prevent such attacks.

32. Many gay men and women and transgender and bisexual people have to adjust and fit into the existing arrangements within their workplace. Ensuring that there is support in place to enable them to continue is another important step forward. Advertising in magazines read by gay men and women and transsexuals employees is another way of indicating that there is visible support within their recruitment areas.

Disability

33. From October 2004, Firefighters will no longer be exempted from the provisions of the Disability Discrimination Act 1995. This will apply to anyone with a substantial, adverse and long-term (i.e. likely to last over 12 months) physical **or** mental impairment that affects their ability to carry out normal day-to-day activities. Degenerative or serious conditions, such as multiple sclerosis or cancer, which may not have an immediate physical impact on the day-to-day activities of an individual, are also covered.

34. The Act requires that employers make “reasonable adjustments” where working arrangements or physical features place a disabled employee or job applicant at a substantial disadvantage to persons who are not disabled. This means that serious consideration needs to be made to making the working environment accessible and changing things such as working hours, duties or providing help to workers so that they can perform their duties.

Key Concerns

35. Some of the other issues, many of which are addressed within the action plan *Toward Diversity II for the Scottish Fire Service*, which need to be addressed within the context of equal opportunities within the fire service, are:

Leadership and Culture

36. The primary role which falls to all managers, regardless of their position within the fire service, is to demonstrate commitment to both the doctrine of fairness and equality of opportunity and to lead cultural change. This includes Firemasters, Elected Members, representative bodies and all those with a supervisory role. Failure to ensure that “things are right” at any level in an organisation compounds bad practice by granting silent approval.

Inspectorate

37. HM Fire Service Inspectorate has sought to ensure that the issues of equality and fairness in the fire service are given prominence. HMFSI does

monitor and openly report on progress providing opportunities for employees, employers and Government to assess essential commitment through action.

Working Practices and Facilities

38. Whilst recognising the efforts made by many fire services, inadequate facilities remain in many locations for a diverse workforce. There is a need to establish protocols that will manage these current difficulties until suitable financial resource implications can be met.

Recruitment

39. A great deal of good practice already exists within Scotland in terms of recruitment initiatives. It is, however, important to recognise that many applicants who may initially wish to join the wholetime fire service and but who not meet its entry standards are capable of joining its support services. Recruitment procedures should therefore be expanded to secure those individuals who may wish to work in other fire service activities

Partnership Arrangements

40. The service should work in partnership with external organisations to assist with such issues as training, recruitment, facilities, etc. Such organisations include the Employment Service, Disability Service Teams, Racial Equality Councils, Equality Exchange and other fire services.

Language

41. One of the principal difficulties that exist for the less informed individual concerns the unintentional use of perceived offensive language. Within this document advice is offered on the correct use of language at this current time. It is important to realise, however, that language changes with time and there is a need to ensure that the service responds sensitively and changes its practices accordingly. People are not generally offended by a misplaced word but when that word indicates a lack of understanding or worse, prejudice, then sensitively may lead to serious consequences.

Policy

42. The development of inclusive policies, which celebrate diversity should recognise that each individual's background, tradition and preference will be different. To ensure the process moves forward the policies will also need to have agreed levels of performance at both national and local levels.

43. It will also be necessary to introduce a policy to protect anyone making a disclosure from any discrimination. Such a disclosure may be a concern that practices are not in accordance with the agreed policy of the Fire Authority. In such a situation it is likely an investigation would be carried out. Further details are contained in the relevant legislation - the Public Interest Disclosure Act 1998.

Conclusion

44. The fire service is now being asked to continue to urgently address these issues in a manner that demonstrates performance rather than one that merely articulates commitment. That performance will be measured by success in recruitment, progression and retention.

45. Scottish Ministers have historically tended not to set targets for recruitment, retention and progression of under-represented groups. This was not indicative of any lack of commitment or vigour to achieve a fully inclusive service, but because the view, from the wide range of service interests, was that culture and behaviour of service were more important than dicta. The effectiveness of this policy, of not defining targets, continues to be monitored, and significant progress has been noted in the area of attracting and recruiting female firefighters.

46. It should be recognised that many of the areas proposed within the best practice framework may continue to require fire services to initiate developmental and delivery strategies which may have capital, revenue and human resource implications.

Statement of Policy

47. *The Scotland Act 1998 defines 'Equal Opportunities' as the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, on racial grounds or on the grounds of disability, age, sexual orientation, language or social origin, or on other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.*

48. The Fire Service in Scotland is committed to fairness and equality.

49. The Fire Authorities, Brigade Managers and the Trade Unions are committed to ensuring that all employees, job applicants, contractors and recipients of the service we provide, are valued and treated with dignity and respect.

- The purpose of this statement is to reinforce the awareness of all Fire Service personnel of their duty to comply with the letter and spirit of all domestic and European equality legislation (see p. 38).

50. The Fire Service is committed to creating an environment of positive working relationships.

51. Policies and procedures are in place to create and protect such an environment, agreed with the representative bodies, which will ensure that all workers are treated in a fair and equal manner and that concerns in respect of these policies can be raised in an atmosphere of trust and confidentiality.

52. The policies and procedures apply to recruitment, selection, promotion, transfer, training, benefits, facilities, terms and conditions of employment and to service delivery.

53. In addition to elected members, all workers and particularly those with a supervisory role, as well as personnel and equal opportunities officers have responsibility for the communication, implementation and monitoring of these policies. They will be continually developed and revised in order to ensure that managers and other relevant decision-makers understand their position in law and awareness guidance and training will be provided for all job applicants and workers.

54. Each of us has an individual responsibility to undertake that nothing in our behaviour, attitude, or actions causes offence to either our colleagues or those we come into contact with in the course of our work.

55. It is the duty of **every** worker in the fire service to:

- Refrain from acts of discrimination, harassment and victimisation.
- Assist in the prevention of discrimination, harassment and victimisation.
- Co-operate with all fairness and equality procedures adopted by brigades.
- Alert service managers to instances of discrimination, harassment and victimisation.
- Individually promote good relationships, both in the workplace and in all communication with the public, through positive attitudes to fairness and equality.

56. All concerns and complaints, regardless of their source or nature, will be dealt with as a serious matter, and may result in formal proceedings.

57. We all have a responsibility for our own actions and should keep the following points clearly in mind:

- **For everyone:**

- *Would I like this said or done to a member of my family or to me?*
- *Is what I'm saying or doing likely to cause offence?*

- **For Officers and Managers:**

- *Do I fully understand the issues surrounding diversity in the fire service?*
- *If not, where can I find out?*
- *How effective am I as a manager of people in all their diversity?*

Responsibilities

58. *Everyone has the right to be treated with dignity and respect at work and when dealing with fire service workers. They also have responsibilities to treat their colleagues, contractors, visitors and members of the public with whom they come into contact with dignity and respect. They should also challenge discrimination when they are aware of it and not wait for someone else to complain.*

Leadership and Culture

59. The primary role falls to all leaders within the fire service to demonstrate commitment to both the doctrine of equality and to cultural change. This includes Firemasters, Elected Members, representative bodies and all those with a supervisory role.

Inspectorate

60. HM Fire Service Inspectorate has sought to ensure that issues of equality and fairness in the fire service are given prominence. HMFSI monitors and reports on progress providing opportunities for employees, employers and Government to assess essential commitment through action.

Fire Authorities

61. Fire Authorities are responsible for ensuring that equality of opportunity is a reality in fire services. They should oversee the policies and procedures operating in fire services and should require regular updates on performance. They are responsible for actions under the disciplinary procedures and are liable for the actions of their employees where they know, **or should know**, about their conduct and take no action to prevent it.

62. They are responsible for promoting equality of opportunity in accordance with the objectives of the Policy Statement by ensuring that:

- potential employees are made aware of, and all existing employees are given training in equal opportunities;
- consultation arrangements exist between the Service Management and representative bodies for the purpose of observing, maintaining and, where necessary, improving the policy;
- personnel responsible for recruitment, training, personnel selection and career development receive training in the principles of equal opportunities;

- suitable arrangements exist for dealing with grievances arising from incidents involving discrimination or harassment; and
- the effects of the policy are adequately monitored both in terms of the procedures operating within the Service and those involving contact with external sources.

The Firemaster

63. The Firemaster is responsible for implementing the employer's responsibilities and ensuring that the Equal Opportunities policy is regularly reviewed and, where necessary, revised. He or she should consider appointing a **Service Equal Opportunities Officer or another appointed person** to implement the Brigade's policies.

Service Equal Opportunities Officer or Appointed Person

64. The Service Equal Opportunities Officer/Appointed Person will carry the lead role in relation to this matter. This person will advise the Service Management on best practice in relation to:

- service delivery;
- recruitment;
- promotion;
- transfer;
- training;
- retention;
- benefits;
- procedures;
- facilities; and
- the terms and conditions of employment.

Service Management

65. Every line manager is responsible for ensuring that policy decisions are effectively communicated to their personnel and correctly implemented. They must instigate corrective action where they observe unfair or unlawful practice in any of the Service's activities and not solely in relation to their specialist remit.

Employees

66. Employees, at all levels should:
- Co-operate fully with all fairness and equality measures introduced by the fire service.
 - Not discriminate or to induce, or attempt to induce, other employees or trade union officers to practice unfair discrimination.
 - Not victimise or incite victimisation of any individual or group.

- Not harass, abuse or intimidate other employees.
- Inform line management of suspected discriminatory acts or practices either directly or through a representative body or other appropriate mechanism.
- Extend the above responsibilities to their dealings with members of other organisations and to members of the public.

Representative Bodies

67. The representative bodies should recognise the important contribution which they and their members can make to the effectiveness of Service policies by co-operation, consultation and advocacy.

General Responsibilities

68. Every employee is responsible for co-operating with the Service in observing the equal opportunities policy and for refraining from the discrimination, harassment, victimisation or intimidation of any individual or under represented group.

69. Employees with a supervisory role in addition to being personally responsible for observing equal opportunities principles, are responsible to the Service for ensuring that any of the foregoing unacceptable behaviour is tackled in its incipient stages by effective and positive means.

70. Personnel dealing with these issues must receive complete and comprehensive support from Service management.

71. It is the duty of all employees to report any discriminatory acts or practices whether observed or suspected. An employee's desire to remain anonymous should be respected where practicable and whoever receives the report will be responsible for establishing and maintaining a record of all the relevant details of the case.

72. All retention issues could be addressed by using exit questionnaires to assess the reasons why people are leaving or transferring; the questionnaire should be given to all personnel.



Monitoring

73. Monitoring systems should be in place in order to determine the effectiveness of the Service's Equal Opportunities Policies.

74. Effective monitoring can show, for example, whether members of any particular under-represented group:

- Do not apply for employment or promotion, or fewer than might be expected.
- Are not recruited, promoted or selected for training and development or are appointed/selected in a significantly lower proportion than their rate of application.
- Are concentrated in certain jobs, sections, or departments.

75. The following quantitative and qualitative data should be monitored by racial origin and gender:

- The current composition of the workforce, by post and length of service.
- The flow of the workforce in terms of recruitment, training, promotion transfer and leavers.
- The number and type of adjustments made to the working environment in order to accommodate disabled applicants, workers and service users.
- The overall impact of the Equal Opportunities Policies by, for example, reviewing the satisfaction levels of workers and service users, monitoring the numbers and types of grievances.
- All policies and practices to ensure their effectiveness, by for example, evaluating the outcomes of recruitment advertisements, assessing those attending training sessions.
- Evaluation of the working environment for material that could cause harassment or offence.
- Evaluation of the effectiveness of the support mechanisms available to people from minority groups.

76. All information gathered in respect of individuals should be treated with the utmost confidentiality and should only be used to maintain a database of statistics, which is itself protected by the Data Protection Act 1998.

77. The methods used for monitoring, including voluntary self-classification, may vary according to the resources available in fire services. However, consideration should be given to setting up a joint Management/Representative Bodies Review Committee.

78. Services should not collect data simply for its own sake. The objectives behind any monitoring should be clearly stated and where lessons are learned these should be carried forward into policy amendment.

Recruitment and Selection

Introduction

79. The recruitment and selection processes should:
- Promote equality in employment opportunities.
 - Eliminate discrimination in all its many forms.
 - Provide positive action measures where appropriate, in order to address currently under-represented groups in the workforce.
80. Ideally all personnel involved in the recruitment or selection process should receive training in fairness and equality matters before becoming involved in the process.

General

81. The fire service in Scotland wishes to attract applications from all sections of the community who can contribute to the work of the service.
82. Discrimination and exclusion of any kind is wrong and the fire service is committed to doing everything in its power to address under-representation by eradicating any form of unfairness and discrimination.

Positive Action

83. With a view to offering opportunities to all sections of the community to achieve their potential, the fire service in Scotland should take positive action where members of a particular sex or of a racial group have been under-represented in particular employment for the previous 12 months.
84. Positive measures are permitted under sections 47 and 48 of the Sex Discrimination Act 1975 (as amended by the Sex Discrimination Act 1986) and sections 37 and 38 of the Race Relations Act 1976, in order to encourage potential employees from groups that are underrepresented in an organisation to take advantage of opportunities of employment. Further empowerment is given by the Employment Acts 1988 and 1989. Positive action can be used to counteract the organisational effects of past discrimination and help eliminate the continuing stereotyping of jobs in the workplace.
85. More specifically, where fire services consider that such action will be beneficial, the following measures are amongst those available to help remedy under-representation and will be used as appropriate:
- Pre-recruitment training for people from under-represented groups.

- Job advertisements designed specifically to reach members of a particular sex and/or racial group.
- Targeted use of employment agencies and careers offices in areas where particular racial groups may be concentrated.
- Recruitment schemes for school leavers targeted at members of a particular sex or racial group.
- Use of the Disability Services Teams of the Employment Service for advice on the employment and retention of disabled employees.

86. Positive Action is about **encouraging** people from under represented groups to take advantage of employment opportunities. It is not about **selecting** someone because they come from an under represented group. Such action would be unlawful positive discrimination, e.g.:

- Withholding information from one sex in an attempt to encourage more applications from the other sex.
- Selecting a job applicant simply because they are of a particular group and/or of a particular sex, regardless of ability.
- Selecting a number of employees from minority groups irrespective of merit to give the Brigade a good name.

87. Positive discrimination does no-one any favours. It reduces morale in the Service by demeaning the “value” of the existing workforce, it opens the Service up to legal action and does not help the people it seeks to “advantage” by bringing them into a workplace when they have not passed the usual selection tests and are not considered by their managers or by their work colleagues to be “up to the job”. This can bring about the isolation of people from minority groups and can lead to their harassment.

Advertising

88. It is important to recognise that the fire service image is being portrayed in all its public statements, including recruitment advertisements, fire safety campaigns and media work. It is important that the diversity of people working in the fire service is demonstrated as positive role models for people from minority groups.

89. Recruitment advertising and publicity should positively encourage applications from all. It should show that the fire service offers opportunities regardless of gender, sexual orientation, colour, nationality, religion and, where

practicable, disability. Illustrated advertisements/posters should represent both sexes fairly, both in numbers and prominence.

90. Where for some reason this is not feasible, the advertisement should include a statement which is sufficiently prominent and explicit to counterbalance the message conveyed by the illustration.

91. Recruitment solely, or in the first instance, by “word of mouth” or through recommendations of existing workers can be unlawful because the existing workforce is predominantly white and will tend to recommend people they know who are like themselves, thus unintentionally excluding people from minority groups. Such a recruitment policy perpetuates imbalances in the diversity of the workforce and therefore must be avoided.

92. All vacancies should be made known through means, which will give access to minority sections of the community.

93. It is useful to advertise vacancies as widely as possible, e.g. through Job Centres, Careers Offices and Racial Equality Councils. Personnel at these organisations should be advised of the Fire Authority’s Equal Opportunities Policy to ensure that a wide field of applications will be referred for consideration.

94. Full consideration should be given to targeting positive action recruitment advertisements in circumstances where people from minority groups are under represented. Not only is it helpful to portray people from minority groups in the advertisement, it is worth placing advertisements in areas where people from the under represented groups can see them e.g. aerobic sessions in a gym, community centres etc.

95. All publicity material should reflect the Fire Authority’s Equal Opportunity Policy and advertisements should carry the supportive policy statement.

Application Forms

96. An application form will vary according to the post and should be tailored to reflect the specific skills and experience required.

97. A *standard* application form should be completed by all wholetime firefighter applicants. A *curriculum vitae* or other supplementary information should not be considered in the selection process. Candidates should be required to provide only relevant information that seeks to match the requirements of the job.

98. A copy of the job description and person specification should be sent to the candidate with the application form.

99. The Equal Opportunities Policy statement and monitoring form should be included with the application form. The monitoring form should be separated from the application form prior to being passed on to shortlisters.

100. Application forms should only ask for information which can be justified in job related terms. Selection should be made against the requirements of the job, not by comparing one applicant with another. If selection decisions are made on non-essential criteria it becomes difficult to justify why someone was recruited. Choosing to recruit someone because they have a certain skill or experience, which was not part of the job description, could result in indirect discrimination (because only men, for example, might have had the opportunity to develop that particular skill).

101. Some questions on application forms could be unlawful irrespective of how the answers are used or interpreted if:

- They are asked only of women (or men).
- It can be shown that the asking of them is likely to result in less favourable treatment.

102. Questions on gender, religion, and marital status, for example, should be removed from application forms. Questions which seek information that could be used to discriminate should also be removed from the selection process: for example, numbers and ages of children, details of schools attended, or post code “blanking”.

103. Consideration should be given to providing assistance with regard to candidates with a disability which could cause difficulties in completing the application form. Proper assessment needs to be given to the standard of written work required of candidates. People with diagnosed dyslexia will be able to provide a clinical assessment of their needs when completing an application form or selection test. Application forms should not be regarded as a literacy test unless competency in writing is essential to the job.

104. Qualifications should be accepted where they are valid and equivalent to those being requested.

105. A record must be made with reasons for rejection of an application form.

Information Packs

106. It is recommended that in addition to the application form services should issue an information pack to potential applicants for all posts.

107. The information pack should contain a comprehensive selection of material about the fire service that is designed to enable the applicant to fully understand the organisation and the role. It should contain realistic and objective information on the role in order for the applicant to make an informed judgement about proceeding with their application.

108. Information included should also tell the applicant how they can prepare properly for the selection process.

109. It is useful for information packs to contain some details concerning the extent and manner of feedback available to candidates.

SELECTION PROCESS

110. The Service should ensure that fairness, opportunity and access to advancement, based on merit, is integral to the recruitment and selection progression process for all personnel.

111. It shall be the duty of any selector to declare an interest which could mean that they may not be in a position to make an impartial judgement on an individual applicant. This could be due to family connections or relationship or mutual membership of any society or organisation, which may cast doubt on the impartiality of their decision. Where such a declaration is made another employee shall be substituted.

112. The whole process should be as open, fair and transparent as possible in order that all applicants are aware of the job description, person specification and any additional skills or attributes considered essential or desirable in the successful applicant.

113. All employees should have access to the necessary information concerning the procedures adopted for reaching decisions in order that they can understand the whole process. Practical and positive feedback should be available to candidates following the selection process which may include tests, such as psychometric testing, interview and perhaps attendance at a staff selection centre.

General Philosophy

114. Advancement is not given solely for criteria such as length of service or time in the post, relevant experience, however, may be one of the elements taken into account when decisions are reached.

115. The objective is to ensure that the most able people are placed in positions of responsibility to ensure effective management of the Service. This requires the Service to provide selection systems to assist in identifying ability, aptitude, competence and potential to operate at a higher level.

116. Panels should be careful to make sure that as far as possible the candidates are put at ease and allowed to give the best account of themselves. The objective is to get the candidate talking and encourage them to discuss the issues raised in a free and frank manner in order that the Panels have the opportunity to assess their underlying knowledge of the subjects and their ability to communicate effectively.

- Uniformed promotions and transfers should be advertised throughout the Brigade, and where appropriate in all other Brigades in the United Kingdom.
- For support staff posts, promotions and transfers should be advertised internally and externally.

117. Selection processes should be cognisant of the need for arrangements for giving feedback to candidates that are unsuccessful. One successful method is that, following interviews, one panel member is made responsible for interview feedback to candidates, should they request it.

118. The process should also consider that candidates may complain about any aspect of the selection procedure. Whilst a formal policy may not be required, some indication of how these complaints are to be handled is helpful.

Job Descriptions

- Every post should have a job description.
- The job description will state the purpose, duties and role of the job and should be written in clear terms and show the date of issue.
- The tasks and activities must relate to the actual requirements of the post.
- The job description should contain the essential requirements that are needed to undertake the role and duties of the post.
- If there are any non-essential, but desirable criteria identified, these should not be used as a bar to shortlist, but used as an additional benefit possessed by candidates.

Person Specification

119. The person specification for the post should describe the personal qualities and skills necessary to do the work of the post.

- Qualifications and requirements must be justifiable, not artificially inflated and should not exceed the minimum requirements as laid down by statute, professional bodies or institutes.
- A well designed person specification will help in making clear and justifiable decisions on a candidate.
- A well written specification enables selectors to seek evidence about the applicant as a basis for an objective decision.

- There should be a clear link between the criteria and the job description.
- The criteria must be described in terms of measurable and observable facts that are not distorted by personal feelings or prejudices.
- Some aspects of the job will be more important than others. These should be broken down to essential and desirable elements. A person who demonstrates the abilities to perform the required duties would be a more suitable candidate than one who did not.

120. Criteria used must remain unchanged throughout the process and be applied equally by all selectors.

- Everyone involved in the process must have the same understanding of what they are looking for to fill the vacancy.
-
- Time must be made available for all persons involved in the process to agree criteria to be used.

121. A person specification is a list of criteria which are required in order to undertake the duties identified in the job description. The criteria should be:

- Ability based.
- Clearly defined.
- Measurable.
- Weighted.
- Agreed.
- Justifiable.
- Consistently applied.

CAREER DEVELOPMENT

122. Supervisors should base assessments, matched against the job description and person specification, solely on objective assessment of an individual's capabilities, performance and potential.

123. It is in the interests of the fire service that it retains trained staff. In some Services the wastage rates of people from minority groups is higher than for white men. There may be several reasons for this, but it is important that people from minority groups receive the support they need to fulfil their career potential. Consistent with the justifiable needs of the organisation and of members of staff, management should strive, in consultation with the Representative Bodies, to enable staff to eliminate discrimination in the workplace and reconcile Service work with their domestic responsibilities.

- All stages of the promotion or transfer process should be monitored in detail. This includes vacancy notification, assessment, shortlisting, interviewing, testing and final decisions.
- The career progression of women and other under-represented groups through the organisation should be measured against their incidence in both the organisation and the local community.
- Checks should be made in order to find out whether women and those from under represented ethnic minority groups are receiving equivalent development and training opportunities.

GOOD INTERVIEW PRACTICE

124. Interview panels should consist of at least 2 panel members to reduce any chance of bias and to provide corroboration for allegations of discrimination by disaffected interviewees. Also other members of the panel can listen, observe, and take notes etc whilst one person is asking the questions.

125. All panel members should be trained in recruitment and selection techniques and should be aware of the Fire Authority's Equal Opportunities Policy and all the relevant employment legislation.

126. The interview serves the purpose of:

- Finding out more about the candidate.
- Allowing the candidate to find out more about the job/employer.
- Checking the accuracy of information given on the application form.

127. When preparing, interviewers should avoid making stereotypical assumptions about candidates on the basis of information on the application form.

128. All candidates should be given an interview that seeks evidence to match against the same criteria and which is conducted in a broadly similar environment and is of similar length.

129. Assessment of candidates should be based on evidence gained during the interview.

130. Candidates should be objectively judged on how closely they match the person specification **not one against the other**.

Source of Bias and Prejudice in the Interview

131. Bias is a function of the value and respect we give to particular backgrounds and cultures. It is easy to adopt positive ideas and attitudes towards

people who we feel comfortable with, people who resemble us, or appear to have the same values as ourselves. However, we operate in a multicultural and diverse society and interviewers should recognise and embrace welcome diversity of backgrounds and cultures.

Racist or Sexist Questions

132. The asking of some questions, could convey, or could reasonably be believed to convey, an intention to discriminate on racial or gender grounds. If someone considered that a particular question, or the information obtained from the answer to a particular question, could be used to discriminate against them, they could make a claim for unlawful discriminatory treatment.

Questions Which Should NOT Be Asked

133. Questions which concern marital or family status should not be asked. For example, questions about number or ages of children, spouses employment, or plans to get engaged or married could be taken as evidence that the Service is seeking to identify (and not employ) people with domestic or family responsibilities. This could constitute unlawful sex discrimination.

134. Questions concerning ethnic or racial background such as what is your country of origin, do you have a work permit, do you practice your religion, could indicate an intention to discriminate unlawfully on racial grounds.

135. Further, seeking medical information either on the application form or medical form which relates to pregnancy or maternity could give rise to unlawful sex discrimination. For example, are you pregnant/do you intend to become pregnant, do you suffer from menstrual disorders, are you on the pill or are you able to carry out normal duties during your monthly period?

136. All these questions are indications of intended gender bias and should be avoided. They are very likely to be unlawful. There can be no justification for asking such questions. Questions should seek to obtain only relevant information, but they should be rephrased in such a way that they can be asked of all candidates. This will normally involve a series of probing questions to seek evidence of past experiences and likely future action, e.g. 'what experience do you have of working with others?', 'can you think of any situations which arose which caused difficulties?', 'can you tell us about it?', etc.

137. Avoid making comments which could cause offence or embarrassment.

138. A record of reasons for non-selection must be placed on the application.

139. The interviewee should leave feeling that they have been assessed fairly, lawfully, efficiently and professionally.



Harassment and Bullying

Policy Statement

140. The service should provide a workplace for all its employees which is free of harassment or bullying of any kind. Employees should be assured that the service is opposed to bullying or harassment, will not tolerate it and will take positive steps to eliminate it by monitoring the workplace and investigating any allegations of unacceptable behaviour. It should ensure that employees understand their right to dignity at work and know how to complain if unacceptable behaviour occurs.

141. **Everyone** has a responsibility not to behave in a way that is offensive to others. All workers should be aware of, and be sympathetic to, peoples' feelings and the need to ensure that everyone is treated with dignity in the workplace. Lack of awareness is often the problem. Being aware of and sensitive towards this problem will help to avoid causing offence. If you are aware of others causing offence you must do something about it.

142. All those in a supervisory role have responsibility for:

- Implementing this policy.
- Ensuring that all personnel under their direct supervision are aware of this policy and standards of behaviour required of them.
- Dealing with all allegations or harassment/bullying as quickly as possible.
- Promoting a supportive culture free from unacceptable behaviour.

143. Treatment which causes an employee to feel threatened, humiliated, patronised or harassed on sexual, racial, sexual orientation, religious or sectarian grounds is unacceptable and should not be tolerated.

Definition of Harassment

144. Harassment can be an unlawful act of direct discrimination and a breach of the European Union's Code of Practice Protecting the Dignity of Women and Men at Work. Under the Sex Discrimination, the Race Relations and the Disability Discrimination Acts each Service has responsibility for unlawful discrimination committed by its personnel.

145. Harassment is unwanted conduct affecting the dignity of workers which can lead to an intimidating, hostile or humiliating work environment for the recipient.

146. Harassment includes unwelcome physical, verbal or non-verbal conduct. People can be subjected to harassment by a range of activities, perhaps because they are perceived as being different or belong to a minority group. Some such

common groups may include race, ethnic origin, nationality, gender or sexual orientation, religious or political beliefs, disability and age.

147. Harassment can occur between people of the same sex or the opposite sex. What is most important are the feelings and perceptions of the victim. It is no excuse to say, "It was only a joke". Unwanted behaviour is never a joke.

148. The Fire Service has a duty to control the possession and display of offensive or pornographic material on its premises and can exercise a wide range of discretion in deciding what may constitute offensive material.

149. The policy should therefore encompass a total ban on:

- pornographic video and TV programmes including pornographic cable and satellite channels.
- electronically stored images including the use of computer equipment.
- pornographic magazines shall not be permitted on premises.
- any other form of offensive material such as posters, calendars, photographs etc.
- sectarian graffiti, flags, bunting, and emblems.

Definition of Bullying

150. Bullying is a vindictive, cruel behaviour which humiliates and undermines confidence or is intended to undermine confidence – an abuse of power against a person or persons who are in some way vulnerable. It may be thought that bullying is most common from a supervisor to a subordinate, but it can occur from a subordinate, or group of subordinates to a supervisor and between colleagues.

151. Bullying can take the form of unreasonably criticising performance, unreasonably withdrawing of authority or responsibility or imposing impossible objectives or deadlines.

Effects of Harassment and Bullying

152. The effects of harassment and bullying can be physical e.g. disturbed sleep, loss of energy, feeling sick or emotional e.g. anxiety, loss of confidence, reduced self-esteem and depression.

153. Harassment and bullying can also affect the Service's ability to deliver effectively to the public, as it can cause problems of poor work performance, absenteeism and low morale.

The Penalties for Harassment/Bullying

154. The penalties for the harassment or bullying of one employee, or group of employees by another employee, or group of employees could amount to any level of disciplinary action up to, and including dismissal.

155. Uniformed and support staff members of the Service are covered by separate disciplinary codes but these treat harassment and bullying with the same degree of seriousness.

156. Under the various Acts of Parliament which prohibit harassment and bullying i.e. the Sex Discrimination Act, Race Relations Act, The Health and Safety at Work Act and the Protection from Harassment Act, the employer, i.e. the Service, can be held responsible for the actions of employees unless it has made suitable arrangements to make employees aware of their responsibilities under these Acts

157. In the event that an employee or group of employees were to seek a remedy for being harassed or bullied, by another employee or group of employees, by taking a case to an Employment Tribunal, the Service may be held to be vicariously liable.

158. Individual workers may also be found liable for their actions and could be fined, or sent to prison under the Protection from Harassment Act. If harassment or bullying were to result in an actual assault this may be a criminal matter which should be reported directly to the police.

Dealing with Complaints of Harassment and Bullying.

159. It is important that Services have an informal complaints procedure to deal with complaints of harassment and bullying quickly and confidentially. The overriding aim is to produce a speedy and effective response to a workplace dispute at the lowest possible management level.

160. Many workers may initially wish a line manager to resolve a situation informally outside of any formal procedure. Line managers should seek wherever possible to attempt a resolution without resorting to a formal operation of the Grievance or Discipline Procedures. However, it is recognised that this may not always be possible, and should an individual(s) wish to pursue an issue through a formal procedure then they will submit a formal written complaint to their line manager.

161. The fire service recognises that a distinguishing characteristic of all forms of harassment/bullying is that employees subjected to such behaviour will often be reluctant to make a complaint. This reluctance may arise due to the sensitivity of the issue and the possible embarrassment and anxiety involved in bringing forward a complaint.

162. Employees may also feel reluctant to complain because they believe that no action will be taken in response to their complaint, or that it will be trivialised and as a result they will be subjected to ridicule, or they may fear reprisals. It is also recognised that there will be particular difficulties in bringing forward a complaint where the alleged harasser/bully is the employees immediate Supervisor/Officer-in-Charge.

163. In recognition of these concerns, and the fact that most recipients of harassment/bullying simply want the behaviour to stop the informal resolution procedures should be adopted if appropriate in the first instance.

164. The complaint procedure should not replace the right of personnel to use the Grievance Procedure detailed in the appropriate Conditions of Service. It is strongly recommended, however, that personnel use this procedure, initially, to work positively with management to find a resolution to this type of problem. Representative bodies should also give comprehensive advice in relation to such complaints.

165. Workers who consider that they are being bullied or harassed should, if they feel able, make it clear to the offender that their behaviour is unacceptable. Some people just do not realise that their actions are offensive.

166. If this approach is not possible, or is not successful, the individual should report the matter to their Line Manager. They may also wish to obtain advice from their TU representative or Brigade Contact Officer. Their Line Manager should attempt to resolve the matter informally and speedily, whilst recognising that complaints of harassment must be made to an Employment Tribunal within 3 calendar months less 1 day of the date of the act that is the subject of the complaint.

167. It is suggested that both parties should make and retain a note of the informal meeting including the date of the meeting.

168. In circumstances where following an informal approach, further harassment/bullying continues to occur; or the harassment/bullying is considered by the complainant to be so serious that an informal approach is inappropriate; the employee may submit a formal complaint under the relevant Grievance Procedure/Disciplinary Code.

169. If this does not provide a satisfactory resolution to the matter, the complainant may wish to have their case heard by an Employment Tribunal. Individuals who lodge a claim at an Employment Tribunal must first have gone through their internal grievance procedure. They must allow at least 28 days for their complaint to be resolved before they lodge their claim.

170. Any claim must be lodged with an Employment Tribunal within 3 calendar months less one day of the date of the alleged unlawful act.

Maternity and Paternity Issues

171. When men and women become parents their lives change. They may need certain accommodation at work as their children become older, but during a woman's pregnancy, and immediately after the birth of their child, both parents will need particular help in balancing their work and family commitments.

172. Pregnancy affects every woman in different ways. It does not mean that a woman will be any less committed to her job. It means that the Service will have to make special arrangements, in conjunction with the woman and her medical advisors, as to her work.

173. The EU Pregnant Workers Directive 92/85/EEC covers a woman's treatment at work. It requires that if the results of a risk assessment reveal a risk to the safety or health or an effect on the pregnancy or breastfeeding of a worker, the employer shall take the necessary measures to ensure that, by temporarily adjusting the working conditions and/or the working hours of the worker concerned, the exposure of that worker to such risks is avoided. If the adjustment of her working conditions and/or working hours is not technically and/or objectively feasible, or cannot reasonably be required on duly substantiated grounds, the employer shall take the necessary measures to move the worker concerned to another job. If moving her to another job is not technically and/or objectively feasible or cannot reasonably be required on duly substantiated grounds, the worker concerned shall be granted leave for the whole of the period necessary to protect her safety or health.

174. This means that:

- The work environment needs to be risk assessed for health and safety risks which could affect the health of each pregnant employee and/or her unborn child. As her physical capabilities will change during and after her pregnancy, a risk assessment needs to be done several times during her pregnancy, on her return to work and at all stages that she is breastfeeding.
- She (and any representative she nominates) should be provided with the information obtained from the risk assessment and the effects on her work discussed with her. In cases of dispute over her future working arrangements, the woman should be advised to discuss the risk assessment with **her** medical advisors, but in the final analysis, the Service has a duty to protect the worker and her baby.
- The Service must not discriminate against a pregnant woman under the guise of protecting her by subjecting her to any less favourable treatment because of her pregnancy. There must be a genuine attempt to accommodate her on training courses, promotion programmes, or other work-related benefits whilst she is pregnant or breastfeeding.

- She should also be given information about maternity leave, maternity pay, maternity clothing, and her options on returning to work.
- The Service should make plans with her for handling her absence on maternity leave.
- She should be encouraged to talk to you if her needs at work change during the pregnancy.

Terms And Conditions Of Employment

175. Apart from changes needed for health and safety reasons, take care not to treat a pregnant woman less favourably because of her pregnancy, unless she requests changes to help her during the pregnancy e.g. flexible working arrangements.

176. If you introduce changes to a pregnant woman's job or career prospects unreasonably or without consulting her, she will have grounds for a sex discrimination claim.

- Maintain the same terms and conditions of employment for her as before.
- Ensure that other staff and managers do not make discriminatory assumptions about her.
- Offer her the same opportunities as other staff for training, career development and promotion.
- Ensure she receives the same pay rises as other employees.
- If her annual appraisal is due before she goes on maternity leave, or during maternity leave, make arrangements to do the appraisal before she goes on leave, or soon after her return from leave.
- Include her in bonus or performance pay schemes in the same way as other employees.

Advising Your Employee About Maternity Rights

177. Failure to notify employees about their rights and what steps should be taken to claim entitlement could result in you having to pay compensation. You will need to advise your employee about:

- Their right to take maternity leave and return to work.
- Their right to statutory maternity pay.

- The notification they must give you to be eligible for maternity leave and to claim statutory maternity pay.

178. The Maternity and Parental Leave (Amendment) Regulations will increase ordinary maternity leave to 26 weeks from April 2003. Statutory Maternity Pay will be paid for 26 weeks. Additional Maternity Leave will also be increased to 26 weeks (unpaid), making a total of one year available for maternity leave.

Paternity Benefits

179. It is important to recognise that expectant and new fathers also need support in the workplace. There are several new pieces of legislation that provide for paid leave for parenting duties:

- The Employment Rights Act 2002 will provide for 2 weeks paternity leave on the birth of a child, or the placement of a child with adoptive an parent or parents from April 2003. Married and unmarried partners are included and people who are the partner of the child's mother or adopter. Same sex partners are specifically eligible, as long as they "will be parenting the child". (So women will be eligible for "paternity" leave.)
- The Employment Rights Act will give 2 weeks paid paternity leave from April 2003 to be paid at the same rate as Statutory Maternity Pay.

Race and Disability

180. Remember - laws on race and disability also apply during pregnancy and maternity.

- Ensure that arrangements made for pregnant women and new mothers are equally favourable to women from all racial groups and to women with disabilities.
- Recognise and be sympathetic to different cultural and religious practices relating to pregnancy and childbirth.

FLEXIBLE WORKING ARRANGEMENTS

181. The Employment Act 2002 established a new right for workers with a child under 6 (or a disabled child under 18) to request a change in hours and for their employer to consider that request seriously.

182. Case law under the Sex Discrimination Act 1975 has established that women employees with domestic responsibilities have a right, in some circumstances to work flexible hours. Anyone claiming that their employer had not addressed their request to work flexibly can claim under the Sex Discrimination Act and the compensation payable can be unlimited.

183. Good employers also allow men to work flexible hours and do not limit the reasons for reducing or amending hours. Under the Disability Discrimination Act, employers are also required to consider reducing or amending the hours worked by individuals who would otherwise find working full time difficult.

Job Sharing

184. The fire service maintains its commitment as an equal opportunities employer and supports the aims of flexible working arrangements where appropriate as a means of increasing options for individuals with family care responsibilities and as a means of retaining skilled and experienced staff.

185. Job sharing is a form of part time employment where two people voluntarily share the responsibilities of one full time position. Women are most likely to make such a request, however, men also encounter difficulties when trying to combine their work with their family responsibilities. Equality legislation applies to both men and women.

Alternative Working Arrangements

186. In addition to job share, other working arrangements should be considered in order to retain the skills and experience of the human resource power of the organisations e.g. part-time work, reduced working hours, flexi-time.

Fairness and Equal Opportunities Training and Development

187. Under the terms of anti-discrimination legislation, an employer is responsible for any act committed by an employee or contractor in the course of employment, whether or not it was done with the employer's knowledge or approval, unless the employer can show that they took such steps as were reasonably practicable to prevent the employee from discrimination.

188. It is unlikely that an employer could show that they had discharged their responsibility if they did not have an appropriate set of equality and diversity policies, had not undertaken an assessment of staff understanding, and had not followed this with suitable training and development for employees on the requirements of the policies.

189. In reality, the legal requirement described above fails to reflect that fact that employers should be striving to create organisations that actively embrace, espouse and promote the principles of diversity, fairness and equality. With this fact in mind, it is vital that the arrangements that are put in place to secure the development of people and organisations should fully support this aspiration. Without this, any response will be seen as a matter of mere legal compliance rather than one of real commitment.

190. Fairness and diversity training and development should be designed to meet the needs of all personnel. Unless this is done, then acts of discrimination could go undetected or may even be made worse because those in a supervisory role have insufficient knowledge of equality and diversity issues. The National Occupational Standards and rolemaps will identify the required skills, knowledge and understanding that is required of all posts within fire services, and individuals developmental requirements will be assessed by comparison with these standards. In the early stages however, consideration should be given to making this training mandatory, to demonstrate the importance of fairness and equality within the service.

191. Each employee should receive the appropriate training and development relating to their role .

- All personnel should be informed of the Service's commitment to equality and should understand the philosophy of equality and what fire services in Scotland are hoping to achieve.
- Managers should be aware of, and if necessary trained in, the collection and use of equality and diversity statistics.

- All personnel should be informed of their rights and their responsibilities, their legal obligations and liability under the legislation and the Services policies.
- Diversity training should be provided in all services for all personnel.
- All personnel should be made aware of the issues surrounding harassment, of the standard of behaviour expected from all personnel and that the Service considers contravention of its policies as a serious breach of discipline. They should also receive training on the procedures for making a complaint of harassment or bullying.
- Managers should receive appropriate role-relevant developmental opportunities including guidance on dealing with complaints of harassment and bullying.
- Personnel involved in recruitment or selection should be trained in the requirements of the recruitment and selection policy and the need to ensure that selection is carried out without discrimination.

192. The service should ensure that, as far as possible, training courses are accessible for people with disabilities and are run at times and places that are accessible for people with domestic commitments.

193. The service should consider running courses (both in-service and pre-recruitment) for people from under represented groups under the positive action provisions of the anti-discrimination legislation where such training would be likely to improve representation of minority group members in particular posts.

Language

194. Language is a living thing; words which were once commonly used in one sense can change their meaning, or have new significance attached to them.

195. Words like “spastic”, “tart”, “poof”, or “defective”, phrases like “going to the Paki shop”, “blind as a bat” are often used in general conversation as terms of derision or abuse or as jokes. These are derogatory terms that reinforce damaging and inaccurate images of people from minority groups.

196. Before considering particular terms, it is important to consider why terminology matters and the use of language is important. Inappropriate language offends and can be construed as harassment.

197. Using words appropriately is not only a matter of technical correctness or accuracy. Words also tend to express how we feel and think. Whether or not this is true in any particular case, those who are listening to us are likely to perceive it this way. Others may therefore read our choice of language as an indication of our attitude, even though we never intended it that way. We all like to be recognised and appreciated for who we are, and we therefore like to be described accurately and to be addressed in a manner that implies respect.

198. There may of course be differences of opinion over some terms, just as there are over many other issues in a complex society. Furthermore, the meanings of words change, and may vary between different parts of the country. Appropriate terminology is therefore a subject in which there are not always unambiguously “right answers”.

199. One should ask people by what terms they wish to be identified, and seek advice about acceptable usage either from individuals themselves or from appropriate organisations.



Discrimination Legislation

200. The domestic discrimination legislation is complex and since its inception has been almost constantly amended by new statutes and changes in case law. European legislation, including the Equal Treatment Directive, the Human Rights Act and Health and safety legislation impacts on the anti-discrimination law in this country. Currently, the Equal Treatment Directive applies only to discrimination on the grounds of sex and family status, but the new Race and Employment Directives will introduce European wide legislation that outlaws discrimination on the grounds of race, disability, sexual orientation, religion and belief and age. There are some small, but significant differences between the current anti-discrimination laws which the government is pledged to iron out as far as is practicable when it implements the new Directives.

201. There is a rolling programme for implementation of the Directives shown below: the ticks show where existing UK legislation already covers the requirements of the Directives, the crosses show where new legislation will need to be enacted before the relevant EU deadline:

	Employment		Goods & Services		Deadline
	European Directives	Existing Legislation	European Directives	Existing Legislation	European Directives
Race	✓	✓	✓	✓	July 2003
Sexual Orientation	✓	✗	✗	✗	Dec 2003
Religion & Belief	✓	✗	✗	✗	Dec 2003
Disability	✓	✓	✗	✓	Dec 2006
Age	✓	✗	✗	✗	Dec 2006

202. The following information is an outline of the anti-discrimination laws only. It is not comprehensive.

Sex Discrimination

The Equal Pay Act 1970 and the Equal Value Amendment 1983

203. The Equal Pay Act 1970 states that men and women should receive the same pay for work that is the same or broadly similar. The Equal Value Amendment to the Act extended the law to include the same pay for work that was rated as equal value. In order to justify unequal pay the employer must establish that the pay difference is due to a "material factor" other than sex.

Sex Discrimination Act 1975 as amended

204. Both sexes have protection from discrimination under the laws. Married people are also protected from discriminatory treatment on the grounds of their married status, although single people are not protected.

205. Under the sex discrimination legislation, unlawful discrimination can occur in:

- employment and training;
- education; and
- in the provision of goods, facilities and services to the public.

206. It can be:

- **Direct** – treating someone less favourably on the ground of his or her sex.
- **Indirect** – applying a provision, criterion or practice to all persons, but which is such that it would be to the detriment of a considerably larger proportion of one sex than the other, it is to the applicant's detriment and the Service cannot justify it on job related grounds. The standard of justification was set out in the case of *Hampson v DES* and is such that the employer must “strike a balance between the discriminatory effects of a requirement or condition and the reasonable need of the person who applies it”.
- **Victimisation** - treating a person less favourably because they have brought proceedings under the law given evidence or information or anything else in relation to their or another's proceedings or made an allegation of discrimination.

207. Unlawful **direct sex discrimination** would occur if, for example, a man were refused a post in a Fire Control Room because of his sex. Unlawful direct discrimination would also occur if, for example, a woman were treated less favourably as a result of her pregnancy (since only women can become pregnant, this would be sex-specific treatment). The law does not permit direct discrimination to be justified.

208. Unlawful **indirect sex discrimination** could occur in circumstances where, for example, a woman was refused the opportunity to work flexible hours when her domestic commitments would make it difficult for her to work the usual pattern of hours. Tribunals have established that considerably more woman than men have domestic commitments, so the Service would have to justify any refusal to allow her to reduce her hours. They would be required to balance the extent of the discrimination against their real need to enforce the requirement to work inflexible hours.

209. Other unlawful acts include:

- Pressure/Instructions to discriminate.
- Publishing an unlawful recruitment advertisement.
- Positive Discrimination.

210. There are also a number of exemptions to the legislation:

- Certain occupations e.g. religion.
- Genuine Occupational Qualifications (GOQs).
- Positive Action.

211. Positive Action means that an employer can take special measures to encourage people who have been under represented to apply for posts, where there have been few or no people from the under represented sex in that particular job for the preceding 12 months. Special measures can include for example single sex training courses or open days, recruitment advertisements directed exclusively at the under represented sex or mentoring programmes for the under represented sex.

The Sex Discrimination (Gender Reassignment) Regulations 1999

212. The Sex Discrimination Act 1975 was amended in 1999 to cover discrimination against people who state their intention to change their sex, are undergoing gender-reassignment treatment or who have undergone gender reassignment. The Regulations currently cover only employment and vocational training, not service delivery.

Race Relations Act 1976 as amended

213. The Race Relations Act of 1976 outlaws discrimination on the grounds of a person's race, colour, nationality (which mean citizenship), ethnic or national origins. Like sex discrimination, unlawful discrimination can occur in:

- employment and training;
- education; and
- in the provision of goods, facilities and services to the public.

214. It can be:

- **Direct** – treating someone less favourably on the ground of his or her race colour, nationality, ethnic or national origins.

- **Indirect** – applying a condition or requirement to all persons, but which is such that it would be to the detriment of a considerably larger proportion of one racial group than another, it is to the applicant's detriment and the Service cannot justify it on job related grounds. The standard of justification was set out in the case of *Hampson v DES* and is such that the employer must "strike a balance between the discriminatory effects of a requirement or condition and the reasonable need of the person who applies it".
- **Victimisation** - treating a person less favourably because they have brought proceedings under the law given evidence or information or anything else in relation to their or another's proceedings or made an allegation of discrimination.

215. Unlawful **direct race discrimination** would occur if, for example, someone were refused a post in a Community Recruitment Team simply because they were white. The law does not permit direct discrimination to be justified.

216. Unlawful **indirect race discrimination** could occur in circumstances where, for example, a person was denied employment as a firefighter because they did not have 2 Scottish Higher examination passes. Considerably more people from white backgrounds stay on at school and take higher level qualifications than people from black or ethnic minority backgrounds, so the Service would have to justify the high educational requirement. They would be required to balance the extent of the discrimination against their real need to have 2 examination passes for the post of firefighter.

217. Other unlawful acts include:

- Pressure/Instructions to discriminate.
- Publishing an unlawful recruitment advertisement.
- Positive Discrimination.

218. There are also a number of exemptions to the legislation:

- Certain occupations e.g. religion.
- Genuine Occupational Qualifications (GOQs).
- Positive Action.

The Race Relations (Amendment) Act 2000

219. The Race Relations (Amendment) Act was passed in response to the recommendations in the Stephen Lawrence Enquiry that organisations must do more to actively promote race equality, rather than allowing racism to become endemic and institutionalised within their policies and practices. The Act requires

public bodies to promote race equality but does not extend to promoting equality for other disadvantaged groups (women, religious minorities, gay or disabled people), but could be used as a model for promoting good practice for other groups.

220. The Act lists a number of public authorities that are bound by **the general duty to promote race equality**; some or all of these bodies also have a **specific employment duty to monitor their employment procedures and practices**. These include all Scottish fire service organisations. The Act also requires named public bodies to **prepare and publish a Race Equality Scheme** that sets out how they will meet their duty to promote race equality in their employment policies and service delivery functions. All Scottish fire service organisations were required to have a race equality plan in place **by the end of November 2002**.

Disability Discrimination Act 1995

221. The Act defines disability as anyone with a “physical or mental impairment which has a substantial and long term adverse effect on a person’s ability to carry out normal day to day activities”. People who have a disability or have had a disability but no longer have one are covered by the Act. Non-uniformed fire service workers are covered by the DDA, but those engaged in firefighter duties will not be covered by the requirements of the legislation until October 2004.

222. The Act makes it unlawful to discriminate against a disabled person in:

- Employment.
- Access to goods, facilities and services.
- Buying or renting land or property.

223. It can be:

- **Direct** – treating someone less favourably on the ground of his or her disability. However, unlike race and sex discrimination, direct disability discrimination can be justified on job related grounds. The standard of justification was set out in the case of *Hampson v DES* and is such that the employer must “strike a balance between the discriminatory effects of a requirement or condition and the reasonable need of the person who applies it”.
- **Victimisation** - treating a person less favourably because they have brought proceedings under the law given evidence or information or anything else in relation to their or another’s proceedings or made an allegation of discrimination.

Reasonable Adjustments

224. The law requires employers to make reasonable adjustments to their premises or employment arrangements if these substantially disadvantage an employee with a disability or prospective employee, compared to a non-disabled person. Examples of reasonable adjustments include providing information in

alternative formats, ramp access to premises, alternative work or working hours and modifying testing procedures.

Protection from Harassment Act 1997

225. The Protection from Harassment Act 1997 states:

“a person must not pursue a course of conduct which amounts to harassment of another and

- (a) is intended to amount to harassment of that person; or
- (b) occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person.”

226. The Act defines “conduct” as including speech, “harassment” as including causing the victim alarm or distress, and a “course of conduct” as involving conducts on at least two occasions. Although intended to prevent acts such as stalking, it can be seen that the Act could be applied to acts of harassment or bullying in the workplace. In Scots Law, the victim of harassment initially can only pursue the matter in the civil courts.

The Rehabilitation of Offenders Act 1974

227. The provisions of the Rehabilitation of Offenders Act 1974 make it unlawful for an employer or prospective employer to take account of an offence if the individual is deemed to have been rehabilitated because the conviction has been “spent”. The Act sets out the length of time which needs to have passed before the conviction is said to be spent.

Prevention of Illegal Working – Asylum and Immigration Act 1996

228. The Asylum and Immigration Act was introduced to ensure employers check that candidates are eligible to work in the United Kingdom. In order to avoid any potential discriminatory actions, all candidates should be treated consistently when being asked to produce documentary evidence of their eligibility to work in the United Kingdom.

Appendices

APPENDIX A CASE LAW AND DETAILS OF RELEVANT AND MILESTONE
LEGAL CASES

APPENDIX B LEAFLET ON HARRASMENT IN THE WORKPLACE

APPENDIX C LANGUAGE

APPENDIX D EQUALITY AND FAIRNESS – A CHECKLIST

CASE LAW

1. Employment Tribunals (ET) hear cases that are concerned with disputes between an individual and their employer. The most common cases heard are concerned with unfair dismissal. Matters of alleged discrimination in the workplace are also heard there.

2. When a case is decided at an ET it does not become a precedent case, meaning that it cannot be quoted as established case law, although it can give an indication of how other cases are likely to be decided. In a case of indirect discrimination an ET makes its decision on the particular circumstances that exist for the applicant and for the employer at that particular time and location. No definite conclusions can be drawn from such a case for people in other areas or other circumstances – but again, it can give a helpful indication of how the law should be interpreted.

CASES RELEVANT TO THE FIRE SERVICE

3. The following case summaries do not give a detailed resume of the law and are for general guidance only.

Clayton v Hereford and Worcester Fire Brigade IT 1997 **WOMAN FIREFIGHTER SEXUALLY HARASSED**

4. Throughout her brief career with Hereford and Worcester Fire Brigade Ms Clayton was subjected to harassment on the ground of her sex. The harassment included offensive newspaper articles pinned onto a notice board, dismissive and offensive comments about women generally from fellow and senior officers, damage and soiling of her uniform, fouling of the ladies toilet and deliberately dropping equipment onto her during training exercises. As a result she suffered considerable psychological harm and the IT awarded her £200,000 plus costs in compensation.

Brookes v Stoke on Trent & Staffordshire Fire Authority ET 2002 **WHITE MAN VICTIM OF POSITIVE DISCRIMINATION**

5. Mr Brookes was a retained firefighter who applied to become a wholetime firefighter. He passed all the recruit selection tests and, along with over 100 other applicants of different races and sexes, he was told that he would be employed in due course. This waiting list was reduced by the weighting of certain skills which the Tribunal considered unfairly favoured women and people from ethnic minorities. They decided that Mr Brookes was discriminated against on the grounds of his race and his sex.

Webster v Chief Constable of Hertfordshire Constabulary ET 2000
MALE OFFICER DISCRIMINATED AGAINST BECAUSE OF COLOUR BLINDNESS.

6. The Applicant was removed from operational police duties after 10 years service because he suffered from a particular type of colour blindness (a moderate deuteranomalous loss of colour vision), which meant that he could not distinguish between different shades of green. He had declared the deficiency when he applied to the Force. 7% of men and 0.5% of women have hereditary defective colour vision. He alleged the need to have perfect colour vision was not justifiable. The ET balanced the needs of the Force against the effects on Mr Webster and concluded that he had been indirectly discriminated against on the ground of his sex. The ET questioned whether a person accused of murder would be acquitted because a witness could not distinguish a particular shade of green.

Allcock v the Chief Constable of Hampshire Constabulary IT 1997
FITNESS TEST DIRECTLY DISCRIMINATED AGAINST MAN

7. Hampshire Constabulary operated a fitness test for applicants to their dog section, which included the completion of a 2-mile multi-terrain course in 16 minutes for men, and 17 minutes for women. The Applicant completed the course in 16 minutes, 46 seconds. If he had been a woman, he would have passed the test. The IT decided that this constituted unlawful direct sex discrimination.

Dougan v the Chief Constable of the RUC IT 2002
FITNESS TEST INDIRECTLY DISCRIMINATED AGAINST WOMAN

8. The RUC operated a fitness test for recruits which considerably fewer women than men could pass. The pass rate for women was around 40% less than for men. Under the indirect discrimination provisions of the Sex Discrimination Act the PSNI (as the RUC had become) had to justify the fitness test by showing that it tested for physical competences needed to do the job. The IT decided that the PSNI had justified one part of the test (the “push/pull machine” which tested the ability to grapple with an offender) but not another part (a timed circuit run). They therefore found that the test had unlawfully indirectly discriminated against Ms Dougan.

Edwards -V- London Underground Ltd CA 1998
SHIFT PATTERN INDIRECTLY DISCRIMINATED AGAINST WOMAN

9. The Applicant was a single parent who managed to combine her work and family commitments by working a fixed 8am to 4pm shift as a London Underground Tube Train Driver. London Underground brought in a new shift system, which would be more economical, but did not allow for anyone to swap shifts as they had done before. She complained that she would not be able to work these shifts and resigned. She claimed indirect sex discrimination arguing the new shift pattern would have a disparate impact on women and

was not justifiable. The CA said that it was significant that all the men in what was a large group (2023) could comply and only one woman out of a very small group (21) could not, and found that Ms Edwards had been the subject of unlawful indirect discrimination on the ground of her sex.

Chew v Avon & Somerset Constabulary EAT 2001
PART TIME WORK SHOULD NOT BE CONSTRAINED

10. The Applicant joined Avon and Somerset Police in 1989 as a full time police officer. In 1994 the Force adopted a part time policy permitted part time working only in the same cycle of duty as full timers in the same department/district. After she had her child she worked part time, in accordance with the policy, in the child protection team. Her tenure was coming to an end and her partner left her with sole responsibility for her child, and so she applied for a part time post in 1998, working set day shifts in CID. The Inspector approved her shift pattern, but it was rejected by the Superintendent on the grounds that “the hours selected do not match any approved rest days in my district”. He also rejected her application to do the same hours on uniformed patrol for the same reason. The EAT decided that the requirement to work the fixed work pattern was unjustified, and rejected the Force’s contention that having an officer working atypical hours would adversely affect morale in the rest of the Force and would lead to many others wanting them.

Tapp v the Chief Constable of Suffolk Constabulary IT 1998
PROPER RISK ASSESSMENT FOR PREGNANT POLICE WOMAN

11. The Applicant was a probationer constable on her initial training course when she discovered that she was 10 weeks pregnant. She discussed the physical requirements of the course with her GP who decided that she could continue with the course. She therefore informed the training centre, but despite her protestations, she was sent back to her Force to undertake routine office duties. She had to restart her probationer training on her return from maternity leave and was consequently delayed being confirmed as a constable and missed out on her pay increment. No risk assessment was undertaken on her work. Whilst recognising that the Respondent’s officers acted for the best possible motives, the IT found that the Applicant had been directly discriminated against on the ground of her sex. They commented that employers following the Health and Safety Regulations are not discriminating on the ground of sex, but that an employer cannot raise a successful defence simply by quoting the relevant codes, they must comply with their terms. Her work should have been evaluated in conjunction with her stage of pregnancy, she had to be informed of the concerns and given the opportunity to discuss the issues with her doctors. No medical opinions had been sought. In the absence of a proper risk assessment the IT found that she had been directly discriminated against on the ground of her sex.

Moore & Bottrill v British Airways EAT 2000

NO LOSS OF BENEFIT WHILST ON LIGHT DUTIES WHEN PREGNANT

12. The Applicants were flight attendants with British Airways. When they became pregnant they were not able to continue to fly because of considerations for the health and safety of their unborn babies. They were allocated to ground duties at the airport, and lost their flight allowance. The ET ruled that this loss of remuneration was unlawful direct discrimination on the ground of their sex, because they should not have suffered a detriment as a result of their pregnancies.

LEAFLET ON HARASSMENT IN THE WORKPLACE

1. The fire service's Equal Opportunities Policy makes any behaviour by members of the Service, uniformed and support staff, which could be described as harassment or bullying unacceptable.
2. The Service, through its Equal Opportunities Policy, is committed to ensuring that the working environment is free of such behaviour.
3. Through this leaflet employees may gain guidance on what to do in the event of harassment or bullying and how to raise a complaint.

Definition of Harassment

4. Harassment is regarded as unwelcome comments, looks, actions, suggestions, or physical contact that is considered objectionable and offensive to an individual employee, or groups of employees and which might threaten an employee's job security or create an intimidating working environment.
5. In many cases harassment would have to be established by more than one action. However, given the type and level of seriousness of a single action, harassment might still be clear.

Categories of Harassment

- Sexual.
- Racial.
- On the ground of disability.
- General i.e. Bullying.

Sexual Harassment

6. Sexual harassment is established where objectionable behaviour is based on the sex, or sexuality of an individual employee, or group of employees.
7. Examples of sexual harassment include:
 - Unwelcome sexual approaches.
 - Suggestions that sexual favours may further an employee's career.
 - Suggestions that refusal to provide sexual favours may damage an employee's career.
 - Insults or ridicule of a sexual nature.
 - Lewd, suggestive and overly familiar language and behaviour.
 - Display or circulation of sexually suggestive material.

Most people who are sexually harassed are women. However, men can be, and are, sexually harassed too.

Racial Harassment

8. Racial harassment is unacceptable, unreasonable, unwelcome and offensive behaviour which is based on the race, colour, religion, ethnic origin or nationality of an employee.

9. Examples of racial harassment include:

- Derogatory comments on the racial origins of an individual or group.
- Insults or ridicule of a racial nature.
- Jokes or comments of a racial nature.
- Display or circulation of racist materials.
- Making racist gestures.

Disability and Harassment

10. Employees subject to a disability may also suffer from harassment/bullying on the grounds of their disability, e.g. seen as easy prey for violence; open to ridicule and insult; easily excluded; sneering attitudes to quality of work and performance, etc.

Bullying

11. Bullying is a type of behaviour which threatens, humiliates and or patronises an employee and which creates an intimidating working environment.

12. Examples of bullying include:

- Public and/or humiliating forms of criticism.
- Being encouraged to work more effectively etc., through violent threats and intimidation.
- Verbal abuse directed at an individual employees, or group of employees.
- Unwarranted hostile manner in relating to another employee, or employees.
- Unwarranted aggression to another employee, or employees.

Where bullying involves physical assault a criminal act has been established.

What to do if you are harassed or bullied

13. The fire service has a Process of Resolution which would attempt to put a stop to harassment and bullying, if they were to occur, in a manner which would protect the person being harassed or bullied while at the same time ensuring that normal, working relations continues without serious disciplinary measures having to be taken.
14. Of course, if this were not to be possible because of the seriousness of the harassment or bullying, or because of the attitude of the alleged harasser or bully, the Service would apply the disciplinary codes to the fullest.
15. In the first instance, if you feel that you are being harassed or bullied, make it clear to the person or persons responsible for the harassment or bullying that you wish it to stop. If possible, have a friend or colleague with you when you do this.
16. This direct approach might well put an end to the treatment, especially if the 'harasser or bully' was not really aware of how unacceptable his/her actions were.
17. If this doesn't have any effect, or you are too nervous or frightened to confront the harasser or bully personally then go straight to your supervisor who, under the Service's EO Policy, has direct and real responsibility to support you in this type of circumstance.
18. If, however, your direct supervisor is the person allegedly harassing or bullying you, take your complaint higher up within your Fire Station, establishment, section or department.
19. Again, under the EO Policy, every supervisory Officer, uniformed and support staff, in the Brigade is charged with the responsibilities of providing you with support and seeking to put an end to the harassment of bullying. (Protocol has been established to ensure that the EO Officer becomes aware of complaints).
20. If you still have doubts about whom to approach, for whatever reason, you may contact either the Service Equal Opportunities Officer or other appointed officer who will give you the confidential advice, and support you seek.
21. Approaching your Supervisor or 'Equal Opportunities Officer' or 'other appointed person' does not preclude your right to be accompanied by a friend/colleague or union representative.
22. If you feel you are being harassed or bullied start keeping a diary of incidents as soon as possible as this will help provide a necessary confirmation of your memory of events. Make this diary very factual and as objective as possible.
23. **N.B.** Any employee of the Service accused of harassing or bullying another employee will not be assumed to be guilty until this is satisfactorily demonstrated

through proper means and will be entitled to seek support from others within the Service for his/her explanation of events.

How You Can Prevent Harassment

24. Every member of the Service, uniformed and support staff, has a responsibility to assist in stopping harassment and bullying.

- Become aware of the type of behaviour etc., which would give offence to fellow employees and make your disapproval of such behaviour known
- Do not allow your own conduct to cause offence or misunderstanding.
- Do not display or circulate sexist, racist or generally offensive materials.
- Do not make sexist, racist or generally offensive remarks.

SPEAK OUT IF YOU SEE HARASSMENT AND BULLYING IN YOUR WORKPLACE.

DO NOT ALLOW OTHERS TO HARASS AND BULLY YOU!!

All the relevant representative bodies also have codes of conduct which prohibit such behaviour and are available to support their members in such situations.

APPENDIX ON PARTICULAR TERMS OF LANGUAGE

Black

1. The term “black”, which at one time in Britain was felt to be derogatory, acquired a more positive meaning under American influence during the 1960s and 1970s. At first it was used quite widely as a term to bring together all those groups liable to differentiation and discrimination on racial grounds. Today, as in America, it tends to be restricted to those who are directly or indirectly of African origin.
2. In general, it is acceptable to describe people of Caribbean or African origin as “black”. Some people from the Indian sub-continent also accept this designation; others, however, do not - and may, indeed, strongly object to it. It is therefore inadvisable to use the term “black” to refer collectively to people from Asian as well as Caribbean and African origins. If necessary, it would be preferable to refer to “black and Asian people”.

Coloured /people of colour/visible minorities

3. The once commonly used term “coloured people” is now generally disliked and felt to be offensive or patronising. It should therefore be avoided.
4. The expression “people of colour”, which is in currency in the United States, is used on occasion by some members of minority ethnic communities. However it is not in common parlance, and its use - especially by white people - may be misunderstood or misinterpreted. At least for the present, therefore, it is to be avoided unless people identify themselves in this way.

West Indian/Afro-Caribbean/African-Caribbean/African

5. The term “West Indian”, although used in this country as a “catch-all” phrase to describe the first generation of settlers, was not generally employed in the Caribbean, where island origin was and remains the criterion of identity. Members of the settler generation therefore still think of and often describe themselves (especially among friends) as “Jamaican”, “Barbadian”, “Guyanese” and so on. The term “West Indian” may not necessarily give offence, but in most contexts it is inappropriate. It may also be felt to carry a colonial overtone. For these reasons it is better avoided, unless people actually identify themselves in this way.
6. The term “Afro-Caribbean” or “African-Caribbean” is much more widely used, especially in official and academic documents, to refer to black people of Caribbean origin, although it is not generally used by black people amongst themselves. Where it is desirable to specify geographical origin, use of this term is both appropriate and acceptable. The term does not, however, refer to all people of Caribbean origin, some of whom are white or of Asian origin.

7. Likewise, the term “African” is acceptable and may be used in self-identification, although many of those of African origin will refer to themselves in national terms as “Nigerian”, “Ghanaian”, etc.

8. Young people born in Britain will probably not use any of these designations, and will simply refer to themselves as “black”. If racial identity is relevant, it will therefore be appropriate to describe them by this term (rather than to describe them as Afro-Caribbean or West Indian). However, increased interest among young black people with African roots and cultural origins is resulting in greater assertion of the African aspect of their identity, and the term “African-Caribbean” is now used in some circles.

Asian/Oriental/British Asian

9. People in the sub-continent do not consider themselves to be “Asians”, this being a Collective term which has been applied to them in Britain. People identify themselves either in terms of one or more of the following: their national origin “Indian”, “Pakistani”, “Bangladeshi”, their region of origin “Gujarati”, “Punjab”, “Bengali”; or their religion “Muslim”, “Hindu”, “Sikh”. Wherever it is appropriate to the context, designation in these terms will be acceptable.

10. However, the term “Asian” is acceptable where the exact ethnic origin of the person is not known, or as a collective reference to people from the Indian sub-continent. Strictly speaking, however, it would be more accurate to refer to such people as being of “South Asian” origin, so as to distinguish them from those from South Eastern Asia e.g. Malaysians and Vietnamese and from the Far East e.g. Hong Kong Chinese. The term “Oriental” should be avoided as it is imprecise and may be considered racist or offensive.

11. Young people of South Asian origin born in the UK may accept the same identities, and thus designations, as their parents. However, this is by no means always the case, and some may prefer to describe themselves as “Black” or “British Asians”, although the use of either these phrases requires great sensitivity.

British

12. Care should be taken to use the term “British” in an inclusive sense, so that it includes all inhabitants or citizens of our multiracial, multicultural society. Exclusionary use of the term as a synonym for “white”, “English” or “Christian” is not acceptable.

Mixed- race/half- caste

13. The term “half-caste” is generally found offensive and should be avoided. The term “mixed-race” is widely used, and is the generally accepted alternative.

Ethnic

14. The term “ethnic minority” is widely used and is generally acceptable as the broadest term to encompass all those groups who see themselves distinct from

the majority in terms of ethnic or cultural identity. The term is clearly broader than “black” or “visible minorities”, and brings in such groups as Greek and Turkish Cypriots, and Chinese.

15. Some prefer to reverse the order of words and speak of “minority ethnic communities”. This usage makes it clearer that it is not just the minorities, but also the majority that has an “ethnic” identity. It is important to stress this point, and counter the idea that it is only the minorities who are “ethnic” (i.e. that “we” are normal while “they” are different). This dangerously ethnocentric view is sometimes conveyed by reference to minority communities as “ethnics”, an exclusionary expression which should certainly be avoided.

16. The description of all people of minority ethnic origin as “immigrants” is also highly inaccurate, exclusionary and liable to give offence. Except in reference to “immigrants” in the strict, technical sense (and when referring to persons of any origin), this term too should be avoided.

17. Although not synonymous, the terms “refugee” and “migrant” in general refer to those people who have had to escape from political crises in their home countries, or those who consider themselves here on a new or temporary basis.

Sexual Orientation

18. The words ‘gay man’, ‘lesbian woman’ and ‘homosexual’ are generally regarded as acceptable terms. Words such as ‘poof’, ‘queer’ and ‘dyke’ are found to be offensive and should not be used.

People with disabilities

19. The British Council of Organisations of Disabled People recommends the phrase “disabled people” yet there are many others who prefer “people with disabilities”, it seems therefore it is best to ask individuals how they wish to be addressed or described.

20. The word “disabled” should not be used as a collective noun, i.e. “the disabled”. It implies a homogenous group separate from the rest of society. Many disabled people find the word “handicapped” offensive and prefer “a person with a disability” or “a disabled person”.

21. It is also dehumanising to refer to a person by way of a condition, i.e. a spastic, or epileptic, instead say he/she has cerebral palsy or a “person with epilepsy”.

Words to be avoided.

22. Do not use any word or phrases which invite pity or reinforce impressions of frailty or dependence.

23. Do not say “victim of/crippled by/ suffering from/afflicted by”.

24. Do say “person who has/person with/person who experience”.
25. Do not say “invalid”. This equates disability with illness and can be construed as “not valid”.
26. Remember that a wheelchair represents freedom to its user. Do not say “wheelchair bound” or describe someone as “confined” to a wheelchair. Do say “wheelchair user” or a “person who uses a wheelchair”.
27. Many people dislike the phrase “mental handicap” which is both stigmatising and imprecise. People with an intellectual disability are voicing their preferences through the growing self-advocacy movement and they prefer to be described as “people with learning difficulties”.
28. Do not confuse learning difficulties with mental illness.
29. Remember that there are many degrees of deafness and different methods of communicating, such as lip reading or signing. It is important to be accurate about a persons degree of deafness and method of communication.
30. Do not say “he/she is deaf and dumb”. Do say “he/she is deaf/partially deaf/deafened/hard of hearing”.

EQUALITY AND FAIRNESS CHECKLIST

In November 2002, *Toward Diversity II for the Scottish Fire Service* was launched. This represents an action plan for all Scottish fire services to assist with the move towards more open, diverse and visibly fairer working environments in Scottish fire services.

Many of the elements of the checklist below are covered in the action plan and the checklist should be used in conjunction with the guidance provided by *Toward Diversity II for the Scottish Fire Service*.

1. STRATEGY AND POLICY

- Is there a clear Equality and Fairness Strategy, with full supporting policies, in place?
- Is there a protocol to ensure that all other policy decisions take account of equality and fairness?
- Have policies been reviewed against the checklists developed by the Equal Opportunities Commissions and the Commission for Racial Equality?
- Have policies and procedures been tested for difference of application to groups of employees or to different sections of the community?
- Are Fire Authority members engaged in policy development?
- Does Equality and Fairness form a core element of managing the Service that is the responsibility of all rather than being solely a specialist function?
- Is explicit written guidance making clear the responsibility of each employee for promoting Equality and Fairness incorporated as a core value of the Service?
- Are the rights and responsibilities of each individual clearly set out in policy documentation, including professional and ethical standards of conduct in respect of colleagues and the public?
- Is policy documentation made available, by personal issue, to every member of the Service?
- Is this documentation attractive and user friendly?

- Are specific high profile harassment and bullying policies in place?
- Do policies include protection for people in the gay and lesbian community?
- Is there a clear understanding of Service policies in respect of Equality and Fairness throughout the workforce and a process to confirm this?
- Is there an effective process to monitor compliance with policy, with a direct link to policy improvements?
- Does the Service have a competent equality and fairness advisor?

2. MONITORING

- Are all supervisors fully aware of their responsibilities in respect of inappropriate behaviour towards colleagues or members of the public?
- Is information on monitoring outcomes presented routinely to Principal Officers?
- Do ethnic monitoring classifications conform to Home Office advice (nine categories)?
- Is there any evidence to prove that changes occur because of the outcome of monitoring?
- Are interviewers and assessors audited routinely?
- Are exit interviews arranged on every occasion; are outcomes considered by management?
- Are exit interviews followed up with individuals over time?

3. LEADERSHIP

- Are there clear ownership and leadership at Fire Authority, Firemaster and Principal Officer level for all Equality and Fairness issues?
- Is this leadership dynamic and visible, driving policies and ensuring compliance at all levels?

- Has there been an employee survey conducted to assess the acceptance of leadership style?
- Is the Principal Officer responsible for equality and fairness clearly identified; would all staff be able to identify that officer?
- Does the Service take cognisance of the work of the SCFBAC Scottish Fire Services Fairness and Diversity Forum?

4. SERVICE DELIVERY

- Does performance monitoring enable quality of service delivery to be measured against set standards for all sections of the community?
- Do public satisfaction surveys enable monitoring of service delivery to different community groups?
- Does the Service have a close and continuous relationship with each of the Racial Equality Councils (RECs) within its area?
- Are complaints and grievances in connection with service delivery monitored to identify trends in racial or other prejudicial behaviour?
- Do local consultation procedures ensure that the service delivery meets the needs of the community?
- Do those procedures ensure that the full range of the community is aware of service delivery standards and complaints procedures?

5. RECRUITMENT

- Have all interviewers and selection staff been appropriately trained for these roles?
- Do all the criteria used for selection comply with national guidance?
- If any additional criteria are applied, have they been externally validated to confirm that they are fair and relevant?
- Has the advice and support of RECs been obtained in mounting recruitment campaigns?
- Does the Service have effective procedures to monitor the recruitment of staff?

- Does the Service have an effective strategy to deal with issues raised by monitoring recruitment?
- Are the outcomes of recruitment procedures routinely audited?
- Are all vacancies advertised; is the coverage provided justifiable?
- Is retained recruitment managed and monitored centrally?
- Are advertisements placed in minority publications?
- Do advertisements set out the appointment criteria?
- Are application forms held centrally but made available to all that request them?
- Is the potential of positive action fully exploited?
- Do all in the Service understand the reason for positive action?
- Is pre-selection material made available to all applicants; does this include physical testing criteria?
- Is a strategy in place to drive the achievement of targets for the increase of black and ethnic minority people in the Service; does this include targeting for women?
- Has working together with other Fire Services on recruitment been explored?

6. PROMOTION AND SELECTION

- Do the Services selection, promotion and appraisal procedures test attitudes towards Equality and Fairness?
- Does the Service have appraisal procedures for all staff; are these completely open?
- Are personnel able to have easy access to their own personal files?
- Are all appraisers properly trained?
- Are all posts advertised?

- Are assessment criteria for selection advertised?
- Are all interviewers properly trained?
- Are assessment centres used and, if so, are there clear criteria for success; are they used consistently?
- Can the outcome of selection procedures be overturned?
- Are staff representatives able to observe recruitment and appointment procedures?

7. HELP AND SUPPORT

- Does the Service encourage and support networking among women and ethnic minority staff
 - (a) locally?
 - (b) nationally?
- Are there effective procedures in place to deal with racial, sexist or other prejudicial behaviour towards colleagues or members of the public?
- Is credible, confidential help and support available for all staff?
- Does the Service have a 'Help-line'; is it well advertised?
- Have working practices been reviewed to enable modern flexible arrangements for those who need them?
- Is there a scheme to provide mentors for minority staff in the Service?

8. RESOURCES

- Does the budgetary and other resource allocation allocated reflect the Service's commitment to equality and fairness?
- Is their clarity in respect of the purpose of the budget?
- Does the Service have a specialist advisor on equality and fairness?
- Have facilities for women been provided in the work place, in accordance with agreed and published protocols?

- Are improvements to facilities planned?
- Are these improvements given high priority?
- Have facilities at premises been surveyed to assess their accessibility for the public?

9. TASK GROUPS

- Does the Service have a task group empowered to take equality and fairness forward?
- Is the membership representative of people in a minority in the Service?
- Does a Principal Officer chair the task group?
- Does the task group have clear objectives and an agreed work plan?
- Is the task group empowered to act to implement the result of its work?

10. TRAINING AND DEVELOPMENT

- Is training in Equality and Fairness delivered **reliably** throughout the Service?
- Has the form of that training been evaluated in respect of its acceptability and effectiveness?
- Is the importance of language recognised within training provided?
- Have opportunities for contribution from the local community in raising staff awareness of diverse cultures been explored?
- Are training and development opportunities advertised and made available on an equitable basis?
- Do staff in training posts act as examples in respect of equality and fairness?
- Have practices at the training school or centres been reviewed in respect of their implications for fairness and dignity for all that use them?

APPENDIX D

- Are clearly published protocols in place setting out the facilities arranged to ensure the dignity of women and members of the black and ethnic minority community at the training centre?