

MID & WEST WALES FIRE & RESCUE SERVICE P&OD POLICIES/STANDING ORDERS

P&OD 04 20, Dignity at Work

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1.0 INTRODUCTION

All MAWWFRS employees have the right to work in an environment which is one where a person is valued, treated with respect with their dignity intact and free from bullying and harassment. MAWWFRS is committed to providing a workplace in which all employees are given the dignity and respect to which they are entitled. Everyone has a responsibility to respect the feelings and sensibilities of others in the workplace, and to behave in a way which does not cause another person to feel or perceive an offence.

All employees and managers have a responsibility to behave in a manner that promotes fairness, diversity, dignity and respect to our colleagues, to our working and business partners, and the communities whom we serve.

MAWWFRS has a legal responsibility to ensure, so far as is reasonably practicable, the health and safety of staff and a working environment that is free from unlawful discrimination. There are also a number of laws regarding Diversity, Freedom from Harassment and Human Rights provisions which the organisation its employees, contractors, and visitors have to comply with.

The purpose of this policy is to ensure that employees are aware of how their actions and language may be perceived by others and encourage employees to be mindful that individuals have very different ideas about what behaviour, and attitudes are appropriate and acceptable.

MAWWFRS does not want to stop the workplace humor and camaraderie that most people enjoy as part of their working relationships, or to prevent people from enjoying good working relationships with work colleagues, working partners, community representatives and suppliers.

This policy is designed to make our environment and work and work related activities to be wholly inclusive, and free from inappropriate and offensive behaviour, attitudes, and speech.

2.0 BACKGROUND

In May 2008 Communities and Local Government published the 10-year Fire and Rescue Service Equality and Diversity Strategy. The strategy requires fire and rescue services to tackle current inequalities, promote equality, diversity and fairness and establish a culture which enables the service to meet the needs of all our diverse communities. The strategy states that bullying and harassment will not be tolerated in any part of the organisation.

Responding to concerns from within the Fire and Rescue Service, Communities and Local Government commissioned research to ascertain the workplace experiences of serving firefighters and those who had recently left the Service. Questionnaires went to all women firefighters (and a sample of men) and all ex-women firefighters who had left in the last three years (and all men who had left the Service in the previous year). The survey was undertaken in June 2007. Nearly 9,000 questionnaires were issued. The survey attracted a high response rate (21%).

The survey examined:

- expectations and reasons for wanting to join the Fire and Rescue Service
- whether expectations had been met and how these may have changed
- experiences of training and of being a firefighter
- experiences of unacceptable behaviour
- reasons for leaving (or thinking of leaving)
- the provision of separate workplace facilities and appropriate work-gear for women firefighters

Unfortunately the results from the survey confirms the existence of unacceptable behaviours, with a significant proportion of managers and senior staff either witnessing these behaviours, as well as directly experiencing them, at the same level as firefighters. The research adds weight to anecdotal evidence about incidents of assault, bullying, harassment and discrimination in the workplace.

Witnessing unacceptable behaviours: respondents saw or heard at work the following behaviours between Fire and Rescue Service staff at least once in the previous 12 months: verbal assault (seen or heard by 58%); bullying and harassment (51%); use and distribution of pornography (39%); physical assault (11%).

There was also evidence of discrimination on grounds of age (23%); gender (21%); sexuality (14%); race (13%).

Experiencing unacceptable behaviours: a third of respondents reported that they had been bullied or harassed at work in the previous 12 months. 25% were verbally abused. 19 respondents reported that they had been sexually assaulted in the preceding 12 months.

Reporting behaviours: three-quarters of respondents did not report unacceptable behaviour to their line manager. Of those that did, 45% rated handling as “poor” or “very poor”. 15% who reported the behaviour were bullied and harassed as a result.

The effect of the behaviours on individuals: 56% of those that had experienced these behaviours reported that it “affected” or “bothered” them. Those from minority backgrounds were most affected. Respondents who had experienced the behaviours reported that it had affected their confidence at work (25%) and their enjoyment of their work (29%). More than one-quarter thought about leaving the Service as a result of the behaviours.

(Source CLG Circular 11/07/2008)

Mid and West Wales Fire and Rescue Service Cultural Audit Survey 2007
Opinion research Services (ORS) were commissioned by Mid and West Wales Fire and Rescue Service (MWWFRS) to conduct a cultural audit survey focussing on the theme of fairness in the workplace.

Methodology

The survey asked questions in the following areas:

General Fairness
Fairness in Management Issues
Discrimination, Bullying and Harassment
Equal Opportunities
Work Life Balance
Personal and Organisational Development

Results

The results yielded the following areas:

Discrimination, Bullying and Harassment

- 43% of respondents report that they have personally experienced discrimination, bullying or harassment in the last three years
- 39% of employees who experienced a case of discrimination, bullying or harassment reported it. This equates to 17% of all employees of MAWWFRS.
- Of those who reported cases 81% felt they were dealt with ineffectively while only 9% believe that they were dealt with effectively

And

Equal Opportunities

- A small group of respondents feel that women are unsuited to working as firefighters, while more feel that people with disabilities are unsuited to working as firefighters. However respondents generally feel that people from ethnic minority groups and people known to identify as lesbians, gay, bisexual or transsexual are suitable for all jobs in the FRS. 23% would mind some one with a disability being appointed as their line manager
- An overwhelming majority of employees (90%) accept that it is their responsibility along with everyone else at MAWWFRS to promote equality and diversity policies effectively at MAWWFRS.

3.0 REQUIRED STANDARDS OF BEHAVIOUR, SPEECH AND ATTITUDE

Sometimes behaviour or what is said, or an attitude can cause offence where there is no malicious intent. The impact of the behaviour, on the person affected by it, is more relevant than the motive behind it. In most cases people know, or should know, that remarks or actions are causing offence, and that causing such offence is unacceptable.

Mid and West Wales FRS will not tolerate any form of Bullying, Harassment or Victimisation and will view with the utmost severity any attitude, behaviour, word or action which could be, or is construed to be bullying, harassment, victimisation or violence, or that would bring MAWW FRS in to disrepute.

Action under the MAWW FRS Disciplinary Procedure will be taken against any individual whose behaviour, words, or actions contravene the facts or the spirit of this policy, the facts or spirit of related policies, statutes, and codes of practice.

As a guide to the type of behaviour which could potentially constitute bullying or harassment an American Company has devised the following four tests to apply;

- Would you say or do this in front of your parents or partner/ husband or wife
- Would you say or do this in front of a colleague of the same sex
- Would you like to see a report of this behaviour or words appear in the local newspaper
- Does what is being said or done need to be said or done at all

This Policy

This policy sets out the expectations of MAWW FRS in relation to the standards of behaviour, which all employees should display towards all those with whom they come into contact with in the course of their work.

Protects employees and aims to help them avoid situations that may result in false allegations being made.

Sets out what steps employees should take if subject to Bullying and Harassment and establishes the roles and responsibilities of all employees.

This approach to Bullying and Harassment is based on, and reflects the principles of UK legislation and best practice guidance which supports the CAFOA / FBU Fire Safety Protocols.

Mid and West Wales Fire and Rescue Authority, Service Management Teams and all employee representatives endorse this policy.

All MAWWFRS employees, temporary workers, subcontractors, sales professionals and visitors will adhere to this policy. We all have a duty to respect each other and to work in a professional way, and to promote a friendly working environment.

MAWWFRS will monitor carefully the extent and the nature of bullying and harassment and will make all staff aware of this policy. Training will be provided for all staff and line managers.

4.0 WHAT ARE BULLYING, HARASSMENT AND VICTIMISATION

4.1 Bullying can be defined as

"Persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair penal sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress"

(MSF Union, 1994)

Its effects are Humiliating, Degrading, Hostile, and Offending,

A useful mnemonic is "Hi De Ho"

Although the above definition refers to the word "persistent", a one off event or incident can be construed as Bullying if it is deemed so by the recipient or other on lookers, or by any managers hearing a complaint or grievance about the relevant incident.

The following list is not exhaustive and gives some examples of bullying behaviour

- Aggressive behavior; shouting or threats; impolite or discourteous behaviour;
- Unwelcome sexual innuendo or attention;
- Unwelcome inappropriate touching;
- Spreading malicious rumors or insulting someone;
- Ridiculing or demeaning someone especially in public
- Excluding a person either deliberately or indirectly;
- Behaviour or decision-making which is based on improper prejudice;
- Making unjustified, persistent criticisms;
- Being overbearing or neglecting to supervise properly; or otherwise misusing power, authority or position;
- Making threats or comments, which are without foundation, about job security;
- Setting unfair, dangerous or impossible tasks
- Insinuating that job security, training or holiday are dependent on "favours"

4.2 Harassment

Harassment is any behaviour, attitude and / or treatment on specific grounds for example: Race, religion, beliefs, class, sexuality, or age.

It can be directed at an individual employee or someone known to an individual employee.

Examples of harassment include

- homophobic, sexist or racist “jokes”
- inappropriate comments
- inappropriate nicknames
- inappropriate defensive behaviour
- treating someone less favourably
- making decisions on behalf of others without consulting them
- placing someone in embarrassing situations
- ridiculing them for making their own lifestyle or religious choices
- other actions or “rules” which makes an individual feel excluded.

Sexual harassment is defined as:

Conduct that is unwanted, unreasonable and offensive to the recipient; the fact that a person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment or salary.

Any conduct which creates an intimidating, hostile or humiliating work environment for the recipient.

Such conduct may, in certain circumstances, be contrary to the principle of equal treatment within the meaning of Articles 3, 4 and 5 of Council Directive 76/207/EEC.

Harassment has its roots firmly in discrimination and violates the dignity of a group or individual concerned.

Harassment is usually obvious to both the individual and to on-lookers. Bullying is sometimes more insidious and subtle.

4.3 Victimization

Victimization is any behaviour, bullying, harassment, or treatment, which is meted out to any person on the grounds that they have given evidence, or witnessed, or confronted any behavior which is bullying, harassment or any other law breaking or potential law breaking behavior and or utilized the organisations' whistle blowing policy

Discrimination

Discrimination can be either direct or indirect.

- Direct discrimination occurs where one group or individual is prevented from applying or joining in, following a set of criteria.
- Indirect discrimination occurs when a set of circumstances makes it less easy for one group or individual to apply for or join in, following a set of criteria.

5.0 PUBLICATIONS AND OFFENSIVE MATERIALS

MAWWFRS does not permit the presence of any publication or material which could be deemed offensive in nature, to be kept, displayed, or shown anywhere on service premises. This includes desks, lockers, cupboards, offices, vehicles, email and mobile telephones and includes employee's personal mobile telephones, computers and vehicles when brought onto fire service premises or when on fire service related activities or business. Personal lockers, and/or cupboards, wardrobes, cloakrooms, shower rooms, vehicles, are deemed to be service premises.

Offensive materials are defined by the main purpose of the particular material. This also includes any classification of the material by a vendor, and classification of individuals who can purchase such material, and/or any perception from an individual who feels that a particular material is offensive.

Offensive materials also include materials that violate the spirit of any of the Equality Laws in the UK e.g. racist or potentially racist material, including political propaganda, homophobic or potentially homophobic material.

Where there is a dispute as to what is offensive, the perception of a complainant, the subjective test, will be taken as a key consideration. Publications also include pictures, calendars, DVD, video, film, text, sounds, and all similar classifications, which can be hardcopies, displayed or downloaded onto mobile phones, and other technological equipment.

Any employee who knowingly or is party to, the display, publication, or keeping of any such material defined above, will be subject to action under the MAWW FRS Disciplinary Procedure.

6.0 EXTENSIONS OF AND LIMITS TO THIS POLICY

The remit of this policy extends to include the behavior/attitudes/actions of employees when they are away from their usual place of work, though where employees from the organisation are meeting together on a work related event. This could be on training courses, residential courses, conferences, meetings and social events. These events could be held away from Fire Service premises or out of normal business and shift hours. Examples include, though are not limited to, external training courses, celebrations, religious celebrations, parties, leaving lunches, drinks, dinners, sports events and clubs.

The Policy also extends to include various venues/establishments which are not to be visited where employees are together for work related events including off site and out of regular working hours events. Certain establishments are not to be visited with working colleagues from other FRS, suppliers, contractors, or working partners as part of a work related meeting. These establishments are also not to be visited whilst in uniform except in professional/emergency response situations.

Establishments include those which have a pornographic or semi pornographic or similar bias and include those for specifically male, or female or LGBT clientele.

Examples include though are not limited to:

- lap/pole dancing clubs and pubs,
- strip clubs/pubs,
- adult themed movie houses/cinemas,
- adult themed restaurants, (E.g. School Dinners) and
- all similar such pubs, clubs and other establishments, and
- similar public and private members clubs and environments

When visiting other establishments with a non pornographic bias, e.g. public houses, theme bars, or specialty bars (Including LGBT or Female only) restaurants with specific themes/food selections, or cinemas, employees are asked to consider

- are all people in the group are comfortable with the suggested or chosen venue;
- or if not; that all people in the group are happy to have been consulted;
- And/or another venue is selected for part or all of the particular occasion.

Employees are also asked to accept that it is an individual's choice not to attend particular eating and entertainment venues.

They can make their choices free from ridicule, harassment, or bullying.

Employees are asked to use their common sense when choosing venues for eating, entertainment or drinking.

Private events where people are not on duty, or where the event is not connected to work in any way, even though the event includes work colleagues, are not covered by this Policy. (E.g. Stag /hen nights, birthday parties)

7.0 VIOLENCE SHOWN TOWARDS EMPLOYEES

Any form of violence is unacceptable and all attempts should be made to reduce it. Being subjected to violence be it physical or verbal, is not only demoralising and stressful on an individual; it can also affect their performance at work, as well as relationships outside work. Incidents can lead to incapacity and/or can be life threatening.

This can be defined as:

“Any incident in which an employee is: abused, threatened or assaulted by a fellow worker or member of the public in circumstances arising out of normal duties in relation to their course of employment”.

The new Emergency Workers (Protection) Bill makes it an offence to assault or impede persons who provide emergency services; and for connected purposes. This includes Firefighters. The Bill has a maximum 6 months imprisonment and/or a fine (see [Appendix C](#)).

8.0 REVIEW OF POLICY

This policy shall be reviewed:-

- (i) annually, or
- (ii) following receipt of new information
- (iii) upon implementation of new agreements which may affect the policy

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RESPONSIBILITIES AND ACTIONS

Managers' responsibilities for preventing Bullying and Harassment

We are all responsible for our own actions. Managers have a particular responsibility to ensure that they and the staff they manage fully understand what is meant by harassment, and its implications for each other and the communities whom we serve. Managers have a responsibility to address issues as they arise, rather than wait until a formal complaint is made. Managers need to respond sensitively to any concerns expressed and to provide support. Whilst the Grievance Procedure can be invoked it is advisable to attempt to resolve this issue by informal methods, including mediation, if possible.

Mediation may be useful once the situation has been addressed to help re-build the working relationships

Anyone who feels that they are experiencing bullying and/or harassment or any other offensive behaviour or actions, will be taken seriously and will not be treated unfairly because they have made a complaint about discrimination, bullying or harassment.

Employees who are the subject of complaint are entitled to be told what is alleged and to be given a chance to explain their actions. Sometimes an apology and a commitment not to repeat the behaviour will resolve the issues, but sometimes a formal investigation will be required.

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**WHAT TO DO IF YOU FEEL YOU ARE BEING SUBJECT
TO BULLYING AND HARASSMENT**

First Steps

Keep a record or diary of the actions, which you consider are amounting to bullying and/or harassment.

Keeping a record about the bullying you've experienced can be really helpful when you are talking to someone about how to sort it out. Remember and write down as much as you can about what happened, when and where the bullying took place, and who was involved. You can show this sheet to a colleague you trust, or just use it to remind you when you are talking about what happened.

- When the incident occurred date, time
- What happened?
- Who was involved in the incident?
- Where did the bullying take place?
- Was anything taken?
- Was anyone with you or did anyone witness the event?
- What was said or done? Their names or a description of the event

If the issue can not be resolved at an informal stage then the diary will be a key part of the evidence should the situation progress to a formal investigation or invoking of the grievance procedure.

In some cases it may be possible to deal with matters informally. Sometimes people are not aware that their behavior is unwelcome and an informal discussion can lead to a greater understanding and an agreement that the behavior will cease. There are a number of measures that you can take to attempt to resolve the situation.

A plan for an informal resolution

First Steps

- Raise the issue with the person concerned, stating what the person is doing to bully/harass to you and explain how you feel, acknowledge that what you will be saying is difficult to say and listen to
- Use I messages
- Listen carefully to the person's response

- Ask the person to agree to stop the behaviour, explaining why it is offensive or intrusive
- Make a note of this meeting for your records

If the person does not change their approach then a more formal process will be required.

(It is acknowledged that these steps can be difficult to take and you might wish to talk to someone else at this stage – (see below))

Second Steps

Some cases of bullying and harassment cannot be dealt with informally and/or if the disagreeable behavior continues or worsens, the grievance procedure can be invoked.

At this stage you need to raise a formal grievance. Details of the grievance procedure can be found on the Intranet Bis pages or from the HR Department.

The situation needs to be raised formally with your manager by submitting the relevant form. Of if you feel you cannot raise this with your line manager you can approach another Manager who is the same level as your manager or a member of the H.R Department.

Points to note

All processes will be dealt with promptly and will be treated as strictly confidential.

Remember

The informal and formal approaches are separate.

Investigators and advisers need to be impartial and not connected with the allegation.

All parties in any complaint about bullying or harassment have the right to be accompanied by a work colleague or trade union representative of their choice. Any action must be taken promptly while events are fresh in everyone's mind; those involved in the incident and any witnesses should be interviewed and advice should be sought from HR.

There is a commitment to confidentiality and clearly defined and agreed timescales are set out in which to resolve the problem

Additional sources of support

All employees are welcome to discuss problems of bullying or harassment informally at any stage, with their line manager, or trained adviser, Equality and Diversity Officer, or H.R Manager or trade union. There may, however, be occasions when employees need the help of professional counsellors. Anyone whose health is being affected by anything at work should consider approaching their G.P. Another option is to contact occupational health unit and or First Assist Employee Care.

Employees are reminded that help from others - informal or formal - is always available. It needs to be remembered though that these are sources of support and not an alternative to resolving matters through one of the approaches described above.

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THE LEGAL POSITION

The new Emergency Workers (Protection) Bill has been introduced which makes it an offence to assault or impede persons who provide emergency services; and for connected purposes. This is not only for Firefighters, Police and Ambulance employees; it also includes Prison Officers, Coastguards, Nurses, Midwives, Social Workers. In England and Wales the Bill has a maximum 6 months imprisonment and/or a fine not exceeding level 5 on the standard scale or both.

The Court will advise what level applies to the offence with which a perpetrator is charged. The standard scales of fines for summary offences are:

Level on Scale	Amount of Fine
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000

There is no specific legislation in the UK dealing with the issues of workplace bullying, however a number of specific areas of law are relevant and applicable.

Statute

- Equal Pay Act 1970 (amended 1983)
- Sex Discrimination Act 1975 (amended 1986)
- Race Relations Act 1976
- Criminal Justice and Public Order Act
- Disability Discrimination Act 1995
- Employments Rights Act 1996
- Protection from Harassment Act 1997
- Data Protection Act 1998
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Race Relations (Amendment) Act 2000
- Freedom of Information Act 2000
- Employment Act 2002

Criminal Justice Act 2003
Race Relations Act 1976 (Amendment) regulations 2003
Employment Equality (Religion or Belief) Regulations 2003
Employment Equality (Sexual Orientation) Regulations 2003
Disability Discrimination Act 1995(Amendment) regulations 2004
Civil Partnership Act 2004
Gender Recognition Act 2004
Disability Discrimination Act 2005
Employment Equality (Age) Regulations introduced 2006

Common Law

Under the Law of Negligence

Contract Law and Health and Safety at Work Act

It is an implied term in the contract of employment that the employer will ensure the employees health, safety and welfare, and that employees will comply with these laws too.

The Criminal Justice and Public Order Act 1994 states that;

“Intentional harassment in the work place can be classed as a criminal offence.”

That Act specifies that someone causing intentional harassment, alarm or distress can face prosecution for committing a criminal offence. Some examples of this are:

- Using threatening, abusive or insulting words or disorderly behavior
- Displaying any writing, sign or any other visible representation which is threatening, abusive or insulting

The European Commission’s code of practice “Protecting the dignity of women and men at work” is mainly about of sexual harassment.

See:

http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/c10917a_en.htm

The Health and Safety at Work Act 1974 states that employers are responsible for the health, safety and welfare at work of all employees, and are liable for the actions of their employees at work.

The Employment Rights Act 1996 gives an employee the right to claim unfair constructive dismissal when he resigns in the face of his employer’s breach of

contract, which may include failing to protect his health and safety at work.

An employee can bring a claim against the employer and the individual harasser. Individuals found liable may be made to pay personal compensation to the victim.

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FURTHER SOURCES OF ADVICE OR INFORMATION

The following sources are also acknowledged as sources of information for the production of this policy

General Sources

Web sites:

<http://www.bullyonline.org/>

<http://www.andreaadamstrust.org/>

<http://www.unison.org.uk/>

<http://www.fbu.org.uk/>

<http://www.acas.org.uk/>

<http://www.equalityhumanrights.com>

<http://www.fawcettsociety.org.uk>

<http://www.stonewallcymru.org.uk>

<http://www.sbrec.ukf.net>

Literature:

Dignity at Work	Pauline Rennie Peyton	ISBN: 1-58391-238-X
Adult Bullying	Peter Randall	ISBN: 0-415-12673-8
Bullying at Work	Andrea Adams	ISBN: 1-85381-542-X
The Bullying Culture	Ruth Hadiken	ISBN: 0-7506-52010-2
Human rights Toolkit	Jenny Watson	ISBN:1-903307-15-5
Fighting Back	David Graves	ISBN 0-07-709951-6