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LEICESTERSHIRE

FIRE and RESCUE SERVICE

SERVICE PROCEDURE

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HUMAN RESOURCES

Equality and Fairness at Work Policy

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AUDIT OF AMENDMENTS

Date	Paragraph Changed	Brief details of alterations	Approved by
APRIL 2007		TRANSFERRED TO SHAREPOINT	
JAN 2008	2	Now includes Employment Equality (Age) Regulations 2006	
June 2008	3	Added sex, pregnancy, religion or belief, trade union membership, physical or mental disability, trade union membership, or because someone is married or a civil partner.	
June 2008	39	Added sex, pregnancy, religion or belief, trade union membership, physical or mental disability, trade union membership, or because someone is married or a civil partner.	
June 2008	Appendix A	Added sex, pregnancy, religion or belief, trade union membership, physical or mental disability, trade union membership, or because someone is married or a civil partner.	
Dec 2008	3	Addition of: “or by reason of a person’s association with a disabled person”	
	7	Addition of “or by reason of a person’s association with a disabled person”	
	11	Addition of “or by reason of a person’s association with a disabled person”.	
	Appendix A	Addition of “or by reason of a person’s association with a disabled person”.	
Oct 2010		Policy revised to take into consideration amendments following the Equality Act 2010.	
March 2013	15	Deleted. Dual Discrimination. Repealed in 2012 and no longer a legal responsibility.	Mpazi Siame
	16 & 17	Victimisation – amended paragraphs	Mpazi Siame
	23 – 25	Deleted. Harassment by a Third Party. Repealed in 2012 and no longer a legal responsibility.	Mpazi Siame
July 2013	New 32	In addition, the two year qualifying period for unfair dismissal does not apply where the main reason for dismissal is the employee’s political opinion or affiliation.	Karen Albon
April 2014	5	Marriage – includes Same Sex Marriage	Karen Albon
	10	Marriage – includes Same Sex Marriage	Karen Albon
	33	Paragraph deleted. Legislation removes political restriction on the basis of salary	Karen Albon

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LEICESTERSHIRE FIRE AND RESCUE SERVICE

Equality and Fairness at Work Policy

INTRODUCTION

- 1 Leicestershire Fire and Rescue Service believes that its Equality and Fairness at Work is of fundamental importance and underpins all of its employment, management and service delivery policy and practices.
- 2 The principles of equality and diversity are underpinned by services' strategic aims, Values as well as the current Equality legislation.
- 3 The Equality Act 2010 came into force on the 1st October 2010 provides the main Legislative provisions relating to Equality in the workforce and service provision.
- 4 The Equality Act 2010 places a general duty on public services to;
 - a) Eliminate unlawful discrimination
 - b) Advance equality of opportunity and
 - c) Foster good relations
- 5 This policy aims to ensure that employees **do not** unlawfully discriminate or victimise on the grounds of age, disability, race, religious or belief, gender, sexual orientation, gender re-assignment, ¹marriage or civil partnerships, pregnancy or maternity or any other unjustifiable ground.

WHAT IS EQUALITY AND DIVERSITY?

EQUALITY

- 6 Equality at work is about fair treatment, enabling individuals to have access to job opportunities, promotion, training and other employee services.

DIVERSITY

- 7 Diversity is about appreciating that everyone in society, including the workplace, is different. It is also about valuing and utilising these differences to benefit the organisation and the communities we serve.

¹ Includes Same Sex Marriage – Marriage (Same Sex Couples) Act 2013 refers

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WHAT IS DISCRIMINATION?

- 8 Discrimination occurs when a person is treated less favourably than another, or, another would be treated in the same or similar circumstances.
- 9 The Equality Act 2010 provides protection against any form of unlawful discrimination and/or victimisation for people with one or two “protected characteristics”.

PROTECTED CHARACTERISTICS

- 10 The current protected characteristics are;
 - a. Age
 - b. Disability
 - c. Gender
 - d. Gender Reassignment
 - e. ²Marriage and Civil Partnership
 - f. Pregnancy and Maternity
 - g. Race
 - h. Religion or belief
 - i. Sexual Orientation

DIRECT DISCRIMINATION

- 11 Direct discrimination occurs when a person is treated less favourably than another, or, another would be treated in the same or similar circumstances because of a protected characteristic.

INDIRECT DISCRIMINATION

- 12 Indirect discrimination occurs when a provision, criterion or practice is applied or would be applied equally to all, but the provision, criterion or practice disadvantages a person or a particular group with a relevant protected characteristic.
- 13 The provision, criterion or practice applied can not be justified as a proportionate means of achieving a legitimate aim.

² Includes Same Sex Marriage – Marriage (Same Sex Couples) Act 2013 refers

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ASSOCIATIVE DISCRIMINATION

- 14 Associated discrimination occurs when a person is treated less favourably than another, or, another would be treated in the same or similar circumstances because of a persons' association with a person with a protected characteristic.

PERCEPTIVE DISCRIMINATION

- 15 Perceptive discrimination occurs when a person is treated less favourably than another, or, another would be treated in the same or similar circumstances because of a perception that a person possesses a protected characteristic.

VICTIMISATION

- 16 Victimisation occurs when someone is treated less favourably because they have done a 'protected act' (or because it is believed that a person has done or is going to do a protected act).

A 'protected act' is:

- Making a claim or complaint of discrimination (under the Equality Act);
 - Helping someone else to make a claim by giving evidence or information;
 - Making an allegation that you or someone else has breached the Act.
 - Doing anything else in connection with the Act.
- 17 The less favourable treatment does not need to be linked to a protected characteristic but there must be a link between what the victim did and the treatment they got thereafter.

For example:

A Crew Manager (who believes that the crew needs to stick together) shouts at a firefighter because the firefighter intends to support another firefighter's complaint of sexual orientation related harassment. This would amount to victimisation.

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HARASSMENT AND BULLYING

- 18 Leicestershire Fire and Rescue Service has a 'Bullying and Harassment at Work Policy' designed to ensure all members of staff are aware of what constitutes bullying and harassment; how to safely challenge inappropriate behaviour and how to raise a complaint without fear of victimisation. Such activity and behaviour can also include behaviour and comments made on social media sites e.g. Facebook and e-mails.

BULLYING

- 19 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

HARASSMENT

- 20 Any unwanted conduct, relating to the protected characteristics, which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 21 There is no requirement that the complainant possesses the protected characteristics themselves and as such this will cover association/perception.

DISABILITY DISCRIMINATION

- 22 The Equality Act 2010 has also strengthened the law on disability including the extension of Indirect Discrimination to cover disability, introducing discrimination arising from disability and strengthening the definition of disability.

DEFINITION OF DISABILITY

- 23 Disability is defined as "A physical or mental impairment that has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities".
- 24 There is no requirement to show that the impairment has to affect one of the following; mobility, manual dexterity, physical co-ordination, continence, ability to lift carry or otherwise move everyday objects, speech hearing or eyesight, memory, ability to concentrate learn or understand or the perception of risk of physical danger.

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- 25 Where staff acquire a disability, whenever possible they will be retained and given support, as necessary or reasonable. We will make reasonable adjustments wherever feasible to enable the individual to undertake their work.
- 26 We have acquired the 'Two-Tick' symbol, which positively promotes the organisation to disabled people. All reasonable steps will be taken to ensure that the modification of equipment, the use of special aids and the adaptation to the work environment are made where reasonably practicable in order to assist individuals with a disability.

DISCRIMINATION ARISING FROM DISABILITY

- 27 Discrimination arising from disability occurs where a person is treated less favourably because of something arising in consequence of their disability.
- 28 The unfavourable treatment is not a proportionate means of achieving a legitimate aim.
- 29 Leicestershire Fire and Rescue Service will ensure wherever reasonably practicable that all auxiliary aids and services are provided to ensure that people with disabilities are not unlawfully discriminated against either in employment or service delivery.

CULTURE AND RELIGION

- 30 Where members of staff have particular cultural and/or religious needs, Leicestershire Fire and Rescue Service will take all reasonably practicable steps to ensure that relevant requirements are accommodated.

AFFILIATION

- 31 Leicestershire Fire and rescue Service does not object to employees being affiliated to any political party. However, employees will need to ensure that affiliation and any act associated with that political party does not place the organisation in disrepute or have an adverse effect on any individual or group of people.
- 32 In addition, the two year qualifying period for unfair dismissal does not apply where the main reason for dismissal is the employee's political opinion or affiliation.

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EMPLOYMENT

- 33 Leicestershire Fire and Rescue Service believe that its Equality and Fairness policy should be central to all Human Resources policies and procedures.
- 34 The Leicestershire Fire and Rescue Service aims to maintain a non-discriminatory and fair working environment for all members of staff through the revision and development of good policies and procedures, which promotes equality of opportunity in employment. This will include:
- Advertising;
 - Recruitment and Selection;
 - Transfers and promotions;
 - Performance Development Reviews;
 - Conditions of Service;
 - Training and Development;
 - Discipline;
 - Grievance;
 - Termination of Contract;
 - Redeployment and Redundancy;
- 35 **Leicestershire Fire and Rescue Service will consider all staff or members of the public for all vacancies where they meet the essential criteria and in those circumstances an interview will be guaranteed.**

RESPONSIBILITY

- 36 Leicestershire Fire and Rescue Service has a legal responsibility to ensure that all members of staff do not unlawfully discriminate against any individual or group of people (directly or indirectly) or victimise an individual or group of people during the course of employment or whilst providing a service to members of the public.
- 37 The organisation will take all reasonable practicable steps to prevent and eliminate all forms of unlawful discrimination and victimisation. We will ensure that all staff are aware of our Equality and Fairness at Work Policy, and the Bullying and Harassment Policy.

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- 38 The Service will ensure that appropriate training is provided to all members of staff including during the Induction programme.

CHIEF FIRE OFFICER AND ELECTED MEMBERS

- 39 The Chief Fire and Rescue Officer and the Elected Members have overall responsibility for Equality and Diversity at Leicestershire Fire and Rescue Service.
- 40 The development, implementation and co-ordination of the day-to-day activity rests with the Deputy Chief Fire and Rescue Officer, the Head of Human Resources, the Equality and Diversity Advisor and members of the Equalities Forum. The group is chaired by the Deputy Chief Fire and Rescue Officer and consists of senior officers and a range of other members of staff.
- 41 The group has responsibility for implementation of the Gender, Disability and Race Equality Scheme such as:
- Plan and drive forward the main process for implementation;
 - Be responsible for monitoring the reviews of functions and polices;
 - Be responsible for drawing up the action plans;
 - Ensure correct consultation takes place with staff and appropriate groups;
 - Be responsible for ensuring the information is published;
 - Be responsible for ensuring the action plans are monitored and reported on an annual basis;
- 42 Additional to this work, the group will provide a supporting role on equality issues.

MANAGEMENT RESPONSIBILITY

- 43 Managers in particular must ensure that:
- They and all members of staff under their supervision are aware of their responsibilities and obligations under legislation and within this policy

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- Staff under their responsibility do not unlawfully discriminate, harass or bully anyone. They need to be proactive and consistently reinforce the appropriate standards of behaviour that are expected by the organisation, and challenge inappropriate behaviour whenever encountered
- Their own behaviour is free from unlawful discrimination, harassment and bullying and that they treat every individual with dignity and respect. In addition managers have a responsibility for ensuring that they treat all complaints of harassment, discrimination and bullying with sensitivity and professionalism;
- Grievance and complaints are dealt with in a fair, consistent and sensitive manner;
- Proper records of employment decisions are maintained and regular monitoring reviews of employment practices are carried out. In addition appropriate changes must be made to criteria or practices shown to be causing unjustifiable disadvantages to any individual or group;
- Appropriate changes and reasonable adjustments are made to any working practices or procedures, which are shown to be discriminatory towards any employees
- A proper record of service delivery decisions are made and regularly reviewed.

INDIVIDUAL RESPONSIBILITY

- 44 The reputation of Leicestershire Fire and Rescue Service within the community relies on the professional behaviour of all members of staff as well as good management practices. Professional attitudes, conduct and behaviour are crucial to equality in the delivery of services and the carrying out of functions.
- 45 Leicestershire Fire and Rescue Service is vicariously liable for any unlawful discrimination, bullying, harassment or victimisation in relation to the protected characteristics, by its employees if done during the course of carrying out duties and functions on behalf of Leicestershire Fire and Rescue Service.
- 46 Therefore individual members of staff have the responsibility to ensure that they do not unlawfully discriminate, harass, bully or victimise anyone while carrying out duties and functions on behalf of Leicestershire Fire and Rescue Service.

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- 47 All staff are responsible for promoting a climate where harassment, unlawful discrimination and bullying are unacceptable. Each individual must ensure that their own conduct, and that of their colleagues, does not cause offence to other person. Staff are encouraged to challenge and discourage inappropriate behaviour and to support colleagues who are experiencing harassment, unlawful discrimination and bullying.
- 48 Staff are expected to report to their line manager, any incidence, of harassment by a third party. This will allow the service to consider and take appropriate action.
- 49 Individuals will need to ensure they co-operate and adhere to measures introduced by the Leicestershire Fire and Rescue Service to ensure equality of opportunity and non-discrimination in employment and service delivery.
- 50 In particular, staff must not:
- Unlawfully discriminate, when they are involved in recruitment and selection decisions, promotion, transfer or training;
 - Induce or attempt to induce other members of staff to practice unlawful discrimination, harassment or bullying, when delivering a service;
 - Victimise or attempt to victimise any individual on the grounds that they have made a complaint/grievance or assisted someone who has;
 - Harass, abuse, intimidate or bully other members of staff or members of the public.
- 51 Individuals should inform their managers, if they suspect that unlawful discrimination, harassment, bullying, abuse, victimisation or offensive banter has taken place.

SERVICE DELIVERY

- 52 Leicestershire Fire and Rescue Service will take measures to prevent any unlawful discrimination in the delivery of its services and the carrying out of its' functions. It will aid the development of best practice in service delivery.

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- 53 Leicestershire Fire and Rescue Service is committed to implementing a coherent and focused People Strategy to make a real difference. We aim to achieve this through our five core values, which are:

Values

Our Values provide us with a foundation for our achievements

Our Values

Because of the nature of our work, a value centred approach is vital. We have access to people's lives and property at often very difficult times. Our values therefore tell you "that it is not just what we do-but the way that we do it" that is important.

Leadership

We value leadership throughout the service that motivates all staff and encourages them to recognise their abilities. Good leaders will also ensure that people are supported when they most need it.

Learning and Development

We value a highly trained and skilled workforce where all our staff are encouraged to reach their full potential. We will also learn from the feedback we receive about our service and seek to continuously improve.

Communication

We value open and honest communication between all our staff.

Performance

We value achievements and improvements that encourage all our staff to perform to their highest potential.

Diversity (respecting people's differences)

We want all our staff to recognise and respond to the needs of all other employees and people in our communities.

- 54 Leicestershire Fire and Rescue Service is committed to providing an efficient and effective service to the community. It will revise and develop policies and procedures, which promote an equitable service delivery to a multi-cultural community.

- 55 The procurement policies and procedures will ensure it does not unlawfully discriminate in relation to the protected characteristics. Leicestershire Fire and Rescue Service will aim to encourage to promote its general duties in relation to the Equality Act 2010 utilising its procurement policies.

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MONITORING

- 56 An essential part of the Equality and Fairness at Work Policy is the monitoring process. We will ensure that monitoring activity is undertaken to highlight concerns that may have been identified through the process. This will enable us to implement positive action to address the issues.
- 57 The process will include:
- Analysis of our recruitment activity in relation to the protected characterists;
 - Analysis of training and development, deployment and promotion of applicants by disability, gender and ethnicity;
 - Analysis of the composition of the workforce;
 - Analysis of grievance, disciplinary and harassment issues;
 - Analysis of exit interviews within the Fire and Rescue Service.
- 58 We will maintain relevant records on protected characterists. The activity will be used solely for the purpose of monitoring and identification of improvements in employment and service delivery.
- 59 We will ensure that all records are maintained for the purpose of recruitment and selection, including reasons for short-listing, assessing, appointments, rejections and resignations.

COMPLAINTS

- 60 If members of staff have a complaint they should contact their line manager or the Equality and Diversity Advisor.
- 61 You will need to follow the Bullying and Harassment Policy, which is available of on SharePoint.

DISCIPLINARY

- 62 Where staff are subject to disciplinary proceedings for matters concerning unlawful discrimination, harassment, bullying or victimisation, because of one or two protected characteristics, the Disciplinary Procedure & Procedure Guidance will apply.

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**APPENDIX A
EQUALITY AND FAIRNESS AT WORK POLICY STATEMENT**

Leicestershire Fire and Rescue Service is committed to ensuring that all employees provide a professional service to all members of the community.

We can only achieve this by making full use of the talents and resources of all staff. By recognising and valuing individuals' differences, we will develop an understanding of our community and increase confidence amongst all groups, internally within our workforce and externally within the community.

All individuals both within the organisation and in the community will be treated fairly and with dignity and respect. We will ensure that our work environment is free from harassment, bullying, victimisation and any unlawful discrimination and that all members of the community with whom we come into contact are treated with respect and dignity.

All employees will demonstrate their commitment to these principles and will challenge unacceptable behaviour, in relation to the protected characteristics. We shall ensure that all our policies and procedures reflect these principles.

We aim to make Leicestershire Fire and Rescue Service an organisation which represents the diverse backgrounds and cultures within which we operate through our core values.

Leicestershire Fire and Rescue Service
Striving for Equality and Fairness at Work