

TYNE AND WEAR FIRE AND RESCUE SERVICE (TWFRS)	
DIGNITY AND RESPECT POLICY	
Diversity & Equality Advisor	Sept 2010
Admin Procedure 1.19	

DIGNITY AND RESPECT POLICY

1. PURPOSE

This policy is to ensure all TWFRS employees are treated equally and with respect and dignity whilst at work (or work related events) irrespective of race, disability, age, gender, sexual orientation, religion or belief, gender reassignment, or any other protected characteristics to create a positive working environment for all.

2. SCOPE

This policy applies to all employees, full and part-time, permanent and temporary and covers harassment, bullying and unreasonable behaviour. It outlines some key definitions to be considered and provides guidance in relation to what to do should such behaviours be demonstrated.

The policy should be read in line with the Diversity and Equality Policy 1.28, Discipline Policy 3.05 and Grievance policy 3.16.

3. DEFINITIONS

3.1 Harassment:-

Harassment is the unwanted conduct that is unwelcome and offensive to either men or women. It can be physical, verbal or non-verbal. Examples of harassment include but are not limited to:

Insulting someone or spreading rumours - Sharing personal information with others who do not need to know - Picking on someone - Misuse of power or overloading someone with work to make them look incapable - Unwanted sexual advances such as touching, comments, standing too close or displaying or handing out offensive materials, i.e. nude pictures - Blocking promotion or threatening job security for no reason.

Harassment is also a form of discrimination. Harassment can include verbal abuse, suggestive remarks and unwanted physical contact. You may also be discriminated against if you are victimised because you have tried to take action about discrimination.

3.2 Bullying:-

Bullying is often seen as a form of harassment. Bullying is behaviour that is:

Threatening or intimidating- Offensive/Insulting- Humiliating- A misuse of power by someone in a senior position- Intends to injure or upset the person being bullied.

3.3 Victimization:-

Where a person is treated less favourably than others because they have made, or intend to make, a complaint of discrimination.

Any form of harassment or bullying is unacceptable and TWFRS will not tolerate or condone such behaviour. If such behaviour occurs then it will be subject to our disciplinary procedure and could lead to dismissal.

3.4 Types of behaviour:-

3.4.1 Physical

Physical assault or threat of physical assault
Practical jokes
Initiation ceremonies
Damaging or stealing another's property

3.4.2 Verbal

Shouting or swearing
Talking about people maliciously
Public reprimanding or humiliation
Belittling, patronising comments
Bringing up someone's past failures
Unnecessary phone calls to someone's home
Comments about hours of work or working times
Jokes which single one particular individual out

3.4.3 Non-verbal

'Sending to Coventry'
Giving someone impossible tasks to do
Changing objectives and priorities unnecessarily
Excluding a person
Arranging meetings or events on a frequent basis when someone is not available

4. LEGAL POSITION

Although it is not possible to make a direct claim to an employment tribunal about bullying an employee may be able to bring a complaint under laws which cover harassment and discrimination.

4.1 Gender

The Sex Discrimination Act 1975 and The Sex Discrimination (Gender Reassignment) Regulations 1999 protects against discrimination and victimisation on the grounds of sex, marriage or because some has or intending to undergo gender reassignment.

4.2 Race

The Race Relations Act 1976 gives protection against discrimination and victimisation on the grounds of nationality or colour. The Race Relations Act 1976 (Amendment) Regulations 2003 gives a right to protection from harassment on the grounds of race, ethnic or national origin.

4.3 Disability

The Disability Discrimination Act 1995 protects against discrimination and victimisation on the grounds of disability.

4.4 Sexual Orientation

The Employment Equality (Sexual Orientation) Regulations 2003 protect against discrimination and harassment on the grounds of orientation towards persons of the same sex (lesbian and gay), the opposite sex (heterosexuals) and the same and opposite sex (bisexuals). The Regulations also cover association, i.e. being discriminated against on grounds of the Sexual Orientation of those with whom you associate (for example, friends and/or family).

4.5 Religion or Belief

The Employment Equality (Religion or Belief) Regulations 2003 protect against discrimination and harassment on grounds of perceived as well as actual religion or belief. The Racial & Religious Hatred Act 2006 also protects against discrimination and insisting racial or religious hatred. (i.e. assuming - correctly or incorrectly - that someone has a particular religion or belief). The Regulations also cover association, i.e. being discriminated against on grounds of the religion or belief of those with whom you associate (for example, friends and/or family).

4.6 Age

Employment Equality (Age) Regulations 2006 protects against discrimination and harassment on the grounds of age.

4.7 The Protection from Harassment Act 1997

The Act makes it a criminal offence to pursue a course of conduct, which amounts to harassment of a person. This is a very important piece of legislation which can potentially provide protection in cases of racial harassment, bullying at work, as well as hate mail and persistent unwanted telephone calls.

Harassment is not defined in the Protection from Harassment Act and so it will be a matter for assessment based on each case.

5. PROCESSES AND PROCEDURES FOR DEALING WITH COMPLAINTS OF HARASSMENT OR BULLYING

These procedures do not replace or detract from any employee's statutory rights under discriminatory legislation provisions. This is an internal process and should be treated in accordance with TWFRS Grievance and or Discipline procedure.

5.1 Informal Procedure

Most employees simply want the behaviour to stop. The person who feels they have been subject to harassment may decide to:

- Do nothing having sought advice and information and talked about the situation, the individual may feel that they do not wish to pursue the matter and this is their prerogative.
- Make the person aware that their behaviour is unacceptable and that they should stop. This is often the most successful method of stopping unacceptable behaviour although it is often hard for the person feeling harassed to tackle. It is acceptable to bring a colleague along for support or if preferred to put it in writing. The complaint should be outlined giving specific examples as well as their impact.

All efforts should be made to resolve the issue informally before raising the issue at a formal level. The informal procedure is normally appropriate for "minor" harassment or where it has not been repeated. However, employees are entitled to instigate the formal procedure at any time.

5.2 Formal Procedure

Action may be taken in line with the TWFRS Grievance and or Discipline Procedure and is instigated by the employee who feels harassed or bullied by contacting their Line Manager, or another Manager or person of their choice with who they may feel more comfortable with after which a formal investigation will be carried out.

At all times during the investigation matters will be dealt with in a thorough and impartial manner and all parties concerned will be given a fair hearing and an opportunity to give their version of events.

At all times including the informal stage, confidentiality will be paramount and any evidence gathered as part of a complaint or investigation will be treated as confidential, subject to any statutory requirement.

5.3 Potential actions following Investigation

One of the following decisions will be made:

- Take no further action
- Recommend action other than the Disciplinary procedure to resolve the situation
- Initiate Disciplinary procedure

The outcome of the investigation will be communicated fully to all involved.