

TYNE AND WEAR FIRE AND RESCUE SERVICE (TWFRS)	
DIVERSITY AND EQUALITY POLICY	
Diversity & Equality Advisor	Sept 2010
Admin Procedure 1.28	

DIVERSITY AND EQUALITY POLICY

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1. DIVERSITY AND EQUALITY STATEMENT

- 1.1 The Authority is committed to continuous improvement in all diversity and equality matters. This policy ensures that we all work towards achieving a diverse workforce, which serves a diverse community.
- 1.2 Our Diversity and Equality Policy is underpinned by our core values.
- 1.3 All members and employees are required to adopt and continuously work to the core values in everything they do.

Our Core Values Are-

<p>We value SERVICE to the COMMUNITY by:</p> <ul style="list-style-type: none">• Working with all groups to reduce risk• Treating everyone fairly and with respect• Being answerable to those we serve• Striving for excellence in all we do	<p>We value all our EMPLOYEES by practising and promoting:</p> <ul style="list-style-type: none">• Fairness and respect• Recognition of merit• Honesty, integrity and mutual trust• Personal development• Co-operative and inclusive working
<p>We value DIVERSITY in the Service and Community by:</p> <ul style="list-style-type: none">• Treating everyone fairly and with respect• Providing different solutions for differing needs and expectations• Removing barriers to employment and progression within the Service• Challenging prejudice and discrimination	<p>We value IMPROVEMENT at all levels in the Service by:</p> <ul style="list-style-type: none">• Accepting responsibility for our performance• Being open-minded• Considering criticism thoughtfully• Learning from our experience• Consulting others

2 RESPONSIBILITY FOR THE POLICY

- 2.1 The Authority and its' Members have direct responsibility for the implementation, monitoring and review of this policy. On a day-to-day basis this is delegated to the Chief Fire Officer who also has in place a Diversity & Equality Committee, which comprises of members from across the organisation and recognised representative bodies.
- 2.2 In addition, all employees have an individual responsibility in terms of diversity and equality, and are required to:
- Read and ensure that the policies contained within this and other associated documents are carried out; and to
 - Promote and maintain diversity and equality principles both in the working environment and the community.
- 2.3 This document is widely available to all employees of the Authority. Appropriate training is organised on a regular basis and general awareness sessions are carried out.
- 2.4 Advice and guidance on any aspect of the policy can be obtained by contacting the Diversity and Equality Advisor on 0191 4441626 or email at rachel.beadle@twfire.gov.uk
- 2.5 This policy should be read in line with the Dignity and Respect Policy, Recruitment policy and Grievance and Discipline Policies.
- 2.6 The Authority also recognises that, as well as having responsibilities, all staff have rights within the working environment. These rights are detailed below.
- 2.7 This policy will be monitored continuously with a view to improvement wherever possible. As a minimum standard, the Policy will undergo a comprehensive review every two years.

3 EMPLOYEE RIGHTS AND RESPONSIBILITIES

- 3.1 Employees have the right to: -
- Work in a safe, secure and productive environment where they are treated fairly in recruitment, employment, training and promotion
 - Be treated fairly, consistently and with respect by other staff (including managers) and to be treated fairly and courteously by people they provide a service for
 - Refuse an instruction or pressure which may discriminate against other employees or service users
 - Have access to appropriate training and development

- Not be harassed or intimidated by other employees because of any areas referred to in the Diversity and Equality Policy and Code of Conduct
- Be able to make a complaint and to be able to have faith in the investigation process and to receive support during that time
- Be valued by the organisation
- Be able to contact the Equality and Human Rights Commission, ACAS, any recognised body or your Trade Union if they feel the organisation is guilty of bad practice

3.2 Employees have the responsibility:-

- To implement the policy on diversity and equality and to carry out laid down procedures in their job including treating colleagues fairly without prejudice or discrimination
- To report any suspected discriminatory actions or practices
- To develop their skills and to encourage others towards an integrated working environment
- **Not** to unlawfully discriminate against job applicants or employees in recruitment, employment, promotion, conditions of service and training
- **Not** to harass, bully or unlawfully discriminate against people because of any areas referred to in the Diversity and Equality Policy and Code of Conduct
- **Not** to instruct or put pressure on others to discriminate unlawfully
- **Not** to victimise people because they have made a complaint or provided information on harassment or discrimination
- To seek guidance from an appropriate person – e.g. Human Resources Manager, Diversity & Equality Advisor, Trade Union or Line Manager – if in any doubt about any aspect of the policy
- To be aware of the terms and conditions of other Codes of Conduct within the Authority such as Protection of Children and Vulnerable Adults, and the Prevention of Fraud and Corruption
- Not to misuse emails and/or the internet and are reminded that the Authority has a comprehensive policy on such matters, which must be adhered to

4 DIVERSITY AND EQUALITY – GENERAL GUIDANCE

4.1 Detailed within this section is general guidance for employees, prospective staff and the community on the key aspects of our policy. The Authority is committed to meet both statutory and non-statutory duties.

4.2 Applicable Legislation

4.2.1 In addition to the provisions set out in this Policy Document, the Authority is bound by its legal responsibilities.

4.2.2 The key legislation is as follows:

- Sex Discrimination Act 1975 and 1986
- Race Relations Act 1976 and Race Relations Act 2000 (Amendment)
- Disability Discrimination Act 1995
- Equal Pay Act 1970 and Equal Pay Regulations (Amendment)
- Equal Pay (Questions and Replies) Order 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Rehabilitation of Offenders Act 1974
- Human Rights Act 1998
- Criminal Justice and Public Order Act 1994
- Protection from Harassment Act 1997
- Employment Protection (Part-Time Employees) Regulations 1995
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Age Regulations from the 1st October 2006
- The requirement to have a Disability Equality Scheme 1st December 2006
- The requirement to have a Gender Equality Scheme 30th April 2007

4.2.3 Direct discrimination occurs where a person of one sex or race is treated less favourably than another person would be in the same circumstances. Examples in the Fire and Rescue Service may include advertising for a fireMAN rather than a fireFIGHTER and in the same way segregating a person from others on racial grounds – e.g. not considering applications from persons of a specific racial group.

4.2.4 Indirect discrimination consists of applying a requirement or condition which, whether intentional or not, adversely affect a considerably larger proportion of one gender or of one racial group more than another. Marriage discrimination can also be direct or indirect.

4.2.5 Under these laws, positive action can be taken legally to encourage disadvantaged groups who have been under-represented in work areas to consider applying for or receive special training for a particular vocation. Positive action **does not guarantee** that anyone of a specific sex or race will gain employment.

- 4.2.6 There is however the provision of Genuine Occupational Requirement (GOR). In certain circumstances it is permissible to specifically advertise for someone of a particular sex or race. In addition where a particular religion or belief is a genuine and determining requirement for the job. An example of this could include working in the community with persons of a specific racial group or to preserve common decency.
- 4.3 An overview of this legislation for reference is provided in Appendix B.

5 MALPRACTICE OCCURRING INSIDE THE WORKPLACE (WHISTLEBLOWING)

- 5.1 The term used to describe arrangements which allow employees to express concerns about any types of malpractice which may be occurring in the workplace is 'whistle blowing'. Such arrangements are closely linked to a culture which encourages individuals to express their concerns (sometimes anonymously) without the fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and confidentially.
- 5.2 These arrangements are not simply confined to specific issues but encompass breaches of health and safety, malpractice, bullying, harassment, and any other situation that causes an employee to have serious concerns.
- 5.3 The Authority has in place an independent, confidential whistle-blowing hotline 'Safecall' (0870 241 0762) which is available 24 hrs per day. This is to allow any employee to raise concerns about any matter of Authority business whether personally involved, anonymously or otherwise.

Reports taken via Safecall are sent directly to the Service Investigating Officer (or Chief Emergency Planning Officer in the case of the EPU) thereby bypassing the normal reporting structure and ensuring a prompt response. If it is believed that a Principal Officer could be involved, the Clerk to the Fire Authority will be informed and will take any necessary action.

- 5.4 The Safecall number is well publicised within the organisation and by information published in the Service Gazette. In addition, every employee is issued with a credit-card-sized advice sheet for their use.
- 5.5 Safecall can be used to report any incidence of wrong doing in the workplace. It has been designed to reinforce the Authority's determination to have an open, transparent, fair, equal and inclusive culture in which the workplace is free from discrimination, bullying and harassment. This facility allows staff to report wrong doing to an independent body without any fears of recrimination from other staff.
- 5.6 If you require any help or information about this or about any other aspect of the Code of Conduct you can contact the Human Resources Manager on 0191 444 1620 or e-mail enquiries@twfire.gov.uk

USEFUL CONTACT INFORMATION

Internal Resources

Occupational Health Unit	0191 444 1982
Welfare Officer	0191 444 1985
Chaplains - Rev Stephen Hazlett	0191 565 4121
Safecall – Confidential Hotline	0870 2410762

Union Contacts

FBU	Office	0191 444 1510
UNISON Stewards		0191 444 1356 0191 444 1021
GMB	Branch secretary	0191 5538785

External Resources

Equality and Human Rights Commission	<u>www.equalityhumanrights.com</u>
Equality North East	<u>www.equality-ne.co.uk</u>
ACAS	<u>www.acas.org.uk</u>

APPLICABLE LEGISLATION

Below is a list of the legislation and a brief description of its purpose:

Civil Partnership Act 2004

This Act provides legal recognition and parity of treatment for same-sex couples and married couples, including employment benefits and pension rights.

Disability Discrimination Act 1995 as amended

This Act outlaws the discrimination of disabled people in employment, the provision of goods, facilities and services or the administration or management of premises.

Amendments made to the 1995 Act by the Disability Discrimination Act 2005 introduce a positive duty on public bodies to promote equality for disabled people.

The Employment Equality (Age) Regulations 2006

This Act protects against discrimination on grounds of age in employment and vocational training. It prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate.

The Employment Equality (Religion or Belief) Regulations 2003

The directive protects against discrimination on the grounds of religion or belief in employment, vocational training, promotion and working conditions.

The Employment Equality (Sex Discrimination) Regulations 2005

Introduces new definitions of indirect discrimination and harassment, explicitly prohibits discrimination on the grounds of pregnancy or maternity leave, sets out the extent to which it is discriminatory to pay a woman less than she would otherwise have been paid due to pregnancy or maternity issues.

The Equality Act (Sexual Orientation) Regulations 2007

These regulations extend the prohibition of discrimination from employment to education, goods, services, facilities and public sector duties.

The Employment Equality (Sexual Orientation) Regulations 2003

The directive protects against discrimination on the grounds of sexual orientation in employment, vocational training, promotion, and working conditions.

Equal Pay Act 1970 as amended

This gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing: like work; work rated as equivalent under an analytical job evaluation study; or work that is proved to be of equal value.

Equality Act 2006

This Act established a single Commission for Equality and Human Rights by 2007 that replaces the three existing commissions. In addition it introduced a positive duty on public sector bodies to promote equality of opportunity between women and men and eliminate sex discrimination. The Act also protects against discrimination on the grounds of religion or belief in terms of access to good facilities and services.

Gender Recognition Act 2004

The purpose of the Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate by a gender recognition panel.

Race Relations Act 1976 as amended

The Act prohibits discrimination on racial grounds in the areas of employment, education and the provision of goods, facilities, services and premises.

Race Relations Amendment Act 2000

Places a statutory duty on all public bodies to promote equal opportunity, eliminate racial discrimination and promote good relations between different racial groups.

Race Relations Act 1976 (Amendment) Regulation 2003

This Act introduced new definitions of indirect discrimination and harassment, new burden of proof requirements, continuing protection after employment ceases, new exemption for a determinate job requirement and the removal of certain other exemptions.

Racial and Religious Hatred Act 2006

The Act seeks to stop people from intentionally using threatening words or behaviour to stir up hatred against somebody because of what they believe.

Sex Discrimination Act 1975 as amended

The Act makes it unlawful to discriminate on the grounds of sex. Sex discrimination is unlawful in employment, education, advertising or when providing housing, goods, services or facilities. It is unlawful to discriminate because someone is married, in employment or advertisements for jobs.