Joint Foreword

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Strathclyde Fire Board and the Brigade are committed to actively promoting the delivery of true equality and fairness. For this commitment to be effective we all have the responsibility to ensure that we act in a manner which is positive and supportive to the individual and the group.

In doing so we will be playing our part in ensuring that no employee, including future employees, will be subjected to behaviour which might create an offensive and intimidating atmosphere within the workplace, which could create a climate of unease and uncertainty in the minds and emotions of all employees.

The Board recognises that harassment/bullying can create an intimidating, hostile or humiliating environment, which can affect the health, confidence, morale and job performance of employees. In recognition of both its managerial and legal responsibilities towards its employees, the Board is committed to the achievement, as far is practically possible, of a work environment where employees are treated with respect and dignity.

Effective leadership at all levels within the organisation is probably the most important aspect of delivering Equal Opportunities and in this respect never was the expression, “What you permit, you promote” more appropriate.
Contents

Page 1   Policy Statement
Page 2   Policy Objectives
Page 3   Statement of Responsibilities
Page 6   Diversity
Page 10  Recruitment Selection and Development
Page 12  Work/Life Balance
Page 14  Dignity at Work

Guidance Notes

Page 16  Harassment and Bullying
Page 24  Discrimination
Page 30  Complaint and Resolution
Page 36  Language
Page 42  The Human Rights Act 1998
Page 44  Contact Numbers / Bibliography
Policy Statement

Fairness and Equality as an Employer

Strathclyde Fire Board (‘the Board’) strives to be an Equal Opportunities Employer, committed to fairness and equality, which provides a service and engages in practices free from discrimination.

The objective of this Policy is to ensure that no applicant seeking to become a member of Strathclyde Fire Brigade (‘the Brigade’) or no existing member of staff receives less favourable treatment on the grounds of marital status, gender, race, colour, nationality, ethnic or national origins, sexuality, disability, age or religion or is disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance. The Policy also seeks to ensure that no person is victimised or subjected to sexual, racial or any other form of harassment.

All Board members, uniformed and support members of staff are covered by this Policy and it applies to all areas of employment within the Brigade including recruitment, selection, training and career development. All areas covered by this Policy are constantly monitored and policies and practices amended as necessary to ensure, as far as is reasonably practicable that no discrimination, intentional or unintentional, direct or indirect, evident or underlying exists.

The personal commitment of every member of the Brigade to this Policy and the application of its principles, is fundamental to its success in preventing discrimination and providing a working environment where all employees are treated with fairness, respect and dignity.

Fairness and Equality as a Service Provider

The core function of the Board is to deliver the best possible level of service to the public and to ensure equal access to its services by all members of the community. The Board therefore acknowledges that it is illegal to discriminate in the quality or provision of services, by making it unreasonably difficult for the recipient to make use of the service.
Policy Objectives

Fairness, equality and diversity are essential to the successful operation of the Brigade as a public service. Not only do these principles enable the organisation to provide a safe and healthy working environment, they embrace and support best value. It is important that the Policy enables all employees, not only to understand the Brigade’s objectives, but also to recognise the benefits to them, both as individuals and as a group, of supporting its principles. To that end the objectives of this Policy can be summarised as aiming to:

- promote equal opportunities in the workplace.
- maximise the effective use of human resources.
- ensure that no employee, job applicant, contractor or member of the public receives less favourable treatment on the grounds of gender, gender reassignment, race, sexual orientation, disability etc.
- increase awareness of all fairness and equality issues.
- provide a working environment and culture where all staff feel comfortable and assured that they will be valued as individuals, treated with respect and dignity and which is free from inappropriate behaviour such as bullying, harassment and discrimination.
- identify formal and informal procedures which will allow issues involving bullying, harassment and discrimination to be dealt with effectively and within an acceptable time scale.
- identify the steps to be taken against anyone who knowingly breaches the Policy e.g. disciplinary action.
- use lawful positive action measures to encourage under represented groups to achieve equality of opportunity.
- improve staff motivation and commitment and enhance job performance and satisfaction.
- improve the quality of service provided to the public.
- enhance the reputation of the Brigade within the communities which it serves.

All employees of the Board will be provided with anti discrimination training, allowing them to deliver the best possible service to the public.
Statement of Responsibilities

Responsibilities of Strathclyde Fire Board

The Board recognises its responsibilities as an employer, both legally and morally, for the full implementation and monitoring of the Policy.

The Board has delegated responsibility to the Firemaster for the application of this Policy within the workplace and the community and for reviewing and developing effective Fairness and Equality Policies, Guidance Notes, Codes of Practice and Procedures.

The Board is committed to ensuring that:
- adequate and appropriate consultation takes place on the content, review and implementation of the Policy.
- the Policy is known to all employees and job applicants and is available to the public, contractors etc.
- appropriate training and guidance is provided for all employees ensuring that they are able to discharge their responsibilities and protect the interests of the Board.
- The Policy, Guidance Notes, Codes of Practice, Procedures etc, are regularly monitored, reviewed and updated as necessary and that required action is taken as soon as practicable.

Responsibilities of Employees

All employees of the Board have a responsibility to comply with and promote the implementation of the Policy. In addition they have a specific responsibility to:
- co-operate fully with all measures introduced by the Brigade in relation to Fairness and Equality.
- comply with current legislation regardless of whether or not the Brigade is held vicariously liable\(^1\).
- treat all employees and members of the public fairly, with dignity and respect.
- use appropriate measures to challenge unacceptable behaviour or conduct thereby promoting a working environment free from discrimination, bullying and harassment.
- promote the Brigade’s reputation in keeping with its Policy relating to equality issues.
- refrain from discriminatory actions and not engage in inducing others to discriminate.

\(^1\) vicarious liability: the liability of an employer for the civil wrongdoings of his employees committed in the course of their employment.
• refrain from the harassment, abuse, victimisation and/or intimidation of others and to draw the attention of management to such practices or the incitement of such practices.

**Responsibilities of Managers/Supervisors**

In addition to their responsibilities as an employee, all members of staff with managerial or supervisory responsibilities have a key role to play in the promotion of the Brigade’s Policy and its supporting Guidance Notes, Codes of Practice etc. Additionally, the conduct and professionalism of managers and supervisors will have an important influence on the culture which prevails within the workplace including our attitude to the public whom we serve. More specifically they have a responsibility to:

- set a good example, show leadership and challenge inappropriate behaviour in any form thereby sending out a clear message that harassment, bullying or any other form of inappropriate behaviour is unacceptable.
- promote the aims of the Brigade’s Policy by acting as role models, leading by example and setting high standards for conduct and behaviour.
- promote openness, honesty and integrity amongst the workforce and encourage employees to recognise, welcome and understand the benefits of diversity.
- inform employees of the Brigade’s policies and procedures which relate to Fairness and Equality issues and assist them in the understanding of their rights and responsibilities.
- deal with enquiries and concerns promptly, sensitively and effectively, within agreed procedures, and to provide support to those involved.
- understand the importance of confidentiality when dealing with sensitive or difficult issues.

**Responsibilities of Representative Bodies**

All Representative Bodies should recognise the importance of the contribution which they and their members can make to the effectiveness of the Policy by their co-operation, consultation and support.
Diversity

This Policy is intended to promote inclusiveness and therefore applies to everyone in the diverse communities which the Brigade serves, including men and women of all ages, with and without children, and people from all religions, ethnic backgrounds and sexual orientations. The aim of the Board is to have a workforce which is representative of the population of the communities which it serves.

The Board acknowledges the value of the contribution which can be made by members of diverse groups and believes that a representative workforce will:
• lead to more informed, well balanced decision making and remove potential for bias,
• ensure the best possible use of talent available within all communities,
• ensure the best possible delivery of services to the public,
• enhance the reputation of the Board as an equal opportunities employer.

In order to underline its commitment in this area the Board will operate a clear Diversity Strategy. This Strategy will demonstrate how the Brigade will meet the duties imposed under legislation and will cover areas such as:
• recruitment.
• consultation with under-represented groups.
• assessment of the impact of policies on under-represented groups.
• monitoring of policy implementation and service delivery.
• staff training.

Race

The Board rejects racism in all its forms and acknowledges its duty to promote race equality under the Race Relations Act 1976.

Racism is a powerful and destructive force, which is unacceptable to the Board. People from many different ethnic backgrounds face prejudice and stereotyping and issues arising from direct or indirect discrimination are experienced regularly. These include unequal access to services which seem to be designed to meet the needs of the majority white community, less favourable treatment in the recruitment process, racist remarks and innuendo and, in its most extreme forms, racial harassment and attack.

Gender

The Board recognises the various ways in which women and men are disadvantaged by the manner in which our society is organised. The roles of women and men tend to be socially defined and stereotyping leads people to conform to gender roles which can inhibit individuals’ abilities, preferences and aspirations. Women in particular regularly encounter greater difficulty in achieving advancement in some workplaces due to the way in which work is
organised, for example in relation to the care of dependants, in addition to the threat of sexual harassment and violence.

The Board therefore will not discriminate between men and women and will make every effort to ensure equality of opportunity for all.

**Disabled Workers**

The Board recognises that it has legal obligations towards all its employees and the community at large to ensure that people with disabilities are afforded equal opportunities to enter employment and progress within the Brigade. In addition to complying with the requirements of the Disability Discrimination Act 1995, the Board will follow procedures designed to provide for fair consideration and selection of disabled applicants and to satisfy their training and career development needs.

When employees become disabled during the course of their employment, reasonable steps will be taken to accommodate their disability by making adjustments to their existing employment or redeployment and, through appropriate retraining, to remain in employment with the Brigade as long as possible where employment contracts permit.

**Age**

In our society, groups and individuals have been, and continue to be, discriminated against on the basis of age. The Board declares its total opposition to age discrimination and recognises that diversity of its workforce in this context will improve the quality of service to the public.

**Sexual Orientation**

An individual’s sexual orientation is wholly a matter of personal choice which shall be recognised not only by the Board and the Brigade but also by all employees in the organisation. There can be a high level of intolerance in the workplace with many individuals experiencing the daily denial of a major part of their own identity. To ‘come out’ and ‘be out’ often leads to victimisation, harassment and attack.

The Board will not tolerate discrimination on these grounds and, whilst understanding the importance of confidentiality and sensitivity in dealing with such matters, will take appropriate action to eradicate such behaviour.

UK legislation has been recently updated to include protection from discrimination under The Sex Discrimination (Gender Reassignment) Regulations 1999. “These regulations are designed to prevent discrimination against transsexual people on the grounds of sex in pay and treatment in employment and vocational training” (A Guide to The Sex Discrimination Gender Reassignment Regulations 1999).
**Creed**

The Board recognises that, in our society, groups and individuals have been, and continue to be, discriminated against on the grounds of their creed (‘system of religious or other beliefs’). It believes that no member of society should suffer disadvantage due to his or her creed and will strive to eliminate any such discrimination.

**Monitoring and Best Value**

In order to determine the effectiveness of the Policy and its practical application, the Board, in consultation with Trade Unions, will identify a broad range of measures covering all aspects of performance in equality issues and carry out an effective performance monitoring procedure.

Monitoring will include the following:

- the current composition of the workforce by racial origin, gender, disability, post, length of service and, where possible, sexual orientation.
- the progression of the workforce in terms of recruitment, promotion and transfer.
- the overall impact and effectiveness of Fairness and Equality policies and procedures.

The monitoring of job applicants and workforce composition will be achieved by means of voluntary self-classification. This information will enable the creation of a ‘workforce profile’ which in turn will allow maximum benefit to be gained from Positive Action initiatives.

All information obtained through the various monitoring procedures and gathered in respect of individuals, will be treated with the utmost confidentiality and shall only be used to maintain a database of statistics, which is in itself protected by the Data Protection Act 1998.

Information will be reviewed regularly and reported clearly, with trend information used to influence change within the Brigade. Comparative information will also be used to help identify areas of weakness and scope for improvement.

An important element of the monitoring process will be the Brigade’s Equality and Diversity Forum. The Forum will meet on a regular basis and, by facilitating a wide cross section of views and opinions, will provide a balanced indication of the effectiveness of the Policy against the Brigade’s commitment to continuous improvement.
Recruitment, Selection and Development

Recruitment and Selection

The Board is committed to the provision and monitoring of effective recruitment and selection procedures in order to:

• fulfil its obligation to its existing workforce by ensuring that the use of selection criteria is relevant, applied fairly and candidates assessed objectively against clearly identified requirements.

• attract applications for employment from all sections of the community (except in the case of posts which require a genuine occupational qualification) in order that a diverse workforce can be established which is truly representative of the population.

• project a positive image to the public clearly demonstrating the Board’s commitment to equality of opportunity both as an employer and as a service provider.

In order to fulfil these commitments, the recruitment and selection process will be applied, with due regard to current legislation, equally and fairly to all applicants. Appointments will be based solely on merit.

It is against the Board’s Policy to discriminate, either directly or indirectly, on the grounds of gender, race, ethnic origin, disability, sexual orientation, religion, age or otherwise.

Publicity material will reflect the Board’s Policy and all employment advertisements will carry an appropriate Policy statement.

All employees involved in the recruitment and selection process will receive appropriate training in Fairness and Equality issues prior to participation.

Positive Action

Positive Action measures are permitted under the Sex Discrimination Act 1975 and the Race Relations Act 1976 in order to encourage potential employees from groups which are under represented in an organisation to take advantage of opportunities of employment.

The Board will use Positive Action initiatives where it can be shown that under-representation of a particular gender or racial group has occurred within a specific area of the organisation.
**Employee Development**

The Board is committed to providing access to appropriate training and development opportunities for all employees in order to enable them to develop the necessary skills, knowledge and qualifications to carry out the duties of their posts efficiently and effectively.

The Board recognises the importance of ongoing training in order to maximise the effectiveness of its workforce and will ensure that the training needs within the Brigade are properly determined and fairly addressed.
Work/Life Balance

Maternity Provisions

The Board’s Policy is to comply with both the letter and spirit of the law with regard to maternity rights. To this end its aim is to inform all female employees of their entitlement to statutory maternity rights and to ensure that those rights are understood by employees who qualify.

Career Breaks and Family Leave

The Board recognises that at various stages in employees’ working lives, domestic and family commitments potentially reduce or hinder their ability to fulfil their work responsibilities. Where such difficulties cannot be overcome the possibility exists that the Brigade could lose employees.

To prevent the potential loss of skilled, experienced employees and to help prevent anxiety and stress amongst our workforce the Board not only acknowledges the difficulties which employees may face but also offers practical assistance through Career Break and Family Leave Schemes.

Typical reasons for Career Breaks and/or Family Leave may include:

- extended maternity leave.
- paternity or parental leave.
- leave for family responsibilities.
- leave to look after sick children or parents.
- secondments.
- extended leave to visit relatives living abroad.

Temporary Employees

The Board acknowledges the valuable contribution to the smooth running of the Brigade which temporary employees can make by providing necessary and valuable flexibility. It supports their employment in certain limited circumstances and for limited periods only, in particular to provide cover for the absence of permanent staff or for fluctuations in workload.

Job Share and Part-Time Employees

Job share is a variant of part-time working in which more than one member of staff share one particular job. The Board acknowledges the benefits of providing job-sharing opportunities in providing flexibility and continuity, reducing the turnover of staff and the opportunity to provide cover during peak periods. It will look favourably on requests which do not adversely affect the efficiency of the Brigade.
The Board also recognises the important role which part-time employees can play. It is prepared to employ part-time employees in jobs which can be done satisfactorily on a part-time basis. It will always consider requests from employees wishing to transfer from full-time to part-time work or vice versa where conditions of service allow.
Dignity at Work

Bullying and Harassment

All forms of bullying and harassment are deplored by the Board and it seeks to ensure that the working environment is sympathetic to all its employees. Behaviour of this nature at work is unacceptable, unlawful and, in addition to the effect on the individual, can reduce the effectiveness of the Brigade by creating an unpleasant working environment, increasing sickness levels and increasing staff turnover.

The Board is committed to ensuring that all staff are able to work in an atmosphere which promotes dignity and respect and is free from harassment and bullying. The Board particularly welcomes the support of the Representative Bodies in attempting to eradicate bullying and harassment from the workplace.

Language

The Board accepts that language is a constantly evolving element of our society. It also accepts that words and phrases, which were once used and thought to be generally acceptable, no longer fall into this category. The reason for this is that as society’s opinions and attitudes change, the meaning of words or phrases can also change through time or have new significance attached to them.

It is not the intention of this Policy therefore to consider specific terms but more importantly to make it clear that the Board do not support the use of inappropriate or offensive language in the workplace. As a standard the Board recognises and supports the current guidance on specific aspects of language provided in the “Fairness and Equality – Guidance Framework for the Fire Service in Scotland” A copy of this can be found in the Language section of this document.

Grievance and Complaints Procedures

The Board recognises that employees may from time to time feel aggrieved regarding circumstances relating to their employment. In this respect the Board’s Policy is to encourage communication between employees and management in order that areas of concern can be addressed and resolved quickly and to the satisfaction of all parties.

In order to achieve this, the Board is committed to the provision of effective Grievance Procedures for both uniformed and support members of staff. These procedures will not extend to matters which constitute an appeal against a disciplinary decision, and which will be dealt with under the appropriate disciplinary regulations/appeals procedure.
In addition, the Board will provide an effective Complaints Procedure for all employees which will include a less formal solution to issues involving discrimination, harassment and/or victimisation.
Harassment and Bullying

Definition of Harassment

Harassment is unwanted conduct affecting the dignity of men and women at work, which can lead to an intimidating, hostile or humiliating work environment for the recipient. Such conduct is unacceptable.

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, gender, ethnic origin, nationality, sexual orientation, religious or political beliefs, disability and age.

Harassment can occur between people of the same sex or of 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.

Forms of Harassment

Harassment can take many forms but all have the common features of being unwanted, unwarranted and cause the discomfort, humiliation and the undermining of confidence. Some examples of behaviour which can be categorised as harassment are outlined below. The list is by no means exhaustive, but illustrates the range of behaviours which can constitute harassment.

Sexual Harassment

This takes the form of attention which (either gender or orientation based), physical or verbal, of a sexual nature, which makes the recipient uncomfortable. Sexual harassment can be experienced by either men or women and can include:

- Sexual contact – from unwelcome touching to assault
- Compromising invitations or presents
- Unwanted requests or demands for sexual encounters
- Suggestive remarks, jokes or conversations
- Derogatory or degrading gender-related remarks e.g. on dress or appearance
- Display of pornographic material, (including on computer screens)
♦ Any comments which imply that gender or sexual orientation impairs the person’s ability
♦ Denial of access to training and development on grounds of gender

**Pornography in the Workplace**

The Board is committed to eradicating all conduct which could adversely affect the dignity of women and men in the workplace and consequently this Policy imposes a total ban on the displaying of pornographic material which will include: -

♦ pornographic video and cinematography film;
♦ pornographic cable and satellite channels, terrestrial TV programmes whether by subscription or not;
♦ electronically stored images including the use of computer equipment;
♦ pornographic magazines and publications
♦ any other form of potentially offensive material such as posters, calendars, photographs etc.

The Board has a duty to control the possession and display of such material on its premises and as such, can exercise a wide discretion in deciding what may constitute offensive material.

All employees are required to exercise this control on behalf of the Board. If any material causes an individual to question whether it COULD cause offence to a reasonable person then he / she shall not permit its continued presence or display in the workplace.

In making such a judgement it is appropriate to consider whether or not the material is such that it complies with the Board’s desired corporate image as an employer which promotes equality of opportunity and dignity in the treatment of its employees.

All employees shall be aware of, and be sympathetic to, people’s feelings and the need to ensure that everyone is treated with dignity and respect in the workplace.

**Racial Harassment**

This involves behaviour aimed at undermining racial, national or cultural difference and can include: -
Physical assault

- Threats or verbal abuse of a racial or national nature e.g. name calling
- Ignoring and isolating individuals due to their race or nationality
- Unfair distribution of work based on race or nationality
- Teasing and pranks
- Displaying of racial graffiti

**Sectarian Harassment**

This has been defined as “Unwanted conduct of a sectarian nature, or other conduct based on religious belief or political opinion affecting the rights of people at work” (Fairness and Equality – Guidance Framework for the Fire Services in Scotland).

Many forms of behaviour can constitute sectarian harassment. It can range from extreme forms such as violence and bullying to less obvious actions like ignoring someone at work. The following, though not an exhaustive list, may constitute sectarian harassment:

- **Physical Harassment**: - ranging from gestures to serious assault:

- **Verbal Harassment**: - deliberate articulation of sectarian jokes, banter, offensive language, gossip, sectarian songs and / or threats.

- **Written Harassment**: - circulation of sectarian notes, letters, other written materials containing offensive language.


- **Offensive Behaviour**: - isolation, non-co-operation at work, exclusion from social activities, interference with job performance and / or pressure to join a religious / political group.

Such actions and behaviours could constitute sectarian harassment if they are viewed by the recipient as unwanted. It is therefore the impact of these behaviours on the recipient which gives rise to sectarian harassment rather than the intention of the perpetrator.

Sectarian harassment is conduct, which intimidates and threatens people. It is contrary to the principle of equal treatment.
Other types of Harassment

Harassment in relation to: -

♦ Age

♦ Political beliefs

♦ Trade Union Membership

♦ Ex Offenders

♦ Health

♦ Physical e.g. size, baldness, speech defect etc.

Effects of Harassment

The effects of harassment on the victim 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.

If an individual believes that he/she is being harassed at work and is experiencing any of these symptoms they shall report it to their line manager, Diversity Manager, member of Fairness and Equality Team, Equality Adviser, or other appropriate person. If such symptoms persist over time they may result in conditions which require medical treatment.

Harassment can also affect the Brigade’s ability to deliver its service to the public, as it can cause problems of poor work performance, absenteeism and low morale.

Definition of Bullying

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 of equal standing.

Bullying Profile

It is not helpful to try to draw up a stereotype of a bully or of a bullied person. Bullying behaviour may occur for many reasons and anyone may become a target of bullying. However, certain personality characteristics of the bully,
such as aggressiveness, sarcasm, anger and maliciousness may come to the fore in certain work circumstances.

Bullies may lack confidence or feel insecure in their position. They may see every suggestion from someone else or every disagreement with their opinion, as a challenge to their authority. They may be envious of other people’s abilities, success and popularity. They may take a completely irrational dislike to some aspect of a person’s personality, appearance or way of doing things. Their bullying behaviour may be rooted in childhood experiences of being bullied, or of always having their own way.

**Organisational Factors**

What is increasingly clear is that organisational factors play an important part in whether or not bullying takes place at work. The sorts of workplaces where bullying is more likely to occur are those where there is / are:

- An extremely competitive environment
- Fear of redundancy
- Fear for one’s position
- A culture of promoting oneself by putting colleagues down
- Envy among colleagues
- An authoritarian style of management and supervision
- Organisational change and uncertainty
- Little participation
- Lack of training
- De-skilling
- No respect for others and their point of view
- Poor work relationships generally
- No clear codes of acceptable conduct
- Excessive workloads and demands on people
- Impossible targets or deadlines
- No procedures for resolving problems
Bullying may be part of the culture of an organisation. It may be seen as strong management, the effective way of getting things done, so it is often condoned and sometimes even encouraged.

**Forms of Bullying**

- Picking on people – unreasonably criticising performance
- Unreasonable withdrawing of authority or responsibility
- Imposing impossible objectives and deadlines
- Unfair changing of objectives
- Isolation or non co-operation, or ignoring individuals
- Any aggressive or threatening behaviour e.g. derogatory remarks of a personal rather than professional nature
- Criticising or humiliating individuals in public
- Over-reacting to minor incidents in an intimidating manner
- Actual physical assault
- Abusive or intimidating written communication (includes use of e-mail).

**Effects on the Individual**

People who are constantly bullied lose their self-confidence, their self-esteem and are at increased risk of suffering stress.

**Physiological**

- Headaches / migraine
- Sweating / shaking
- Feeling / being sick
- Irritable bowel
- Raised blood pressure
- Inability to sleep
- Loss of appetite
**Psychological**

- Anxiety
- Panic attacks
- Depression
- Feeling of dread
- Tearfulness

**Behavioural**

- Becoming irritable
- Becoming withdrawn
- Becoming aggressive
- Increased consumption of tobacco / alcohol etc.
- Obsessive dwelling on the bully, and seeking justice or revenge.

If people are exposed to intolerable pressures and nothing is done to alleviate the stress they are suffering, the long term effects on their health can be serious, with the worst outcomes including nervous breakdown, heart attack and suicide.

**Effects on the organisation**

Bullying affects not only the individuals involved but also the organisation as a whole, since people working in a climate of fear and resentment do not give their best. Where bullying occurs and is not dealt with, sickness absence will increase, staff turnover will increase and morale and performance levels will fall. The organisation will suffer increased sickness and retraining costs, damage to its public image, as well as the potential for exposure through cases being taken to Court and Employment Tribunals.

**The Penalties for Harassment / Bullying**

The penalties for the harassment or bullying of one employee or group of employees by either another employee or group of employees could lead to disciplinary action up to and including dismissal.
Uniformed and support staff members of the Brigade are covered by separate disciplinary codes/procedures but these treat harassment and bullying with the same degree of seriousness.

Under the various Acts of Parliament which prohibit discrimination, e.g. the Sex Discrimination Act 1975, the Race Relations Act 1976 etc the Board may be held responsible for the actions of employees regardless if information and training are provided to make employees aware of their responsibilities under these Acts.

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 through an Employment Tribunal, the Board may still be vicariously liable.

If harassment or bullying were to result in an actual physical assault this may be a criminal offence, which shall be reported by the victim directly to the police. A report shall also be submitted to the relevant head of department.

**Responsibilities**

Everyone has a responsibility not to behave in a way that is offensive to others. Lack of awareness is often the problem. Being aware of and sensitive towards this problem will help to avoid causing offence. If employees are aware of others causing offence they have a duty to do something about it.

- Harassment may also 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 the Board may have responsibility for unlawful discrimination committed by its personnel.

All those in a managerial / 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
Discrimination

Discrimination refers to an employee being treated less favourably in their employment in relation to other employees on any grounds including e.g. gender, sexual orientation, race, colour, disability and marital status in terms of recruitment, selection, promotion, transfer, training benefits, facilities, procedures, and terms and conditions of employment.

Employees and applicants for employment have a right to equality of opportunity in employment, in accordance with the provision of the Acts outlined. It is unlawful to discriminate against a person directly or indirectly in the field of employment except in very limited circumstances e.g. Positive Action.

**Direct discrimination** consists of treating someone less favourably than others are or would be treated in the same or not materially different circumstances, on grounds of e.g. race, colour, religion, gender, sexual orientation, marital status or any disability.

**Indirect discrimination** consists of applying in any circumstances covered by the Acts, a requirement or condition which, although applied equally to persons of both sexes, different racial groups and the married or unmarried, is such that in practice it has a disproportionately adverse effect on one sex or on one racial group or on people of one marital status, and which cannot be shown to be justified by virtue of the requirements of the job.

**Sex Discrimination – The Law**
Sex discrimination is covered principally by the Sex Discrimination Act of 1975 as amended. This states that it is unlawful to discriminate in the following areas: -

♦ employment and training

♦ education

♦ in the provision of goods, facilities and services to the public.

In employment it is also unlawful to discriminate against a person because they are married.

Advertisements which indicate unlawful discrimination in these areas are themselves unlawful.

**What is Sex Discrimination?**
Generally, sex discrimination means the less favourable treatment of a woman or man, on the grounds of their sex. There are five types of discrimination;
### Direct
Where a woman, all other circumstances being similar, is treated less favourably than a man, or vice-versa, on the grounds of sex.

### Indirect
Where a requirement is applied to both sexes equally if this requirement has the effect of unfairly excluding considerably more women than men, or vice-versa, in practice – unless it can be justified.

### Direct
Where a married person is treated less favourably than an unmarried person of the same sex, because that person is married.

### Indirect
Where a requirement is applied equally to both married and unmarried people of either sex if this requirement has the effect of excluding more married people than unmarried people, unless it can be shown to be justified.

### Victimisation
It is unlawful to victimise an individual who for example has asserted rights under any legislation.

It is also unlawful to treat a person less favourably than another person would be treated in similar circumstances. It is sufficient to show that a person of the opposite sex would have received more favourable treatment without having an actual person with whom to compare.

### Racial Discrimination at Work – The Law
The Race Relations (Amendment) Act 2000 strengthens the Race Relations Act of 1976 by outlawing race discrimination in all public authority functions not already covered by the 1976 Act. It also places a general duty on public authorities to be proactive in promoting race equality and requires them to work to avoid unlawful discrimination before it occurs. Additionally it requires them to promote equality of opportunity and good relations between persons of different racial groups. The legislation makes it illegal to discriminate on the grounds of a person’s race, colour, nationality (which means citizenship), ethnic or national origins. Three kinds of discrimination are covered: -

- **Direct**
- **Indirect**
- **Victimisation**

### Direct Discrimination
Direct racial discrimination arises where a person treats another person less favourably on racial grounds than they treat, or would treat, someone else. Racial grounds mean any of the following grounds: colour, race, nationality (including citizenship) or ethnic or national origins. In considering whether a
particular kind of treatment of a person constitutes direct racial discrimination it is necessary to enquire: -

Whether it was less favourable than the treatment which was (or would have been) accorded to another person, and, if so,

whether the less favourable treatment was on racial grounds, i.e. whether the reason for the treatment was the colour, race, nationality, or ethnic or national origins either of the victim or of someone else.

*It is not necessary, however, to show that a person openly expressed an intention to treat someone else less favourably on racial grounds; it will be possible in many instances to infer a discriminatory motive from all the circumstances in which the treatment was given. In proceedings relating to direct discrimination the court or tribunal will consider all the evidence in the case to see what inferences, if any, it can properly draw about the respondent's motives.*

**Indirect Discrimination**

Indirect discrimination arises where a condition or requirement is applied which, intentionally or not, adversely affects one racial group considerably more than another and cannot be justified on non-racial grounds. This covers situations where: -

♦ A condition has been placed on you that you are unable to comply with and

♦ It is to your disadvantage that you cannot comply and

♦ The proportion of people in your racial group who cannot comply is greater than the proportion of other people who cannot comply.

**Disability Discrimination Act 1995**

The Act gives people with a disability rights in the areas of: -

♦ Employment

♦ Access to goods, facilities and services

♦ Buying or renting land or property

The Act makes it unlawful for employers with 20 or more employees to discriminate against current or prospective employees with disabilities because of a reason relating to a disability.

The Act defines disability as: -

“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”(Disability Discrimination Act 1995).
People who have a disability or have had a disability but no longer have one are covered by the Act. Those engaged in firefighter duties are currently exempt.

**Unlawful Discrimination**

Discrimination occurs when a disabled person is treated less favourably than others are and: -

♦ The treatment is given for a reason relating to the person’s disability and that reason does not apply to the other person, and

♦ This treatment cannot be shown to be justified.

Employers must not discriminate against a disabled person in: -

♦ Recruitment and retention of employees

♦ Promotion and transfers

♦ Training and development

♦ The dismissal process

They must also make reasonable changes to their premises or employment arrangements if these substantially disadvantage an employee with a disability or prospective employee, compared to a non-disabled person.

**Victimisation**

Victimisation is where a person is treated less favourably because they have given evidence, rejected advances or complained, whether formally or not, about the behaviour of someone who has been harassing or discriminating against them. This may also include less favourable treatment of someone providing support to the individual alleging victimisation.

♦ **No employee needs fear that they will be victimised for complaining of harassment either personally or on behalf of another.**

The legislation defines as discrimination the victimisation of a person because that person has, for example, asserted their rights under the various Acts. Victimisation arises where, in any of the situations to which the legislation applies, a person (the discriminator) treats another person (the person victimised) less favourably than they treat, or would treat, other persons on the ground that the person victimised has done (or intends to do, or is suspected of having done or intending to do) any of the following: -
♦ brought proceedings against the discriminator or anyone else under the legislation;

♦ given evidence or information in connection with proceedings brought under the legislation by another person against the discriminator or anyone else;

♦ otherwise done anything under, or by reference to, the legislation in relation to the discriminator or anyone else, e.g. by giving evidence or information in the course of a formal investigation; or

♦ alleged that the discriminator or anyone else has committed an act which (whether or not this is expressly stated) would constitute a contravention of the legislation.
Complaint and Resolution

This Procedure has been agreed as the means by which complaints will be dealt with when one employee alleges that the conduct of another employee constitutes harassment, discrimination and/or victimisation. It is recognition of the sensitivity and complexity of these issues and the provision of a means of dealing with a complaint outwith the more formal arena of the Brigade’s formal Grievance Procedures for both uniformed and support staff.

The primary aim of the Procedure is to provide guidance for any employee who has, or perceives that they may have been, subjected to any form of harassment, victimisation or discrimination and who would prefer a more informal method of resolving the issue. It is intended to deal with the matter in such a way as to maintain, as far as possible, a reasonable working environment for all parties concerned and to provide a solution swiftly, clearly and sensitively and with due respect for the rights of both the complainant and the alleged harasser.

This Procedure will apply to all employees of the Board and shall be read in conjunction with the Guidance Notes on Harassment and Bullying, and Discrimination which provide an overview of the key issues involved.

The Procedure does not preclude any individual from seeking advice and support at any time from the Brigade’s Fairness and Equality Team, Equality Adviser or Representative Bodies. It does not remove the individuals right to take out a formal grievance in accordance with existing procedures for uniformed and support staff should they so wish, nor does it affect an individual’s rights in law.

Forms of Resolution

The following procedure provides for three different forms of resolution:

- informal resolution by the complainant.
- informal resolution by the complainant's line manager / officer in charge.
- formal resolution.

The 3 different forms of resolution are alternatives of equal merit depending on the circumstances and are not to be considered as a chronological sequence which must be followed. The decision by the line manager / officer in charge as to whether the informal or formal route is appropriate, will be reached in partnership with the complainant and will take into consideration the following:

- the views of the complainant.
- the nature and severity of the allegation.
- the likelihood of a successful outcome.
- the working relationship between the people involved.
Disciplinary action will always be considered in cases of alleged misconduct.

**Equality Advisers**

In addition to the Fairness and Equality Team based at Brigade Headquarters, the Brigade will operate with a network of Equality Advisers located throughout the Brigade. These advisers will be members of staff both uniformed and support, trained to deal with enquiries from employees who feel they have, or believe that they may have, been subjected to any form of harassment, victimisation or discrimination. A list of Advisers and how they may be contacted will be available in every workplace within the Brigade.

**INFORMAL**

**Informal Resolution by the Complainant**

Staff who feel they are being harassed, bullied or victimised, and who are confident enough, may choose to explain to the person(s) carrying it out that their treatment is unwelcome and offensive, and ask for it to cease. They may do so on their own or ask for a third party to accompany them, who may be a trade union representative, a friend, an Equality Adviser or a member of the Fairness and Equality Team.

Staff who choose a direct personal approach should keep a note of the date of the approach and what was said and what was agreed. Where a personal approach is not possible or has been unsuccessful, or where a party involved feels other action is necessary, the problem shall be brought to the attention of the complainant’s line manager/ officer in charge in the first instance. This may be in writing or verbally. If this is not possible or appropriate, or the individual does not feel confident to do this, an Equality Adviser, a member of the Fairness and Equality Team, or a more senior manager shall be approached.

**Informal Resolution by Management**

Once an approach has been made, the manager receiving the complaint must assess which course of action to pursue in order to seek a resolution. The proposed course of action must be agreed with the complainant. This decision shall be made or approved by a line manager/ officer in charge of a rank/grade not less than ADO/PO1.

Officers in charge/Line Managers must contact the Fairness and Equality Team for advice, guidance and support at all stages of the process.
Where there is no complaint in writing, the officer in charge/line manager shall make a brief note of the complaint and of the date on which it was made. The complainant will be asked to sign the note as an accurate record and be given a copy of it.

**In all cases brought to management attention, especially those which involve a potential breach of statute, the Director of Personnel and Training shall be informed of the incident and the proposed course of action.**

In those cases where both parties desire an informal resolution, the manager will separately interview the parties concerned to establish the detail of the complaint and to determine whether informal resolution is possible and/or appropriate.

There are a variety of means by which the complaint may be dealt with when seeking an informal resolution. These include transfers mutually agreed by both parties and management, which may take precedence over agreed transfer waiting lists, or forms of conflict resolution such as counselling. All potential transfers must be agreed with the Director of Personnel and Training before being implemented. The objective is to prevent a recurrence of the problem and to ensure the fair treatment of all parties involved.

Once a resolution has been reached which is mutually satisfactory to both parties, the manager responsible for the case shall write to the parties concerned to confirm the outcome and meet with them if appropriate. In those cases where the outcome has implications for the working arrangements of either party, a copy will be sent in confidence to Command/Departmental Personnel Manager, and to any other senior officer required to be aware of the outcome.

The manager will record a summary of the complaint and of the informal action taken. This documentation will be held in a secure place under the strictest confidentiality. Upon satisfactory resolution of the matter, all documentation will be forwarded to the Fairness and Equality Team, using sealed documentation bags provided for this purpose, where it shall be held on confidential files for a period of 20 years before being destroyed. All other copies of documentation must be destroyed.

It must be stressed that confidentiality is of the utmost importance in dealing with issues of this type and this must be respected by all personnel who are involved in attempting to reach a satisfactory resolution. Any breach of confidence will be viewed as serious misconduct.
FORMAL

Formal Resolution

Where informal resolution is not appropriate (e.g. the allegations are of such a nature that formal action is deemed necessary) or where informal resolution has proved unsuccessful (e.g. the harassment continues or recurs) formal investigatory procedures may be invoked. The complainant will be informed this is to be done.

Uniformed Staff

In the first instance, formal complaints against any uniformed member(s) of the Brigade shall be reported to the relevant Head of Department/Commander. The Head of Department/Commander shall decide whether there are grounds for reporting the matter to the Brigade Investigating Officer in accordance with Brigade Orders.

Reports received by the Brigade Investigating Officer may be referred for investigation under the Fire Services (Discipline)(Scotland) Regulations 1985.

The Brigade Investigating Officer will seek advice and input from the Fairness and Equality Team where appropriate.

Support Staff

If a case of alleged harassment, bullying or discrimination is considered by the Director of Personnel and Training to be one which, if supported by evidence, is of sufficient seriousness to require a disciplinary hearing under the Disciplinary Procedures, an investigating officer shall be appointed. This person will be approved by the Director of Personnel and Training and will be responsible for steering the case through the entire procedure.

This includes the principal responsibility for investigating the case, and if appropriate, presenting it. This officer shall be trained in the procedure and shall be of sufficient seniority and/or experience to be able to ensure the efficient and effective management of the case. In the event of the person(s) complained about being at or above Principal Officer level, the case manager may have to be brought in from outside a Department, Command or the Brigade, subject to the approval of the Firemaster or the Board where appropriate.

Confidentiality/anonymity

All cases dealt with under this procedure will be conducted in the strictest confidence unless there is a compelling reason or need for disclosure. In such circumstances, persons responsible shall seek advice from the Fairness and Equality Team before breaching confidence and, in any event, the matter must be explained to the complainant before any such action is taken.
All information relating to any such case will be made available on a strict ‘need to know’ basis and all documentation will be produced and circulated under strict confidential cover using sealed documentation bags.

Information obtained in confidence or in the context of informal resolution shall not be used without the agreement of the person(s) who gave it except where there is an over-riding consideration as previously stated. It must also be taken into account how information received in this way may impact on any subsequent disciplinary investigation.

**Representation**

All parties are entitled, and are strongly advised, to consult with, and be represented by, someone who may be a representative of a recognised trade union. Individuals may also seek guidance from the Fairness and Equality Team as to who could represent their interests. **It must be emphasised that the role of the Fairness and Equality Team and Equality Advisers is to provide advice and guidance and not to represent staff at disciplinary hearings or interviews.** Managers shall ensure that all parties are aware of their rights and avenues of redress and that they understand their rights to have representation at any and all stages of the process.

**Composition of panels**

The Board recognises that, on occasions, it may be desirable to involve a person of the same gender, ethnic group, disability or sexual orientation as the complainant, in the management of a complaint. This may involve the assistance of an agency external to the Brigade. The Board is however, committed to the principle that all its managers shall be able to deal with complaints fairly, sensitively and speedily. Personnel carrying out formal investigations and/or sitting on disciplinary panels must have had relevant training.

**Time limits**

The underlying principle in dealing with all complaint issues of this type is to resolve them as speedily and sensitively as possible. This is imperative where there is an alleged breach of statute. There are problems in setting specific time limits to the investigation and resolution of complaints of harassment, bullying and/or discrimination. For this reason the general rule is that, wherever practicable, cases involving informal or formal resolution shall be resolved within a maximum of 2 months of the originating complaint. If the case requires to go to full member level hearing or case review, then it shall be concluded within a maximum of 4 months. Timeous resolution of complaints is in the interest of all parties and recognises the requirements of The Human Rights Act 1998.

It is essential that complaints be reported as soon after the alleged incident(s) as possible in order to allow a fair and thorough investigation to take place. Where a case cannot be resolved within the time scale, e.g. where there is a
lengthy enquiry, where it involves a Policy issue, or where there is illness of either party, all relevant parties must be informed of the reasons for the delay and the likely time scale for completion. All such information shall be carefully logged by the investigating officer responsible for the overall management of the case.

(Complaint and Resolution section reproduced with permission of London Fire and Civil Defence Authority)
Language

There are obvious reasons why the difficult and often controversial issue of language is important in the workplace. 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 which implies respect. It should be easy therefore to understand why any failure to treat other people in the same way could give offence. If we make errors through lack of awareness, we should be corrected and be guided as to the appropriate words to use.

However, 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. Our choice of language therefore may be read by others as an indicator of our attitude, even though we may never intend it that way.

Hearers may perceive subtle meaning in the use of a word or phrase, of which we as speakers are unaware. In the case of racial and ethnic terminology, members of the minority communities are likely to have an elevated level of awareness on this score. Their own history and background have often sensitised them to noticing how the use of some terms tends to be exclusionary or demeaning.

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

The Board accepts and supports the current, specific guidance on language found in the “Fairness and Equality – Guidance Framework for the Fire Services in Scotland,” a copy of which follows: -

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 shall 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.

5. The expression “visible minorities” has gained ground in the last few years as an acceptable term whose scope is wider than “black”, but is itself problematic.

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

6. 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 overture. For these reasons it is better avoided, unless people actually identify themselves in this way.

7. 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.

8. 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.

9. 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**

10. 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”, “Hindi”, “Sikh”. Wherever it is appropriate to the context, designation in these terms will be acceptable.

11. 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” shall be avoided as it is imprecise and may be considered racist or offensive.

12. 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 of these phrases requires great sensitivity.

**British**

13. 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**

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

**Ethnic**

15. 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 Greeks and Turkish Cypriots and Chinese.
16. 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 shall be avoided.

17. The description of all people of minority ethnic origin as “immigrants” is also 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 shall be avoided.

18. 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

19. 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 shall not be used.

People with Disabilities

20. 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 that it is best to ask individuals how they wish to be addressed or described.

21. The word “disabled” shall 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”.

22. It is also dehumanising to refer to a person by a 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

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

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

25. Do say “person who has/person with/person who experiences”. 
26. Do not say “invalid”. This equates disability with illness and can be construed as “not valid”.

27. 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”.

28. 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”.

29. Do not confuse learning difficulties with mental illness.

30. 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 person’s degree of deafness and method of communication.

31. Do not say, “he/she is deaf and dumb”. Do say, “he/she is deaf/partially deaf/deafened/hard of hearing”.
The Human Rights Act 1998

The Human Rights Act 1998 was enacted to give “.. further effect to the rights and freedoms guaranteed under the European Convention on Human Rights…” and the Board, as a public authority, shall not act in a manner which is incompatible with said Convention. The key Articles of said Convention which are reproduced in the 1998 Act and which are pertinent to this Equal Opportunities Policy are as follows: -

Article 2 - Right to Life
Article 3 - Prohibition of Torture/ Degrading Treatment.
Article 6 - Right to a Fair Trial.
Article 8 - Right to Private Life and Correspondence.
Article 9 - Freedom of Thought, Conscience and Religion
Article 10 - Freedom of Expression
Article 11 - Freedom of Assembly/Association
Article 14 - Prohibition of Discrimination

Individuals should be aware that the said 1998 Act is “living law” reflecting the moral and political values in vogue at the time of any breach of the Article(s). Everyone should reflect carefully as to whether their own actions or inactions could be considered humane? If not, this could result in a breach of an individual’s Human Rights, for which the victim (either a fellow employee or member of the public) may seek redress through the Courts.
Contact Numbers

♦ Fairness & Equality Team 01698 338262/322
♦ Fairness & Equality Team Leader 01698 338455
♦ Diversity Manager 01698 338230

♦ Fax 01698 338393
♦ e-mail www.strathclyde.fire-uk.org

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1. Fairness and Equality – Guidance Framework for the Fire Services in Scotland
3. Equality at Work – London Fire and Civil Defence Authority
4. The Sex Discrimination Act 1975
5. The Race Relations Act 1976