

# FIRE SERVICES EXAMINATIONS BOARD

## STUDY NOTE

EXAMINATION	STATION OFFICERS' EXAMINATION
PAPER	HUMAN RESOURCE MANAGEMENT
SUBJECT	EMPLOYMENT
ITEM	EQUALITY AND FAIRNESS AT WORK
STUDY NOTE No.	3302

### *INTRODUCTION TO THE STUDY NOTE*

*This study note has been prepared as the basis of study in connection with the qualifying examinations for promotion.*

*Candidates will be expected to demonstrate knowledge of the information contained in the study note and understand how it should be applied:*

*The 'References' made at the end of the Study Note are included for information only and candidates will not be expected to study these as part of the bibliography.*

## EQUALITY AND FAIRNESS AT WORK

### 1. Introduction

This study note briefly describes the underpinning principles of Equal Opportunities and Diversity in terms of embracing the values of fairness at work. It also refers to the management of these concepts in the workplace.

### 2. Equal Opportunities

Equal Opportunities seeks to influence behaviour through legislation so that discrimination is prevented. It is based on moral and ethical arguments and is concerned with promoting the rights of all members of society.

Equal Opportunities focuses on securing the equality of groups, particularly minority groups. It seeks to alleviate the disadvantages that are experienced by them. Legislation is, therefore, supported by practical procedures such as Positive Action to assist under represented groups in a particular area of work or in the workforce generally so that they can compete equally for jobs.

### 3. Diversity

In contrast to Equal Opportunities which focuses on groups and discrimination, Diversity concentrates on the differences of individuals. Managing Diversity is based on the economic and business case for recognising and valuing difference, rather than the moral case for treating people equally. Rather than being purely a cost, equal treatment offers benefits and advantages for the employer if they invest in ensuring that everyone in the organisation is valued and given the opportunities to develop their potential and make a maximum contribution.

This approach can assist innovative and creative decision making. It can do this through promoting a satisfying work environment leading to improved service delivery. It should encourage staff to contribute and be more involved in performance standards thus benefiting the wider community.

Applying the diversity approach requires careful and skilful management. It is essentially an integrated approach and places a greater emphasis on adapting and changing the culture of the organisation.

### 4. Fairness at Work

Fairness at Work is a concept which recognises the principles and benefits of Equal Opportunities and Diversity. In this case it seeks to provide a working environment in which the management of the organisation and its policies are designed to ensure that all employees are treated fairly. This includes systems and procedures that are open, accessible and fair, making opportunity available to everyone.

Applying this concept can only be carried out successfully if employees are treated with respect and dignity.

5. Major Differences between 'Equal Opportunities' Approaches and 'Management of Diversity' Approaches

ASPECT	EQUAL OPPORTUNITIES	MANAGING DIVERSITY
Purpose	Reduce discrimination	Utilise employee potential to maximum advantage
Case argued	Moral and ethical	Business case – improved cost effectiveness/ performance
Whose responsibility	Human Resources/Personnel Department	All managers
Focuses on	Groups	Individuals
Perspective	Dealing with different needs of different groups	Integrated
Benefits for employees	Opportunities improved for disadvantaged groups, primarily through setting targets	Opportunities improved for all employees
Focus and management activity	Recruitment	Managing
Remedies	Changing systems and practices	Changing the culture

6. Equal Opportunities Policy

Fire Brigades must have a fully developed 'Equal Opportunities Policy' in place. They must also have procedures to evaluate and review implementation of their policy. Attached to the policy should be a clearly defined equal opportunities statement which defines its commitment.

The following is an example of an Equality/Fairness at Work Policy Statement:

*'In order to work towards eliminating discrimination the Service has adopted an Equality/Fairness at Work Policy Statement, this is as follows:*

*The brigade provides a community service and is committed to ensuring Equality/Fairness at Work in employment and a high level of service to all the people of the brigade area. The aim of the Equality and Fairness at Work Policy is to ensure that no applicant or employee receives less favourable treatment on the grounds of sex, race, colour, nationality, ethnic or national origins, marital status, having dependants, being lesbian or gay, age, social class, trade union activity, political or religious belief or, in the case of non-operational posts, disability. Selection criteria and procedures will be kept under review to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities. All employees will be given training to progress within the organisation. All forms of harassment/discrimination/bullying, are totally unacceptable to the Service in its role as both employer and public service provider.*

*The brigade is committed to a programme of action to ensure that Equality and Fairness at Work takes place in the workplace. It expects all its employees to comply with the Policy and monitoring will be carried out to ensure this.*

*The collective Trade Unions whole-heartedly support this Policy and representatives of recognised Unions have contributed to and approved the Policy Statement.*

## **7. Managing Equal Opportunities and Diversity**

As a Station Manager it would be your responsibility to ensure that:

- (a) All employees conform to the Equal Opportunities Policies.
- (b) A work environment is created which is free from harassment, bullying and discrimination.
- (c) Regular audits are carried out to determine knowledge and understanding of equal opportunities to identify training needs.
- (d) Employees receive the training to promote a clearer understanding of the issues surrounding Equality, Fairness and Diversity.
- (e) Design and plan appropriate initiatives to promote and support Equal Opportunities to benefit both employees and service delivery in the community.
- (f) Under represented groups are identified and action plans developed to encourage applications to the Service.

Implementing Equal Opportunities will require the Station Manager to demonstrate effective leadership and will often require positive intervention to address attitudes and behaviour issues. This role will demand that the Station Manager:

- (a) Is conscientious and determined to motivate team/employees based on the principles of diversity.
- (b) Applies an approach which recognises the need for sensitivity, tact and diplomacy in dealing with these issues.
- (c) Is prepared and able to initiate formal disciplinary procedures where necessary in support of Equal Opportunities and Diversity policies.

## 8. Managing Equal Opportunities

The Station Manager will be called upon to understand and implement Brigade policies and procedures. This will assist in recognising and dealing with situations that may occur affecting individuals or groups of employees. This will often require problems to be dealt with in a sensitive and confidential manner.

Station Managers should be aware of how employees may feel if they are affected by any form of negative behaviour or attitude. In many cases employees may not feel confident in raising their concerns with supervisors or managers. An environment should be created in which employees are confident that they can approach their Station Manager to discuss areas of concern without fear or intimidation.

It will be crucial to determine whether any circumstances can be dealt with locally or whether they need to be addressed through formal Brigade grievance or harassment procedures.

In dealing with any initial approach the Station Manager should consider the following :

- (a) Preparing and arranging a meeting in private with the individual.
- (b) Adopting a caring and considerate manner.
- (c) Encouraging the individual to outline the details of their concerns - using appropriate questions ensuring that valuable time is given to listening carefully.
- (d) Remaining impartial at all times.
- (e) Offering guidance and support to the individual and agree any action required.
- (f) Where relevant and with agreement of the individual seeking to hold discussions with others who may be involved.
- (g) Recording the issues and actions taken.

- (h) Facilitating a proposed solution and a way forward including any change of procedures.
- (i) Monitoring the outcome and considering the need for further change.
- (j) Reviewing training needs.
- (k) Considering the need to obtain further assistance from a specialist officer eg Equality Advisor, Welfare Officer.

Where the Station Manager recognises that there may be a breach of policy or that the concern is so serious that it cannot be resolved informally at a local level, then formal procedures may be necessary eg Disciplinary Procedures.

It is crucial that the Station Manager ensures that Equal Opportunities is a continuing development process whereby training, education and dialogue are seen as important tools in promoting positive attitudes and behaviour patterns. The Station Manager should, therefore, ensure that regular training events are organised to effectively implement the brigade's Equal Opportunities Policy.

## 9. Equal Opportunities and the Law

It must be recognised that Equal Opportunities principles are embedded in statute law and therefore have implications for the organisation, its management and all of its employees. Under the law redress can be sought on issues affecting :

- (a) Gender
- (b) Ethnic origin
- (c) Personal circumstances
- (d) Bullying
- (e) Harassment
- (f) Victimisation
- (g) Discrimination.

## 10. Current Legislation and Codes of Practice Relating to Equal Opportunities

There are certain legislative enactments in force in the United Kingdom, which provide a legal framework for implementing equal opportunity in society. Those which are likely to affect, the general management of a watch on a fire station are listed below.

- (a) Race Relations Act 1976

Makes it unlawful to discriminate against a person, directly or indirectly, in the field of employment, on the grounds of race, nationality or ethnic background.

- (b) Race Relations (Amendment) Act 2000 – came into force 2nd April 2001

This Act imposes a statutory duty on local Authorities to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups. It is enforceable through the courts, if a public authority does not comply with the general duty to:

- (i) Eliminate Racial Discrimination
- (ii) Promote Race Equality
- (iii) Promote good relations between persons of different racial groups.

- (c) Sex Discrimination Acts 1975 & 1986

These Acts apply to both males and females and makes sex discrimination unlawful in employment and vocational training, education, the provision and sale of goods, facilities, services and housing. The Acts also protect employees from being victimised for making a complaint about equal pay or sex discrimination or for giving evidence about such a complaint.

It is important to note that both the Race Relations Act and Sex Discrimination Acts have specific sections within them that call for positive action to be taken by employers.

- (d) Protection from Harassment Act 1997

This Act makes harassment both a criminal offence and the subject of civil proceedings, even when it is not intentional.

- (e) The Discrimination (Gender Reassignment) Regulations 1999

This legislation applies to individuals who are undergoing gender reassignment (also known as transsexual). In particular, the above regulations extends the Sex Discrimination Act to cover discrimination where an individual is treated less favourably by another person on the grounds that the individual intends to undergo, is undergoing or has undergone gender reassignment. It is also unlawful for a person who is absent as a result of undergoing gender reassignment to be treated less favourably than they would be if the absence were due to sickness or injury.

- (f) Employment Equality (Sexual Orientation)

It is unlawful to discriminate against workers and providers of vocational training because of sexual orientation. 'Sexual Orientation' means they are gay, lesbian or bisexual.

(g) Employment Equality (Religion or Belief)

It is unlawful to discriminate against workers and providers of vocational training because of their religion or similar belief. The regulation also covers providers of vocational training. 'Religion or belief' means, to be of any religion, religious belief or similar philosophical belief.

(h) Disability Discrimination Act 1995

The Disability Discrimination Act makes it unlawful to treat a disabled person less favourable than you would treat others and cannot show that the treatment is justified. It also establishes a need to make reasonable adjustments for disabled people such as providing extra help or making changes in the way you deliver services.

(i) The Disability Discrimination Act 1995 (Amendment) Regulations 2003

Provides measures aimed at ending the discrimination which many disabled people face. The Act protects disabled people from discrimination in the field of employment. As part of this protection, service providers may have to make 'reasonable adjustments' to the physical features of their premises to overcome barriers to access to employment arrangements or premises which place disabled people at a substantial disadvantage compared with non-disabled people.

There is no exemption in relation to employment for the Fire Service.

## 11. Management Responsibilities

Managers may be faced with allegations of discrimination or harassment, either from an individual or a group. Such allegations must always be taken seriously and dealt with swiftly using established complaints procedures, grievance procedures or, in extreme cases, disciplinary procedures. Managers should follow these same procedures whenever they observe breaches of Equal Opportunities policies directly. It should be noted that individual managers can be called to give evidence at an Industrial Tribunal and could be found liable for breaches of Equal Opportunities Legislation.

## 12. Definitions

(a) Discrimination:

These are actual acts or words which discriminate against a particular group in society by treating them differently purely on the grounds of their sex, race, religion, sexual orientation or disability. All discrimination is based upon assumption and personal prejudice.

(b) Direct Discrimination:

Direct Discrimination consists of treating an individual less favourably than others on the grounds of race, colour, ethnicity, or national origin, religion, sex, sexual orientation, marital status, disability, trade union activity, political or religious belief, etc.

- (c) Indirect Discrimination:
- Indirect Discrimination consists of a neutral requirement, criteria or practice that would put individuals or groups at a particular and unjustifiable disadvantage when compared with others due to their sexuality, race, religion or belief.
- (d) Racism:
- This relates to racial prejudice and the use of power to oppress a person or a group because of their colour, race, nationality or ethnic origin.
- (e) Ageism:
- This denotes discrimination that is based on age, which especially affects young and elderly people in society.
- (f) Sexism:
- This refers to the various forms of discrimination experienced or encountered by women or men, on the basis of their sex.
- (g) Sexual Orientation:
- This refers to a person's sexual preference regarding relationships with people from the same sex or the opposite sex.
- (h) Harassment:
- Harassment can range from being offensive to frightening or distressing. It can be extreme such as intentional bullying and violence to less obvious subtle forms as ignoring someone. Whatever the form, it will be unwanted behaviour, which is unwelcome and unpleasant.
- eg physical contact, jokes, offensive language, gossip, slander, songs, letters, posters, obscene gestures, emblems, isolation or non-cooperation and exclusion from social activities.*
- (i) Positive Action:
- Both the Sex Discrimination Act 1975 and Race Relations Act 1976 allow employers and others to target training and recruitment efforts at those groups that are under represented in a particular area of work or in the workforce generally so as to enable them to compete equally for jobs. This is only allowed if it can be shown that a particular sex or racial group is considerably under-represented in the job concerned ie there are none or comparatively few. Positive action does not allow discrimination when deciding who will be offered a job.
- (j) Victimisation:
- This refers to the treatment of a person less favourably than another because he or she has in good faith made allegations about discrimination or has started legal proceedings under any of the relevant acts.

### 13. Recruitment and Selection – Applications for Appointment

In undertaking any recruitment or selection process in the Fire Service, the application of equality and fairness principles is essential. The following objectives should be included:

- (a) Encouraging a wide range of applicants, and particularly inviting applications from under-represented groups.
- (b) Using Positive Action measures eg specific wording in advertisements, selected recruitment and awareness days for minority groups, career conventions and community events for targeted groups.
- (c) Operating a fair and accountable selection process which ensures equality of opportunity and fairness in the interviewing procedures.
- (d) Attracting and recruiting suitable applicants who have the potential to develop the skills required by the Fire Service.

#### Interviews:

Interviews must be carried out in a structured manner. Questions or tests used as part of the selection process must be based on:

- (a) nature and type of job;
- (b) knowledge and understanding relating to the job;
- (c) unambiguous and clear questions;
- (d) consistent questioning technique; and
- (e) an awareness of the need to avoid bias, personal assumptions and stereotyping which could discriminate unfairly.

#### Person Specifications:

This is the most important document in the selection process. It is important that managers ensure that key job requirements are covered as a means of screening out applicants who do not have the required skills, knowledge, understanding or experience.

If a candidate is rejected on the basis of a requirement that is not included in the person specification then they may claim unfair discrimination – this is particularly relevant to individuals who are covered by the Sex Discrimination Act, Race Relations Act or Disability Discrimination Act.

#### **14. Ensuring Equality**

To be effective the brigade recruitment and selection policy must ensure that all processes are monitored. This should include specific consideration of gender, ethnic origin and disability. Where Positive Action measures have been used these will need to be closely scrutinized in terms of their success and future use.

#### **15. Conclusion**

Equality of opportunity is viewed as an area requiring special attention in order to achieve good management practice. Harassment can take many forms, from jokes to threats or actual physical violence. The result of harassment is that the victims often feel that they are working in a hostile and intimidating environment, or their job security is threatened. It must be the goal of all managers to maximize human resources under their control. This will help to create a framework and an environment for achieving access to training, development and promotion ie a key objective of equality and fairness in the workplace.

#### **References**

Fire Services Examinations Board