SCOTTISH FIRE AND RESCUE SERVICE
Working together for a safer Scotland

DIGNITY AND RESPECT POLICY

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Quality Control (name and date)	Roz Munro, HROD Manager – March 2022
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VERSION HISTORY

Version	Change	Who	When
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2.0	Section 4.9 added – Non-binary Discrimination	Roz Munro, HROD Manager	23/09/2022
3.0	Section 1.1 – added reference to Dignity and Respect FAQs; Section 2.0 – added explanation of LGBT+; People and Organisational Development updated to People	Roz Munro, People Manager	27/11/2023
4.0	Various minor amendments / additions to reflect requirements under the Worker Protection Act 2023	Roz Munro, People Manager	01/11/2024

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1. POLICY STATEMENT

1.1 Aims of the Policy

Respect is one of the four core Values of the Scottish Fire and Rescue Service (SFRS) and is an important principle for underpinning our desired organisational culture. By valuing respect, we will ensure we have an organisation where people work well together, where individuals recognise their own attitudes and actions have an impact on others, and where we all have a shared responsibility to challenge others in a constructive way if unacceptable behaviour is demonstrated.

Ensuring everyone is treated with dignity and respect at work is part of Our Commitment to you. Dignity and respect at work within SFRS extends beyond a workplace which is free from bullying, harassment (including sexual) or discrimination. It includes ensuring each person understands the positive behaviours which are required and the unacceptable behaviours which have no place within our workplace culture. Each person should feel valued for the contribution they make, working in inclusive teams where there is supportive dialogue to proactively resolve concerns.

We respect our differences and we recognise the clear link between fairness, equality and employment.

We are committed to preventing bullying, harassment, victimisation and discrimination and, to show our commitment, we apply a zero-tolerance approach, and these actions, in any form, will not be tolerated. SFRS is also committed to supporting employees' health and wellbeing and recognise that instances of this nature can have a significant impact on the physical and mental health of individuals, so will prioritise prevention to ensure workplace safety and ensure appropriate support is provided. This applies to prevention of sexual harassment in accordance with the Worker Protection Act 2023 but equally to preventing all forms of bullying, harassment, victimisation or discrimination at work.

This policy aims to set out our expectations and should be read in conjunction with the Bullying, Harassment and Discrimination Procedure which references the procedures to follow in the event that positive behaviours are not displayed or a complaint needs to be raised regarding unacceptable or discriminatory behaviour and unwanted conduct. It should also be read in conjunction with the Dignity and Respect Frequently Asked Questions (FAQs). Breaches of this policy may result in disciplinary action being taken, which could lead to termination of employment.

1.2 Objectives of the Policy

The objectives of this policy are to promote a culture of dignity, integrity and respect and to clearly define the standards of behaviour required within the workplace, to signpost support and guidance in a culture where employees have the confidence to raise concerns knowing they will be treated seriously. This includes protecting employees with our statutory requirements to protect and prevent any form of harassment in the workplace, including the prioritisation of prevention of sexual harassment and to raise awareness of the Worker Protection Act 2023. This policy supports the SFRS strategic direction and reinforces our commitment to having a positive workplace culture in an organisation which listens, learns and evolves.

2. INTRODUCTION

SFRS is committed to providing a supportive working environment where individuals feel accepted for who they are, valued for their contribution and work in an environment which is free from unlawful discrimination, bias, harassment or victimisation, in line with the provisions of the Equality Act 2010. This commitment is given to all employees irrespective of employment status, age, disability, sex, sexual orientation, religion or belief, ethnicity, race or nationality, pregnancy or maternity status, marital status, gender reassignment status or their social or economic circumstances.

SFRS is a Stonewall Diversity Champion and is committed to advancing Lesbian, Gay, Bi & Trans (LGBT+) equality and this is reflective in all our policies which are inclusive of all protected characteristics. SFRS has adopted the use of the acronym

LGBT+ to express a simplified reference to sexual orientation and expressions of gender identity:

L = Lesbian
G = Gay
B = Bi (bi-sexual)
T = Trans
+ = any other term an individual may opt to use to describe themselves such as pan-sexual, non-binary, gender fluid or the refusal to accept any descriptive term.

Further information can also be found on the SFRS intranet and Stonewall website which lists all LGBT+ terms.

In addition, the prevention of discrimination, victimisation and harassment in relation to gender identity, gender expression, non-binary identities, language, social origin, employment status, political belief, trade union membership or activity, or responsibility for dependants is key to this policy.

Central to this pledge is the development, implementation and monitoring of employment practices, including recruitment and selection, promotion, training and career development, that are themselves supportive, inclusive and free from unlawful discrimination or bias.

As detailed within Our Values, we are entirely committed to having a positive approach to workplace relationships, based on a commitment to treat all employees with kindness and respect and to challenge, remove and prevent all forms of unacceptable behaviour.

SFRS has a zero-tolerance approach to all forms of bullying, harassment (including sexual) and discrimination and encourages a report-it culture where employees are supported to raise concerns without fear of reprisal or victimisation. This includes prohibiting and preventing sexual harassment in the workplace.

By implementing this policy, SFRS will:

- Ensure a clear understanding of the expectations of all employees / representatives in terms of positive and professional behaviours in the workplace;
- Ensure all reasonable steps are taken to prevent all forms of bullying, harassment, victimisation and discrimination;
- Ensure refresher training is provided for all employees within SFRS, identified through the appraisal process and through local POD learning and skills development partners.

This policy outlines:

- The responsibilities of all employees;
- Signposting employees to SFRS processes to follow in the event of concerns raised.

3. SCOPE

This policy applies to all SFRS employees including permanent, temporary, and fixed term staff (even if seconded to other organisations). Job applicants, volunteers, students, Board members, workers of SFRS, e.g. agency staff, contractors, work experience placements and staff seconded to SFRS will be subject to the principles of the policy and may be asked to leave the Service if they do not comply with those principles. This policy outlines the framework and principles that SFRS will use in embedding equality and fairness for all within the workplace.

4. DEFINITIONS

4.1 Protected Characteristics

Protected characteristics covered in the Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion

or belief, sex and sexual orientation. There are differences in the scope and extent of protection for each of the protected characteristics.

4.2 Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see Perceptive Discrimination below) or because they associate with someone who has a protected characteristic (see Associative Discrimination below). Where a woman is treated less favourably because of her pregnancy or being on maternity leave, this would constitute direct discrimination. Where an LGBT+ colleague is treated less favourably than another colleague because of this, this would also constitute direct discrimination.

4.3 Indirect Discrimination

Indirect discrimination can occur when you have a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination does not apply to the protected characteristics of pregnancy and maternity but may cover these conditions through the protected characteristic of sex (gender).

4.4 Associative Discrimination

Associative discrimination is a form of direct discrimination against a person because they associate with another person who possesses a protected characteristic. Associative discrimination applies to the protected characteristics of race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. For example, a candidate who has been told they are getting a job is suddenly deselected after revealing they have a severely disabled child with complicated care arrangements or an employee is being discriminated against because their son / daughter / a relative is LGBT+.

4.5 Perceptive Discrimination

Perceptive discrimination is a form of direct discrimination against an individual because others perceive they possess a particular protected characteristic. For example, someone is perceived to be LGBT+ based on their looks / mannerisms (links to stereotypes and prejudices).

Perceptive discrimination applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. The person does not need to have these protected characteristics to be protected by this clause. Another example is where a Sikh man is being subjected to Islamophobic abuse as perpetrators mistakenly identify them as Muslim through wearing a turban.

4.6 Harassment

Harassment is unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment applies to all protected characteristics except for pregnancy and maternity, and marriage and civil partnership. This also applies to prevention of sexual harassment in accordance with the Worker Protection Act 2023 but equally to all forms of harassment.

Harassment at work has a significant negative effect on both personal and working lives. Mental and physical health and wellbeing are impacted alongside productivity.

Unwanted conduct and behaviours can include (but is not limited to) spoken words, banter, written words, posts or contact on social media, images, physical gestures, facial expressions, pranks, aggression. Social media applications include but are not limited to Twitter, Facebook, Instagram, YouTube, WhatsApp, Linkedin, Tik Tok, Snapchat.

4.7 Victimisation

Victimisation occurs when an employee is treated unfairly because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or because they are suspected of doing so. SFRS will ensure that employees who make an allegation of bullying, harassment or discrimination in good faith, or who act as a witness in such a case will not be victimised for doing so. Where it is established that victimisation has taken place, disciplinary action may be taken, which can include dismissal.

4.8 Bullying

Bullying is behaviour from a person or group that is unwanted and can result in someone feeling uncomfortable, frightened, stressed, less respected, made fun of and/or upset. Bullying at work becomes harassment when the unwanted behaviour is about any of the nine protected characteristics contained within the Equality Act 2010.

Any activity or behaviour that has an impact on the workplace is relevant when considering the SFRS Dignity and Respect Policy. This includes cyber harassment or bullying via social media or communication apps, through personal emails and texts and can extend beyond the workplace where there is a negative impact on an employee of SFRS.

4.9 Non-binary Discrimination

All LGBT+ staff are accepted without exception within the SFRS workplace. Discrimination against those employees who are non-binary or gender fluid is wholly unacceptable and will not be tolerated.

5. LEGAL REQUIREMENTS

5.1 Equality Act 2010

SFRS has a duty to ensure compliance with the Equality Act 2010 and the associated Statutory Code of Practice: Employment. SFRS will take steps to comply with the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (the Regulations). SFRS also has a duty to take reasonable steps to prevent sexual harassment in the workplace in accordance with the Worker Protection (Amendment of Equality Act 2010) Act 2023. In this regard, SFRS will:

- Ensure that all relevant employment policies and practices are considered within the SFRS Equality and Human Rights Impact Assessment process;
- Take steps to gather, analyse and use employment monitoring data;
- Publish an Equal Pay statement;
- Collect and publish Gender Pay Gap and occupational segregation data;
- Publish the gender diversity of SFRS board members;
- Report on progress made towards achieving equality outcomes;
- Publish an Equality Outcomes mainstreaming report.

5.2 Human Rights

SFRS has a duty to act in a way which is compatible with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The relevant elements of the ECHR as it relates to SFRS employment practices are – privacy and data protection, freedom of expression and thought, trade union activity and harassment.

The ECHR provides that the right to freedom of expression and thought of one individual should not infringe upon the rights of others. This means that the expression of views that could cause harm to others is not protected under the ECHR; for example, the right to freedom of expression does not allow for the demonstration of religiously intolerant opinions. SFRS will take steps to ensure that

all employees are familiar with the equality and human rights implications associated with the implementation of relevant employment policies and practices and will actively encourage equality and diversity good practice.

5.3 Health and Safety at Work Act 1974

Employers are required to provide a safe place of work under the provisions of the Health and Safety at Work Act 1974. This includes ensuring risks are assessed and protecting workers and employees so they are protected from mental and physical health hazards. This can include work related stress, which can arise because of bullying, harassment or discrimination.

Individuals wishing further detail on the content and scope of the legislation should refer to the relevant documents available on iHub.

6. RESPONSIBILITIES

6.1 Corporate Responsibilities

Each Directorate / Area / Function is responsible for creating a positive and supportive culture where all employees come to work knowing they can be themselves and will be safe and protected from bullying, victimisation, harassment and discrimination of any kind.

6.2 Directorates

Directorates, through Heads of Service, will ensure this policy is implemented by creating a positive culture in which each individual is treated with dignity and respect and that SFRS values are embedded into our everyday working lives.

6.3 Managers

Local Senior Officers / Area Commanders / Departmental Managers are responsible for:

- Ensuring they comply with this policy;
- Leading by example by demonstrating professional behaviours at all times;
- Creating a positive and supportive workplace culture;
- Complying with health and safety legislation to create a safe working environment and assess risks to all employees and others;
- Encouraging an open-door approach;
- Having regular one to one meetings and creating opportunities for open dialogue with colleagues;
- Ensuring assessment and mitigation of risks in the workplace are known and that these form part of regular governance monitoring arrangements;
- Ensuring they create an environment where employees understand the professional and respectful behaviours expected of them and are clear that bullying, harassment (including sexual harassment) and discrimination is completely and wholly unacceptable;
- Supporting training for all employees which sets out what bullying, harassment (including sexual) and discrimination are, the need to act immediately if employees experience it and how to handle complaints;
- Actively challenging inappropriate and unwanted behaviour and by responding constructively and supportively when an employee raises concerns;
- Ensuring support is offered to any employee who raises a concern of bullying, harassment (including sexual) or discrimination and helping them to resolve the complaint;
- Having an awareness of other relevant employment policies and practices in relation to equality issues that are referred to within this policy, e.g. reasonable adjustments on the grounds of disability within the Recruitment and Selection Policy or the Attendance Management Policy;
- Liaising with a People Adviser as required for advice and guidance.

6.4 People Directorate

The People directorate is responsible for:

- Providing advice and guidance regarding this policy and other relevant policies;
- Regular monitoring and review of this Policy and the supporting procedure and their application;
- Providing appropriate training where necessary.

6.5 Employees

Employees must comply with this policy and behave in an appropriate, professional and positive way at all times towards colleagues and the public. All employees have a responsibility to demonstrate respect for others, treat others with dignity and encourage inclusiveness. All employees have a responsibility to help create a working environment that has a zero-tolerance approach to all forms of bullying, harassment (including sexual harassment) and victimisation, and condemns such behaviours or unwanted conduct.

Employees are responsible for:

- Cooperating with managers to ensure the effective implementation of this policy;
- Applying the contents and spirit of this policy in practice. This extends to workers and volunteers;
- Ensuring that their personal conduct is professional, complies with the Code of Conduct and relevant job description;
- Contributing to a dignified working environment in which bullying and/or harassment (including sexual) is unacceptable;
- Appreciating the differences of others and respecting the differing views of others;
- Ensuring that training is undertaken and regularly updated;
- Challenging in an appropriate manner the behaviours of others where the behaviour is inconsistent with the principles and spirit of this policy;

- Regularly seeking feedback from others and reflecting on own behaviours to ensure these are supportive;
- Raising awareness of issues at the earliest opportunity. If an employee identifies an unsafe condition, hazard or risk within the workplace, then they must notify their line manager or a safety representative;
- Actively participating in activities which foster positive working relationships with all colleagues;
- Giving consideration on accessing support to maintain health and wellbeing.

6.6 Trade Unions

Recognised Trade Union representatives' functions include:

- Co-operating with SFRS to ensure this policy is effectively implemented;
- Consulting with managers and POD as appropriate where behaviours fall below the expected standards;
- Encouraging employees to co-operate and comply with this policy.

6.7 Contact Advisors

Contact Advisors are responsible for:

- Understanding and explaining the importance of the broad topic of Equality, Diversity and Inclusion;
- Offering confidential support on issues relating to bullying, harassment and discrimination;
- Explaining the informal and formal procedures under the Bullying, Harassment and Discrimination Procedure and different routes to resolution;
- Recognising when and how to signpost individuals to sources of specialist support;
- Compassionately challenging inappropriate behaviour;
- Balancing the requirements of the Contact Advisor with their own role;
- Actively listening to understand underlying issues without making judgement;

- Recognising the importance of empathy when facilitating reflection and clarifying of events;
- Attending training to support them in undertaking this role.

7. EMPLOYEE SUPPORT

7.1 Health and Wellbeing

SFRS is committed to employees' health and wellbeing and recognise that being subject to unacceptable, unwanted or discriminatory behaviours may impact on the physical and mental health of individuals.

Negative behaviours can have a serious impact on stress levels and/or mental health. Many symptoms of stress and a mental health condition are similar, the main difference being the severity and impact on an individual's day to day life. Most people who are diagnosed with a mental health condition receive treatment and continue to work. It is essential to ensure appropriate help is sought at the earliest stage.

We will therefore ensure support is provided to employees who may require this through our Health and Wellbeing teams and SFRS Employee Assistance Programme. This can be through a self-referral or a referral by a line manager. Support information is also available on iHub.

7.2 Employee Assistance Programme

Our employee counselling service is independent and confidential and provides access to trained counsellors and welfare practitioners. The support is available free of charge to all SFRS employees 24/7, 365 days a year.

Counselling allows individuals to talk about their problems and feelings in a confidential and dependable environment and could help if they are suffering from a range of mental health conditions such as stress, anxiety, depression, post-traumatic

stress disorder or any other difficulty that may be causing them emotional pain or making them feel uncomfortable. They are able to self-refer to this service and further information can be found on the Health and Wellbeing iHub page.

7.3 Trade Unions

Employees who are a member of a trade union may also wish to contact their representative for support and advice:

- Fire Brigades Union;
- Fire Officers Association;
- Fire and Rescue Services Association;
- UNISON;
- UNITE.

8. MONITORING AND REVIEW

8.1 Monitoring and Record Keeping

SFRS is committed to evaluating the effectiveness of its activities and operations, and meeting its statutory obligations for monitoring. To do this, we will:

- Create and capture necessary data to demonstrate evidence, accountability and information about our decisions and activities and the effectiveness of policies, procedures and processes;
- Maintain securely and preserve access to records, as long as they are required to support SFRS operations, in accordance with the SFRS Records Retention Schedule;
- Meet legal record-keeping requirements, including the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002, and confidentially destroy those records as soon as they are no longer required.

8.2 Privacy Statement

SFRS processes personal data collected as part of this Dignity and Respect Policy in accordance with the Data Protection Act 2018 and General Data Protection Regulation 2016/679 (GDPR). Data Protection Impact Assessments are carried out where necessary for new and revised policies, involving the processing of personal data. A privacy statement / privacy notice will include an explanation of the purpose for collecting / processing any data. It will include the lawful processing of personal data as set out in Article 6 of GDPR.

8.3 Consultation

This policy has been developed following full consultation with relevant stakeholders and representative bodies. It has been agreed by the relevant SFRS Boards / Committees who provide strategic advice and advice on matters affecting employees, whilst ensuring it supports the strategic aims of SFRS.

8.4 Policy Review

This policy will be subject to update and review as necessary by the POD Directorate, at no more than five yearly intervals or earlier should any relevant legislative, precedent, judgement, operational review or organisational changes occur prior to that date.

9. EQUALITY

The equality issues associated with this policy have been considered and are detailed within the Equality and Human Rights Impact Assessment, to which interested parties are directed for associated equality issues, both directly and indirectly relevant to this policy.

10. ASSOCIATED DOCUMENTS / REFERENCES

Attendance Management Policy

Bullying, Harassment and Discrimination Procedure

Code of Conduct for SFRS Employees

Dignity and Respect FAQs

Equality and Human Rights Impact Assessment – Dignity and Respect Policy

Our Values Framework

Records Retention Schedule

Recruitment and Selection Policy

Data Protection Act 2018

Equality Act 2010

Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

Freedom of Information (Scotland) Act 2002

Health and Safety at Work etc. Act 1974

Equality Act 2010 Statutory Code of Practice: Employment

Worker Protection (Amendment of Equality Act 2010) Act 2023