



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

1

STRATEGY

West Midlands Fire Service is fully committed to meeting the diverse needs of the communities it serves and recognises that having an inclusive and diverse workplace is a vital part of achieving this.

The personal commitment of every employee, contractor, partner agency and stakeholder of West Midlands Fire Service to this policy and the application of its principles are key to its success in ending unlawful discrimination, promoting inclusion and cohesion, and advancing equality of opportunity. To ensure we further these goals we have a set of clear equality objectives. Progression against these objectives is supervised by the Fire Authority Scrutiny Committee.

Within 'The Plan' the Service has committed to strategic 'Equality and Diversity Objectives' where equality outcomes are delivered for our communities and employees. The Service proactively does this through implementing the Marmot Principles and delivery model in our work.

2

PURPOSE

This policy sets out the statutory requirements, rights and responsibilities of West Midlands Fire Service as a Service Provider and employer as required by legislation. This policy also sets out expectations of the behaviours of our employees in reference to equality and diversity in line with our core values which are supported by the Code of Conduct and Dignity at Work Policy.

If you want further details on the Equality Objectives, you will find this information on MESH.

The Service is committed to valuing the diversity of our employees and putting steps in place to respect the individual's needs wherever possible. The provision of reflection rooms demonstrates the Services commitment to valuing the diversity of faith among our employees. The provision of a personal reflection room, where reasonably practicable is a key part of this. Please see Provision of Personal Reflection Rooms

This policy applies to all employees of West Midlands Fire Service.



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

3

RESPONSIBILITY

3.1 Rights

Any service user or member of the public who feels that they have received less favourable treatment or have been unlawfully discriminated against on the grounds of their protected characteristic is encouraged to submit a complaint to West Midlands Fire Service which will be dealt with via the Compliment Comments and Complaints process.

All employees, service users, Authority members, partner agencies, contractors and any other individual or groups that we engage with have a right to be treated with dignity and respect, see Code of Conduct and Dignity at Work.

Responsibilities

The West Midlands Fire Service recognises its responsibilities as an employer, both legally and morally for the full implementation and monitoring of this policy.

The Service will make sure that the policy and procedures contained within this policy are evaluated, reviewed and regularly updated.

The Service will consult regularly with the recognised trade unions, employee representatives and employee forums/ stakeholder on equality and diversity matters and their implications.

3.2 Manager Responsibilities

In addition to our individual responsibilities, all employees with managerial or supervisory responsibilities have a key role to play in the promotion of the Equality and Diversity Policy. Managers and employees must abide by the appropriate PSS policies and procedures at all times.

Managers are expected to conduct themselves with the highest standard of behaviour and be role models for the Core Values

Further guidance on managers and supervisors' responsibilities can be found in Dignity at Work.

3.3 Employee Responsibilities

All West Midlands Fire Service employees are responsible for upholding this policy and all managers are accountable for its effective implementation. Failure to abide by this policy may result in disciplinary action.



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

4

PROCEDURES

4.1 Equality Duty

The Equality duty can be summarised by its three aims:

- **Eliminate** unlawful discrimination, harassment and victimisation and other conduct prohibited by the act.
- **Advance** equality of opportunity between employees who share a protected characteristic and those who don't.
- **Foster** good relations between people of diverse backgrounds, and those who share a protected characteristic and those who don't.

These outcomes will be achieved by;

- Making equality considerations in all relevant decision making, employment policies and practices, our service provision and community engagement and in our involvement with partner agencies and the people of the West Midlands.
- By educating our employees and partners to promote a greater understanding and awareness of equality issues
- Setting clear expectations of the behaviour of our employees as outlined in our Code of conduct and Dignity at work policies

West Midlands Fire Service seeks to provide an environment where all employees and service users are treated with dignity and respect and do not suffer unlawful discrimination owing to any **perceived, actual or association** protected characteristic as defined by the Equality Act 2010. These protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and Maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Alongside setting out general principles for equality and diversity; the policy will focus on each of the protected characteristics to set out specific expectations.

4.2 Our Commitment to Equality and Diversity

The Service is committed to understanding and being responsive to the diverse needs of our communities and also to our Service's core values which enables the Service to provide the



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

best working environment for our employees and the most effective and professional standards in service delivery.

We expect the highest standards of behaviour, particularly in regard of Equality and Diversity issues from our employees and require our employees to demonstrate this in their personal interactions within the workplace and at any time where they are clearly identified as an employee of West Midlands Fire Service. Any behaviour which falls short of this expectation may result in disciplinary action.

Our commitment to fulfilling the General and Specific duties placed upon us by the Equality Act 2010 and also meets the statutory requirements set out within the Act.

4.3 Core Values

Underpinning our policy are the Service's core values; upholding, promoting and demonstrating these behaviours will enable West Midlands Fire Service to achieve the aims and objectives of this policy. Our core values are mainstreamed throughout our Service not only by training all our employees but in how those values influence our day to day business from recruitment to procurement and how we develop projects from the earliest planning stage.

WMFS Core values are also fundamental in the achievement of our strategic objectives as detailed in 'The Plan'. This includes our People objective which states that 'We will develop a skilled, motivated and flexible workforce reflective of our community, who are focused on continually improving the services we provide'.

Our core values are:

We will value **Service to the Community** by:

- Working with all groups to reduce risk
- Treating everyone fairly and with respect
- Being answerable to those we serve
- Striving for excellence in all we do

We value all of our **People** by practising and promoting:

- Working with all groups to reduce risk
- Treating everyone fairly and with respect
- Being answerable to those we serve
- Striving for excellence in all we do

We value **Diversity** in our service and the community by:

- Treating everyone fairly and with respect
- Providing varying solutions for different
- needs and expectations
- Promoting equal opportunities in employment and progression within the Service
- Challenging prejudice and discrimination



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

We value **Improvement** at all levels of the service by:

- Accepting responsibility for our performance
- Being open-minded
- Considering criticism thoughtfully
- Learning from our experience
- Consulting others

4.4 Human Rights Act 1998

The Human Rights Act 1998 came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law.

Human rights are legal obligations owed by public authorities to everyone. This means that governments and public authorities must act in a way that respects human rights. Governments must also pass laws to ensure that individuals respect each other's human rights. Every human being has human rights regardless of their particular situation or characteristics.

4.5 Age Equality

The Service is committed to working with our community partners to engage and promote safety to high risk groups due to age which include disproportionate levels of injuries and fire deaths. The Service is committed to educating young people via a range of school visits and education programs at various locations including our purpose built SafeSide facility.

As an employer and a provider of services we will value all people regardless of their age, including challenging negative stereotyping and making assumptions about people's choices and delivering services in a sensitive and appropriate manner considering the needs of individuals.

4.6 Disability Equality

The West Midlands Fire Service recognises that people with a disability are disadvantaged by both a social and physical environment focused on the needs of non-disabled people. As such, the West Midlands Fire Service is committed to achieving disability equality by eliminating unlawful discrimination on the grounds of disability the Service embraces the **social model of disability** and aims to make sure that the working environment, where practical, is accessible in order that employees with disabilities are not disadvantaged.

All managers have a responsibility to make sure that if employees declare a disability or become disabled during the course of their career the employee is offered the right support to allow continued employment whenever possible including the consideration of any reasonable adjustments that may be required.



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

4.7 Gender Reassignment

The Service works towards increasing understanding within our workforce and service delivery. We also develop awareness with our employees where appropriate so that the employee understands and can respond to the needs of individuals who are transgender. Managers are expected and required to provide support to an employee who is or was undergoing gender reassignment to ensure that the employee is not subjected to harassment or bullying. The manager and the employee in question would be able to access support and information from the DICE team to ensure that the transgender employee's workplace was a supportive environment.

Further details and support can be found in our Transgender and Gender Identity policy

4.8 Marriage and Civil Partnership

The Service is opposed to unlawful discrimination on the grounds of marital status including civil partnership and we will ensure policies and procedures are monitored in order that employees and service users who are married or in a civil partnership are not disadvantaged in the provision of employment and goods and services.

4.9 Pregnancy and Maternity

The Service provides a range of flexible working arrangements and opportunities for its employees and has an excellent record of women returning to work after maternity which we aim to sustain. The West Midlands Fire Service is opposed to unlawful discrimination on the grounds of pregnancy and maternity.

Managers are expected to support employees returning to work following maternity leave to ensure a smooth transition back into the workplace.

Further details are set out in Pregnancy, Maternity, Paternity, Adoption SP Provisions Leave and Pay 06.

4.10 Race Equality

Race includes colour, nationality, ethnic or national origins. In relation to the protected characteristic of race, a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group.

The Service will target appropriate and relevant prevention activities to vulnerable communities, where there is evidence of disproportionate risk to the safety of individuals. The Service will continue to undertake monitoring in relation to race to make sure employees are not being disadvantaged and have equal access to equality of opportunity during their employment including promotion progression, training and development opportunities.

The Service encourages applications from individuals from underrepresented groups and offers pre recruitment support programs to better prepare applicants from these groups for selection.



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

4.11 Religion or Philosophical Belief Equality

The Service represents an extremely diverse region for faith with large faith communities and is committed to tackling unlawful discrimination on the grounds of religion and belief and promoting good relations between people of different religions and beliefs.

The Service provides reflection rooms which are for the use of all employees (and where requested and practical, visitors and/or guests). The use of the room is not specific to any particular faith and can also be used by employees who may wish to use the room during break periods for quiet reflection – Please find more details in Provision of personal reflection rooms

The Service also recognises and respects different religions and beliefs developing appropriately sensitive employment practices and through our etiquette, our behaviours, and the ways in which we communicate and engage in delivering our services.

The Service strives where possible to eliminate any barriers to for individuals with particular religious from joining the service.

4.12 Sex Equality

The Service strives to create an inclusive working environment and eliminate any form of discrimination or harassment based on gender. As a legal requirement the Service will publish its gender pay gap data yearly and put actions in place to reduce any gap.

The Service will ensure that policies and procedures are monitored in order that employees are not disadvantaged in the provision of employment.

Further details can be found in Dignity at Work – Dignity at Work

4.13 Sexual Orientation Equality

The Service is opposed to unlawful discrimination on the grounds of a person's sexual orientation. The Service will ensure where appropriate that employees understand and can make considerations to the needs of individuals with a different sexual orientation including those who identify as Bisexual. The Service will take action in relation to complaints or allegations about bullying and harassment in the workplace in respect of sexual orientation and create an environment where employees are free from unfair treatment and feel safe to be open about their sexuality if the employee chooses to do so. The Service will ensure that policies and procedures are monitored in order that employees are not disadvantaged in the provision of employment.

4.14 Harassment under Dignity at Work

Within the Equality Act, the definition for harassment is 'unwanted conduct on the grounds of a protected characteristic under the Equality Act which has the purpose or effect of either violating the employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them'.



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

Further details can be found in the Dignity at Work, Dignity at Work.

4.15 Practices and Supporting Policies

In order to ensure equality of opportunity for all, our procedures and practices will provide a framework to ensure that no job applicant, employee or service user receives less favourable treatment on any grounds that cannot be justified. These include Age, Disability, Gender Reassignment, Transgender or non-binary, Marriage & Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, Sexual Orientation.

4.16 Equality Impact Assessments

The Service will carry out equality impact assessments (EIAs) to demonstrate legal compliance with the Equality Act 2010.

The Service has a legal duty to demonstrate due regard of the impact of its services and policies in terms of the general equality duty as set out in the Equality Act 2010. Further details can be found in Equality Impact Assessment Procedures

4.17 Employment Practices

The Service recognises that clear and fair recruitment and selection practices are critical to ensuring equality of opportunity. The Service will guarantee a job interview to candidates with disabilities who meet the minimum criteria for the post for which they are applying as permitted by the Equality Act.

The Service will conduct a range of positive action initiatives in recruitment and internal progression in line with section 158 of the Equality Act 2010 to address under representation within its workforce.

The Service reserves the right to enact Section 159 of the Equality Act during selection on a case by case basis.

4.18 Learning and Development

Training and development on equality and diversity enables employees to be sensitive and responsive to the needs of the wider community, in the delivery of our services of prevention, protection and response. It also equips employees with the skills and knowledge to enable individuals to understand their workplace rights and challenge unlawful discriminatory behaviour.

Training and learning opportunities designed to promote understanding of equality and diversity will be arranged regularly for all employees as well as online resources which can be accessed by all employees.



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

4.19 Service Delivery

The West Midlands Fire Service is committed to making sure that equality and diversity is integrated into all relevant areas of service planning and this is reflected in 'The Plan' which sets out the key priorities for reducing risk in the community.

At the core of our work, we aim to deliver the best possible level of service to the people of the West Midlands in order to make them safe. We will ensure that we provide suitable, accessible and effective services and facilities free from unlawful discrimination, prejudice or stereotyping.

4.20 Monitoring

West Midlands Fire Service has a legal duty to regularly monitor the make-up of its workforce to make sure that individuals are not disadvantaged. Our equality monitoring data is to be published annually, considered by Authority members and Strategic Enabling Team with regard to our Equality Objectives as set out within our specific duties under the Equality Act.

4.21 Procurement

As a public authority West Midlands Fire Service has a duty to follow national and European Union public procurement legislation. West Midlands Fire Service will make sure that all external providers carrying out work on our behalf sign up to the Service's Equality and Diversity policies and standards.



APPENDIX 1 – PROVISION OF PERSONAL REFLECTION ROOMS

Reflection rooms are for the use of all employees (and where requested and practical, visitors and/or guests). The use of the room is not specific to any particular faith and can also be used by employees who may wish to use the room during break periods for quiet reflection.

Approach

The manager responsible for each location which currently has a reflection room should make sure that all employees are aware of the availability of the room.

Employees who identify a need for a room in which to practice their faith through prayer or contemplation should, in the first instance, discuss it with their line manager. Together they should consider the rooms available within the location to try to identify a suitable room. It is an organisational commitment and legal requirement for all managers to give serious consideration to all requests relating to the practice of an employee's faith. The line manager should draw upon the expertise of the Facilities Management Section or the DICE Team for further assistance if required.

Failure to reach a satisfactory agreement between the employee and line manager should be documented. An appeal of the decision can be made via the grievance process.

Room guidelines

The Service recognises different faiths have different religious practices, customs and requirements concerned with prayer, worship or spiritual contemplation. When choosing and setting up a reflection room, the Service will consider the following.

- **Location:** There may be requests for use of the reflection room by members of the public during events or meetings so it may be worth considering public access, also consider access requirements for staff or public who may have disabilities, for example ground floor or wheel chair access.
- **Safety considerations:** The Service will need to consider fire safety implications when employees are using rooms, for example the use of candles in the reflection rooms is not permissible due to fire safety risks and where possible in the event of a fire an easy escape route should be clearly identified.
- **Dual use of room:** If the space for a dedicated room is not available it is permissible for a room to have dual use. The times when the room is being used as such need to be clearly displayed and measures put in place to ensure that the room is private and those using the room for prayer or reflection will not be disturbed. Any dual use should not impact on the rooms function as a place for quiet reflection.

If you would like to use a room for any reason please inform your manager who can make the necessary arrangements.



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

APPENDIX 2 - EQUALITY IMPACT ASSESSMENT PROCEDURES

STRATEGY

It is the policy of the West Midlands Fire Service to carry out equality impact assessments (EIAs) to demonstrate due regard to Equality considerations as detailed in the Equality Act 2010.

Equality impact assessments are used as a systematic way to assess all policies, procedures, activities and proposed projects for impact on employees of the West Midlands Fire Service and members of the public. This impact may be negative (and therefore potentially constitute unlawful discrimination) or positive (furthering the organisations commitments under the general and specific duties of the Equality Act 2010).

The completion of an EIA allows the organisation to demonstrate that it has taken Equality considerations into account when developing new policy's, projects or practices and that the organisation adapts to the changing nature and needs of the community it serves

Any new policy development, activity, service project or any policies being amended and reviewed should undergo an equality impact assessment. The aim of an equality impact assessment is to highlight the likely impact of the policy, activity or project on the groups listed below, it will also determine the extent of any differential impact and identify ways in which the policy should be changed or this impact mitigated if adverse.

The assessment process requires policy and project leads to demonstrate that a number of key considerations have been taken into account in developing or revising a policy or practice.

Policy leads have a responsibility to show due regard to equality considerations and to assess their policies for any impact on the following; these are termed '**protected characteristics**'.

- Age
- Disability
- Gender Reassignment, Transgender and Non-Binary
- Sex/ Gender
- Pregnancy and Maternity
- Race, national identity or ethnicity
- Religion or other philosophical belief
- Sexual orientation
- Marriage and civil partnerships (only in terms of eliminating discrimination)

Further detail on these "Protected characteristics" can be found in Equality and Diversity Policy

In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

WMFS is a listed body covered by the specific duties of the Equality Act 2010 and as such is required to publish sufficient information annually to demonstrate its compliance with the general equality duty across its functions.

This information must include information on the effect that its policies and practices have had on people who share a relevant protected characteristic, to demonstrate the extent to which it furthered the aims of the general equality duty for its employees and for others with an interest in the way it performs its functions.

PROCEDURES

The main purpose of an EIA is to examine policies, projects, services and functions to determine whether the policy, service, function or project has:

- an impact on members of the public or employees of the West Midlands Fire Service; or
- a potential adverse impact on any of the 'Protected characteristics'.

The EIA process consists of 2 parts:

- initial equality impact assessment screening process.
- full equality impact assessment.

If the initial equality impact assessment screening process identifies that the policy, project or activity has a significant impact on people with a protected characteristic then a full equality impact assessment must be completed.

A full EIA is likely not to be required when:

- there is little relevance to the general duties.
- there are no concerns of adverse impact.
- there are no concerns of unlawful discrimination.
- The policy or project is very technical in nature

A full EIA is likely to be required when:

- there may be some concern or evidence of negative or adverse impact.
- there may be some concern that unlawful discrimination may happen in the application of the policy, project or service.
- the policy, project or service as a positive impact on equality and there is a need to capture the learning and best practice.

A full EIA will be required when:



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

- the policy, project or service has a direct impact on services provided to the community.
- the policy, project or service is going to directly impact on staff affecting pay or conditions or may result in restructure or redundancy
- there is substantial concern or evidence of negative or adverse impact.
- there is substantial concern that unlawful discrimination may happen in the application of the policy, project or service.

Who is responsible for carrying out EIAs?

The lead person on any project or policy formation or review is responsible for making sure that an initial equality impact assessment and a full equality impact assessment is completed, if required.

Members of staff responsible for writing, amending or reviewing policies should make sure that they have had equality impact assessment training or have sought guidance from the DICE team. Each department should identify a person who is responsible for EIA and ensure that any EIA are reviewed in line with the review date identified in the EIA form.

The DICE team can provide advice guidance and assistance when requested.

When should an EIA be completed

An EIA should be completed at the start of any design process for a policy or activity. A robust EIA will help inform any design process and help promote more effective and targeted policy or activity.

Information gathered from the EIA may help change key aspects of any activity and therefore should not be completed after decisions have been made. The purpose of an EIA is to encourage holistic thinking and to ensure any impact on those with a protected characteristic is fully explored.

Sometimes not all factors are known at the beginning of a project; an EIA should be a living document and be revisited as part of any review/evaluation process of a policy/activity.

With some policies/activities it may be necessary to carry out further EIA' at a later day on specific aspects of an activity. An EIA is a living document and as a project evolves and as is implemented then the EIA should be updated.

Initial impact assessment screening process

At the screening stage, members of staff responsible for completing EIAs will need to identify whether the policy, activity, function or project impacts directly on employees or members of the public. Members of staff also need to determine whether the policy has an impact on specific groups of people.

If it is felt that a full EIA is required, then this can be completed without the need to complete an initial EIA

The initial EIA form can be found here

https://forms.office.com/Pages/ResponsePage.aspx?id=0CWxyIW6QUSLBt9SOFGxkNDVdSjlTBxGrADpUR7-W_hUM1AwTDk450xQNjNOTE8xQ1JOUkdFNDIJUS4u

Full impact assessment



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

A Full EIA is carried out if it has been identified by an initial EIA or the owner of the policy or project considers it to likely to have an impact on employees or service delivery. For projects or policies with a widespread or likely to have an equality impact then a full EIA can be completed. An initial EIA is not required if a full EIA is completed.

The Full EIA form can be found here

https://forms.office.com/Pages/ResponsePage.aspx?id=0CWxyIW6QUSLbt9SOFGxkNDVdSjlTBxGrADpUR7-W_hURDJJOTBHMTThFTDc2RTZNVEk4OVZOS01TUC4u

Monitoring

The impact assessment of any project or policy will have helped you to anticipate its likely effects on specific groups of people. Monitoring of the policy once it is in operation must be carried out to ensure that any unforeseen impacts are identified.

The final policy may be revised to take account of some or all of these findings, but you will only know the actual impact of the policy once it is in operation.

This means that the policy will require regular monitoring to identify what is happening in reality. Monitoring consists of continuous scrutiny, follow-up and evaluation of policies. It is not solely about the collection of data, it can also take the form of regular meetings and reporting of research that has been done.

It is normally recommended that an EIA for a new policy or project is reviewed after 6-12 months

APPENDIX 3 - SEXUAL HARASSMENT IN THE WORKPLACE

Strategy

It is the strategy of West Midlands Fire Service to provide a working environment which promotes the safety at work for all employees and volunteers by protecting them from sexual harassment in the workplace. Conduct which creates an unsafe, offensive and intimidating environment within the workplace will not be tolerated and may lead to disciplinary action.

The Service has a legal (General Duty Equality Act 2010, Health and Safety Act 1974) and moral responsibility to protect all employees from sexual harassment and will ensure that unsuitable conduct and behaviour is dealt with effectively.

This document details the procedures and practices that all employees are expected to follow in order to ensure that we treat each other with dignity and respect in the workplace and the consequences of subjecting a fellow employee, contractor or member of the public to sexual harassment.

Expectations

All employees of the Service have the right to be treated with dignity and respect, regardless of their position and should not be subjected to sexual harassment in the workplace.

In order to provide a working environment free from sexual harassment the Service will:



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

- Identify and communicate the rights and responsibilities of all employee's in relation to sexual harassment within the workplace;
- Make sure that rights and responsibilities are clearly understood by all employees;
- Make sure that managers are clear on their role with regard to taking action when an act of sexual harassment by their colleagues or team members is witnessed or brought to their attention.
- Put in place training and other mechanisms to help employees to identify, recognise and challenge behaviour in relation to sexual harassment;
- Take suitable action to make sure that sexual harassment is dealt with in accordance with the Service Grievance and Disciplinary Procedures, if necessary
- Appropriate levels of training and guidance is provided for all employees on the impact sexual harassment in the workplace;
- Adequate and suitable consultation takes place on the content, review and implementation of this policy;
- To actively seek ways in which to positively implement the policy throughout the organisation engaging with employees and management; and

As an employer, it is recognised that sexual harassment can create serious problems for the organisation such as putting employees at risk/poor health and mental wellbeing, poor morale, poor employee relations, poor performance, absence, Employment Tribunal and other court cases.

What is Sexual Harassment?

Sexual harassment is unwanted conduct of a sexual nature. It has the purpose or effect of violating the dignity of an employee, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Something can still be considered sexual harassment even if the alleged harasser didn't mean for it to be. It also doesn't have to be intentionally directed at a specific person.

Sexual harassment can happen in any number of ways, including:

- written or verbal comments of a sexual nature, such as remarks about an employee's appearance, questions about their sex life or offensive jokes
- displaying pornographic or explicit images
- emails with content of a sexual nature
- unwanted physical contact and touching
- sexual assault.

Sexual harassment can happen to men or women. Employees can be sexually harassed by people of the same sex or the opposite sex.

Sexual harassment can come from anyone, including:

- someone on the same team
- a supervisor or manager
- another employee
- someone else that an employee comes into contact with while they are working e.g. a contractor or member of the public

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when:



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Unwelcome Behaviour is the critical word. Unwelcome does not mean "involuntary." A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable. Therefore, sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. Whether the person in fact welcomed a request for a date, sex-oriented comment, or joke depends on all the circumstances.

Complaints

An employee who feels they have been/are the subject of sexual harassment is encouraged to make a complaint so the behaviour can be addressed. If raised at an early stage matters can be dealt with promptly to stop further escalation and seriousness of behaviours.

To make a complaint relating to sexual harassment you should use Grievance Procedure

- It may be useful when making a formal complaint to provide the following details, however if you cannot recall all the details this should not deter you as West Midlands Fire Service is committed to taking all complaints of this nature very seriously:
- The exact nature of the complaint including location date and time;
- Names of individuals you wish to lodge a complaint against;
- Names of witnesses to relevant incidents; and
- Details of any action previously taken.

Every effort should be made by a complainant to raise their complaint within a reasonable time. This will make effective and timely investigation possible.

During the formal stage, the complainant may wish to include a third party such as a union official or colleague who is willing to facilitate the meeting on their behalf if they feel unable to do so.

There is a presumption that a complaint has been made in good faith. Where it is considered to have been made other than in good faith the complainant will be liable for disciplinary action which may result in dismissal.

Similarly, if the grievance of the complainant is upheld then disciplinary action will be taken.

Lines of Reporting

When reporting unwanted behaviour this should be reported to your line manager where appropriate. However, if for any reason if this is uncomfortable there are alternative lines of reporting you can follow:

- Employee Stakeholder groups
- PSS Business Partner Team including DICE
- Trade Unions/Representative Bodies



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

6

CONTENTS

STRATEGY	1
PURPOSE.....	1
RESPONSIBILITY.....	2
3.1 Rights	2
3.2 Manager Responsibilities	2
3.3 Employee Responsibilities	2
PROCEDURES	3
4.1 Equality Duty.....	3
4.2 Our Commitment to Equality and Diversity	3
4.3 Core Values.....	4
4.4 Human Rights Act 1998	5
4.5 Age Equality	5
4.6 Disability Equality	5
4.7 Gender Reassignment	6
4.8 Marriage and Civil Partnership	6
4.9 Pregnancy and Maternity	6
4.10 Race Equality	6
4.11 Religion or Philosophical Belief Equality	7
4.12 Sex Equality	7
4.13 Sexual Orientation Equality	7
4.14 Harassment under Dignity at Work	7
4.15 Practices and Supporting Policies.....	8
4.16 Equality Impact Assessments	8
4.17 Employment Practices.....	8
4.18 Learning and Development	8
4.19 Service Delivery	9
4.20 Monitoring	9
4.21 Procurement	9
APPENDICES.....	10
Appendix 1 – Provision of Personal Reflection Rooms	10
Appendix 2 - Equality Impact Assessment Procedures.....	11
Appendix 3 - Sexual Harassment in the Workplace.....	14



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

CONTENTS 17

DOCUMENT CONTROL AND AUDIT 19

 Audit 19

 Review History 19

 Amendment History 19



Equality and Diversity Policy



AMENDMENTS



CONTENTS



RESPONSIBILITIES



PROCEDURES

7

DOCUMENT CONTROL AND AUDIT

Audit	
Responsible SET Member Accountable	People Support Services
Authorised by	Sarah Warnes
Direct enquiries to	Policyofficers@wmfs.net
EIA (Date Completed & Name)	Complete TBC
PIA (Date Completed & Name)	Complete TBC

Review History		
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