

Tackling sexual harassment in the fire service

LGA Fire conference, 2024

March 2024

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- **Kathryn Billing - CFO Cornwall FRS
EDI Lead for NFCC, NFCC Rep on the Inclusive
Fire Service Group**
- **Philip Bundy – Senior Advisor, LGA Workforce**
- **Robyn Richardson - National Women’s
Committee Secretary, FBU**
- **Anthea Sully – Chief Executive Officer, White
Ribbon**

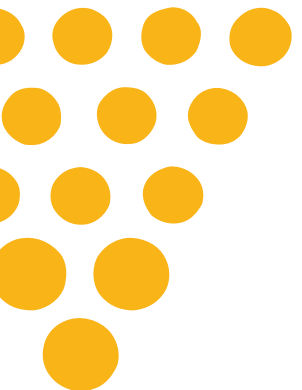
Kathryn Billing

**CFO Cornwall FRS
EDI Lead for NFCC**

**NFCC Rep on the Inclusive Fire
Service Group**



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Tackling sexual harassment in the Fire and
Rescue Service



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Introduction

- Kathryn Billing – Chief Fire Officer Cornwall Fire & Rescue Service – EDI Lead for the National Fire Chiefs Council
- Joined Cornwall County Fire Brigade in 1999/2000 as an On-call firefighter
- Became Chief Fire Officer in May 2021 to make a difference, reform our culture



Opportunity is here for us all

- Recognise and thank those who have spoken up and ensure their courage is the catalyst for change
- Change isn't easy otherwise we would have done it by now, we cannot do this on our own and it must be meaningful
- Are we doing enough? There are some good practices going on which will help make positive change
- Competence and development, cultural competence isn't a one stop tick box exercise it must continue
- We all right now have opportunity to make the fire service even better and fit for the future





Thank you



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Sexual harassment: the legal framework

Philip Bundy, Senior Adviser –
Employment Law

Equality Act 2010: definition

- Person 'A' engages in unwanted conduct of a sexual nature
- That conduct has the purpose or effect of either violating person B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B
- Default: employer liable for A's actions

Equality Act 2010: definition

- In assessing, must take into account
 - B's perception
 - Other relevant circumstances of the case
 - Whether it is reasonable for the conduct to have the effect in question (e.g. intimidation)
- Can be sexually harassed by a person of the same or different sex

Equality Act 2010: definition

- [EHRC guide](#) examples:
 - Sexual comments or jokes, displaying sexually graphic images, suggestive looks, propositions/sexual advances, sexual gestures, intrusive questions, sexual posts on social media, spreading sexual rumours, explicit texts/messages, unwelcome touching
- May be a single incident or repeated

Equality Act 2010: definition

- Behaviour can become unwanted over time
- When does banter become unwanted conduct?
 - The fact it is tolerated does not mean it cannot be unwanted, nor where the complainant initiates it as coping mechanism

Equality Act 2010: definition

- Relevant circumstances
 - E.g. personal circumstances of employee experiencing conduct (mental health etc), cultural norms, environment, seniority of harasser
- Reasonableness of effect
 - Objective test

Equality Act 2010: definition

- Also includes where A is treated less favourably for rejecting or submitting to harassment
- Victimisation: where a person is subjected to a detriment for bringing a complaint/allegation, giving evidence or information

Sexual harassment: duty to prevent

- In force October 2024
- Pro-active duty on employers to take reasonable (was **all** reasonable) steps to prevent sexual harassment
- What are reasonable steps?
 - Understand and assess risks, clear policies, staff training, communication, robust reporting mechanisms, addressing complaints
 - EHRC guidance

Sexual harassment: duty to prevent

- EHRC can enforce on standalone basis where reasonable steps are not taken
- Sexual harassment awards can be uplifted by 25% where the employer has breached duty

Remedies

- Uncapped compensation
- Loss of earnings/benefits (includes pension loss)
- Injury to feelings
 - Lower band: £1,100 - £11,200
 - Middle band: £11,200 - £33,700
 - Upper band: £33,700 - £56,200

Remedies

- An appropriate recommendation aimed at reducing the effect of the discrimination/harassment on the claimant
- A declaration as to the rights of the claimant and the employer in relation to the matters in the claim

Liability: employer defence

- Employer may avoid vicarious liability for sexual harassment by its employee where it can show it has taken all reasonable steps to prevent the harassment
- Rarely used but may become more when new duty to prevent is introduced

Effective anti-harassment policies

- Purpose and to whom the policy applies
- Definition with examples
- Responsibilities
- Set out sanctions for perpetrators
- How to report and what steps will happen
- Maintaining appropriate confidentiality

Other anti-harassment steps

- Training
- Robust reporting mechanisms
- Workplace champions

Further information

<https://www.local.gov.uk/our-support/workforce-and-hr-support/employment-relations>

<https://www.local.gov.uk/our-support/workforce-and-hr-support/employment-relations/advisory-bulletins-employment-law-updates>

Robyn Richardson

**National Women's Committee
Secretary, FBU**

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