Final submission
13 December 2019

UFBA Submission to Fire and Emergency on
- ## Interim Shared Code of Behaviour and
- ## Policy to Address Bullying, Harassment and Victimisation

The United Fire Brigades Association (UFBA) makes this submission to Fire and Emergency New Zealand (FENZ) on the consultation on the Policy to Address Bullying, Harassment and Victimisation and Interim Shared Code of Behaviour.

Process for consultation

The UFBA appreciate the opportunity to provide feedback. We recognise these two documents are some of the outcomes of developments from the Respect and Inclusion Taskforce (R&I), with which UFBA and FRFANZ Office and volunteer membership representatives have been involved. Much of the initial feedback given in R&I taskforce sessions has been integrated into draft documents eg inclusion of protected disclosures procedures and links to union and associations, however some specific examples where this is not the case have been identified in this submission.

Our subsequent process has been to invite broad member feedback through access to the documents and preamble emailed to all subscribers, UFBA Brigade Representatives and brigade leaders, placed on Facebook and on the Noticeboard of our Website. Feedback has been given from FENZ career staff, and urban and rural volunteers – to protect confidentiality names will not be included.

Our findings are as follows:

Feedback has highlighted a general lack of confidence and it is apparent there is a desperate need for a Positive Workplace Culture change. Some members took this as an opportunity to illustrate examples of poor behaviour and both horizontal and vertical bullying at both their brigade level and regional management level. We intend to follow these up and take any necessary action to achieve resolution in these cases.

There was a general expression of cynicism around the ability of FENZ leaders to implement such a culture change. While this is not formally part of the consultation process the UFBA believes it is important that FENZ knows this feeling is out there and takes whatever action is appropriate to enforce. FENZ cannot rely on passive adoption of this information through access to displays or documents, however we recognise this is a separate issue.

Code of Behaviour

The principle of leading with the values and how these are demonstrated is good, as is reiterating the Purpose and Vision to help users identify the bigger picture. Inclusion of Māori-culture inspired logos supports diversity and NZ identity. However we have questions around implementation:

- How will this document be used? Ie is this expected to act as a standalone on a wall?
- Will this be better designed for stronger impact with clearer hierarchy of message and bolder visuals?

In its current state its design does not invite engagement and its messages are likely to be lost as a standalone. There needs to be a focus on the positive with inclusion of visual components such as ticks and crosses to readily denote positive vs negative.

The TGU test is simple to understand and easily applicable, however use of '*Does it pass the front page of the paper test*' was not readily understood Needs to be simpler eg 'How would the media respond?', to make it clear 'the paper' refers to media.

Positive Workplace Culture box – this heading is generic and is better linked to the values and main heading eg 'To create a Positive Workplace Culture…'. Put simply we need to live to the published values. This box heading needs to be more specific/relevant eg 'What support is available'.

Exceptional vs Expected. We believe that exceptional IS expected. Offering degrees of acceptance only creates grey areas. Also below the line vs above the line needs to be made more impactful and while these are good concepts (in line with bystander and upstander) the terminology should not be assumed to be understood and further education is needed to support.

Policy

By and large feedback is supportive. One respondent acknowledged how from her HR role perspective it appeared fairly robust.

There is need to consider its place with wider FENZ policies and procedures and link back to other FENZ culture change strategies eg 'The purpose of this policy is to work in conjunction with Fire and Emergency's other culture change initiatives such as the Diversity and Inclusion Strategy. Concurrently there needs to be consistency with the six behaviours listed in the Definitions reflected in the Standards of Conduct Procedure document.

Under Pathways for Resolution there could be confusion in use of the term "Level" i.e. 'Level one' etc since this is terminology used in other procedures. We do not think it is necessary to have this at all and could just use the "Self help", "Informal intervention" etc as appropriate headings.

Abuse of Power as an enabler for discrimination or exclusion was raised as one of the themes evident in the Independent Review by Coral Shaw. We suggest listing this as top of the examples eg "Abuse of Power – including (but not limited to) undue influence, duress, or abuse of authority and/or position". Subsequently place 'Abuse of authority or position of power' under Below the Line behaviour in the Code of Behaviour.

We suggest including under Managers the following to address conflicts of interest eg 'Managers will not ignore issues raised and where there is a conflict of interest, defer responsibility to another manager and cooperate with investigations.'

There is a need to identify '*Psychological harassment*' (including 'vexatious behaviour') as specific definitions since these are evident throughout the culture.

Legislation from Canada[1] advises:

'Bullying as psychological harassment at work is vexatious behaviour in the form of repeated conduct, verbal comments, actions or gestures that:

- Are hostile or unwanted;
- Affect the employee's dignity or psychological or physical integrity; and
- make the work environment harmful.'

Contrary to the proposed policy (P2) Canadian legislation suggests:

'A single serious incidence of such behaviour may constitute psychological harassment if it has the same consequences and if it produces lasting harmful effect on the employee'

Note: Here we would see reference to employee to include volunteers or simply state "FENZ personnel.

Here inclusion of reference to <u>vexatious</u> would help address negative online behaviour found on social media.

Social media needs to be reflected as a modern but rife source of bullying. Include reference to existing Social Media policy (and if necessary update said policy to incorporate needs under this policy).

In Summary

We feel these represent a good step towards creating a Positive Workplace Culture as visual aids and documents to which poor behaviour can be held accountable, however to ensure confidence around implementation there needs to be further support given. There also needs to be evidence of upholding to show action will be taken.

It is important to consider differentiation of message for diverse learner types. Visual aids are supportive but not universally engaged with. We advise supporting implementation with workshops, presentations and publication that supports positive examples and examples of where change has happened for the better.

Within both documents there is a need to support vicarious trauma – this being the exposure to other people's trauma. Here building networks and links to upstanders could help illustrate the value of peer to peer support and support demonstrating good behaviour.

UFBA, December 2019

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[1] Workplace Bullying (2016) Darby & Scott-Howman. Thomson Reuters.