

WORKER PROTECTION ACT 2023

REPORT OF THE CHIEF FIRE OFFICER



For Information

1. PURPOSE OF REPORT

- 1.1 To update Members on the work being undertaken in the Brigade to ensure compliance with the requirements of the Worker Protection Act 2023 to protect staff from sexual harassment.

2. RECOMMENDATION

- 2.1 That Members note the report.

3. BACKGROUND

- 3.1 The Worker Protection Act 2023 came into force 26th October 2024 and requires employers to take positive and proactive 'reasonable steps' to prevent sexual harassment of their workers.
- 3.2 Sexual harassment has always been unlawful under the Equality Act 2010, however surveys such as '2020 Sexual Harassment Survey' carried out by the Government Equalities Office, found that people were still experiencing sexual harassment at work. Within the context of the Fire Service, sexual harassment has been a feature of the 'Misconduct in fire and rescue services in England' report published by HMICFRS 2024.
- 3.3 The Worker Protection Act 2023 places a preventative duty on employers to prevent sexual harassment before it happens. If sexual harassment has taken place, the preventative duty means that employers should take action to stop it from happening again.
- 3.4 The Equality and Human Rights Commission (EHRC) suggest that employers should carry out a risk assessment that consider:
- What risks are present in the workplace?
 - What steps can be taken to reduce those risks?
 - What steps would it be reasonable to take?

- 3.5 The Equality and Human Rights Commission can take action against any employer who fails in their duty to take reasonable steps to prevent harassment occurring. If a worker makes a claim to an Employment Tribunal relating to a breach by the employer in their preventative duty to protect the employee, and the judgement finds in their favour then the employees' compensation is increased by up to 25%.

4. WORKER PROTECTION ACT 2023

- 4.1 At Cleveland, work has commenced by the Human Resources (HR) team to ensure that the Brigade takes action to comply with the requirements as set out in the Act i.e. positive and proactive approach and 'reasonable steps' to prevent sexual harassment. The team have attended workshops delivered by the Equality and Human Rights Commission with a specific focus on Fire and Police services.
- 4.2 Whilst our current policies do meet the requirements of the duty, further work will be undertaken to strengthen them in this regard, specifically Dignity at Work, Grievance, Discipline and Whistleblowing policies.
- 4.3 Raising staff awareness is important, and that will include raising awareness of what sexual harassment is, the importance of reporting occurrences of sexual harassment by a co-worker or third party, and re-affirming how staff can report or raise a concern. Posters and information will be produced to be displayed on staff notice boards and available on ICT based work pages etc. Work has also commenced on developing e-learning materials specifically relating to sexual harassment which will then form part of the annual EDI maintenance of competence training requirement for all staff.
- 4.4 Risk assessments should be undertaken/reviewed for those activities where staff work with members of the community or have contact with any other third party in the course of their work e.g. contractors, suppliers.
- 4.5 Whilst it is hoped that cases of sexual harassment do not occur within Cleveland Fire Brigade, implementing these control measures gives Members assurance that the Authority is compliant with this duty.

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