

Terms of Reference

Independent Review of workplace policies, procedures and practices in Fire and Emergency New Zealand's workplace to address bullying and harassment

Purpose

To provide the Terms of Reference for an independent Lead Reviewer (supported by a reference group) to help Fire and Emergency New Zealand (FENZ) understand how the newly unified organisation can lead, develop and support a positive and inclusive environment for its personnel that is free from bullying and all forms of harassment.

Context

Our organisation represents one of the largest re-structuring of a Government department in New Zealand and is the most significant change to firefighting since New Zealand established a fire service 164 years ago in 1854.

The creation of FENZ brought together nearly 40 different organisations. It affects 14,000 people, including 11,000 volunteers. It covers 670 fire stations around the country. It's a big change and it's about looking forward, recognising long-term trends and shaping our organisation for the future to meet changing trends and demands.

FENZ is a new organisation and is in a position to set the scene for inclusive workplace practices going forward

Our new organisation will build on the strengths from the past. We also, however, need to look at areas where we could do better, and work to make improvements.

A big part of this is to look at our internal culture to ensure that we are set up to be an effective and sustainable organisation. We need to shift from our traditional cultures, which reflect our historical make-up, to one that encompasses diversity in gender, ethnicity and thinking. This is essential to building a strong organisation. The communities we serve are changing, and with it we must too. We need to ensure that internally we're reflecting the communities that rely on us, so we can continue to support them in all aspects of our organisation's role.

We need to get this right. To do this we have commissioned an independent Lead Reviewer (supported by a reference group of experts) to help FENZ understand how the newly-unified organisation can lead, develop and support a positive and inclusive environment for its personnel that is free from bullying and all forms of harassment.

Our unions and associations are equally committed to supporting us to provide a positive and supportive environment, where everyone is accepted for who they are, and reflects our value of *he waka eke noa* – everyone in one canoe with no exceptions.

Building a diverse and inclusive FENZ is crucial to ensuring that we can continue to do what we do best – keeping New Zealand communities safe. The communities we serve are changing and so are their needs. This means that the role of firefighters has also changed. We now respond to a wide range of emergencies from medical emergencies through to helping people in times of crisis during large scale weather events or natural disasters. It's no longer just about putting out fires.

We need the right people, with a variety of skills, knowledge and expertise to ensure we are responding to community needs. This is particularly important when dealing with people from

different cultures who speak different languages. In order to truly engage with these communities and help them be better prepared for emergencies or to reduce fire risks, we need to have the right mix of people from different backgrounds to do this.

What we are doing to enable the culture we want

The high level design of FENZ's Operating Model from 1 July 2018 contains a:

- Principle to develop a shared and inclusive identity that celebrates diversity.
- Key area of change that recognises that we are building a different organisation for our people. In building a shared identity and inclusive culture, we are creating an organisation that values and recognises a broader set of people, skills and capability.

The organisation's *Diversity and Inclusion Strategy* has four *key focus areas*, all of which aim for a work environment that does not tolerate, and which adequately addresses instances of harassment and bullying:

1. empowering respect, equity and fairness
2. enhancing our leadership capability and accountability
3. empowering an inclusive environment that promotes health and wellbeing
4. strengthening our foundations: policy, governance and monitoring.

The time is right, in the context of our organisation's unification, to understand more about how successful strategies and initiatives should be designed and implemented to address areas for improvement.

A recently formed working group is focusing on identified improvements to support a proactive workplace culture, including our practices and procedures for responding to complaints regarding bullying and harassment.

The independent review will support the work of the organisation in establishing a newly-unified fire and emergency service for New Zealanders.

Through the work of the Lead Reviewer, and supporting reference group, FENZ seeks to ensure that our personnel and the public can be confident that we are taking all steps to address any issues identified.

The Review

Scope To ensure FENZ is able to promote and improve respect, safety, equality and freedom from unwanted behaviour in the workplace the review will:

- A. Assess FENZ's current workplace policies, procedures and practices for addressing harassment and bullying in the workplace against best practice models in New Zealand having particular regard to public sector standards and FENZ obligations under current relevant legislation.
- B. Identify existing policies, procedures and practices within FENZ that are fit for purpose and which exemplify the qualities of respect, safety, equality and freedom from unwanted behaviour in the workplace and are consistent with FENZ's Standard of Conduct
- C. Identify ways to reshape policies, procedures and practices which are identified by the Review as not fit for purpose in order to achieve¹:
 1. Committed and engaged FENZ leadership which aims to remove unwanted behaviours and reward positive behaviours.
 2. Consistent and demonstrated accountability by all FENZ personnel for their behaviours.
 3. Strong and comprehensive FENZ anti-harassment policies.
 4. Trusted and accessible FENZ complaint procedures.
 5. Regular, interactive training, education, mentoring and development opportunities tailored to FENZ and its personnel, aimed at empowering respect, equity and fairness. A culture where everyone feels safe and empowered to contribute equally.
 6. The removal of any barriers and support enablers to achieving these outcomes.
- D. Any other matters the Review team considers appropriate.

The Review will not investigate or make factual findings about the substance or merit of any individual incidents or allegations.

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- Process**
- FENZ will manage internal and external Communications about the Review.
 - The Review team will establish protocols for conducting the Review, including matters of Privacy and Confidentiality.
 - The Lead Reviewer and/or reference group members will undertake the Review and conduct interviews, with site visits as required.
 - FENZ commits to make any relevant documentation available to the Review as required in a manner that safeguards Privacy and Confidentiality.
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¹ These outcomes align with FENZ's key focus areas in its Diversity and Inclusion Strategy.

They also align with outcomes published by the U.S. Equal Employment Opportunity Commission. (2016). *Select Task Force on the Study of Harassment in the Workplace, Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*. https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf.

Budget	<p>Until the Review Work Plan is finalised, it will be difficult to estimate the length of the Review or its costs. The budget will need to include cost drivers as listed below.</p> <ul style="list-style-type: none"> • Review team members' fees. • Travel, accommodation, expenses if the Lead Reviewer or Review team members travel for interviews. • Review support.
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Governance

Sponsor	Chief Executive of Fire and Emergency New Zealand
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Independent Lead Reviewer and Reference Group	<p>Lead Reviewer will have knowledge of fire and emergency services and experience of leading reviews of this nature.</p> <p>The Reference Group will help to ensure the right mix of skills and experience is brought to bear on the review including:</p> <ul style="list-style-type: none"> • Experience of similar reviews of workplace culture and practices to address harassment and bullying in organisations. • Employment law and safety, health and wellbeing expertise. • Understanding of the culture of emergency services or organisations with a similar gender profile. • Expertise in kaupapa Māori research, informed by tikanga Māori. Experience in supporting and promoting inclusive and positive organisational cultures.
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Secretariat	<ul style="list-style-type: none"> • Principal Advisor • Administrative support • Communications support • Research and analysis support • IT Support
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