

Managing inappropriate behaviour and conduct

Introduction

Important: Report threats of violence, actual physical violence or other criminal acts to the New Zealand Police. Phone 111 for emergencies or go to your local police station.

Purpose

This policy sets out Fire and Emergency's approach towards managing behaviour that is not in line with [Te Tikanga Whanonga | Our Code of Conduct \(the Code\)](#) and our other policies.

[People leaders and brigade leaders](#) should:

- read this policy when assessing whether a person's conduct aligns with the expected standards of conduct and behaviour detailed in the Code and our other policies
- use this policy to understand the difference between misconduct and serious misconduct and when suspension/stand-down needs to be considered.

Contents

This policy contains the following content:

[About this policy](#)

[Misconduct and serious misconduct](#)

[Reporting, investigating and possible action](#)

[Suspension/Stand-down](#)

[Fire and Emergency's obligations during a suspension/stand-down process](#)

[Fire and Emergency personnel obligations during a suspension/stand-down process](#)

[Accountability](#)

About this policy

We are all responsible for making Fire and Emergency a place where we all feel we belong – one that is safe, positive and inclusive.

The Code sets out the behaviours we expect of all our people. Where personnel behave in ways that do not align with the Code, we will apply the appropriate principles and process to deal with any breaches.

By managing our people's behaviour effectively, we support a safe, positive and inclusive work and volunteer environment.

We do this through:

- educating our people on what behaviour we expect in the workplace/brigade and on station through the Code
- providing tools and training to our people leaders to deal with inappropriate behaviour and conflicts at the earliest opportunity and lowest possible level
- providing support via an independent organisation for our people to work through issues and raise concerns or complaints – [Speak Safe @ Fair Way](#).

How it applies

There are standards of behaviour that everyone who is part of Fire and Emergency must meet. Behaviour includes how we interact with others, how we manage ourselves and how we perform our roles. By meeting these standards, we ensure:

- everyone who is part of Fire and Emergency experiences a safe, positive and inclusive environment
- we are all able to focus on serving our communities and each other
- we maintain morale and productivity
- we don't compromise the safety of our people and/or members of the public.

Failing to meet expected standards may lead to disciplinary action up to and including [dismissal/discharge](#) in line with this policy.

Who it applies to

This policy applies to all Fire and Emergency personnel, including:

- all employees (permanent, fixed term and casual)
 - all volunteers
 - all contractors/consultants.
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Where it applies

This policy applies:

- on all of our sites, including all fire stations and brigades
 - at incident grounds, during all phases of an incident we are attending
 - at all Fire and Emergency-related events (such as off-site training)
 - when representing Fire and Emergency overseas
 - at any site where the event, function or other reason for attendance is Fire and Emergency-related
 - in any situation where a person's conduct could impact on:
 - the health, safety or wellbeing of other Fire and Emergency personnel, or others, or
 - on Fire and Emergency, its reputation, or our relationship with our stakeholders
 - any time a person is wearing Fire and Emergency uniform or other Fire and Emergency-labelled clothing and therefore representing our organisation
 - anywhere and any time our people are conducting roles on behalf of Fire and Emergency.
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Definitions

There may be some language or legal terms used in this policy that people are not familiar with. See [Definitions](#) for explanations of these terms.

Misconduct and serious misconduct

Our expected standards of behaviour and conduct are set out in our policies and procedures, particularly our [Code of Conduct](#). Common reasons for a disciplinary process are breaches/alleged breaches of the Code or any of our policies. We conduct disciplinary proceedings to decide whether a breach/breaches are misconduct or serious misconduct.

Misconduct	Misconduct (not serious misconduct) involves a breach of our standards which alone, does not usually undermine the relationship of trust and confidence between a person and Fire and Emergency and is not severe enough to warrant dismissal/discharge. It may still require Fire and Emergency to take disciplinary action. Individual instances of misconduct (not serious misconduct) do not normally justify dismissal/discharge unless they are repeated.
Serious misconduct	Serious misconduct is misbehaviour severe enough to break down or undermine the relationship of trust and confidence between a person and Fire and Emergency. Without trust and confidence, the employment or volunteer relationship cannot continue, and we may have to dismiss/discharge the person, provided a fair investigation has been conducted.
Examples of misconduct and serious misconduct	<p>In all cases, we will consider the circumstances/context in which the behaviour occurred to determine the seriousness of the misconduct.</p> <p>Examples of misconduct and serious misconduct may include the following (note that this is not a complete list):</p> <ul style="list-style-type: none">• Failing to follow health, safety and wellbeing policies and procedures• Breach of the Code• Breach of Fire and Emergency policies• Misuse of Fire and Emergency funds• Impaired performance through alcohol and/or drug use• Possession or use of illegal drugs while working or volunteering• Abusive, obscene or threatening language• Physical violence towards a colleague, member of the public or any other person• Inappropriate wearing of Fire and Emergency uniform• Failing to maintain political neutrality or giving biased advice• Failing to obey lawful and reasonable instructions• Failing to take due care of Fire and Emergency property, assets or information• Failing to abide by the Media policy on sharing images of incidents• Knowingly or carelessly engaging in behaviour that endangers others• Criminal charges and/or convictions that could bring Fire and Emergency into disrepute• Breaching a suspension/stand-down decision• Using Fire and Emergency equipment to view, download, post or share objectionable material, including pornography.
More information on behaviour and conduct	For more information on expected, and unacceptable, behaviour and conduct please refer to the Code and our Unacceptable behaviours schedule .

Reporting, investigating and possible action

Reporting

How to report breaches

Our people can report breaches of the Code through:

- [Speak Safe @ Fair Way](#)
- their [people leader or brigade leader](#)
- a [representative](#) (union, association or another preferred person such as a lawyer)
- the [People Advisory team](#)

Criminal charge or offence

If a criminal charge is laid against a person, or they have been found guilty of a criminal offence, they must immediately inform their people leader or brigade leader.

Investigation

Process

An investigation is a process to find out what has happened when inappropriate behaviour or conduct has been alleged or is suspected.

Fire and Emergency, and those acting on our behalf, such as Fair Way, will act in good faith when undertaking an investigation.

This includes making an initial assessment of the matter and deciding whether:

- the facts are straightforward and we only need to speak with the [complainant](#) and [respondent](#), or
- the matter is more complex, and it is likely we will need to interview multiple parties.

We will not form any judgement on the allegations or determine whether disciplinary outcomes are appropriate before the investigation is completed.

Suspension or stand-down

We may suspend someone or stand them down from their duties while they are under investigation. See [Suspension/Stand-down](#) for more information on when we would consider taking these actions to manage risk.

Principles of a fair investigation

- The respondent is entitled to natural justice and will know the details of the allegation(s) that have been made against them.
- The respondent will be consulted on the terms of reference when one is used to guide the investigation.
- The respondent will be given reasonable time to respond.
- The respondent may use a range of internal and external support options throughout the process, including at interviews. These may include a union, association or external legal representative, or another person of their choice.
- The respondent will be given an opportunity to meet in person, or respond to the allegation(s) in writing, or both.
- The respondent will be given the opportunity to provide feedback on their draft interview notes and on any draft report, including commenting on any draft findings.

- The respondent will know who to contact about the investigation. Normally this is an investigator, manager, case facilitator or member of the [People Advisory](#) or [Workplace Relations](#) teams.
- The respondent will know who the decision-maker is at the start of the process. The decision-maker determines what action, if any, should be taken in response to the investigation findings. The decision-maker also considers whether it is appropriate to suspend/stand anyone down while an investigation is undertaken.

Time frames and communication

- Expected timeframes will be clearly communicated to the respondent and complainant in any investigation process, normally by the lead investigator.
- Parties will be informed of any delays that impact on the progress or conclusion of the investigation in a timely manner.

Who to contact with concerns

If a person has any concerns about an investigation, they should contact the investigator or case facilitator first. Unresolved concerns can be referred to the National Manager, People Advisory or the National Manager, Workplace Relations.

Possible actions

Disciplinary action

If any behaviour is found to be misconduct or serious misconduct, Fire and Emergency may take disciplinary action. This could include:

- loss of rank
- written warning
- final written warning
- dismissal
- terminating a contract as a contractor/consultant
- removing [authorising powers](#)
- discharging a person as a volunteer.

Written warnings

For written warnings, the type of warning will reflect the seriousness of the situation and does not necessarily need to be graduated. For example, a person may be given a final written warning without having previously received a written warning.

Regardless of the level of the warning, all warnings will:

- be written and placed on the person’s personnel file
- state what could happen if there are any more instances of inappropriate behaviour or conduct
- stay on files and are not physically removed, however old warnings are unlikely to hold weight in terms of current situations.

Dismissal/discharge

A decision to dismiss an employee or discharge a volunteer are the most serious types of disciplinary action. They can happen in cases of [serious misconduct](#), or when there has been repeated misconduct.

Dismissal/discharge may be preceded by prior warning(s). However, where serious misconduct has been proven, dismissal may occur in the absence of any prior warnings. Dismissal/discharge may occur with or without notice.

Confidentiality	When dealing with allegations of misconduct and serious misconduct, we will do everything possible to keep the matters confidential, including any outcome.
Record-keeping	<p>We will keep records of all investigation finding(s), disciplinary outcome(s) and/or action(s).</p> <p>We will record any disciplinary outcomes on a person’s personnel file. We will not record the findings on a person’s personnel file:</p> <ul style="list-style-type: none"> • where an investigation into allegations of misconduct or serious misconduct were entirely unsubstantiated and there is no disciplinary decision and/or outcome.
Criminal offence	<p>If someone has committed a serious criminal offence, we will:</p> <ul style="list-style-type: none"> • refer the matter to the New Zealand Police, if it hasn’t already been reported to them • begin our own investigation and/or disciplinary process at the same time or after the Police and Court process. (We may use external investigators) • determine an outcome as a result of the investigation findings
Disputes	<p>If a person is unhappy with the investigation process or the outcome they may seek advice from:</p> <ul style="list-style-type: none"> • the Independent Complaint and Resolution Authority (ICRA) for volunteers • Employment Mediation Services within the Ministry of Business, Innovation and Employment (MBIE) for paid staff.

Suspension/Stand-down

What is suspension/stand-down	<p>‘Suspension’ and ‘stand-down’ both mean removing a volunteer or paid staff member from their role or volunteer duties for a period of time. The word ‘suspension’ is used for paid staff and ‘stand-down’ for volunteers. However they’re often both used interchangeably.</p> <p>Suspension/stand-down is not disciplinary action – it is a mechanism for managing any risk.</p>
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Policy requirements for suspension/stand-down

Before suspending or standing someone down	All people leaders and brigade leaders should read this policy and refer to the Human resources delegations when considering suspending/standing down Fire and Emergency personnel.
When to consider suspension/stand-down	<p>We must consider suspension/stand-down for allegations of:</p> <ul style="list-style-type: none"> • bullying • harassment • sexual harassment/harm • victimisation • criminal allegations. <p>We may consider suspension/stand-down for allegations of inappropriate behaviour or conduct other than those listed above. This is to prevent risk:</p>

- to the health, safety and wellbeing of other Fire and Emergency personnel, personnel from other agencies, and members of the public
- to the integrity (trustworthiness) of the investigation process, and
- in other circumstances where we need to manage risk and we can't adequately manage it in other ways.

Pay during suspension/stand-down

In most circumstances, personnel will continue to receive normal/base pay during a suspension/stand-down.

Referral to Police

If someone has committed a serious criminal offence, we will refer the matter to the New Zealand Police, if it hasn't already been reported to them.

This will be separate from, and in addition to any:

- internal investigation or disciplinary process
- consideration of whether suspension/stand-down is appropriate.

Other options

Suspension/stand-down is not the only option available to Fire and Emergency during an investigation and/or disciplinary process. Other options include the following.

- **Status quo**
If we don't think there are any risks, the individual(s) can stay in their role(s) and perform their duties during an investigation/disciplinary process.
- **Safety/Wellbeing plan**
A safety/wellbeing plan allows the individual(s) to stay in the workplace/brigade. However, there is a plan in place while the investigation and/or disciplinary process is being undertaken.
- **Conditional employment/volunteering**
Conditional means that we will place conditions on an individual while the investigation and/or disciplinary process is being undertaken.

Fire and Emergency's obligations during a suspension/stand-down process

Natural justice

During a suspension/stand-down process, we will apply the principles of natural justice. This includes:

- telling the person that we're considering suspending them or standing them down
- giving them the reasons for this
- giving the person an opportunity to be heard before we make a decision.

We will also encourage the person to engage with this process. If they refuse to, we will make a decision without their input.

Clear communication

During the suspension/stand-down process, we will clearly communicate to the person:

- why we are considering suspending them or standing them down
- what we expect from them during any suspension/stand-down period.

We will also:

- keep a record of all communications related to the process
- give the person any outcome/decision in writing.

Support and representation

We will tell the person about their right to representation and any [internal and external supports](#) available to them. These include support from [Vitae through our Employee Assistance Programme \(EAP\)](#).

Immediate suspension/stand-down

In some situations, it may not be appropriate to delay suspension/stand-down to consider the individual’s views or have a representative present before we make a decision.

For example, we may relieve someone of their duties immediately if:

- there could be an immediate danger/risk to the individual or to others
- they are unable to perform safety-sensitive work.

In this situation, the person must follow instructions from management or their officer. A manager, officer or advisor will then make contact to check they are safe. The person may need to return later for a meeting to consider suspension/stand-down.

Compliance breaches

Fire and Emergency must manage any breaches of a suspension/stand-down decision.

Breaching a suspension/stand-down decision or other measures put in place such as a safety/wellbeing plan, or conditions, could result in disciplinary action up to and including dismissal.

Confidentiality

Fire and Emergency has an obligation to proactively manage the privacy of our people as much as is fair and reasonable on its part.

Record-keeping

We will keep records of all:

- decisions and their outcomes
- safety/wellbeing plans showing that all parties understand the process and agree on the outcomes.

Fire and Emergency personnel obligations during a suspension/stand-down process

Communication

Personnel must remain available and contactable during the period of any suspension/stand-down.

Where the suspension/stand-down is related to an investigation or disciplinary process, the accused/respondent must remain available and contactable to participate in the investigation and/or disciplinary process and address matters that may arise. This includes investigations undertaken by Speak Safe @Fair Way or another external investigator.

Compliance	<p>Personnel must comply with any decision to suspend them or stand them down or the implementation of a safety/wellbeing plan.</p> <p>Failure to obey a suspension/stand-down decision, or other alternative options, such as safety/wellbeing plan or conditions, could subject a person to an investigation process which may lead to disciplinary action up to and including dismissal.</p>
Confidentiality	<p>Personnel must not discuss any suspension/stand-down process, proposal; or decision with anyone other than with their representative or support person.</p>
Behaviour	<p>Personnel must continue to comply with the Code during any suspension/stand-down. This includes during any related investigation or disciplinary process.</p>
Representation/Support	<p>We encourage personnel to engage a representative or support person to help them with this process and give advice.</p>

Accountability

Key responsibilities

We are all responsible for:

- behaving in a professional, responsible and safe manner
- ensuring our actions do not:
 - harm or negatively impact others
 - negatively impact on Fire and Emergency’s ability to perform its duties.

This table lays out the key responsibilities for people involved in ensuring we maintain our values and provide a safe, positive and inclusive environment for all Fire and Emergency personnel.

Role	Key responsibilities
DCE People	<ul style="list-style-type: none"> • Maintain this policy and related guidance • Ensure sufficient resources are available to support decision-makers.
People leaders (e.g., team leaders, brigade leaders)	<ul style="list-style-type: none"> • Read and understand this policy when assessing misconduct or serious misconduct • Read and understand this policy when considering whether suspension/stand-down is warranted • Request assistance from People Advisory.
People Advisory	<ul style="list-style-type: none"> • Support people leaders and brigade leaders to apply this policy.
All personnel	<ul style="list-style-type: none"> • Understand the standards of conduct and behaviour expected of them in their role with Fire and Emergency • Avoid engaging in inappropriate/unwanted behaviour or conduct.

	<ul style="list-style-type: none"> • Self-disclose criminal charges/offending • Comply with the requirements detailed in this policy and related guidance • Understand their right to representation and their obligations if suspended/stood down.
Fair Way Resolution fairwayresolution.com (Speak Safe @ Fair Way)	<ul style="list-style-type: none"> • Assess initial query and provide support options • Investigate complaints that fall within its jurisdiction • Provide all complaints to Fire and Emergency for determination on whether to consider suspension/stand-down • Provide a findings report to Fire and Emergency for the decision-making process.

Decision-making

Decision-makers will consider all information collected through the investigation process.

When making these decisions, the standard of proof required is the balance of probabilities. This means that one side’s case must be more likely true than not. It is not the higher standard of proof required in criminal cases, which requires the proof to be beyond reasonable doubt.

Delegations

The [Human resources delegations schedule](#) shows which roles are authorised to carry out and complete the human resources activities associated with this policy. These include considering suspending/standing down or dismissing/discharging Fire and Emergency personnel.

People Advisory will support these roles to apply this policy, including confirming delegated authorities for human resources activities.

Links, resources and support

Internal support options

Our people can contact:

- their people leader, brigade leader or any other people leader in the organisation
- [People Advisory Team](#)
- [Safety, Health and Wellbeing](#)
- [Wellbeing Advisors](#)

External support options

- Vitae Services on 0508 664 981 or www.vitae.co.nz for confidential advice and counselling for all work-related and personal matters
- [Kāpehu](#) – a confidential coaching service that our people can use if they are dealing with work conflict. They are a safe place to talk about work, create a plan and get guidance. Contact them on 0800 677 697 or speaksafe@fairwayresolution.com.

Speak Safe @ Fair Way	<ul style="list-style-type: none"> • Freephone: 0800 677 697 • Email: speaksafe@fairwayresolution.com • Online form.
New Zealand Police	<p>Report any potentially criminal conduct to the Police:</p> <ul style="list-style-type: none"> • Phone 111 for emergencies. • Phone 105 for non-emergencies. • Go to your local police station.
Unions and associations	<ul style="list-style-type: none"> • Public Service Association (PSA) • New Zealand Professional Firefighters Union (NZPFU) • Fire and Emergency Commanders Association (FECA) • United Fire Brigades' Association (UFBA)
Disputes resolution	<ul style="list-style-type: none"> • Independent Complaint and Review Authority (ICRA) – Fire and Emergency Dispute Resolution Scheme
Mediation	<ul style="list-style-type: none"> • Employment Mediation Services within the Ministry of Business, Innovation and Employment (MBIE) – Mediation Employment New Zealand

Definitions

Accused/Respondent	The person whose behaviour or conduct is being complained about.
Authorising powers	The functions, duties and powers that a person is authorised to perform within Fire and Emergency.
Complainant	The person raising the complaint about the inappropriate behaviour or conduct.
Dismissal/Discharge	To end an employee's employment/volunteer's engagement.
Human Resources delegations	<p>The schedule of:</p> <ul style="list-style-type: none"> • human resources (HR) activities that can only be completed by authorised roles • which roles have delegated authority to complete them.
People leader/Brigade leader	<p>The person an employee/volunteer reports to.</p> <p>The person you report to is the person who has been assigned as your leader or manager. That person could be a Team Leader, Controller, Group Manager, Chief Fire Officer, SSO, SO or Manager.</p> <p>They will be the person who provides you with direction or support, or who allocates your daily tasks.</p> <p>They are most likely to be the person you would contact for a day-to-day decision or for approval.</p> <p>They are usually responsible for overseeing your activities and making sure things are going well. If you have any questions or need guidance, this is the person you would reach out to for support.</p> <p>Examples:</p>

- If you are a career firefighter, this would be your Station Officer or Senior Station Officer.
- If you are a career Station Officer, this could be either your Senior Station Officer or your Group Manager.
- If you are a Senior Station Officer, this would be your Group Manager.
- If you are a dispatcher, then it's your Shift Manager.
- If you are a Shift Manager, then it's your Centre Manager.
- If you are a volunteer, this likely to be your CFO or Controller.

Representative

A representative is someone a person chooses to represent them, and who will usually speak on their behalf. If requested by Fire and Emergency, be able to show that they have authority from the person to be their representative.

A representative is different from a support person (defined below) – they will usually be much more actively involved in any issue. They should be familiar with employment/complaint processes and employment law.

Representatives include union officials or delegates, lawyers, employment/volunteer advocates, or community advocates (community law, etc).

Support person

A support person is someone an individual chooses to bring to a meeting to give them support. Anyone can be a support person, but common choices include a friend, family member, colleague, kaumātua, kuia, matai or other community leader.

A support person is different from a representative. While a representative usually speaks on behalf of the person, a support person may:

- give them emotional support and reassurance
- help them understand the issues
- observe proceedings
- help clarify the process
- take notes so that the individual can focus on the meeting
- provide cultural knowledge or safety. This might include advice on tikanga or karakia, inoi or prayer.

Suspension/Stand-down

Suspension/stand-down is the removal of an individual (accused/respondent) from their role or volunteer duties for a period to manage and mitigate potential risks associated with them undertaking their role/duties.

Related information

How do I

[Make protected disclosure about serious wrongdoing](#)

Policies

[Te Tikanga Whanonga | Our Code of Conduct](#)

[Bullying, harassment and victimisation](#)

[Media](#)

[Privacy](#)

Schedules

[Human resources delegations](#)

[Unacceptable behaviours](#)

Legislation

[Employment Relations Act 2000](#)

[Health and Safety at Work Act 2015](#)

[Privacy Act 2020](#)

Document information

Owner	DCE People
Steward	National Manager Workplace Relations
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Record of amendments

Date	Brief description of amendment
3 December 2024	Initial version