



BERMUDA

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

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TABLE OF CONTENTS

1	Citation
2	Application
3	Interpretation
4	Recommendations pending determination of criminal offence
5	Offences against discipline
6	Investigation of offence against discipline
7	Decision to charge by Assistant Chief Fire Officer
8	Documents to be supplied to the accused officer
9	Reply to charge
10	Appointment of Presiding Officer and disciplinary tribunal
11	Procedure at the disciplinary tribunal hearing
12	Presence of accused officer at hearing
13	Accused officer admits the charge
14	Accused officer denies the charge
15	Disciplinary awards
16	Recording of disciplinary award
17	Appeal to Chief Fire Officer
18	Appeal to Public Service Commission
19	Interim suspension
20	Annual report of disciplinary awards
21	Report on unsatisfactory officer
22	Frivolous etc complaints
23	Minor contraventions
	SCHEDULE
	Offences against Discipline

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

The Minister responsible for Fire Services, in exercise of the powers conferred by section 17(1)(k), (o), (p) and (q) and section 17(4) of the Bermuda Fire and Rescue Service Act 1982, makes the following Regulations:

Citation

1 These Regulations may be cited as the Bermuda Fire and Rescue Service (Discipline) Regulations 2013.

Application

2 These Regulations apply to any uniformed member of the Bermuda Fire and Rescue Service of the rank of Lieutenant and below who is not on probation, and “officer to whom these Regulations apply” shall be construed accordingly.

Interpretation

- 3 (1) In these Regulations, unless the context otherwise requires—
- “disciplinary award” means a formal reprimand or any of the awards set out in regulation 15(2);
 - “disciplinary tribunal” means the Presiding Officer and the two additional officers appointed to form a tribunal under regulation 10;
 - “General Orders” means the Bermuda Fire and Rescue Service General Orders made under section 18 of the Bermuda Fire and Rescue Service Act 1982;
 - “investigating officer” means a uniformed officer of the Bermuda Fire and Rescue Service designated as such under regulation 6(1);
 - “offence against discipline” means an act or omission in breach of these Regulations, which includes an act or omission in breach of General Orders;
 - “officer to whom these Regulations apply” has the meaning given in regulation 2;
 - “Permanent Secretary” means the permanent secretary of the Ministry responsible for the Bermuda Fire and Rescue Service;
 - “Presiding Officer” means the person appointed under regulation 10.
- (2) Any reference to a “form” means a form approved for use by the Chief Fire Officer for the purposes of these Regulations.

Recommendations pending determination of criminal offence

- 4 Upon notification that an officer to whom these Regulations apply has been charged with a criminal offence, the Chief Fire Officer shall immediately report in writing to the Public Service Commission—
- (a) details of the charge; and
 - (b) any recommendations regarding the officer’s suspension from duty with or without pay until the final determination of the charge.

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

Offences against discipline

5 An officer to whom these Regulations apply is guilty of an offence against discipline if he commits any of the acts or omissions set out in the Discipline Code in the Schedule to these Regulations or in General Orders.

Investigation of offence against discipline

6 (1) The Chief Fire Officer shall designate officers of the Bermuda Fire and Rescue Service to be investigating officers for the purpose of investigating offences against discipline.

(2) When a Head of Division receives a report, complaint or allegation as to the conduct of an officer which may disclose the commission of an offence against discipline, he shall—

- (a) refer the matter to the Chief Fire Officer; and
- (b) notify the Assistant Chief Fire Officer accordingly.

(3) The Chief Fire Officer shall refer the matter to an investigating officer who shall be neither—

- (a) of lower rank than the officer in respect of whom the report, complaint or allegation has been made; nor
- (b) his immediate supervisor.

(4) The investigating officer shall, as soon as practicable after the referral of the matter by the Chief Fire Officer, inform the officer concerned of the nature of the alleged offence against discipline under investigation on a complaint form.

(5) The officer concerned shall, within 24 hours of receipt of the complaint form, inform the investigating officer in writing whether he admits or denies the allegation and may—

- (a) make a statement in writing in respect of the allegation; and
- (b) state the names and addresses of any witnesses to relevant facts whose presence he wishes at any subsequent hearing.

(6) The investigating officer shall investigate the allegation and, within 30 days of the referral under paragraph (3), send a written report to the Head of Division concerned.

(7) The Chief Fire Officer may, on application by the investigating officer giving reasons for the request, extend the period of 30 days mentioned in paragraph (6).

Decision to charge by Assistant Chief Fire Officer

7 (1) On receipt of the investigating officer's report, the Head of Division shall—

- (a) consider the report; and
- (b) recommend to the Assistant Chief Fire Officer whether or not the officer concerned should be charged with an offence against discipline or (in the

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

case of a minor contravention) whether action under regulation 23 would be sufficient.

(2) The Head of Division shall forward his recommendation, together with the report of the investigating officer, to the Assistant Chief Fire Officer within seven days of receipt of the report from the investigating officer.

(3) On receipt of the recommendation, the Assistant Chief Fire Officer shall review the recommendation and, within ten days of the date of receipt, shall proceed under either paragraph (4) or (5).

(4) If the Assistant Chief Fire Officer decides that no further disciplinary action is to be taken, he shall cause the officer concerned and the Chief Fire Officer to be notified in writing to that effect.

(5) If the Assistant Chief Fire Officer decides that the officer concerned ("the accused officer") is to be charged with a disciplinary offence, he shall cause the charge to be entered on a charge form, together with sufficient particulars for the accused officer to know—

- (a) the precise nature of the offence charged; and
- (b) the allegations of fact made against him.

(6) A copy of the charge form shall be given to the Chief Fire Officer.

Documents to be supplied to the accused officer

8 (1) The Assistant Chief Fire Officer shall supply to the accused officer the following documents within five days of the accused officer being charged with an offence against discipline—

- (a) a copy of the report, complaint or allegation on which the charge is founded and any reports thereon, notwithstanding that they may be confidential;
- (b) a copy of any written statement the accused officer may have made under regulation 6; and
- (c) a copy of the charge form.

(2) The Assistant Chief Fire Officer shall also supply to the accused officer, as soon as practicable, a copy of any statement relating to the charge made by any person to the Head of Division or the investigating officer, or to anybody on their behalf, together with the person's name and address.

Reply to charge

9 (1) The accused officer shall as soon as possible, and in any case not later than 72 hours following the receipt by him of the charge form—

- (a) state in writing upon the charge form his reply (if any) to the charge, and

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

(b) give the names of any witnesses to material facts whom he desires to call at the hearing and did not mention under regulation 6(5)(b).

(2) The Assistant Chief Fire Officer may, in a particular case, upon request of the accused officer, extend the time the period of 72 hours in paragraph (1).

Appointment of Presiding Officer and disciplinary tribunal

10 (1) After an accused officer has been given an opportunity to state his reply to a charge under regulation 9(1), the Chief Fire Officer shall, within three days, assign a Presiding Officer.

(2) A Presiding Officer shall not be below the rank of Head of Division.

(3) The Presiding Officer, as soon as practicable and, in any case, no later than 90 days from the date on which the accused was given the charge form, shall—

(a) appoint two additional officers to sit with him and form a disciplinary tribunal to hear and determine the charge;

(b) arrange for the disciplinary tribunal hearing to be held; and

(c) arrange for the attendance of the accused officer and all necessary witnesses.

(4) The additional officers shall be—

(a) of a more senior rank than the accused officer; and

(b) of the same rank as the Presiding Officer, or a lower rank.

Procedure at the disciplinary tribunal hearing

11 (1) The Presiding Officer shall order the accused officer to attend the disciplinary tribunal hearing, and the accused officer may conduct his defence—

(a) in person; or

(b) by any officer he selects who is of a lower rank than the Presiding Officer.

(2) Subject to regulation 12, the accused officer shall be allowed—

(a) to hear all the evidence given against him;

(b) to cross-examine the witnesses; and

(c) to call witnesses in his defence.

(3) The case in support of the charge shall be prosecuted by the investigating officer, unless the Assistant Chief Fire Officer in special circumstances otherwise directs.

(4) The Presiding Officer shall explain the charge to the accused and ask him whether he admits or denies the charge; but unless the accused distinctly admits the charge, the hearing shall proceed as if he had denied it.

(5) The Presiding Officer may—

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

- (a) call witnesses;
 - (b) require the production of all documents relevant to the charge; and
 - (c) adjourn the hearing from time to time.
- (6) The Presiding Officer shall cause to be maintained a record of the proceedings including—
- (a) notes of the statements made in evidence or under examination or cross examination; and
 - (b) notes of any statements made by the accused officer;
- and the notes shall be signed by the person by whom each statement was made.
- (7) Evidence given at the hearing of a charge shall be on oath or affirmation—
- (a) at the request of the accused; or
 - (b) by direction of the Presiding Officer.
- (8) A hearing may proceed in the absence of one of the members of the tribunal through illness or other unavoidable circumstances, but not in the absence of the Presiding Officer.
- (9) A decision may be made by a majority of members of the tribunal.
- (10) All members of the Bermuda Fire and Rescue Service attending any disciplinary hearing shall wear the uniform of the day.
- (11) Save as otherwise provided by these Regulations, the tribunal shall regulate its own procedure as it thinks fit.

Presence of accused officer at hearing

- 12 (1) The accused officer shall have the right to be present during the whole of the hearing so long as he conducts himself in an appropriate manner.
- (2) If, in the opinion of the Presiding Officer, the accused does not conduct himself in an appropriate manner, the Presiding Officer—
- (a) may direct that the accused be removed and proceed with the hearing in his absence; and
 - (b) must make such sufficient provision to ensure the accused is informed of what occurs at the hearing and for making his defence.
- (3) If the accused is absent from the hearing without good reason, as determined by the Presiding Officer, the hearing shall continue in his absence.

Accused officer admits the charge

- 13 (1) This regulation applies if the accused officer admits the charge.
- (2) The Presiding Officer shall record on the charge form a finding that the charge is proved, after the disciplinary tribunal has heard—

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

- (a) the accused officer and any witnesses he may wish to call; and
 - (b) any other witness whom the tribunal think it desirable to call.
- (3) The disciplinary tribunal shall—
- (a) impose a disciplinary award under regulation 15(1); or
 - (b) make a recommendation to the Chief Fire Officer for a disciplinary award under regulation 15(2).

Accused officer denies the charge

- 14 (1) This regulation applies if the accused officer denies the charge.
- (2) Before the case in support of the charge is presented at the hearing, the accused may submit that the facts alleged in that charge are not such as to constitute the offence with which he is charged, and, if the disciplinary tribunal upholds the submission, it shall dismiss the charge.
- (3) When the witnesses in support of the charge have been heard, the Presiding Officer shall inform the accused that he may call witnesses in his defence and that—
- (a) he may give evidence, in which case he would be liable to cross-examination;
 - (b) he may make a statement, in which case he may only be questioned for the purpose of clearing up an ambiguity; or
 - (c) that he need say nothing.
- (4) On the conclusion of the case for the defence, the Presiding Officer shall inform the accused that he (or his representative) may make a concluding statement, summarising the facts and arguments for the defence.
- (5) After hearing all the evidence and the explanation (if any) of the accused officer, the disciplinary tribunal shall either—
- (a) dismiss the charge; or
 - (b) record on the charge form a finding that the charge is proved;
- and shall (in either case) make a written record of its reasons.
- (6) If the charge is proved the disciplinary tribunal shall—
- (a) impose a disciplinary award under regulation 15(1); or
 - (b) make a recommendation to the Chief Fire Officer for a disciplinary award under regulation 15(2).

Disciplinary awards

- 15 (1) The disciplinary tribunal may make one or more of the following disciplinary awards—
- (a) a caution;

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

- (b) a formal reprimand;
- (c) a requirement to undergo additional training (whether generally or in relation to specific skills); and
- (d) a requirement to obtain appropriate professional services (such as counselling or medical treatment).

(2) The disciplinary tribunal may recommend to the Chief Fire Officer the making of any one or more of the following disciplinary awards—

- (a) dismissal;
- (b) requirement to resign as an alternative to dismissal;
- (c) reduction in rank or grade;
- (d) suspension with full pay;
- (e) suspension without pay, or with reduced pay;
- (f) withholding, stoppage, deferment or reduction of increments; and
- (g) re-imburement of cost for damage or repairs to Service property;

(3) Upon consideration of the recommendations of the disciplinary tribunal, the Chief Fire Officer may—

- (a) accept the recommendation and make a disciplinary award accordingly;
- (b) vary the recommendation, or make any other disciplinary award that might have been made or recommended by the disciplinary tribunal (whether more or less severe);
- (c) direct the taking of further evidence by the disciplinary tribunal which made the recommendation;
- (d) reject the recommendation and order that the charge be dismissed; or
- (e) order a re-hearing of the charge before a differently constituted disciplinary tribunal.

(4) Where the Chief Fire Officer does not accept the recommendation of the disciplinary tribunal and instead proceeds under any of paragraphs (3)(b) to (e), he shall make a written record of his reasons for doing so.

(5) The Chief Fire Officer shall cause the accused officer to be notified of his determination and the reasons recorded under paragraph (4).

Recording of disciplinary award

16 (1) No entry shall be made in the accused officer's record of service where a charge is dismissed by the disciplinary tribunal or the Chief Fire Officer.

(2) Any disciplinary award made by the disciplinary tribunal or the Chief Fire Officer shall be—

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

- (a) entered on the charge form, which the accused officer shall sign; and
- (b) entered in the officer's record of service.

Appeal to Chief Fire Officer

17 (1) An officer in respect of whom a disciplinary award is made by the disciplinary tribunal may, within fourteen days of the notification to him of that award, appeal in writing to the Chief Fire Officer.

(2) The Chief Fire Officer shall consider the appeal subject to such procedure as he considers just and equitable in the circumstances, and shall determine the appeal.

(3) The Chief Fire Officer may—

- (a) confirm the disciplinary tribunal's decision;
- (b) modify the disciplinary tribunal's decision or make any other disciplinary award that might have been made by the disciplinary tribunal (whether more or less severe); or
- (c) allow the appeal.

(4) The Chief Fire Officer shall—

- (a) cause the accused officer to be notified of the determination of the appeal; and
- (b) cause the appropriate entry, or deletion of an entry, to be made in the officer's record of service.

Appeal to Public Service Commission

18 (1) An officer in respect of whom any disciplinary award is made by the Chief Fire Officer may, within fourteen days of the notification to him of that award, appeal in writing to the Public Service Commission, and shall notify the Chief Fire Officer accordingly.

(2) Where an appeal against a disciplinary award is lodged with the Public Service Commission, the Chief Fire Officer shall as soon as possible, but in any case within fourteen days of the date of appeal, send to the Public Service Commission copies of—

- (a) the documents referred to in regulation 8;
- (b) any reply to the charge made by the accused officer under regulation 9;
- (c) the notes taken by the disciplinary tribunal at the hearing;
- (d) a statement of the award recommended by the disciplinary tribunal, and of the reasons for making that recommendation;
- (e) a statement of the award made by the Chief Fire Officer and, if the award is different from that recommended by the disciplinary tribunal, the reasons for the difference; and

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

- (f) the Chief Fire Officer's written report on the general character and efficiency of the accused officer.
- (3) The Public Service Commission shall consider the appeal subject to such procedure as it considers just and equitable in the circumstances, and shall determine the appeal.
- (4) Where the officer appeals against any disciplinary award, the Public Service Commission may—
 - (a) confirm the award;
 - (b) substitute any other disciplinary award which could have been made (whether more or less severe);
 - (c) direct that the officer be cautioned; or
 - (d) make no disciplinary award.
- (5) The Secretary to the Public Service Commission shall cause the Chief Fire Officer and the accused officer to be informed of the determination of the appeal.
- (6) The Chief Fire Officer shall cause the appropriate entry, or deletion of an entry, to be made in the officer's record of service.

Interim suspension

- 19 (1) Where the Chief Fire Officer has reason to believe that an officer to whom these Regulations apply has committed a disciplinary offence, he may suspend the officer from duty if, in his opinion, the circumstances of the offence are such that the officer should not continue his duties.
- (2) Any such suspension shall be at full pay until such time as a charge is laid.
 - (3) Where a charge is laid against an accused officer, the Chief Fire Officer may suspend the accused officer from duty if, in his opinion, the offence charged is such that the accused officer should not continue his duties.
 - (4) The Chief Fire Officer may attach any conditions to suspension under paragraph (3), including conditions relating to those as to the officer's salary, as he may think fit.
 - (5) An officer who, having been suspended from duty returns to duty, shall receive, as from the date of his suspension, the difference between the pay and allowances to which he would have been entitled but for his suspension from duty and the suspension allowance (if any) awarded to him if—
 - (a) it has been decided that he shall not be charged with an offence against discipline; or
 - (b) all charges that were proceeded with have been dismissed.
 - (6) The Chief Fire Officer shall report the suspension of an officer and any conditions of suspension to the Public Service Commission.

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

- (7) An officer under suspension from duty—
- (a) shall report daily as directed by the Chief Fire Officer; and
 - (b) shall continue to be subject to the same authority, discipline and penalties as if he had not been suspended.

Annual report of disciplinary awards

20 The Chief Fire Officer shall submit a report to the Secretary of the Public Service Commission annually setting out—

- (a) the names of the officers in respect of whom disciplinary awards have been made;
- (b) the offences against discipline in respect of which the awards were made;
- (c) the disciplinary awards made;
- (d) the offences against discipline (if any) previously committed by each officer; and
- (e) any remarks which the Chief Fire Officer wishes to make.

Report on unsatisfactory officer

21 (1) The Chief Fire Officer shall report to the Public Service Commission any officer who, in his opinion, is inefficient or on whom disciplinary awards are failing to secure the officer's conduct.

(2) Before submitting the report to the Public Service Commission, the Chief Fire Officer shall—

- (a) show it to the officer;
- (b) request that he signs it; and
- (c) advise him that he has seven days in which to make a written statement in relation to the report.

(3) On submitting the report to the Public Service Commission, the Chief Fire Officer shall attach any such statement made by the officer.

Frivolous etc complaints

22 (1) Any person who makes a frivolous, vexatious or malicious complaint in relation to an officer to whom these Regulations apply, thereby wasting the time of any member of the Bermuda Fire and Rescue Service or the disciplinary tribunal, is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding \$3000, or imprisonment for a term not exceeding three months, or both.

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

Minor contraventions

23 (1) In this regulation, “senior officer” means an officer of, or above, the rank of Head of Division.

(2) If a senior officer is of the opinion that the performance of an officer to whom these Regulations apply is—

- (a) unacceptable, but
- (b) appears so minor as not to merit more formal investigation,

the senior officer shall address the officer, orally or in writing, regarding the unacceptable performance or action, and notify the Assistant Chief Fire Officer accordingly.

(3) Where lack of knowledge or skill appears to be a contributing factor to the unacceptable performance, the senior officer may recommend to the Chief Fire Officer that the officer undergoes additional training (whether generally or in relation to specific skills).

(4) The senior officer shall cause a written record of action taken under this regulation to be made in the officer’s record of service.

(5) Action taken under this regulation shall not preclude formal disciplinary action under these Regulations.

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

SCHEDULE OFFENCES AGAINST DISCIPLINE

In this Schedule “Service” means the Bermuda Fire and Rescue Service.

A ABSENCE

A.1 Absence or lateness

- a. Without reasonable excuse, officer is absent from duty or is repeatedly late for shift, parade, drill or other attendance.
- b. Officer fails to make reasonable effort to notify supervisor of inability to report for work.
- c. Officer abuses leave privileges as per General Orders.

A.2 Failure to report

Officer fails, without reasonable excuse, to report for duty in accordance with Section 6A of the Bermuda Fire and Rescue Service Act 1982.

A.3 Leaving assignment without authorization

Without permission or sufficient cause, officer leaves the station or place of duty.

A.4 Sleeping on the job

Officer sleeps while on duty other than at specified times prescribed by the Chief Fire Officer.

A.5 Malingering

- a. Officer feigns or exaggerates any sickness or injury with the intention of evading duty.
- b. Officer reports sick without cause or falsely claims sick pay.

B. AGAINST DISCIPLINE

B.1 Disobedience

- a. Without sufficient cause or approval, officer fails to obey orders or instructions or fails to perform routine duties and assignments.
- b. Officer acts in a manner that damages or is likely to damage the reputation of the Service.

B.2 Insubordination

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

Officer exhibits insubordination, disrespect or insolence towards a superior officer through actions, his demeanour or how he performs his work.

B.3 Abuse of authority

- a. Without proper authorization, officer uses the uniform, identification, or position with the Service for personal advantage.
- b. Officer's conduct towards another officer or member of the public is oppressive, disrespectful or abusive.
- c. Officer participates in activities while on duty which are outside regularly assigned or authorized activities.
- d. Without proper authorization, officer possesses or uses equipment, property or material of the Service.

B.4 General Orders

Officer violates General Orders, or any policies, practices, and financial instructions not specifically itemized herein.

C ALCOHOL, DRUGS and TOBACCO

C.1 Alcohol / Drugs

- a. Through drink or medication, officer renders himself unfit for any reasonably foreseeable duty that he will have to perform.
- b. Officer fails to inform the Chief Fire Officer that he is taking any medication, prescribed or otherwise, which may impair his ability to perform his duties.
- c. Officer uses alcohol within eight (8) hours prior to reporting for scheduled duty.
- d. Officer brings alcohol on any facility, property or in any Service vehicle.
- e. Officer tests positive for alcohol following a for-cause random test.
- f. Except as expressly approved by the Chief Fire Officer for functions in the Recreation Hall, officer uses alcohol on the facility or property whilst on duty.

C.2 Tobacco

Officer uses tobacco in any facility, property or in any Service vehicle not specifically designated for such use by the Chief Fire Officer.

C3. Controlled / Illegal Drugs

Officer uses, distributes, sells or has in his possession controlled drugs (as defined by the Misuse of Drugs Act 1972), whilst on duty, in uniform, or on any facility, property or in any Service vehicle.

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

C.4 Impairment

- a. Officer reports for duty under the influence of any substance which renders him unfit for duty which is reasonable for him to foresee.
- b. Officer operates vehicles or other equipment while under the influence of any substance which may impair operator capability.

C.5 Refuses Treatment

Officer refuses to seek recommended treatment or does not satisfactorily complete the recommended treatment prescribed by the recommended agency conducting treatment.

C.6 Entering licensed premises

- a. Officer on duty enters any of the following premises, when his presence is not required in the execution of his duty and without the permission of a superior officer—
 - (i) any premises used for the manufacture or sale of intoxicants;
 - (ii) any other premises where intoxicants are stored, distributed or dispensed;
or
 - (iii) any place of public entertainment.
- b. Officer enters any such premises (other than a Service mess or canteen) in uniform while off duty.

D. BELOW STANDARD PERFORMANCE

D.1 Competence

- a. Officer requires excessive supervision or instruction in performance of duties after completion of training for the position or after being necessarily trained or supported to improve performance.
- b. Officer fails to undertake or complete training as required by the Department.

D.2 Performance

Officer fails to carry out assigned work or supervisory responsibilities adequately, directly, promptly or in accordance with procedural standards.

D.3 Safety

Officer violates safety rules or practices which endangers or could reasonably be foreseen to endanger him, any other officer or member of the public; or damages or could damage property, vehicles or equipment.

E. CONDUCT

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

E.1 Unbecoming conduct

- a. Officer engages in behaviour, on or off duty, which is disorderly, prejudicial to discipline or likely to bring discredit to the reputation of the Service.
- b. Officer threatens or assaults any other officer or member of the public.

E.2 Disgraceful language

Officer uses profane or offensive language toward any other officer or member of the public.

E.3 Unhealthy environment

Officer creates unsanitary or unhealthy conditions that could affect the health or safety of any other officer or member of the public (whether or not harm actually results).

E.4 Public Criticism

- a. Officer engages in public criticism of superior officers or other public officials.
- b. Officer signs or circulates any petition or statement with regard to any matter concerning the Service outside the proper channels of correspondence to the Chief Fire Officer or the Government or in accordance with the Constitution and procedures of the Fire Service Association.

F. CRIMINAL CONDUCT

F.1 Charged with offence

Officer fails to notify Chief Fire Officer that he has been charged with a criminal offence.

F.2 Conduct – Unlawful

Officer is convicted of criminal offence.

F.3 Weapons

Without authorization of the Chief Fire Officer, officer possesses or uses any dangerous weapons, bladed weapons or any other tools used as a weapon that could result in harm to another officer, member of the public or property (whether or not injury or damage actually occurs).

F.4 Theft

Officer steals, attempts or conspires to steal, facilitates or encourages theft of cash, equipment or other property of the Service, the Government or others.

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

F.5 Conduct bringing Service into disrepute

Officer has been convicted of a criminal offence which—

- (a) occurs in connection with his duties as an officer or member of the Service;
- (b) does not so occur but has a bearing on his suitability for this job; or
- (c) is likely to bring the Service into disrepute.

G. CORRUPTION

G.1 Unauthorized appropriations

Officer fails to account for, or to make a prompt and true return of any money or property which comes into his possession in the course of duties.

G.2 Gratuities

- a. Officer accepts favours, gratuities or other valuable consideration given in exchange for services or to influence him in the performance of duties.
- b. Officer solicits, accepts or offers a bribe.

G.3 Gambling

Officer gambles or organizes gambling while on duty or on the facilities or the property of the Service.

G.4 Using position for advantage

Officer improperly uses his character or position as a fire officer for his private advantage.

G.5 Providing unauthorised testimonials or recommendations

Officer, in his capacity as such and without the prior approval or permission of the Chief Fire Officer, gives any testimonial, character reference or other recommendation with the object of obtaining employment for any person, or for supporting the application for the grant of a licence of any kind.

G.6 Canvassing

- a. Officer canvasses any member of the Government or Public Service (apart from a member of the Bermuda Fire and Rescue Service) with regard to any matter concerning the Service.

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

b. Officer submits petition or canvasses any other officer in respect of promotion, discipline, transfers or appointments within the Service, other than in accordance with any enactment, Code of Conduct or General Orders.

H. DRIVER/ENGINEER

H.1 Licence

Officer fails to immediately notify the Chief Fire Officer through the normal chain of command of any changes in the status of his driving licence or capacity to drive (due to circumstances in Bermuda or elsewhere) before driving or operating any Service vehicle or any other vehicle in the execution of duties.

H.2 Accident

Officer causes or contributes to an accident by operating vehicles or equipment in an unsafe manner.

H.3 General Orders

Officer fails to comply with General Orders.

H.4 Bermuda Fire and Rescue Service Act 1982

Officer fails to comply with the Bermuda Fire and Rescue Service Act 1982.

I. FALSEHOOD

I.1 Records

Officer knowingly, with intent to deceive, destroys or changes any document, book or record, or alters or erases any entry therein.

I.2 False statements

Officer knowingly makes a false or misleading statement, allegation or representation, whether in writing or not, or in any official document or book in connection with his or any other officer's function or performance.

I.3 Concealment of statements

Officer fails to report, which is his duty to report, or otherwise conceals or withholds information regarding any matter relating to the Service.

J. NEGLECT OF DUTY

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

J.1 Failing to Carry Out Duties

Without sufficient cause, officer delays or fails to attend to or carry out duties promptly and diligently. Officer neglects, evades or shirks duty.

J.2 Carelessness, Neglect, Loss

Officer causes loss, damage or injury to any person or property by carelessness or neglect.

J.3 Operational Procedures

- a. Officer violates or fails to comply with safety rules or procedures.
- b. Officer causes or contributes to an accident by operating equipment in an unsafe manner.
- c. Officer fails to respond with appropriate apparatus or gives misdirection which is wilful or negligent without extenuating circumstances or proper authorization.
- d. Officer fails to report any matter which is his duty to report, or to make any entry in any book or document which is his duty to make.
- e. Officer plays tricks or jokes, or engages in horseplay whilst on duty which may lead to physical injury to employees or others, or damage to equipment or property.

J.4 Damage

- a. Officer fails to report as soon as is reasonably practicable any loss of or malfunction of, or damage to, any Service property issued to or used by him or entrusted to his care.
- b. Officer operates equipment unsafely, carelessly or unreasonably in a manner that causes or could cause damage to equipment or property.

J.5 Interference with duty

Officer fails to report any incident or person who interferes with the work of the Service or has refused the co-operation required and necessary for the efficient operation of the Service.

K. OUTSIDE EMPLOYMENT

K.1 Conflict

Officer engages in any employment, activity or enterprise which constitutes a conflict of interest with his responsibilities to the Service.

K.2 Whilst on duty

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

Officer performs outside employment tasks while on duty, including (but not limited) to seeing visitors, using the internet, and making telephone calls to set up appointments, pay for services, organise employees etc.

K.3 Approval

Officer fails to obtain initial prior approval for outside employment, annual renewal of permission for outside employment, permission to change outside employment or change terms the of outside employment.

K.4. 8-Hour Rest

Without proper authorization, officer works for any other employers (including himself) within the 8 hours prior to reporting for a scheduled shift.

L. PREJUDICE

L.1 Prejudice

- a. Officer exhibits insensitive or derogatory behaviour, language, gestures, or other annoyance or harassment, whether spoken or written, toward any other officer or member of the public on account of race, gender, religion, politics or national origin.
- b. Officer fails to comply with Human Rights Act 1981 as per General Orders.

L.2 Sexual harassment

Section 9(4) of the Human Rights Act 1981 provides that “a person harrasses another sexually if he engages in sexual comment or sexual conduct towards that other which is vexatious and which he knows, or ought reasonably to know, is unwelcome.”

- a. Office engages in sexual harassment, whether spoken or written, toward any other officer or member of the public.
- b. Officer abuses position of authority for the purpose of sexually harassing or pressuring any other officer for sexual favours.

L.3 Supervision

- a. Officer fails to fulfil supervisory responsibility for fostering a discrimination free work place by own conduct or by allowing subordinates to contribute to a hostile, offensive or intimidating work environment.
- b. Officer retaliates against any other officer for filing or participating in a discrimination complaint or for opposing discriminatory actions.

M. PUBLIC INFORMATION

M.1 Confidential Information

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

Without proper authority, officer discloses confidential information or divulges any matter which it is his duty to keep secret.

M.2 Media and public announcements

- a. Without proper authority or delegation, officer makes direct or indirect communication to representatives of the press or other persons with reference to matters which have become known to him in the course of duties.
- b. Without proper authority, officer publishes any matter or makes any public pronouncement relating to the administration and operations of the Service.

N. PURCHASING

N.1 General Order

Officer fails to comply with purchasing and spending regulations set out in the Financial General Orders.

N.2 Authorization

Officer fails to obtain proper authorization prior to purchasing.

N.3 Documentation

Officer fails to provide supporting documentation for all purchases.

N.3 Quotes

For purchases between \$1,000 and \$5,000, an officer fails to obtain competitive quotes from at least two vendors prior to making purchase. Officer fails to purchase at lowest reasonable competitive quote.

O. STATION/FACILITIES PROCEDURES

O.1 Clean Up

- a. Officer fails to keep lockers or closets in neat, clean condition.
- b. Officer fails to keep bedding made up neatly and uniformly or aired as specified by General Orders.
- c. Officer fails to perform routine station and equipment clean-up duties without sufficient reason.

O.2 Telephone/radio

- a. Officer fails to follow telephone protocols and courtesy as set out in General Orders.

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

- b. Officer uses cellular telephone or other devices contrary to guidelines set out in General Orders.
- c. Without proper authorization, officer incurs long distance or other telephone expenses and uses station equipment.
- d. Officer fails to follow proper radio procedure as set out in General Orders.

O.3 Personal vehicle cleaning

The cleaning of personal vehicle while on Service property, on or off duty is a privilege and should be regarded as such.

- a. Officer allows the cleaning of personal vehicles to supersede or interfere with the timely performance of his duties.
- b. Officer does not clean department apparatus and equipment if it is his responsibility to do so prior to washing of personal vehicle.
- c. Officer does not provide own cleaning supplies, and uses department supplies to clean personal vehicle.

O.5 Visitors

- a. Without proper authorization, officer allows visitors to wander unescorted or to remain on property after visitor's business is completed.
- b. Without proper authorization, officer allows visitors to enter private areas of a station such as dormitory, locker room or workshop.
- c. Without specific authorization by the Chief Fire Officer, officer allows any bed, room, facility or equipment to be used or occupied by any person who is not a member of the Service.

P. UNIFORM

P.1 Policy

- a. While on duty or off duty in uniform in a public place an officer is, without reasonable excuse, dirty or untidy, or not appropriately dressed for the job in terms of community service standards and job safety.
- b. Officer fails to wear appropriate gear at required times and otherwise fails to comply with General Orders as to personal appearance.

P.2 Damage

- a. Officer wilfully or negligently damages any article of clothing or personal equipment with which he has been provided or entrusted or fails to take proper care thereof.

BERMUDA FIRE AND RESCUE SERVICE (DISCIPLINE) REGULATIONS 2013

- b. Officer fails to replace lost or damaged items promptly as required by General Orders.

Q. WRITTEN PROCEDURES

Q.1 Failure to record

- a. Officer fails to make any entry, which is his duty to make, in any book or document.
- b. Officer does not comply with the forms, format and procedures set out in General Orders for internal communication.

Q.2 False application

Officer intentionally falsifies application for employment or medical information which otherwise would have caused employment disqualification.

Q.3 Falsifying or destroying documents

- a. Officer falsifies time reports, mileage, reports, expense accounts or similar work oriented documents.
- b. Officer intentionally falsifies or destroys any record or document without proper authorization.

R. BORROWING AND LENDING MONEY

Officer lends money to a superior officer or borrows money from a subordinate.

Made this 5th day of June 2013

Minister of Public Safety