

Blacker, S., Wilkinson, D., Rayson, M., & Richmond, V. (2014). The gender-neutral timed obstacle course: a valid test of police fitness? *Occup Med (Lond)*, 64(5), 391.

LETTER TO THE EDITOR - Response to original article: The gender neutral timed obstacle course: a valid test of police fitness?

Dear Sir,

A recent paper published in Occupational Medicine [1] regarding Police Fitness tests concluded that “*The Gender-Neutral Timed Obstacle Course (GeNTOC) was not a useful screening tool*”. However, we propose that if Police Forces were to adopt a test similar to the GeNTOC it **would** serve a useful purpose as screening tool, by providing a role-related assessment of participants’ physical capability to safely and effectively perform their job.

It is our understanding that the fitness of Police Force applicants in England, Wales and Scotland is currently assessed using a 15 m shuttle run and dynamic strength test, which may be extended for serving police officers [2]. The Winsor Report recommended considering adopting an obstacle course assessment [2], similar to the GeNTOC described in the paper [1].

Tests for selection and/or monitoring physical fitness are subject to legislative requirements related to equal opportunities in employment set down in the Equality Act 2010 [3], which covers nine key protected characteristics, including sex (gender). The legislation requires that there is no unlawful discrimination because of a protected characteristic. A fitness test has the potential to discriminate unlawfully both directly or indirectly. Direct discrimination occurs if someone is treated less favourably because of a protected characteristic (e.g. a different pass time for males and females) and is not defensible by law. Indirect discrimination occurs if a provision, criterion or practice (such as a fitness test) puts someone from a protected group at a disadvantage, and which is unable to be justified as being a proportionate means of achieving a legitimate aim.

Hence, to comply with the Equality Act, any fitness standards must reflect the essential critical physical tasks required to perform the specified job. The pass standards on these physical tests must reflect the minimum physical performance standards required to complete essential critical job tasks. Physical selection standards cannot be set based on the number of participants passing or failing the test as Jackson and Wilson suggest [1].

Jackson and Wilson conclude “*Too few candidates were appropriately screened out*”; given that the ability to perform key policing tasks should be the criterion measure, this conclusion is not justifiable. Similarly, the conclusion that “*too many of those failing were female*”, cannot be substantiated without knowing how those failing the test, perform on critical job tasks. Before proposing that alternative fitness tests are adapted or the GeNTOC obstacles modified, the content validity of the test battery must be considered, which indeed it has been, successfully, in the case of Dougan versus Chief Constable of the Royal Ulster Constabulary (1997) [4] (1998) [5].

Therefore, adopting a role-related physical fitness test such as the GeNTOC, which replicates the physical demands of police work, would provide a useful and legally defensible screening tool for applicants and incumbents, ensuring they could perform critical tasks associated with their job. Specific test procedures and obstacles should only be modified if they are found to be unrepresentative simulations of job performance, and not as a result of the number, body size or gender of participants who fail the test.

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3. Great Britain. *Parliament. Equality Act 2010: Elizabeth II*. Chapter 15. London: Stationery Office, 2010.
4. *Jo-Anne Dougan v the Chief Constable of the Royal Ulster Constabulary*, case number 03244/97SD
5. *Jo-Anne Dougan v the Chief Constable of the Royal Ulster Constabulary*, case number 01734/98SD