



BULLYING, HARASSMENT & DISCRIMINATION POLICY

1. Purpose

- 1.1 The College works to ensure its' members working and training environments are respectful and free from bullying, harassment and discrimination. This policy defines these unacceptable behaviours and describes the actions to be taken in the event of these occurring.

2. Application and Scope

- 2.1 This policy describes the procedures associated with complaints of Bullying, Harassment including Sexual Harassment and Discrimination including racism (BHD) made by Fellows, members, volunteers, supervisors, doctors in training or others undertaking College functions or acting on behalf of the College including its contracted training organisations. It covers BHD within and external to the College through any medium. The principles set out in this policy are intended to apply to any context involving the College.
- 2.3 For complaints related to the actions of College employees (including contractors, subcontractors, temporary employees or consultants), the [ACRRM Workplace Anti-Bullying Policy](#) will apply.

3. Policy

- 3.1 The College is committed to the elimination of BHD and to acting to prevent such behaviour and support members who experience it. Fellows, members, volunteers, supervisors and doctors in training as representatives of the College are responsible for their behaviour and for ensuring an environment free of bullying, harassment and discrimination.
- 3.2 The College does not tolerate bullying, harassment or discrimination including racism under any circumstances.
- 3.3 The College expects its members to act in accordance with its [Respectful Workplaces Framework](#) and with the [Medical Board of Australia's Code of Conduct](#).
- 3.4 Fellows, members, volunteers, supervisors and doctors in training shall not, in the course of their duties for the College, bully or unlawfully discriminate or harass (including sexually harass):
 - A Fellow or member of the College
 - A doctor in training
 - A colleague or member of any other profession
 - A member of the public
 - An employee or contractor of the College
 - Any other person in their workplace.
- 3.5 Fellows, members, volunteers, supervisors and doctors in training shall not victimise another person, because that person has proposed, made or initiated, or is perceived to be supporting a complaint under College or their employer's policies.

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- 3.6 Where a Fellow, member, volunteer, supervisor, or doctor in training of the College experiences a BHD related issue in their workplace - the employer generally has primary responsibility and where possible, the issue should be settled within the local workplace. In such cases, affected individuals are encouraged to notify the College and (if applicable) their contracted training organisation, for the purposes of monitoring and support.
- 3.7 Any Fellow, member, volunteer, supervisor or doctor in training may complain about BHD to their respective training officer, mentor, medical educator, (including where applicable, training staff within training organisations) or respective program leaders within the College, including the CEO. There will be no “wrong doors”. All complaints of BHD received by the College are treated seriously, promptly, and confidentially. All formal complaints are investigated fairly and impartially, and action is taken to ensure that BHD stops.
- 3.8 Misconduct in terms of BHD behaviours will be treated seriously and disciplinary actions by the College may apply. For unlawful behaviours, complainants will be referred to the relevant authorities and mandatory reporting requirements to regulatory bodies will be met.

4. Process

4.1 Reporting Unreasonable Behaviour

4.1.1 Local Resolution in the workplace

Resolution for bullying, harassment or discrimination should ideally occur in the local workplace as an employment issue. The employer’s human resources department or designated staff can provide advice on the complaints and resolution process in addition to counselling and support. This should be the first port of call.

4.1.2 Reporting to External Agencies

Where the conduct complained of has occurred in the workplace, a complaint should be made to the local site employer in the first instance. The employer’s human resources officers or designated staff should provide advice on the complaints and resolution process in addition to counselling and support. This should be the first point of contact.

Complainants may also lodge a complaint with an external body relevant to the issue such as the Human Rights Commission, WorkSafe, or the Fair Work Commission.

4.1.3 Reporting to the College

The College’s [BHD Complaints Procedures](#) set out the process for making a complaint to the College about the conduct of a Fellow, member, volunteer, supervisor or doctor in training.

Fellows, members, volunteers, supervisors and doctors in training are encouraged to have issues resolved locally, particularly through their employer. However, where local processes may be inappropriate or ineffective, direct contact to the College is encouraged. Complainants may report concerns or issues through a number of channels (i.e. training officer, medical educator, program leader, CEO) all of which will be considered valid.

4.2 Complaint Resolution through the College

4.2.1 Informal Resolution



Wherever practicable and where the aggrieved person feels comfortable doing so, disputes will begin within an informal framework and will only move to a formal investigation process if the informal procedures do not have a satisfactory outcome.

These will be resolved by the aggrieved person through their informal discussions with the alleged offenders, assisted by the College where appropriate.

The aggrieved person may elect for the College, through a delegate to arrange an informal meeting with the alleged offender to discuss the dispute. If the respondent agrees, this meeting should be conducted as soon as possible in a confidential environment.

In these discussions, the aggrieved individual may state the offensive behaviour experienced, explain that the behaviour is unwelcome and offensive and ask that the behaviour does not continue. Unintended actions, misunderstanding or misperceptions can be clarified and cleared at this point, sparing any further harm.

If the matter is not resolved, the complainant may choose a more formal dispute resolution process.

4.2.2 Formal Resolution

A formal complaint can be verbal but is generally put in writing. All formal complaints will be directed to the CEO but can be facilitated through the delegated staff member for the College area of engagement. The College [BHD Complaints Procedures](#) will apply.

The College will investigate the complaint in a confidential and timely manner in accordance with the principles of natural justice (as detailed at Addendum A). The CEO may delegate investigation of the complaint to appropriate officers or College advisers. An outcome of the investigation is achieved once the investigator has established whether the complainant's allegations have been substantiated.

After the investigation has been completed, actions will be taken to resolve the complaint. Any action will occur following consultation with the complainant and the respondent.

4.2.3 Outcomes and Actions

When a complaint is found to be substantiated or unsubstantiated, both parties will be informed of the finding and the relevant reasons.

If a complaint is upheld and an individual is found to have engaged in BHD behaviour or victimising the complainant or their supporters, disciplinary action will be taken.

Where the action or behaviour is considered extremely serious, disciplinary action may involve removal from the training program, dismissal as a supervisor, requested removal from training program responsibilities for training organisation employees, or review of College membership/Fellowship. The College will meet any obligations in terms of reporting conduct to the appropriate regulatory authorities.

If the complainant or the respondent is dissatisfied with the outcome of the investigation, they may seek an internal review in accordance with the College [Reconsideration, Review and Appeals Policy](#), or, lodge a complaint with applicable external statutory bodies.

5. Related Documentation

5.1 [ACRRM Academic Code of Conduct](#)

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- 5.2 ACRRM Bullying, Harassment and Discrimination Complaints Procedures
- 5.3 [ACRRM Reconsideration, Review and Appeals Policy](#)
- 5.4 [ACRRM Standards of Professional Conduct Statement](#)
- 5.5 [ACRRM Respectful Workplaces Framework](#)
- 5.6 ACRRM Workplace Anti-Bullying Policy
- 5.7 [Medical Board of Australia Good Medical Practice Code of Conduct](#)
- 5.8 [Medical Board of Australia Guidelines for Mandatory Notifications](#)

6. Definitions

Bullying	<p>Bullying is unreasonable and inappropriate behaviour that creates a risk to health and safety. It is behaviour that is repeated over time or occurs as part of a pattern of behaviour. Such behaviour intimidates, offends, degrades, insults or humiliates. It can include psychological, social, and physical bullying.</p> <p>Workplace harassment and bullying can be intended or unintended (i.e. although not intended to cause harm or distress, it should reasonably have been expected to cause that effect).</p> <p>The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:</p> <ul style="list-style-type: none"> • Excluding someone from College activities. • Intimidating, hostile or threatening behaviour. • Giving someone the majority of unpleasant tasks. • Verbal abuse or rude, berating behaviour. • Deliberately withholding information that is necessary for effective performance in a College function. • Giving Fellows, doctors in training, staff or contractors assignments to complete within unreasonable timelines. • Humiliating someone through sarcasm or insults. • Intimidation. <p>Some behaviours which cause distress may not constitute workplace bullying, such as reasonable management action. For example:</p> <ul style="list-style-type: none"> • setting reasonable performance goals, standards and deadlines • allocating work • rostering and allocating reasonable working hours • transferring a worker for operational reasons • failing to promote someone after a proper, documented selection process • informing a worker that their performance is unsatisfactory, after following established performance management guidelines • informing a worker, objectively and confidentially, that their behaviour is inappropriate • a restructure. <p>Workplace conflict of itself is not considered to be workplace bullying.</p> <p>A single incident of unreasonable behaviour is not bullying, although it may have the potential to escalate into bullying and may present a risk to health and safety.</p>
Discrimination	<p>Discrimination includes racism and refers to when someone is treated unfairly because they belong to a particular group of people or have a particular characteristic. In Australia it is unlawful to discriminate on the basis of the</p>

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	<p>following characteristics. Note that <i>protected characteristics</i> differ between some States and Territories:</p> <ul style="list-style-type: none"> • Age • Disability • Industrial activity • Employment activity • Lawful sexual activity • Marital status • Physical features • Political belief or activity • Race (including colour, nationality, ethnicity and ethnic origin) • Pregnancy • Religious belief or activity • Sex • Sexual orientation • Parental status or status as a carer • Breast feeding • Gender identity • Social origin • Irrelevant criminal record • Personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes <p>Unlawful discrimination may be Direct or Indirect:</p> <ul style="list-style-type: none"> • Direct Discrimination occurs if a person treats, or proposes to treat, someone with a protected characteristic less favourably or unfairly because of that attribute. • Indirect Discrimination refers to situations where treating everyone the same is unfair. It occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same actually, or potentially, disadvantages someone with a protected attribute.
<p>Harassment</p>	<p>Harassment includes sexual harassment. It is unwanted, unwelcome or uninvited behaviour that makes a person feel humiliated, intimidated or offended, Harassment can include racial hatred and vilification, be related to a disability, or the victimisation of a person who has made a complaint.</p> <p>Examples of behaviour that could be harassing include:</p> <ul style="list-style-type: none"> • physical contact or requests for sexual favours • persistent following (stalking) • suggestive looks implying a sexual interest • persistent verbal abuse or threats • persistently disrupting an individual's work, workspace, equipment or interfering with their personal property • jokes, derogatory or dismissive comments • gestures that are insulting or belittling • circulating, displaying written or pictorial material that is offensive or belittling.
<p>Sexual Harassment</p>	<p>Sexual harassment is broadly defined as unwelcome sexual conduct that a reasonable person would anticipate would offend, humiliate or intimidate the person harassed.¹ Sexual Harassment can occur between males, between females, female to male, and male to female. It can be physical, verbal or written.</p> <p>It can be physical, verbal or written and includes:</p>

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	<ul style="list-style-type: none"> • Unwelcome physical contact (for example, touching, patting or brushing against a person). • Leering, patting, touching or unnecessary familiarity. • Demands for sexual favours. • Offensive or demeaning comments, emails, jokes or innuendo. • Unwanted sexual propositions or advances. • Sending emails, text messages or mail that may be sexually explicit and offensive to either gender. • Offensive telephone calls. • Spreading rumours of a sexual nature about a person's private life. • Offensive gestures, staring or displaying offensive material. • Unwelcome or uncalled for remarks, questions or insinuations about a person's sexual activities or private life.
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8. Document Control Management

8.1 Policy Information

Policy Author:	M Cowie	Policy Owner:	Board
Status:	Board approved	Review period:	3 years
Policy number and version:	G8:V1.0/2021	Next review date:	Apr 2024
Effective Date:	16 April 2021	Document Location:	ACRRM Administration/ Policies/ College Policies

8.2 Document History

Version	Date Approved	Author	Description of revision	Internal Distribution	
				Date	Recipient/s
1.0	April 2021	M Cowie	New policy	Apr 2021	Board, ELT, OCEO

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ADDENDUM A: GUIDANCE INFORMATION

Principles for reporting and responding to BHD complaints

Confidentiality: Any allegation of BHD will be treated confidentially. If an allegation of BHD is made, information will only be accessible to people who need to know or other relevant people such as witnesses. Any records made during the investigation will be stored in a secure environment.

Impartiality: Procedures will be conducted in a fair and equitable manner at all times. No judgements or decisions will be made until all relevant information has been obtained and reviewed.

Defamation: A person should not necessarily be deterred from making a complaint of BHD because of concerns about defamation laws. Generally, if an aggrieved person confines discussion to the appropriate people and is acting in good faith, that is, is not making the complaint out of spite or malice, then the person is not likely to be liable for defamation. To minimise the risk of defamation the College will maintain confidentiality and involve as few people as possible in the dispute resolution process. All College personnel and other representatives appointed to assist in dispute management are protected under the doctrine of “qualified privilege” provided they act in accordance with the dispute resolution procedures and not maliciously.

False Accusations: False allegations of BHD will be viewed seriously and if found to be malicious may expose the person to risk of defamation proceedings and other action.

Safeguarding against Victimisation: Victimisation will not be accepted or tolerated against a person who has; made, or intends to make, a complaint; been, or intends to be, a witness; is a support person to any of the parties involved in the complaint; is involved in resolving the complaint; acted in good faith in bringing information or making an allegation under anti-discrimination and harassment legislation. Should such victimisation occur, disciplinary action will be taken against the offender.

Timeliness: The College is committed to ensuring that all disputes, both informal and formal, are addressed efficiently and in a timely manner. Any concerns regarding the timeliness of a complaint process should be directed to the CEO or other member of the College leadership team.

Support Person: A support person may be responsible for providing assistance to the complainant or the respondent of a BHD dispute. A support person may be a family member, trusted advisor or a co-worker. A support person is bound by the requirement for confidentiality and cannot act as a witness and a support person in the same complaint.

Counselling and Support: The College should make available professionally competent staff from within its organisation who can provide immediate advice and support to complainants and assist with navigating the Complaints process or other procedures they may wish to undertake. Where practicable and appropriate complainants may be directed to appropriate support resources such as its Employee Assistance Program.

Rights of Complainant and Respondent:

Rights of the Complainant	Rights of the Respondent
<ul style="list-style-type: none"> To have their complaint treated informally or formally, at their option. To have their complaint investigated and conciliated if requested. To have support or representation throughout the process. 	<ul style="list-style-type: none"> To be informed of what he/she is accused of and who is making the allegations. To respond to the allegations. To fair treatment and procedures. Not to be prejudged or discriminated against.

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| <ul style="list-style-type: none">• To express concerns without fear of retribution or of suffering detriment.• To withdraw a complaint.• To have the situation remedied.• To have privacy – to have the matter kept confidential on a “need to know” basis. | <ul style="list-style-type: none">• To have support or representation throughout the process.• Not to be dismissed unfairly or otherwise treated unfairly, harshly or unreasonably (taking into account all the circumstances).• To have privacy – to have the matter kept confidential on a “need to know” basis.• To be protected from defamation and malicious complaints. |
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Related Legislation:

Workplace professional conduct is also subject to, and supported by, the occupational health and safety legislation, and equal opportunity and anti-discrimination legislation both at a national and at jurisdictional levels. This includes:

Australian (Federal):

- [Anti-discrimination Act 1977](#)
- [Sex Discrimination Act 1984](#)
- [Racial Discrimination Act 1975](#)
- [Disability Discrimination Act 1992](#)
- [Human Rights and Equal Opportunity Act 1995](#)
- [Workplace Relations Act 1996](#)
- [Fair Work Act 2009](#)
- [Work Health and Safety Act 2012](#)
- [Occupational Health and Safety Act 1985](#)
- [Trade Practices Act 1974](#)
- [Age Discrimination Act 2004](#)

ACT:

- [ACT: Discrimination Act 1991](#)

New South Wales:

- [Occupational Health and Safety Act 2000](#)
- [Anti-Discrimination Act 1977](#)

Northern Territory:

- [Anti-Discrimination Act 1992](#)
- [The Work Health Act 1986](#)

Queensland:

- [Workplace Health and Safety Act 1995](#)
- [Whistleblower Protection Act 1994](#)
- [Industrial Relations Act 1999](#)
- [Anti-Discrimination Act 1991](#)
- [Public Service Act 1996](#)
- [Crime and Misconduct Act 2001](#)

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South Australia:

- [Occupational Health, Safety and Welfare Act 1986](#)
- [South Australian Equal Opportunity Act 1984](#)

Tasmania:

- [Anti-Discrimination Act 1998](#)

Victoria:

- [Equal Opportunity Act 2010](#)
- [Racial and Religious Tolerance Act 2001](#)
- [Occupational Health and Safety Act 2004](#)

Western Australia:

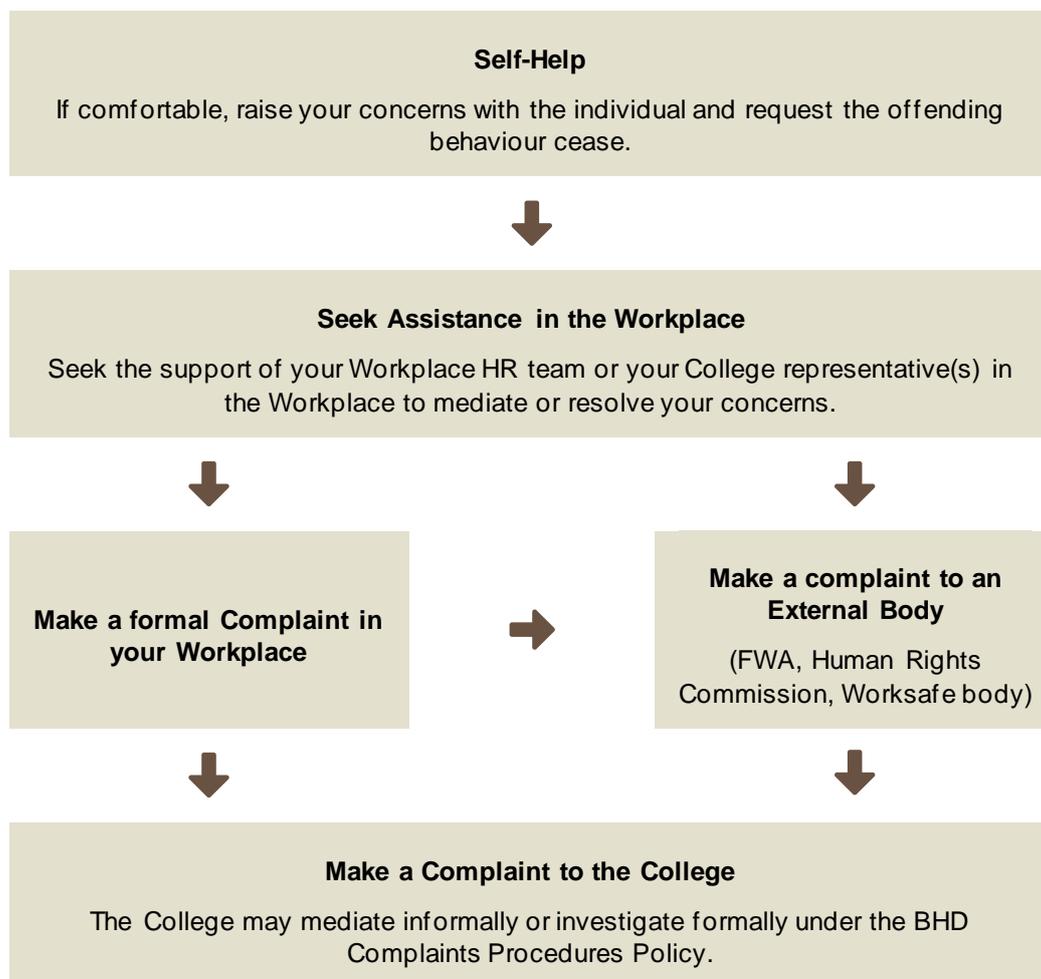
- [Equal Opportunity Act 1984](#)
- [Occupational Safety and Health Act 1984](#)
- [Occupational Safety and Health Regulations 1996](#)
- [Public Sector Management Act 1994](#)
- [Workers' Compensation and Injury Management Act 1981](#)

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ADDENDUM B: BHD COMPLAINTS PROCEDURE SUMMARY

(see the [College BHD Complaints Procedures](#))



¹ Australian Human Rights Commission (AHRC) (2014) *Workplaces discrimination, harassment and bullying*, www.humanrights.gov.au/employers/good-practice-good-business-factsheets/workplace-discriminationharassment-and-bullying