Bullying, Discrimination, Harassment and Victimisation Policy

1. Purpose

The purpose of this policy is to outline expected standards of conduct of all persons involved in College activities within the various workplaces and training environments in which they are located in relation to matters associated with Bullying, Discrimination, Harassment and Victimisation (BDHV)

This policy sets out:

a) RACMA (**the College**)'s expectations and requirements as to acceptable standards of conduct for its employees, Members and College Representatives when involved in work activities and College activities (including activities that take place in external settings)

b) the responsibilities of the College, of external settings and of employees, Members and College Representatives in giving effect to this policy

c) how complaints about breaches of this policy are to be handled.

2. Scope

2.1.1 This Policy applies to all employees, Members and College Representatives involved in Work Activities and College Activities, including College activities that take place in and/or are associated with a setting other than RACMA. See definitions in section 6.

2.1.2 Members and College Representatives undertaking College activities in an external setting are subject to and must comply with the workplace laws and policies that apply in the external setting as well as with this policy. However, in the event of an inconsistency between this policy and the workplace laws and policies of an external setting, the workplace laws and policies of the external setting take precedence.

2.1.3 This policy does not form part of an employee's employment contract or any supplier's or contractor's contract of engagement, and RACMA may vary, revoke or replace this policy from time to time at its discretion.

3. Policy Statement

3.1.1 RACMA is committed to equality of opportunity and to promoting and maintaining working and learning environments in which all persons treat each other with dignity, courtesy and respect, and in a fair and equitable manner. Employees, Members and College Representatives have a shared obligation to create and maintain such environments, and to show leadership, consistent with their status or position, in modelling acceptable behaviour and discouraging, disapproving, reporting, addressing and eliminating unlawful conduct.

3.1.2 RACMA is committed to providing a healthy and safe workplace free from unlawful discrimination, harassment, sexual harassment and sex-based harassment, bullying, vilification, victimisation and adverse action.

3.1.3 We recognise and are committed to complying with our legislative positive duty to take reasonable and proportionate measures to eliminate, as far as possible, sex discrimination, sexual harassment, sex-based harassment, creation of a hostile workplace environment and other associated unlawful conduct.

3.1.4 RACMA expects all employees, Members and College Representatives to conduct themselves in accordance with this policy and the College Code of Conducts and holds them to high standards of behaviour and ethics. Employees, Members and College Representatives must:

a) understand and uphold what constitutes safe, respectful and inclusive conduct.

b) not unlawfully bully, discriminate, harass or victimise another person, including an employee, someone engaged in College activities, a member of the public, or another person within their workplace

c) actively support, foster and encourage an environment where we proactively prevent and protect people against unacceptable behaviour

d) offer support to people who experience bullying, discrimination or harassment, including providing information about how to make a complaint

e) avoid gossip and respect the confidentiality of the complaint and the complaint resolution process

3.1.5 The College recognises that it has a legal duty to its employees:

a) to ensure that its workplace and systems of work are as safe as reasonably practicable[1]

b) to take reasonable and proportionate measures to eliminate, as far as possible, unlawful behaviours in a work context relating to discrimination on the grounds of sex, sexual and sex-based harassment, conduct creating a hostile environment on the grounds of sex and related acts of victimisation[2].

3.1.6 While the College does not have the same legal duty to its Members and College Representatives (other than Members employed by the College), it is committed to take reasonable and proportionate measures to:

a) protect Members (and in particular, Candidates working in external settings) from being subjected to bullying, discrimination, harassment or victimisation, and

b) deal with such conduct where it occurs,

acknowledging that every external setting in which Members and College Representatives provide or undergo training and education also has the legal duty outlined in 3.1.5.

3.1.7 RACMA encourages the reporting of behaviour(s) that breach this policy, and acknowledges that:

a) not objecting to unacceptable behaviour does not constitute consent to that behaviour

b) comments and behaviour that do not offend one person may offend another person and may still amount to unacceptable behaviour.

[1] Under the *Occupational Health and Safety Act 2004* (Vic) (OHS Act)
[2] under the *Sex Discrimination Act 1984* (Cth)

3.1.8 Complaints and allegations of unacceptable behaviour will be treated seriously and dealt with promptly, in a sensitive, fair, timely and confidential manner. Anyone who makes a genuine allegation will be supported and will not be penalised.

3.1.9 Managers and College Representatives in leadership roles are expected to be proactive in fostering a safe and inclusive team environment, as well as addressing incidents when they become aware of them, including where the alleged victim has not made a complaint. The People and Culture team is available to support both employees and managers in navigating concerns, reports or incidents of this nature.

4. Definitions

Unacceptable behaviour is the collective term used within this policy for bullying, discrimination, harassment and victimisation. Definitions are set out below and examples provided in Appendix 1.

4.1 Bullying

4.1.1 Bullying is repeated and unreasonable behaviour directed towards an individual or group of individuals, that creates a risk to their physical and/or mental health and safety.

a) The behaviour is considered to be repeated if an established pattern can be identified.

b) Unreasonable behaviour is behaviour that a reasonable person having regard to all circumstances would expect to victimise, humiliate, undermine or threaten another person.

4.1.2 There are two broad categories of bullying:

a) **Direct bullying** – behaviour that is overt and usually involves conduct directed at a person to belittle or demean them.

b) **Indirect bullying** – behaviour that excludes or removes benefits from a person.

4.1.3 Bullying can take many forms, including verbal, written, pictorial, behavioural and cyberbullying. Cyberbullying is bullying that takes place using digital devices like mobile phones and computers and can occur via email, SMS/text, chat, social media, online forum or any other form of digital communication.

4.1.4 Reasonable management action taken in a reasonable way is not workplace bullying, even if an employee, Member or College Representative is upset by that action. Reasonable management action includes:

a) setting reasonable performance goals, standards and deadlines

b) allocating work

c) rostering and allocating reasonable working hours

d) transferring a worker for operational reasons

e) declining to promote someone after a proper, documented decision process

f) informing a person about unsatisfactory work performance and undertaking performance management processes

g) disciplinary action

h) the implementation of organisational change or restructure

i) differences of opinion and disagreements.

4.1.5 Employers and training providers have the right to direct, control and monitor how work or a task is performed. For example,

a) comments that are objective and indicate observable deficiencies in performance or conduct do not constitute bullying.

b) constructive feedback or counselling intended to assist employees, members or College Representatives to improve their performance or the standard of their behaviour is not bullying.

c) Occasional differences of opinion, non-aggressive conflicts and problems in working relations also do not constitute bullying.

4.1.6 One-off events of unreasonable behaviour may not constitute bullying, however such behaviour should be monitored and addressed early as it could escalate to bullying.

4.1.7 Bullying can occur regardless of the intention of the perpetrator.

4.2 Discrimination

4.2.1 Discrimination occurs when a person treats, or proposes to treat, someone or a group of people unfavourably because of a personal characteristic protected by law ("protected attributes", see Appendix 2).

4.2.2 Discrimination can occur:

a) **directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (whether actual, potential or perceived).

b) **indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

4.2.3 Discriminatory behaviour does not need to be repeated to be considered discriminatory.

4.2.4 Discrimination can happen regardless of the intention of the perpetrator.

4.3 Harassment

4.3.1 Harassment is a type of discrimination involving unwelcome language or behaviour that, regardless of intent, could be reasonably anticipated to offend, embarrass, intimidate or threaten another person because of a personal characteristic protected by law (Appendix 2).

4.3.2 Workplace harassment can be committed by an employer, worker, co-worker, group of co-workers or a member of the public.

4.3.3 Harassment can occur if someone is working in a hostile or intimidating environment. An example of a potentially hostile working environment is where pornographic materials are displayed and where crude conversations, innuendo or offensive jokes are part of the accepted culture. A person has a right to complain about the effects of a hostile working environment even if the conduct in

question was not specifically targeted at them.

4.3.4 A single incident may constitute harassment – unlike bullying, it does not have to be repeated. It is the impact and nature of the behaviour that will determine whether harassment has taken place.

4.4 Sexual Harassment

4.4.1 Sexual Harassment is against the law. Sexual harassment is a specific form of harassment. It is an unwelcome sexual advance, request for sexual favours or other conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances. Sexual harassment can be physical, spoken or written and can involve:

a) Behaviour that is accompanied by a direct or implied threat, benefit or promise. This type of sexual harassment is sometimes termed "quid pro quo" harassment or "sexual blackmail" because compliance is demanded in return for employment advantages or the avoidance of employment detriment.

b) Behaviour that creates a sexually permeated or hostile working environment on the grounds of sex.

c) Behaviour that would also be an offence under the criminal law. For example, physical assault, indecent exposure, sexual assault, stalking or obscene communications.

4.4.2 Whether the behaviour is unwelcome is determined by reference to a reasonable person in the particular circumstances of the person who is subjected to the behaviour. The intention or motive of an alleged harasser is not relevant when determining whether the behaviour was unwelcome.

4.4.3 An advance, request or other conduct may be sexual in nature even if the person engaging in the conduct has no sexual interest in the person towards whom it is directed, or is not aware that they are acting in a sexual way. Conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person.

4.4.4 While the College does not intrude into the personal relations of any person involved in College activities, it does have a concern where sexual relationships may represent an abuse of power in the training and work environment and:

a) implicitly or explicitly becomes a condition of a person's selection, recruitment, assessment, condition of employment, promotion or salary, or

b) has the effect of interfering with an individual's training performance, or

c) creates an environment that is offensive, hostile, intimidating and not conducive to productive working and learning.

4.4.5 Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. An interaction that is consensual, welcome and reciprocated is not sexual harassment.

4.5 Victimisation

4.5.1 Victimisation is unlawful. Victimisation occurs when a person who has or intends to make a complaint or raise a concern or is involved in the investigation of a complaint or concern (such as a witness), is threatened, punished or suffers some other negative outcome as a consequence of making the complaint, raising the concern or being involved in the investigation.

4.5.2 RACMA encourages anyone who believes they are being victimised to report it to the manager of the alleged perpetrator and/or the Executive Manager People and Culture, or the President if that person in the Chief Executive (for employees) or the Chief Executive/President or Chair of the Professional Standards Group (for Members and College Representatives).

4.6 Vilification

4.6.1 Vilification is a public act which incites, encourages, or urges others to hate, have serious contempt for, or severely ridicule, a person or group of people because they are (or are thought to be) members of a particular group. Vilification has no justification in "free speech".

5. Resolution

5.1 Complaint and investigation process

5.1.1 For the safety of all employees, members and college representatives, it is important that any suspected or alleged breaches of this policy are promptly raised.

5.1.2 Anyone who has experienced or become aware of potential unacceptable behaviour, is strongly encouraged to raise concerns early[3] so that they can be addressed promptly. However RACMA understands that individuals will share their experience when they feel comfortable and that it may take time to process what has happened and feel ready to talk.

5.1.3 Consistent with RACMA's values and with section 4.5 of this policy, persons raising concerns which they genuinely believe may amount to unacceptable behaviour under this policy will not be treated adversely.

5.1.4 Any allegation, concern or complaint relating to bullying, discrimination, harassment and victimisation will be handled according to the following policies:

a) Complaints policy and Complaints procedure where the allegation, concern or complaint is against a Member or College Representative, or

b) Employee Performance policy and Investigation and Disciplinary Action procedure where the allegation, concern or complaint is against an employee.

5.1.5 In general, the following principles apply:

a) The resolution of allegations, concerns and complaints of bullying, discrimination, harassment and victimisation should occur in the local workplace as an employment issue. The College has limited investigative power for issues that arise in the primary place of employment if this is not RACMA due to jurisdictional considerations. The employer's human resources/people and culture department can provide advice on the complaints and resolution process in addition to counselling and support. This should be the first port of call.

[3] refer to the Complaints Procedure (for Members and College Representatives) or the Investigation and Disciplinary Action Procedure (for employees)

b) The College has limited capacity and power to conduct investigations into complaints about misconduct of its Members and College Representatives who are not employees of RACMA and therefore expects external settings to undertake such investigations in accordance with their obligations under applicable workplace laws and policies obligations.

c) Where the complaint relates to bullying, discrimination, harassment or victimisation of a Member who is a candidate, the College may move the Candidate to another setting and/or provide any other support that is reasonably appropriate.

d) In cases of assault, sexual assault or other behaviour that may constitute a crime, RACMA may be required to report the incident to police or other relevant authorities.

e) The College recognises that complaints may also be dealt with by other bodies, such as statutory complaints authority, professional standards committee, medical board or other relevant authority (e.g. police). Generally, if a complaint is being investigated by another body, the College will not initiate its own investigation until the other body(ies) have completed their investigations and the College is able to consider the matter in the context of the outcome of that work.

5.1.6 While RACMA encourages people to report concerns internally, individuals may wish to seek assistance from an external body or authority with responsibility for dealing with such matters. In cases of potentially criminal conduct, Employees are encouraged to report the matter to the police. External complaints bodies established to receive and investigate complaints about bullying, discrimination, harassment and victimisation include:

a) Australian Human Rights Commission

b) Human Rights Commission (Aotearoa New Zealand)

c) Equal opportunity commissions established in some Australian States

d) Occupational health and safety agencies (such as WorkSafe)

e) Australian Fair Work Commission

f) Australian Fair Work Ombudsman.

5.2 Consequence of breach of this policy

Impact of bullying, discrimination, harassment and victimisation

5.2.1 Bullying, discrimination, harassment and victimization have detrimental effects on employees, members, College Representatives and patients, including:

a) A reticence to seek help or clarification from senior colleagues who are bullying, which can compromise efficacy and patient safety.

b) A disengagement from work, and in turn lower work satisfaction, and lower patient satisfaction.

c) Demotivation, loss of confidence, anxiety, and self-doubt. Negative impact on career progression.

d) Increase to the risk of psychological distress and mental health issues. Higher turnover and increased sick leave

e) productivity, morale and/or work quality within the work area may be significantly reduced if misconduct is not addressed.

Outcomes for the perpetrator(s)

5.2.2 Possible outcomes of investigations are detailed in the Complaints Procedure (for Members and College Representatives) and the Investigation and Disciplinary Action Procedure (for employees).

5.2.3 It is important to note that the College is limited in the range of outcomes available as a result of complaints and allegations progressed. The College is not a statutory body and cannot award compensation or other remedies to complainants, nor can it compel respondents to comply with outcomes of investigations other than that described in the Complaints Procedure, the Disciplinary Procedure and other relevant College documents.

5.2.4 RACMA may take disciplinary action (up to and including termination of employment or appointment or expulsion from membership) against any employees, Member or College Representative who is found to have made a false or malicious allegation.

Individual Liability

5.2.5 Everyone is responsible for their own behaviour and can be held personally legally liable as individuals for behaviour that is unlawful, including discriminatory, harassing or bullying behaviour. If a court finds that an employee of RACMA or another organisation discriminated against, harassed, vilified, sexually harassed, bullied or victimised someone else at work, the court may order the individual employee to pay compensation to the other person or otherwise rectify the behaviour.

5.2.6 There are many examples of where a manager has been found to be personally liable for 'turning a blind-eye' on misconduct. This is particularly relevant to misconduct such as harassment, discrimination, bullying and employee safety breaches. In some cases, the manager can be personally fined and prosecuted.

5.3 Support

5.3.1 RACMA will take reasonable steps to support anyone who believes they have experienced unacceptable behaviour under this policy, and to consult with the person about their preferred approach to the process and outcomes arising out of the issue raised. RACMA appreciates that most individuals who experience unacceptable workplace behaviour want the behaviour to stop, to have their experience validated and for it not to happen to anyone else.

5.3.2 Free and confidential counselling and Support is available through Converge International (1300 687 327 in Australia; 0800 666 637 in New Zealand).

6. Definitions

Term	Definition
College activities	include training, professional development, networking, conference, social activities, recruitment and assessments carried on by or for the College, meetings of the Board, committees, subcommittees, working groups and panels of the College, administration of the College and College programs.

Term	Definition
Work activities	All aspects of an employment relationship with RACMA from recruitment, throughout the period of an employee's employment, to termination, including: ▪ conduct in the workplace whether during or outside of working hours, including in common areas, lifts, car parks, kitchens and bathrooms. ▪ conduct connected with performing duties for RACMA, including when work is performed away from the workplace, for example during work-related travel, at conferences and social events. ▪ conduct in the provision of services to members and participants. ▪ conduct engaged in online, using technology or social media, using RACMA equipment or networks, or using personal equipment or networks where such conduct has a connection to RACMA, regardless of whether the conduct is engaged in during work time or personal time. ▪ conduct outside of working hours where the employee's conduct has an adverse impact on the College, the employment relationship or the workplace. ▪ conduct towards others connected with RACMA, including other employees, members, customers and suppliers.
External setting	means a hospital or health service in which members are employed while providing or undertaking training or professional development by or under an arrangement between the external setting and the College.
Employees	Means RACMA employees as well as any contractor engaged by RACMA by way of contract for services or through third party agency
Members	means a person admitted as a 'member' of the College pursuant to the provisions of the RACMA Constitution. For the purpose of this policy, this term also includes ▪ specialist international medical graduates being assessed for comparability to specialist pathway to fellowship or undertaking College requirements for the purpose of obtaining specialist recognition in Australia or Aotearoa New Zealand. ▪ participants in training programs such as Leadership for Clinicians, Management for Clinicians and short courses.
College Representative	means a person who is formally appointed to a College position, which includes: ▪ Board Directors ▪ people who are members of Committees, Subcommittees and Working Groups established by the Board. ▪ College Members and non-Members in the roles of Censors, training Supervisors and Preceptors. ▪ members of panels, including panels assessing accreditation of training posts, recognition of prior learning and experience and Specialist International Medical Graduates.

7. Related documents

- Constitution
- Code of Conduct for Members and College Representatives
- Code of Conduct for Employees
- Complaints Policy
- Complaints Procedure
- Performance Policy
- Investigation and Disciplinary Action Procedure
- Procedural Fairness Policy
- Work Health and Safety Policy

Legislation – Australia

- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 2010 (Vic)
- Occupational Health and Safety Act 2004 (Vic)
- Racial & Religious Intolerance Act 2001 (Vic)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Work Health and Safety Act 2011 (Cth)
- Fair Work Act

Legislation – Aotearoa New Zealand

- Human Rights Act 1993
- Employment Relations Act 2000

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v2.0	March 2025	General updates. Link to existing policies around handling of complaints and allegations.

Appendix 1 - Examples of unacceptable behaviour

Bullying	▪ making offensive, belittling or demeaning comments to another person, including sarcasm, jokes, teasing and using nicknames ▪ threatening, abusing or shouting at another person ▪ coercing another person to engage in conduct against their will ▪ pressuring another person to behave inappropriately ▪ socially isolating another person, including ignoring them or excluding them from normal workplace activities e.g. work-related meetings and events ▪ inappropriately blaming another person ▪ spreading gossip, rumours and innuendo of a malicious nature ▪ harmful or offensive initiation practices ▪ setting tasks that are unreasonably above or below a person's ability ▪ unreasonably overloading a person with work or not providing enough work ▪ spreading malicious rumours about another person ▪ deliberately withholding information or equipment that a person needs to do their job, fulfil their responsibilities or access their entitlements, or deliberately supplying incorrect information ▪ unreasonably refusing a person's requests for leave, training or other workplace benefits ▪ inappropriate tampering with an individual's personal effects or equipment
Discrimination	▪ not hiring a person for a role because of a personal characteristic, or a perceived personal characteristic protected by law ▪ demoting, not promoting or terminating the employment of a person on grounds protected by law ▪ derogatory name calling, insults and discriminatory jokes ▪ provocative behaviour ▪ discriminatory comments including ridicule made in the course of discussions
Harassment	▪ offensive physical contact, derogatory language or intimidating actions ▪ insulting or threatening gestures or language (overt or implied) or continual and unwarranted shouting in the workplace ▪ unjustified and unnecessary comments about a person's work or capacity for work ▪ openly displayed pictures, posters, graffiti or written materials which might be offensive to some ▪ phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive to workers ▪ persistent following or stalking within the workplace, or to and from work ▪ the exclusion of a person or group from normal conversations, work assignments, work related social activities and networks in the workplace

Sexual Harassment	▪ Comments, questions or insinuations about a person's sexual or private life ▪ inappropriate staring, leering or loitering ▪ unwelcome physical contact (e.g. kissing, touching, patting, embracing or brushing against a person) ▪ sexually suggestive comments or jokes ▪ displaying offensive screensavers, photos, calendars or objects ▪ repeated unwanted requests to go out ▪ requests for sex ▪ sexually explicit posts on social networking sites ▪ insults or taunts of a sexual nature ▪ intrusive questions or statements about a person's private life ▪ sending sexually explicit emails or text messages ▪ inappropriate advances on social networking sites ▪ accessing sexually explicit internet sites behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications Examples of creating a hostile workplace on the grounds of sex: ▪ Using sexist or derogatory language or sexually demeaning jokes, comments or nicknames in the workplace or in emails, messages or on social media ▪ Not accommodating workers of different genders in the workplace (such as not providing facilities or uniforms for workers of a particular gender) ▪ Allocating less significant tasks to workers of a particular gender.
Victimisation	▪ threats to the employee ▪ adverse changes in the working environment ▪ denial of training or promotion ▪ making negative, unfounded or belittling comments ▪ exclusion from training opportunities ▪ unjustifiably harsh assessment or marking of practical or written work ▪ exclusion by peers

Appendix 2 - Personal characteristics protected by law

While the grounds or attributes on which it is unlawful to discriminate vary across States and Territories and at the Federal level in Australia and Aotearoa New Zealand, discrimination on the basis of some or all of the following attributes may be prohibited:

a) race, colour, descent, national origin, or ethnic background

b) sex and gender identity including intersex, transsexual, transgender, non-binary

c) sexual orientation, including gay, lesbian, bisexual, queer and heterosexual

d) age, whether young or old, or because of age in general

e) a disability, disease or injury, including work-related injury - physical or mental

f) marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship

g) parental status or status as a carer (children or other family members)

h) pregnancy or potential pregnancy, breastfeeding

i) religion

j) political opinion

k) social origin

l) industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union

m) irrelevant medical record

n) irrelevant criminal record

o) an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

Discrimination on any of these grounds contravenes this policy.