



## **ACSEP Bullying, Harassment and Discrimination Policy**

### **Purpose**

The purpose of this policy is to outline the College's expectations as to acceptable standards of conduct for its members and staff and to document the approach ACSEP will take to prevent bullying, harassment and discrimination.

### **Policy**

ACSEP believes that raising awareness of the potential for bullying and harassment in the medical profession and in medical training is an important step in the process of eliminating the problem.

ACSEP is committed to ensuring that all its employees, registrars and members involved in ACSEP activities are treated fairly and can work in an environment that is healthy and safe and free from harassment, bullying and discrimination. Such behaviour is unlawful conduct and is contrary to the professional relationships, training, education and support that ACSEP wishes to foster with its employees, registrars and members. ACSEP will therefore not tolerate or permit bullying, harassment and discrimination.

ACSEP will deal with reports of bullying, harassment and discrimination seriously and will investigate them promptly, confidentially and impartially. ACSEP will take appropriate action against persons behaving in a way that falls within this unacceptable behaviour. This may include disciplinary action under the ACSEP rules and dismissal.

This policy applies to all ACSEP employees, members and registrars engaged in an activity in relation to the affairs of ACSEP. All employees, registrars and members of ACSEP have a responsibility to contribute to achieving a workplace environment free from bullying, harassment and discrimination by avoiding actions which lead to, support or condone such activities.

This policy provides a practical overview to employees, registrars and members who feel they may have been subject to behaviour that amounts to bullying, harassment and discrimination and provides guidance for supervisory staff or ACSEP members who are required to deal with a complaint relating to such behaviour.

### **1. Preventing Bullying, Harassment and Discrimination**

ACSEP will prevent harassment and inappropriate discrimination by the following:

- Distributing and promoting this policy at all levels of ACSEP activity;
- Incorporating this policy in the induction process of registrars, members and staff of ACSEP;
- Periodically reviewing this policy to ensure it is up to date; and
- Educating employees and members regarding the intent and implementation of this policy.



## 2. Bullying

Bullying is unreasonable and inappropriate behaviour, which creates a hostile and offensive work atmosphere and demeans and humiliates employees, registrars or members as individuals and/or groups. It can include psychological or physical behaviour.

Bullying includes, but is not limited to:

- Manipulation;
- Intimidation;
- Belittling remarks;
- Offensive remarks or behaviour;
- Degrading remarks or behaviour;
- Unreasonable persistent criticism which is not part of a performance review process;
- Nit-picking and fault finding without justification;
- Verbal and physical abuse;
- Isolation from colleagues;
- Withholding information employees or members need to perform their job or training; and
- Setting unachievable targets with the intent of causing employees or members to fail.

Bullying may also involve harassment or discrimination. Bullying can breach Federal and State acts and give rise to claims against the individual and ACSEP.

## 3. Unlawful Harassment

Unlawful harassment is unwanted, un-welcomed and uninvited behaviour that makes a person feel humiliated, intimidated or offended. Harassment can be sexual, involve racial hatred and vilification, or relate to a disability or the victimisation of a person who has made a complaint.

## 4. Sexual Harassment

Sexual harassment can take various forms such as:

- Behaviour accompanied by a direct or implied threat, benefit or promise;
- A compliance being demanded in return for employment advantages or the avoidance of an employment detriment;
- Physical contact;
- Verbal comments;
- Jokes;
- Propositions;
- The display of offensive material (this includes material accessed from the internet or by email);
- Behaviour which can create sexually permeated hostile working environments; or
- Behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communication.



A single incident can constitute harassment. The intention or motive of an alleged harassment is not relevant. The important matter is how the behaviour affects the person it is directed against and how they perceived or experienced the behaviour.

Sexual harassment does not include behaviour based on mutual attraction, friendship and respect or interactions that are consensual, welcomed or reciprocated.

ACSEP wishes to ensure that persons working within its environment respect the sensitivities of others, especially considering their potential differing social and cultural standards. That may mean that some behaviour may be acceptable to some persons but unacceptable to others. Cultural differences or ethnic background values are not an excuse or justification for sexual harassment.

## **5. Discrimination**

There are State and Federal laws against discrimination in employment and education, based on race, colour, decent, national or ethnic origin background, sex, marital status, pregnancy, potential pregnancy, disability, age, homosexuality, transgender status and lawful religious and political belief. A disability can include physical, intellectual, psychiatric, neurological or learning disabilities and illnesses, such as HIV/AIDS.

ACSEP staff, registrars and members have a responsibility to ensure they cooperate to maintain an environment free from inappropriate discrimination and harassment of the types set out above. These behaviours can cause distress, emotional and physical damage and interfere with an individual's work performance and career prospects and will potentially lesson the image of the ACSEP and the services it provides to the community.

## **6. Cyber-bullying**

The term 'cyber-bullying' is any bullying, harassment or discrimination, as defined above, when such activity is conducted utilising electronic communication media. Such media includes, but shall not be limited to, email messages, text messages, instant messages, social networking sites, internet based video sites, and posting of blogs.

## **7. Consequences of Bullying, Harassment and/or Discrimination**

If persons are found guilty of bullying, harassment or discrimination, then appropriate action will be taken against them. This could include disciplinary action, immediate dismissal and/or reporting to the various government bodies.

Persons found guilty of bullying, harassment or discrimination could face any of the following:

- Formal apology
- Counselling
- Dismissal
- Other mutually agreed upon arrangements



All complaints or reports of bullying, harassment or discrimination will be actioned immediately and treated confidentially and in line with the above policy and, where required, in line with the Grievance Policy and Procedure.