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WORKING TOGETHER POLICY

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1. INTRODUCTION – WORKING TOGETHER

1.1 Purpose of the policy

The purpose of this policy is to ensure *The Royal Australasian College of Physicians* (“*The College*”) provides a working and training environment that is safe, and without risk to health. It describes the practices expected in College activities, training programs and within the various workplaces and training environments where College staff, trainees, fellows and overseas trained physicians (OTPs) are located.

1.2 Background

The College is committed to fairness and equality. In accordance with human resource principles and legislation the College is committed to ensuring that staff, trainees, fellows and OTPs are not subjected to discrimination, harassment or bullying.

Bullying, harassment and discrimination are workplace issues and covered in legislation.

Staff, trainees, fellows and OTPs of the College are subject to the legislation and College policies in all College duties.

The College achieves its work through the efforts of staff and the volunteer contributions of fellows and trainees in the College governance structure (such as through committees), or through fellow contributions in the vocational training setting. Staff of the College work in partnership with fellows and trainees to achieve organizational goals. College policies and rules extend to trainees, fellows and OTPs interacting with staff in College matters.

In the event a trainee, fellow or OTP experiences a problem in their workplace, the employer has primary responsibility. In some instances, however, the issue may be referred to the College where training is concerned.

2. FAIR TREATMENT

The College will treat all employees, job applicants, fellows, trainees, OTPs and training applicants fairly.

The College expects that all staff, trainees, fellows and OTPs will behave in a way that does not discriminate against others.

The College will give every employee fair access to all workplace opportunities and benefits and will encourage every employee to make full use of their particular skills and abilities. All committee members, managers and supervisors should make fair, non-discriminatory decisions about everything to do with the College.

2.1 Equal Employment Opportunity

The College is an equal employment opportunity organisation. This means that we will do our best to make sure that every job applicant, employee, training applicant or trainee is treated fairly. Your gender, marital status, pregnancy, age, disability, sexual preferences, carers' responsibilities, religious beliefs, political affiliations or race etc make no difference to us. What matters to us is that you are the best person for the position and that you perform well.

2.2 Access and Equity in Employment

The College is committed to being responsive to the needs of our employees, including people who face barriers due to age, gender, cultural difference, disability, language, and other barriers in relation to access, participation and outcomes.

We are committed to enabling all employees to have an equal opportunity to develop skills, advance their careers, and balance work and personal commitments. To meet this commitment, the College will make reasonable alternative arrangements for employees with special needs where it is appropriate to do so.

Reasonable alternative arrangements may include:

- Physical workplace adjustments
- Environmental workplace adjustments
- Communication technology devices
- Specific items of equipment (such as ergonomic equipment)
- Computer software upgrades
- Providing information or training to the employee and their co-workers
- Access to the College's Employee Assistance Program

If you require further information, please contact the Human Resources team.

3. NO DISCRIMINATION OR HARASSMENT

We recognise that you can't learn, do a good job or be fully productive if you feel that anyone you have to work or train with (including clients or visitors to the workplace) is treating you unfairly or harassing you in either a sexual way, or because of your sex, race, age, and so on. That is why we will not support any type of discrimination or harassment in anything to do with our work, workplace or training.

As an employee, trainee, fellow or OTP of the College, we expect that you will respect these policies too.

It is against College policy and the anti-discrimination laws for any employee, trainee, fellow or OTP to harass or discriminate against:

- a job applicant
- another employee
- a trainee
- a fellow
- an OTP
- a client
- any other visitor to our workplace.

Harassment that makes the workplace unsafe may also be against occupational health and safety law and College policies - refer to the College's *Occupational Health & Safety Policy*.

There is to be *no discrimination* on the basis of sex, race, age, sexual preference or any other type of discrimination that is against the law in the College.

There is to be *no sexual harassment or any other type of harassment* in the College.

3.1 What is discrimination?

Direct discrimination is when someone has treated an individual or group of people differently because of a personal attribute.

The College policy includes types of discrimination and harassment that are defined in different Australian and New Zealand national, State and Territory legislation (as listed on page 18).

These include discrimination on the basis of:

- Gender
- Pregnancy or potential pregnancy
- Marital/domestic status, including divorce, separation, being widowed or the surviving partner of a civil union or de facto relationship.
- Race, colour, national extraction, social origin, descent, or ethnic, ethno-religious or national origin.
- Disability
- Medical record
- Sexual preferences, homosexuality and transgender
- Religion
- Age
- Compulsory retirement
- Employment status
- Criminal record
- Political belief
- Union activity
- Employer association activity
- Trade, profession, occupation or calling
- Family responsibility, family status (including being or not being a parent or carer)
- Breastfeeding or childbirth
- Physical features
- A particular relative, spouse, friend or associate
- Having made a complaint in relation to discrimination, bullying or harassment.

It is unlawful and against this policy to discriminate against a person or a group of people on any of these grounds in College life, including:

- employment (including selection processes, the terms and conditions of employment, rates of remuneration and termination of employment)
- education (including trainee selection, examinations, the provision of educational materials and support, or expulsion), and
- the provision of or access to goods, services and facilities.

3.2 What types of behaviour could amount to discrimination?

There are many types of behaviour, practices and policies that can amount to discrimination. Discrimination can be direct or indirect.

Direct discrimination treats someone with a particular personal attribute differently to someone without that personal attribute in the same or similar circumstances. For example:

- A selection committee decides not to appoint a young woman to a job or training position on the ground that she may become pregnant and want to take maternity leave.

Indirect discrimination is when decisions, rules or policies disadvantage a group of people when applied. For example:

- failing to comply with a reasonable request from an employee or trainee to return to work or training after maternity leave on a part-time basis
- giving preference for promotion to employees who have been in lengthy, continuous or full time employment
- regularly holding meetings when people with carers' responsibilities are less likely to be able to attend (e.g. before 9am or after 5pm)
- failing to make reasonable adjustments to a job description to accommodate the needs of a person with a disability (unless the person is unable to carry out the essential requirements of the job).

3.3 What is harassment?

Harassment is any type of behaviour that:

- the other person does not want and does not return
- offends, embarrasses, or scares them, and is either
 - sexual
 - targets them because of any of the personal attributes listed above.

3.4 What types of behaviour could amount to harassment?

There are many types of verbal, non-verbal and physical behaviour that could amount to harassment. ***The basic rule is that if someone else finds it harassing then it could be harassment.***

Please note that these types of behaviours are banned in our workplace and training program and there will be serious consequences (including discipline, dismissal, or review of fellowship or training status) if an investigation shows that you have behaved in any of these ways.

Harassment includes the following types of behaviour:

Verbal behaviour (including that distributed via electronic communication), such as:

- sexual or suggestive remarks
- making fun of someone because of their race, disability, age, sex, sexuality, or any personal attribute
- imitating someone's accent or disability
- unwanted sexual propositions
- offering threats or inducements for certain behaviour. E.g. a 'quid pro quo' or 'blackmail'. In these situations compliance is required in return for employment advantage or the avoidance of disadvantage
- repeated, unwelcome invitations to go out with someone
- spreading sexual rumours about someone
- referring to a person who is transgender by their previous name or gender, or calling him or her 'it'

- offensive jokes
- repeated, unwelcome questions about someone else's personal life
- sexual, sexist, racist, anti-gay (and so on) threats or insults
- the use of language that is not suitable in the workplace — for example, sexual, sexist, racist, anti-gay (and so on) name calling and other verbal abuse
- anything that would be considered an offence under the criminal law, e.g. assault, stalking or obscene communications.

Non-verbal behaviour, such as:

- downloading pornography from the internet
- displaying any pornography (soft or hard), or any sexual or naked pictures anywhere that any other employee, client or visitor to our workplace can see them
- stalking another employee, client or workplace visitor
- strip-o-grams, or any other form of striptease, or naked display of sexual parts of your own or someone else's body
- putting sexually suggestive, offensive or degrading/insulting material on walls, computer screen savers, faxes, e-mail, and so on
- suggestive or offensive behaviour (such as looks or leers; hand or body gestures; or standing too close to someone)
- unwelcome jokes
- displaying or circulating racist, sexist and so on cartoons or literature
- mimicking someone with a disability
- continually ignoring or dismissing someone's contribution in a work meeting or discussion.

Physical behaviour, such as:

- touching anyone else's sexual parts of the body or any form of indecent or sexual assault or exposure
- unnecessary physical contact (pinching, patting, brushing up against a person, touching, kissing, hugging against a person's will)
- pushing, shoving or jostling
- initiation rites that involve anything that could be regarded as sexual, sexist, racist, and so on
- anything that would be considered an offence under the criminal law, e.g. physical assault, indecent exposure.

3.5 Personal relationships

The College will not intrude into the personal relations of employees, trainees, fellows and OTPs, however it does have concern where sexual relationships may represent an abuse of power in the employment or training environment and:

- implicitly or explicitly becomes a condition of a person's selection, recruitment, assessment, condition of employment, promotion or salary
- has the effect of interfering with an individual's employment or training performance
- creates an environment that is offensive, hostile, intimidating and not conducive to productive working or learning.

Behaviour that is based on mutual affection, friendship and respect does not amount to sexual harassment. Interactions that are consensual, welcome and reciprocated do not amount to sexual harassment.

The important point to remember is that staff, trainees, fellows and OTPs should respect the sensitivities of colleagues, clients and visitors and avoid behaviour that is likely to offend others.

4. NO BULLYING

4.1 What types of behaviour could amount to bullying?

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or a group of employees, that creates a risk to health and safety.

Within this definition:

- “*unreasonable behaviour*” means behaviour that a reasonable person, having regard to all circumstances, would expect to victimise, humiliate, undermine or threaten
- “*behaviour*” includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening
- “*risk to health and safety*” includes risk to the mental or physical health of the employee, trainees, fellows and OTPs.

The following types of direct and indirect behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered bullying.

Direct:

- verbal comments or homophobic or racist remarks
- hitting, tripping or damaging property
- excessive criticism
- publicly insulting victims
- ignoring or devaluing another’s point of view or efforts
- excluding or isolating employees
- psychological harassment
- intimidation
- assigning meaningless tasks unrelated to the job
- giving employees impossible assignments
- deliberately changing work rosters to inconvenience particular employees
- deliberately withholding information that is vital for effective work performance.

Indirect:

- encouraging others to professionally or socially exclude someone
- damaging someone’s professional or social reputation
- spreading rumours or lying

This list is not exhaustive. Other types of behaviour may also constitute bullying.

Note: An employee may be a manager or supervisor.

Bullying is not acceptable in the College and is regarded as a form of harassment. If you bully another employee, a fellow, trainee or OTP you may be disciplined in accordance with the College's procedures.

4.2 What is not bullying?

Genuine and reasonable disciplinary procedures, directions or performance related management are not bullying. Employers have the fundamental right to direct, monitor and control how work is done. For example comments which are objective and indicate observable deficiencies in performance or conduct do not constitute workplace bullying. Constructively delivered feedback or counselling is intended to assist employees to improve their work performance or the standard of their behaviour.

5. RIGHTS AND RESPONSIBILITIES

5.1 What everyone must do to prevent bullying, discrimination and harassment

It is the responsibility of all staff, trainees, fellows and OTPs to respect the rights of others and never get involved in or encourage bullying, discrimination or harassment. Each of us has the legal right to a workplace and training environment that feels safe, and that is not sexual, sexist, racist, anti-gay, anti-disability, ageist, or that stereotypes people in any other way.

5.2 Conduct of staff, trainees, fellows and OTPs

Staff, trainees, fellows and OTPs shall not, in the course of their duties with the College, unlawfully discriminate against, harass or bully:

- an employee of the College
- a committee member of the College
- a contractor of the College
- a member of the public
- a trainee of the College
- a fellow of the College
- an OTP.

5.3 What to do if you feel someone is treating you unfairly or harassing you

If you feel someone is treating you unfairly or harassing you, we want you to tell someone as soon as possible.

- *Employees* should speak to a supervisor, manager or Human Resources. If this is happening to you, please read our Grievance Procedures for what to do about it. It also tells you exactly how we will deal with the problem.
- *Trainees, fellows and OTPs* should speak to their workplace manager, supervisor or Human Resources Department. If this is not appropriate and the matter relates directly to the College's training program, you can contact the College or one of the agencies listed on page 16.

We won't victimise anyone for speaking out, and we will do our best to make sure that no one victimises you for either supporting someone else's complaint or for putting in your own complaint.

5.4 Consequences if you treat someone else unfairly, bully, discriminate against or harass them

If we find out that you have been responsible for:

- treating an employee, trainee, fellow or OTP unfairly
- harassing an employee, trainee, fellow or OTP
- victimising someone because they complained about discrimination or harassment
- or victimising someone because they supported someone else's complain you may be disciplined.

If what you have done is extremely serious, or if you repeatedly treat others unfairly or harass them, you may even be dismissed from employment, expelled from the training program or have your College membership reviewed.

5.5 What to do if you witness discrimination, bullying or harassment?

If you witness behaviour that seems like bullying, harassment or discrimination you are encouraged to report it to a supervisor, manager or Human Resources Department.

5.6 Managers and supervisors have extra responsibilities

All College managers and supervisors must do their best to prevent harassment happening within their teams. If you are a manager or supervisor you must:

- make sure all the people you supervise understand this policy
- know the arguments supporting this policy so that you can deal effectively with any questions or concerns from the people you supervise
- be a good role model — do not engage in any behaviour which could be interpreted as harassment
- make it clear to all those you supervise that you won't tolerate any harassing behaviour from any of them
- ensure that your team's working environment is free of sexist, racist, or any other type of stereotyping material, posters, screen savers, and so on
- wherever possible, make sure that neither the work environment, nor the work processes make it easy for harassment to happen
- follow up any staff/team behaviour changes that could mean that harassment is going on, or that anyone has a harassment grievance
- if you are introducing a new staff member into your team who is from a different age, gender, ethnic background, and so on, to the rest of the team, make sure that the rest of the team knows they are not to be harassed, and that the new member knows what his/her rights are
- make sure that your team members know that you want to hear from them immediately if they experience any harassment that they can't sort out themselves. Make sure they know who else the grievance procedure says they can talk with if they don't want to talk with you
- act immediately if you witness or are told about any harassment by following the instructions in our Grievance Procedure and accompanying guidelines
- follow the policy about keeping records of complaints about harassment. This policy is outlined in the Grievance Procedures.

5.7 What the College will do about discrimination, harassment and bullying

- We want to prevent discrimination, harassment or bullying ever happening in our workplace or training program

- We will promote working and training environments that are free from bullying, harassment and discrimination where all people are treated with dignity, courtesy and respect
- We will make sure policies and procedures are available
- We will run regular induction and training programs about bullying, discrimination and harassment so that everyone knows what their rights and responsibilities are
- We will encourage reporting of behaviour that breaches this policy
- We will do our best to deal with any complaint seriously, sympathetically, quickly, fairly and confidentially
- We will encourage local resolution of issues but if not resolved we will encourage the involvement of appropriate bodies (such as the Human Rights Commission or medical registration authorities)
- We will do our best to make sure that you are not victimised in any way for making a complaint
- If we agree that there has been inappropriate behaviour we will take action to make sure it stops. We may also discipline the person or people who did it. If the issue is serious enough, we may even dismiss the person or people who did it, or review their status as a trainee or fellow of the College
- We will discipline anyone who victimises someone else because they made a complaint or supported someone in their complaint. We will not tolerate victimisation. If the victimisation is serious enough we may even dismiss the person or people who did it, or review their status as a trainee or fellow of the College
- However, if we find that someone who accused someone else of bullying, discrimination or harassment lied about it, then we may discipline the person who lied. If the lies were serious enough, we may even dismiss someone for this, or review their status as a trainee or fellow of the College.

6. WHERE TO GET MORE INFORMATION OR HELP

6.1 Internal assistance

The following people in our workplace can help you with advice and information about anything to do with discrimination, bullying or harassment:

HR Advisor or human.resources@racp.edu.au

Fellows, trainees and OTPs will have their own human resources departments at their place of employment and these should be the point of first contact.

6.2 Grievance and complaint procedures Staff

The College has a grievance procedure that explains what to do if you have a grievance about anything to do with work at the Royal Australasian College of Physicians (the College). This is available on the College intranet or contact HR via email at human.resources@racp.edu.au

Fellows, trainees and OTPs

Fellows, trainees and OTPs are encouraged to have issues resolved locally, particularly through their employer. Most employees have substantial support through designated contact officers and human resources departments to appropriately investigate and resolve issues. Most are handled through 'self-management' techniques which highlight the behaviour that is appropriate and clearly requesting that it does not happen again.

Where the complaint is referred within the College and it meets criteria for internal investigation the College's grievance procedures may also apply.

See the Bullying, Discrimination & Harassment Complaint Handling Procedures for Trainees, Fellows and Overseas Trained Physicians procedure

6.3 External agencies

In **Australia**, advice is available from:

Australian Human Rights Commission

www.hreoc.gov.au tel (02) 9284 9600

NSW Anti-Discrimination Board

www.lawlink.nsw.gov.au tel (02) 9268 5555

NT Anti-Discrimination Commission

www.nt.gov.au/justice/adcd/index800.html tel 1800 813 846

Queensland Anti-Discrimination Commission

www.adcq.qld.gov.au tel 1300 130 670

SA Equal Opportunity Commission

www.eoc.sa.gov.au/public tel (08) 8207 1977

Tasmanian Anti-Discrimination Commission

www.antidiscrimination.tas.gov.au tel (03) 6233 4841

Victorian Equal Opportunity Commission

www.eoc.vic.gov.au tel (03) 92817100

WA Equal Opportunity Commission

www.equalopportunity.wa.gov.au tel (08) 9216 3900

In **New Zealand**, advice is available from

The Human Rights Commission

<http://www.hrc.co.nz> tel 0800 496 877

6.4 Legislation New Zealand

Human Rights Act 1993 Employment Relations Act 2000

Australia - Federal

Sex Discrimination Act 1984 Racial Discrimination Act 1975 Disability Discrimination Act 1992
Human Rights and Equal Opportunity Commission Act 1985 Workplace Relations Act 1996
Occupational Health & Safety Act 1985 Trade Practices Act 1974
Age Discrimination Act 2004

Australia – States

New South Wales

Occupational Health & Safety Act 2000 Anti Discrimination Act 1977
Equal Opportunity Act 1984

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

NT

Anti-Discrimination Act 1992 The Work Health Act 1986

South Australia

Occupational Health, safety & Welfare Act 1986 South Australian Equal Opportunity Act 1984

Tasmania

Anti-Discrimination Act 1998

Victoria

Equal Opportunity Act 1995

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