



Working Together

Area of College	People & Culture
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Associated RACP Documents	Employee Handbook, Anti-Sexual Harassment Policy, Grievance Resolution Procedure
Applicability	Australia and Aotearoa New Zealand

Note: This is a controlled document within the [RACP Policy Framework](#). The Framework covers all RACP policies, procedures, by-laws, terms of reference, guidelines, forms and so forth. Any new documents or amendments of existing documents or changes to approver, owner or area of college should be done in accordance with the RACP Policy Framework and Document Control (RACP Policy Framework) Procedure.

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INTRODUCTION

The Royal Australasian College of Physicians (the College) is committed to promoting a healthy, respectful and safe working environment that is free from hostility, offensiveness, intimidation and harassment, and any form of unlawful discrimination. These forms of behaviour within the Workplace are unacceptable and will not be tolerated.

These behaviours can have a significant negative impact on the health, welfare and performance of those affected and may cause the loss of trained and talented employees. This policy reflects the belief that all employees should be able to work together in an environment free of intimidation and harassment.

The College achieves its work through the efforts of employees 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. Employees of the College work in partnership with Fellows and trainees to achieve organisational goals. College policies and rules extend to trainees, Fellows and Overseas Trained Physicians (OTPs) insofar as they are interacting with employees and workers in College matters.

All College policies are underpinned by our [organisational values](#):

- We are Accountable. We act with integrity, taking responsibility for actions and outcomes.
- We Collaborate. We share information, foster participation, and build relationships for common goals.
- We Indigenise and decolonise. We partner, resource and embed Indigenous knowledge and ways to accelerate culturally safe change, to achieve equitable Indigenous futures.
- We Lead the Way. We reflect, adapt and learn in the delivering of best practice.
- We are Respectful. We value diversity and recognise each other's needs and contributions.

1. PURPOSE

The Purpose of this policy is to ensure that all Workers in our organisation understand and adhere to the standards of behaviour that are expected of them in our Workplace and understand how they can expect to be treated when they are at work.

The policy also aims to set out:

- what constitutes unacceptable workplace behaviour as governed by the laws relating to discrimination, harassment, sexual and sex-based harassment, bullying, and victimisation in the workplace;
- the responsibilities of each person at the College to recognise, discourage and prevent inappropriate or unlawful behaviour in the workplace;
- what to do if you feel you or someone else is being discriminated against, harassed, bullied or victimised; and
- the consequences of being found in breach of this policy.

2. SCOPE

This policy applies to:

- all conduct in the workplace;
- behaviour that occurs in a work-related context, including for example, work-related activities and events such as conferences, social functions, celebrations and training sessions; and
- this policy extends to remote working and applies to face-to-face interactions as well as communication by email, text messaging, instant messaging, telephone, video, social media and material published on the internet.

3. FAIR TREATMENT

The College will treat all Workers and job applicants fairly and requires all Workers to behave in a way that does not unlawfully discriminate against or harass others.

3.1. Equal Opportunity

The College is committed to the principles of Equal Employment Opportunity and supports the creation of working conditions that ensure that all Workers and candidates have an equal chance to seek and obtain employment, promotion, training and the benefits of employment. This means that individuals are treated fairly and on their merits. Equal employment opportunity is more than a set of rules. It is an attitude that is reflected in our company values and requires all employees to deal with each other fairly and equally, without regard to irrelevant personal factors.

3.2. Access and Equity in Employment

The College is committed to being responsive to the needs of our employees, including people with special needs. 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 and reasonable to do so.

Reasonable alternative arrangements may include:

- Physical workplace adjustments
- Environmental workplace adjustments
- Provision of communication technology devices
- Provision of specific items of equipment (such as ergonomic equipment)
- Provision of computer software upgrades
- Provision of information or training to the employee and their co-workers

If you require further information, please contact the People & Culture team.

4. UNLAWFUL DISCRIMINATION AND HARASSMENT

4.1. What is unlawful discrimination?

All Workers covered by this policy must not unlawfully discriminate against another person.

Unlawful workplace discrimination occurs when an employer takes adverse action against a person who is an employee or prospective employee because of particular attributes. The attributes protected by anti-discrimination legislation vary between jurisdictions, and include, but are not limited to:

- race
- colour
- sex
- sexual preference
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy
- religion
- political opinion
- national extraction or social origin

4.2. What is NOT unlawful discrimination?

Treating someone differently is not necessarily unlawful discrimination. Some different treatment such as general performance management does not constitute unlawful discrimination. In terms of the Fair Work Act 2009, adverse action is only considered unlawful if it occurs due to one or more of the above attributes (race, sex, age, disability, etc). If this is not a basis of the action, it will not be considered an act of unlawful discrimination.

4.3. What is direct and indirect discrimination?

Unlawful discrimination may be direct or indirect. Direct discrimination occurs when a person with a particular attribute is treated less favourably because of that attribute.

An example of direct discrimination would be if a selection committee decided not to appoint a young female to a job in case she becomes pregnant and wants to take parental leave.

Indirect discrimination occurs when there is a rule or requirement that is the same for everyone but unfairly or unreasonably affects a person or group of people with a particular attribute. An example of indirect discrimination would be a manager who only holds meetings when people with carers' responsibilities are less likely to be able to attend (e.g. before 9am or after 5pm).

It is unlawful to discriminate against a person or a group of people with a protected attribute in:

- employment (this includes selection processes, 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.

4.4. What is harassment?

All Workers covered by this policy must not engage in harassment. Harassment is not tolerated in our Workplace. If someone has engaged in behaviour that breaches legislation or the College policies they will be subject to disciplinary action which may include termination of their employment.

Harassment is any type of conduct that:

- is unwelcome and unsolicited; and
- the recipient considers offensive, intimidating, humiliating or threatening; and

- a reasonable person would have anticipated the possibility that the recipient would consider the behaviour to be offensive, intimidating, humiliating or threatening.

"*Workplace harassment*" does not include reasonable management action taken by the College in connection with your employment.

Unwelcome conduct is behaviour which has not been invited or solicited by a person, and which the recipient regards as offensive, intimidating, humiliating or threatening. Whether the behaviour is unwelcome is a subjective question from the perspective of the recipient. The behaviour may still be unwelcome even where it may not have been unwelcome to others, has been accepted behaviour in a work environment in the past, and was not intended to offend, intimidate, humiliate or threaten. Conduct can become unwelcome at any time.

There is no requirement for the behaviour to be repeated — a one-off incident, as well as a pattern of behaviour, can be harassment.

4.5. What types of behaviour could amount to harassment?

There are many types of verbal, non-verbal and physical behaviours that could amount to harassment. The basic rule is that if someone else finds a behaviour to be offensive, intimidating, humiliating or threatening, then it could be harassment.

Examples of harassment include, but are not limited to:

- verbally abusing a person loudly, usually when others are present
- repeated threats of dismissal or other severe punishment for no reasonable or lawful reason
- constant ridicule and being put down
- leaving offensive messages on email, social media or the telephone
- yelling, screaming or offensive language
- sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways
- excluding and isolating a person from workplace activities
- persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters
- humiliating a person through gestures, sarcasm, criticism and insults, often in front of others, or
- spreading gossip or false, malicious rumours about a person

4.6. What is sexual harassment?

Australian law states that sexual harassment occurs when:

- a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- engages in other unwelcome conduct of a sexual nature in relation to the person harassed,
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

In Aotearoa New Zealand, The Employment Relations Act 2000 (NZ) defines sexual harassment as direct or indirect requests for sexual activity that suggests preferential or harmful treatment in the workplace.

In determining whether an advance, request or other conduct may be sexual in nature, the intention of the alleged harasser is not relevant. An advance, request or other conduct may be sexual in nature even if the person engaging in the conduct does not have a sexual interest in that person or is of a different sexual orientation to the person harassed.

Please refer to the College's **Anti-Sexual Harassment Policy** for further information.

5. BULLYING

5.1. What is bullying?

Workplace bullying is:

- repeated behaviour that a reasonable person, having regard to all of the circumstances, would anticipate to be intimidating, humiliating, undermining or threatening, AND
- the behaviour creates a risk to health and safety

Not all behaviour that makes a person feel upset or undervalued at work is workplace bullying.

Examples of behaviours, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:

- aggressive or intimidating conduct
- belittling or humiliating communications or comments
- spreading malicious rumours
- teasing, practical jokes or 'initiation ceremonies'
- exclusion from work-related events
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- displaying offensive material
- pressure to behave in an inappropriate manner

5.2. What is NOT bullying?

Bullying does not include reasonable management action and supervisory practices, such as:

- setting reasonable performance goals, standards and deadlines;
- informing an employee about unsatisfactory work performance;
- undertaking a performance management process if performance is below reasonable expectations; or
- taking disciplinary action as a result of a finding of misconduct.

Differences of opinion and disagreements are generally not workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, conflict that is not managed may escalate to the point where it becomes workplace bullying.

If workplace conflict is affecting you, you should raise your concerns with your manager or People & Culture Business Partner.

5.3. How is bullying different to discrimination?

Discrimination happens when there's adverse action, such as firing or demoting someone, because of a person's characteristics like their race, religion or sex.

Bullying happens when a colleague or manager repeatedly behaves unreasonably towards a person or group of people and causes a risk to health and safety in the workplace. This behaviour doesn't have to be related to the person or group's characteristics and adverse action doesn't have to have happened.

Bullying is not acceptable in the College. If you bully another employee, a Worker, a Fellow, trainee or OTP you may be disciplined in accordance with the College's procedures.

6. VICTIMISATION

Victimisation occurs when a person is threatened or subjected to any detriment for a prohibited reason, which may include making a complaint or commencing or participating in proceedings under relevant anti-discrimination law. It also occurs when a person is treated adversely because they support or are involved in addressing another person's complaint.

A complaint of victimisation can be successful even if the underlying workplace complaint does not succeed.

Victimisation can include, but is not limited to:

- snide comments to, or about, a person regarding a complaint they have made;
- being bullied and intimidated by colleagues as a result of making, or supporting, a complaint; or
- being denied a promotion or being moved to a role with reduced responsibility as a result of making a complaint.

Victimisation is unacceptable and unlawful. If a person raises concerns that your behaviour amounts to victimisation, you should show them respect for giving you the opportunity to reflect on your behaviour and consider changing it.

7. RIGHTS AND RESPONSIBILITIES

It is the responsibility of all Workers to comply with this policy and not engage in or encourage discrimination, harassment, bullying or victimisation towards any Workers or visitors of the Workplace, or in connection with the performance of the duties of their employment. Each of us has the legal right to a safe workplace that is free from discrimination, harassment, bullying and victimisation. Everyone has a role to play in preventing and reporting all behaviour that may be in breach of this policy. This is consistent with our existing workplace health and safety obligations to protect each other from harm to our health and safety, including psychological harm.

7.1. Vicarious Liability

Under Australian federal anti-discrimination law, an employer may be legally responsible for discrimination, harassment, bullying and victimisation which occurs in the workplace or in connection with a person's employment unless it can be shown that 'all reasonable steps'

have been taken to prevent the conduct occurring. This legal responsibility is called 'vicarious liability'.

This means the College may be held vicariously liable for the actions of employees if they have not taken all reasonable steps to prevent the discrimination, harassment, bullying or victimisation from occurring both within the usual work environment and at employer events, such as sponsored seminars, conferences, work functions, Christmas parties, or business trips.

7.2. What to do if you feel someone is treating you unfairly

If you feel you have been bullied or been the victim of unlawful discrimination, harassment or victimisation, it can often be the case that the person involved is not aware that their behaviour is causing a problem for others. Most grievances can be resolved directly with the person involved through a low key and confidential discussion with the person. If this approach is chosen but is not effective or if you would like advice what to do, our **Grievance Resolution Procedure** (which can be found on the College Intranet) outlines the options you can take and who to report the matter to. Once bullying is reported, to address the issues raised, the claim must be investigated. This will be done as soon as is practicable, sensitively and in accordance with our Grievance Resolution Procedure.

7.3. Consequences if you treat someone unfairly

Disciplinary action may be taken against a person who has

- Treated someone unfairly or harassed them
- Victimised someone because they complained about — or intend to complain about — discrimination, harassment or bullying
- Victimised someone because they supported someone else's complaint
- If victimisation is found to have occurred, the person(s) involved may be subject to disciplinary action which may include termination of employment or review of the person's status as a trainee or Fellow of the College.

7.4. What to do if you witness unlawful discrimination, bullying or harassment?

If you witness behaviour that seems like discrimination, harassment, bullying or victimisation you are encouraged to report it to a supervisor, manager or the People & Culture Team.

7.5. Responsibilities of Managers and Supervisors

All College managers and supervisors must ensure that Workers are not exposed to unlawful discrimination, workplace harassment, bullying or victimisation.

If you are a manager or supervisor you must:

- make sure all the people you supervise understand this policy, avenues for reporting and the College's Grievance Resolution Procedure
- ensure that your team's working environment is free of sexist, racist, or any other type of stereotypical material, posters, screen savers, etc.
- follow up any employees/team behaviour changes that could mean that harassment is going on
- create an environment that encourages your team members to speak up about or report inappropriate or unlawful behaviours they experience or know of

- prioritise the care and support of those impacted when responding to issues raised or observed

7.6. Anonymous Reporting

Anonymous reporting of concerning behaviour is available for those that wish to remain unidentified. This can be done by via an [anonymous form](#), which can be found on the RACPeople home page. Issues raised via the form will only be visible to People and Culture.

Anonymous reporting can be limiting so we encourage employees to reach out to People & Culture, a leader, or a contact officer where they are comfortable to do so.

7.7. What the College will do to prevent unlawful discrimination, harassment and bullying

- promote working environments that are free from unlawful discrimination, harassment, bullying and victimisation where all people are treated with dignity, courtesy and respect
- regularly review our policies and procedures to ensure they are up to date
- regularly promote out policies and procedures to ensure they are applied
- run induction and training programs about unlawful discrimination, harassment bullying and victimisation so that everyone knows what their rights and responsibilities are
- encourage reporting of behaviour that may be in breach of this policy
- treat all reports of unlawful discrimination, workplace harassment, bullying and victimisation seriously and investigate them as soon as is practicable and in accordance with the College's Grievance Resolution Procedure
- encourage local resolution of issues, but if issues are not able to be resolved internally we will encourage the involvement of appropriate external bodies (such as the Australian Human Rights Commission or medical registration authorities)

Complaints of alleged workplace harassment found to be malicious, frivolous or vexatious may make the complainant liable for disciplinary action which may include termination of employment or review of the person's status as a trainee or Fellow of the College.

8. Personal relationships

The College recognises that Workers may have relatives that also work at or engage with the College, or that Workers may form close personal relationships in the Workplace. In general, the College will not intrude on the personal relationships of its Workers. However, there are some inherent risks pertaining to personal relationships in the workplace — especially where relationships may represent an abuse of power in the employment environment.

Risks of personal relationships in the Workplace include:

- a risk of actual, perceived or potential conflict of interest, which raises concerns about bias or favourable treatment towards an individual in the relationship including in relation to the person's selection, recruitment, assessment, condition of employment, promotion or salary
- interfering with an individual's employment or training performance
- creating an environment that is offensive, hostile, intimidating and not conducive to productive working or learning

9. A FINAL REMINDER

The important point to remember is that Workers should respect the sensitivities of colleagues, clients and visitors and avoid behaviour that is likely to offend others. You are responsible for your own behaviour. If you think your behaviour may offend others, then change it!

10. WHERE TO GET MORE INFORMATION AND ASSISTANCE

10.1. Internal assistance

The People & Culture Team can help you with advice and information about anything to do with discrimination, harassment, bullying or victimisation. They can be contacted by email at people.culture@racp.edu.au or by speaking to your relevant business partner or anyone you feel more comfortable with.

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

10.2. Employee Support

Employees have access and are encouraged to utilise the College's Employee Assistance Program (EAP). The EAP is a free, confidential counselling and support service designed to offer short-term, solutions focused support.

In the event an employee requires, or is thought to require, additional or specialised support such as indigenous representation, cultural representation, mental health support, NESB or other individual support, the College will endeavour to provide that support after discussion, consultation and considering best practice.

10.3. Grievance Resolution Procedure

The College has a Grievance Resolution Procedure that explains what to do if you have a grievance about anything to do with work at the College. This grievance procedure should be used if you feel you have been discriminated against, harassed, bullied or otherwise believe you are a victim of behaviours that you consider to be unfair, unjust or upsetting and are contrary to, or a breach of, the College's policies.

This is available on the College intranet or contact People & Culture via email at people.culture@racp.edu.au

10.4. External agencies

Australia	
Emergency Services	Phone: 000
The College's EAP, TELUS	Phone: 1300 361 008 (Aus)
1800RESPECT- 24-hour support for people impacted by sexual harassment, sexual assault, domestic or family violence and abuse.	Phone: 1800 737 732
Lifeline Australia - for crisis support	Phone: 13 11 14
Australian Human Rights Commission	www.humanrights.gov.au Phone: (02) 9284 9600
Fair Work Australia	www.fairwork.gov.au Phone: 13 13 94

Respect@Work	https://www.respectatwork.gov.au/ Phone: 1300 369 711
The ACT Human Rights Commission	www.hrc.act.gov.au Phone: (02) 6205 222 Email: human.rights@act.gov.au
Anti-Discrimination New South Wales	antidiscrimination.nsw.gov.au Phone: 1800 670 812 Email: complaintsadb@justice.nsw.gov.au
Queensland Human Rights Commission	www.qhrc.qld.gov.au Phone: 1300 130 670 Email: enquiries@qhrc.qld.gov.au
SA Office of the Commissioner for Equal Opportunity	www.eoc.sa.gov.au Phone: (08) 7322 7070 Email: OCEO@sa.gov.au
Equal Opportunity Tasmania	www.equalopportunity.tas.gov.au Phone: 1300 305 062 Email: office@equalopportunity.tas.gov.au
Victorian Equal Opportunity and Human Rights Commission	www.humanrights.vic.gov.au Phone: 1300 292 153 Email: enquiries@veohrc.vic.gov.au
WA Equal Opportunity Commission	www.wa.gov.au/organisation/equal-opportunity-commission Phone: 1800 198 149 Email: eoc@eoc.wa.gov.au
Northern Territory Anti-Discrimination Commission	www.adc.nt.gov.au Phone: 1800 813 846 Email: antidiscrimination@nt.gov.au
Aotearoa New Zealand	
Emergency Services	Phone: 111
College's EAP - TELUS	Phone: 0800 155 318
The New Zealand Human Rights Commission	https://tikatangata.org.nz/ Phone: 0800 496 877
Lifeline NZ - for counselling and support	Phone: 0800 543 354
Victim Support New Zealand	https://www.victimsupport.org.nz/ Phone: 0800 842 846
WorkSafe NZ	https://www.worksafe.govt.nz/topic-and-industry/sexual-harassment/ Phone: 0800 030 040

11. REVIEW OF POLICY

This policy will be reviewed every three years or as required in the event of legislative changes or requirements. The policy may also be changed as a result of other amendments.

Staff and members of the College may provide feedback about this document by emailing RACPPolicy@racp.edu.au.

12. DEFINITIONS

Term	Means
"Board"	the Board of Directors of the College.

Term	Means
“College”	The Royal Australasian College of Physicians, ACN 000 039 047, an incorporated body limited by guarantee.
“Fellow”, “Trainee”, and “Member”	have the same meaning as in the College Constitution
“OTPs”	Overseas Trained Physicians
“Workplace”	College premises or any other place where Workers perform work on behalf of the College
“Workers”	All persons that carry out work in any capacity for the College, including: employees, contractors and sub-contractors (and each of their employees), employees of a labour hire company, outworkers, apprentices or trainees, a person gaining work experience or undertaking a work trial, and volunteers.

13.HISTORY

Revision	Effective Date	Summary of Changes
1.0	April 2015	Previously Updated
2.0	Sept 2023	<i>Second Version</i>
3.0		