

Policy

Discrimination, Bullying and Harassment



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1. PURPOSE AND SCOPE

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) is committed to equality of opportunity and ensuring that RANZCP activities, and in particular, working and training environments, are free from discrimination, bullying and harassment.

The purpose of this policy is to describe the behaviour expected of all persons involved in RANZCP activities within the various workplaces and training environments in which they are located and outline a framework to manage such matters should a complaint arise. However, in addition to the workplace, professional and appropriate behaviour is expected of all persons involved in RANZCP activities in all circumstances.

This means that the RANZCP expects work and training environments to be free of bullying, harassment and discrimination. It should be understood that these unreasonable behaviours will not be tolerated under any circumstances. All persons engaged in RANZCP activities are to be treated in a fair and equitable manner regardless of gender, marital status, pregnancy, colour, race, ethnicity, disability, sexual preferences, religious and political beliefs.

Where the matter is occurring in a workplace other than the RANZCP itself, it is the employer who is more appropriately placed to take relevant action, as discrimination, bullying and harassment are defined in legislation as workplace issues. Additionally, allegations under this Policy against a member outside of the scope of the 'workplace' may be referred to the RANZCP.

The RANZCP will consider matters coming within the scope of this Policy that relate to membership status, educational and training roles, the RANZCP Code of Ethics or other relevant policies. Where the matter relates to professional conduct, rather than discrimination, bullying and harassment, the matter may be referred to the Membership Conduct Committee for consideration.

2. BACKGROUND

The RANZCP upholds the principles of fairness and equity and is committed to ensuring that all persons involved in RANZCP activities are not subjected to discrimination, bullying or harassment.

The RANZCP considers that engaging in discrimination, bullying and harassment is a professional ethical issue, as reflected in the RANZCP's Code of Ethics. The Code of Ethics requires that psychiatrists 'uphold the integrity of the medical profession', which includes promoting 'a professional environment with an ethos characterised by mutual respect, and free of discrimination, bullying and sexual harassment'. In the training context, the Australian Medical Council, in its Standards for Accreditation, identifies the importance of providing support for trainees who have experienced discrimination, bullying and harassment.

The RANZCP understands that experiencing discrimination, bullying and harassment can result in stress and affect a psychiatrist or trainee's wellbeing and work life. Additionally, many experiences of discrimination, bullying and harassment are impacted by a power imbalance between the individuals involved which can add to the stress experienced. Seeking to address issues relating to discrimination, bullying or harassment can be impacted by concerns around the complaint's possible consequences, such as impacts on employment, trainee status or future involvement with the RANZCP. The RANZCP will ensure that making a complaint about discrimination, bullying and harassment will not unfairly disadvantage any person in their associations with the RANZCP and can offer support and information throughout the complaints process.

The RANZCP is accredited by the Australian Medical Council to administer the RANZCP Fellowship Program as a specialist training program in the field of psychiatry. In administering that Program, the RANZCP accredits training programs, training posts and supervisors. In the course of carrying out these accreditation roles, the RANZCP may refer to this Policy and associated procedure for the management of any allegations of discrimination, bullying or harassment within training programs or training posts.

3. DEFINITIONS

This Policy applies to all persons involved in RANZCP activities.

'All persons involved in RANZCP activities' includes, but is not limited to:

- all categories of members (as designated by the RANZCP Constitution or associated regulations)
- trainees (in both the specialist training program and non-specialist training programs)
- specialist international medical graduates (SIMGs) undertaking RANZCP requirements for the purpose of obtaining specialist registration in Australia or New Zealand
- other persons (not being member or a trainee) serving on any RANZCP entity or as a representative of the RANZCP
- RANZCP-appointed directors and supervisors of training.

'All persons involved in RANZCP activities' does not include RANZCP employees, as there is a separate human resources policy which applies to employees.

The definitions of 'discrimination', 'bullying' and 'harassment' are set out in section 4 below.

4. BODY OF POLICY

The RANZCP commits to:

- being an organisation which makes decisions and takes actions free from unlawful discrimination, bullying and harassment
- promoting working and training environments which are free from unlawful discrimination, bullying and harassment, including sexual harassment, where all are treated with dignity, courtesy and respect
- ensuring that policies and procedures about bullying, harassment and discrimination are available to all persons involved in RANZCP activities
- promoting appropriate standards of conduct consistent with the RANZCP's Code of Ethics
- encouraging the reporting of behaviour which breaches this policy
- facilitating an effective complaints procedure based on the principles of natural justice
- acknowledging that some complaints can be impacted by a power imbalance between the parties and managing those complaints with particular sensitivity accordingly
- treating all complaints in a sensitive, fair, timely and confidential manner, and
- encouraging local resolution of the issues but, if not resolved, encouraging the involvement of bodies such as local anti-discrimination and human rights authorities, the Medical Board of Australia (MBA) or Medical Council of New Zealand (MCNZ) or statutory workplace bodies.

4.1 Discrimination

'Discrimination' means treating a person with an identified attribute or personal characteristic as set out in legislation less favourably than a person who does not have the attribute or personal characteristic. This includes unlawful discrimination in any aspect of the employment relationship, including recruitment, selection for employment, treatment during employment, promotion, employee benefits, conditions of employment, remuneration, transfer, discipline, training, work environment, supervision, and termination of employment.

The Australian federal jurisdiction, the Australian State and Territory jurisdictions, and New Zealand all have broadly similar human rights and equal opportunity legislation which covers grounds of unlawful discrimination.

These grounds include but are not limited to:

- sex
- pregnancy and potential pregnancy
- childbirth or breastfeeding
- marital status
- gender identity
- sexual orientation
- lawful sexual activity
- disability or impairment
- race (including colour, nationality, descent and origin)
- physical features
- age
- carer status and family responsibilities
- religious belief or activity
- political belief or activity
- associated with a person who is identified by reference to any of these attributes.

4.2 Harassment

Harassment is any type of unwanted behaviour that offends, humiliates or intimidates a person, and targets them on the basis of a characteristic covered by anti-discrimination law, e.g. gender, race, ethnicity or disability, etc.

In general, harassment is any behaviour that is:

- unwelcome, not asked for and not returned
- likely to humiliate (put someone down), seriously embarrass, offend or intimidate (threaten or scare) someone, and
- based on a personal characteristic (or family or friend's characteristic) protected by law.

4.3 Sexual Harassment

Sexual harassment is against the law. Sexual harassment is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. It can be physical, verbal or written. In Australia, sexual harassment in the course of employment is classified as 'serious misconduct' by the Fair Work Regulations 2009 (Cth).

It can involve:

- 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.
- physical contact, verbal comments, jokes, propositions, graphic verbal commentaries about an individual's body, questions or insinuations about a person's sexual or private life, and unnecessary touching of an individual or the display of offensive material. This includes offensive material accessed from the internet or sent electronically.
- behaviour which creates a sexually permeated or hostile working environment and
- behaviour which would also be an offence under the criminal law. For example, physical assault, indecent exposure, sexual assault, stalking or obscene communications.

The intention or motive of an alleged harasser is not relevant when determining whether the behaviour is harassment. Investigation of a complaint will consider how the conduct in question was perceived and experienced by the recipient rather than the intention behind it. Harassment does not have to be repeated or continuous to be against the law.

While the RANZCP does not intrude into the personal relationships of persons involved in RANZCP activities, it may be concerned where a sexual relationship may represent an abuse of power in the training, work and RANZCP environment and:

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

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

4.4 Victimization

Victimization is unlawful. Victimization occurs when a person is treated unfairly due to that person having made a complaint or been involved in providing information in the course of a bullying, discrimination or harassment complaint. Victimization is behaviour that makes a person suffer a detriment including feeling uncomfortable, isolated, insecure or intimidated.

4.5 Bullying

Bullying is unreasonable 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. 'Unreasonable behaviour' is behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the person to whom the behaviour is directed.

There are two broad categories of bullying:

- Direct bullying is behaviour that is overt and usually involves conduct directed at a person to belittle or demean them. Examples of direct bullying include:
 - aggressive and intimidating behaviour;
 - belittling, degrading or humiliating comments;
 - spreading misinformation or malicious rumours;
 - interfering with a person's property or work equipment;
 - displaying offensive material.
- Indirect bullying is behaviour that excludes or removes benefits from a person. Examples of indirect bullying include:
 - assigning meaningless tasks unrelated to the job;
 - setting tasks that are unreasonably below or beyond a person's skill level;
 - deliberately changing work rosters to inconvenience employees;
 - deliberately withholding information that is vital for effective work performance.

Conduct which is not considered to be bullying includes, but is not limited to:

- reasonable management action, including setting realistic performance goals and standards
- managing performance and progress in accordance with relevant policies and procedures;
- determining an applicant's suitability to perform a particular job in the course of training or employment;

- developing and implementing a supportive plan or a targeted learning plan to assist a trainee in meeting training requirements;
- giving warnings about or addressing inappropriate workplace behaviour.

5. CONDUCT

Persons involved in RANZCP activities:

- shall not unlawfully discriminate against, bully or harass:
 - another person engaged in RANZCP activities
 - a contractor of the RANZCP
 - a member of the public
 - any other person within their workplace.
- shall not victimise another person, or subject a person to any detriment because that person:
 - has made a complaint under their employer's or RANZCP policies
 - has brought proceedings under their employer's or RANZCP policies
 - has given, or proposes to give, evidence or information in connection with proceedings, under their employer's or RANZCP policies.

All persons involved in RANZCP activities, as defined under section 3 of this Policy, are expected to conduct themselves in a way which is consistent with this Policy and the RANZCP's Code of Ethics.

6. COMPLAINTS

6.1 Lodging complaints with employers and external bodies

It is the responsibility of employers to provide a safe work environment and to monitor the health and safety of employees in the workplace. Resolving discrimination, bullying and harassment issues should occur, in the first instance, in the local workplace as an employment issue.

If a person wishes to make a complaint about bullying, harassment or discrimination in the workplace, it is advised that they contact the human resources department at their workplace. The human resources department can provide advice on the complaints and resolution process used at that workplace, in addition to providing counselling and support.

Complainants may also lodge a complaint with an external body relevant to the issue, such as:

- in Australia, the Human Rights Commission, Fair Work Commission or the relevant WorkSafe body in the relevant Australian state or territory jurisdiction.
- in New Zealand, Human Rights Commission, Employment New Zealand or WorkSafe.

6.2 Lodging complaints with the RANZCP

Complaints arising out of conduct at official RANZCP activities by any person involved in those activities, other than employees, may be lodged with the RANZCP. Such activities may include Board, Council or Committee meetings and the RANZCP's education and training programs. Please note that the powers of the RANZCP to deal with such complaints are limited to disciplinary powers, and not compensation or other remedies.

Complaints made by employees against other employees or the RANZCP CEO are managed by another policy and process outside this policy.

A complainant may proceed with making a complaint of discrimination, bullying or harassment under this policy by accessing the RANZCP's formal complaint mechanism. For information relating how to make a complaint, including where to send a complaint, please refer to the RANZCP's Discrimination, Bullying and Harassment Complaints Management Procedure.

The RANZCP has limited investigative powers for issues arising in the place of employment. Therefore, please refer to '6.1 Lodging Complaints with employers and external bodies' if you are experiencing bullying, harassment or discrimination in the course of your employment.

If it is not appropriate or possible for the RANZCP to manage a complaint, the RANZCP can:

- assist the complainant to submit a formal complaint through hospital or workplace policies or mechanisms.
- assist the complainant to submit a formal complaint through other appropriate complaint handling bodies (anti-discrimination bodies, WorkSafe bodies, MBA, MCNZ).s
- receive and action requests from complainants to engage a complaint resolution service or legal representative to provide mediation/conciliation in relation to a complaint with a mediator mutually agreed by the RANZCP and the complainant.

Throughout the complaints process, it may be beneficial to seek support from a trusted support person, medical defence organisation or legal representative.

6.3 Seeking support

A member who is facing personal or health issues has a range of confidential options, resources and supports available through the [RANZCP member wellbeing support hub](#). Designed together with members, the hub helps navigate to the right starting point if members are experiencing distress or are looking for ways they can help a colleague.

- [I need support](#) – where to start if you need help
- Practical ways you can [help a colleague](#)
- Help and support for [rural and remote doctors](#)
- Services and support for [trainees and SIMGs](#)
- [Self-care and other digital resources](#)
- [Financial and medicolegal concerns](#)

Anyone can access the RANZCP '[Find a psychiatrist](#)' database to locate members who are experienced in providing treatment for psychiatry colleagues, as well as providing group or individual therapy for COVID-19 healthcare workers.

[The Essential Network for Health Professionals](#) is a new service led by the Black Dog Institute designed specifically for healthcare workers to connect with health services and supports.

The RANZCP also offers a dedicated and confidential [Member Welfare Support Line](#) for advice on any issue that affects a members' physical or mental wellbeing. Call 1800 941 002 (Aus) or 0800 220 728 (NZ) or email support@ranzcp.org. Available from Mon-Fri during business hours (or call after hours and leave a message to receive a call-back).

7. ASSOCIATED DOCUMENTS

RANZCP Documents

- Discrimination, Bullying and Harassment Complaints Management Procedure
- RANZCP Code of Conduct
- RANZCP Code of Ethics
- Anti-discrimination, bullying and harassment Policy Procedure (applicable to staff of the RANZCP)

Procedures for Resolving Discrimination, Bullying and Harassment Complaints Legislation

Jurisdiction	Legislation
Australia	
Australian Capital Territory	<ul style="list-style-type: none"> • Work Health & Safety Act 2011 • Discrimination Act 1991
New South Wales	<ul style="list-style-type: none"> • Work Health & Safety Act 2011 • Anti-Discrimination Act 1977
Northern Territory	<ul style="list-style-type: none"> • Work Health & Safety (National Uniform Legislation) Act 2011 • Anti-Discrimination Act 1996
Queensland	<ul style="list-style-type: none"> • Work Health & Safety Act 2011 • Anti-Discrimination Act 1991
South Australia	<ul style="list-style-type: none"> • Work Health & Safety Act 2012 • Equal Opportunity Act 1984
Tasmania	<ul style="list-style-type: none"> • Work Health & Safety Act 2012
Victoria	<ul style="list-style-type: none"> • Occupational Health and Safety Act 2004 • Prevention of Bullying and Violence at Work Guidance Note (WorkSafe Victoria) • Equal Opportunity Act 2010 • Racial & Religious Intolerance Act 2000
Western Australia	<ul style="list-style-type: none"> • Occupational Safety & Health Act 1984
Commonwealth	<ul style="list-style-type: none"> • Work Health and Safety Act 2011 • Racial Discrimination Act 1975 • Sex Discrimination Act 1984 • Disability Discrimination Act 1992 • Human Rights & Equal Opportunity Act 1995 • Age Discrimination Act 2004 • Fair Work Act 2009
New Zealand	
<ul style="list-style-type: none"> • Human Rights Act 1993 • Employment Relations Act 2000 • Health and Safety at Work Act 2015 • Harmful Digital Communications Act 2015 • Human Rights Act 1993 • Harassment Act 1997 	

REVISION RECORD

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