



Royal Australasian College
of Dental Surgeons

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BULLYING, HARASSMENT, AND DISCRIMINATION POLICY

February 2021

Document Information

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1. Purpose

The College is committed to ensuring fair and equitable workplace practices and has a zero tolerance of any form of bullying, harassment, and discrimination.

The purpose of this policy is to provide direction regarding the standards of behaviour expected of Fellows, Members, candidates¹, employees, contractors and volunteers of the College (subsequently referred to as '**members of the College community**'), in preventing bullying, harassment and discrimination in the workplace

For the purposes of this policy the definition of bullying, harassment and discrimination is set out at Appendix A.

2. Background

The College is committed to ensuring a safe, fair and equitable workplace environment which is free from bullying, harassment and discrimination to ensure, to the extent that we are able, that all members of the College community are treated with dignity and respect.

Workplace bullying, harassment and discrimination can have significant adverse effects on those subjected to it, including, increased anxiety, stress, fear and ill-health while also having broader adverse effects on workplace culture affecting morale, creativity, productivity, performance and personal safety.

The prevention of workplace bullying, harassment and discrimination is the collective responsibility of all of the College community to ensure such behaviour is not tolerated. Members of the College community have a responsibility to behave in a professional, collegial and respectful manner at all times.

The objectives of this policy are:

- To confirm that the College is committed to a zero tolerance of bullying, harassment and discrimination; and
- To outline the process to be followed should a member of the College community feel that they are subject to bullying, harassment or discrimination from within the College community.

Members of the College community are expected to familiarise themselves with this policy and are required to follow these procedures if an incident of harassment is alleged, suspected or reported.

¹ For this purpose 'Candidates' include those working toward Membership or Fellowship of the RACDS through the various MRACDS/FACDS Training Programs, Affiliates and Associates, and including OMS or a Specialist International Medical Graduate (IMG) assessed as being Partially Comparable to an Australian or New Zealand trained specialist in OMS, or those post-Fellowship working toward certification in a subspecialty.

3. *Policy Statement - Concern about Potential Bullying / Harassment / Discrimination*

Any member of the College community who feels they are subject to bullying, harassment or discrimination within the College community is encouraged to deal with the matter in the following manner:

Step 1 - Self-help: In the first instance, if the individual feels confident to do so they should communicate (face-to-face or in writing) their concerns with the person involved in the conduct. The College is able to provide guidance upon how such matters can be raised in a mature and professional manner if required. Any such personal conversation should involve, amongst other things:

- An outline of the conduct and behaviours experienced;
- An overview of the personal impact experienced as a result of the conduct and behaviours;
- A request that the conduct and behaviours should immediately cease;
- An overview of what is required in order for all parties to move to a positive and productive working relationship;
- Advise that a formal complaint will be raised with the College in the event that the conduct does not immediately cease. At this stage there is no requirement for a written complaint to be lodged.

Step 2 - Formal (allegation) complaint: If the matter cannot be satisfactorily resolved through self-help process, or the member of the College community feels unable or unwilling to address the conduct through the self-help process at first instance, a formal complaint (**Complaint**) should be made in writing to the CEO, or President where the complaint relates to the CEO.

The written Complaint should contain as much information as possible concerning the conduct experienced including, where possible, dates, times, details of events, names of witnesses and details of any evidence which may confirm the alleged behaviour. Any Complaint received will be addressed in accordance with the 'Managing an Allegation' section of this policy.

For the purpose of this policy the person making the Complaint shall be referred to as the **Complainant**, while the person(s) who is alleged to have acted inappropriately is referred to as the **Respondent**.

Anonymous Complaints

While the College is committed to adequately responding to all allegations of bullying, harassment and/or discrimination in the workplace, often the College is effectively prevented from dealing with an anonymous complaint given the lack of information contained within the complaint.

The College fully appreciates that members of the College community may be apprehensive in raising a Complaint in relation to a workplace experience, however, the College would encourage all persons who experience unreasonable conduct in the workplace to raise those events so that any such alleged behaviour can be addressed. It is only through addressing these matters that the College able to bring about lasting change for the benefit of all members of the College community.

Wherever a Complaint is received, the College will take all reasonable steps to ensure the confidentiality of the complainant to the extent that it is able.

In all circumstances, the Respondent will be specifically directed not to address, contact, victimise or harass the Complainant in relation to the Complaint. Failure to comply with this direction may be viewed as serious misconduct which may result in the termination of that persons employment without notice, and in the case of a member of the College community, result in termination of the individual's membership of the College, in accordance with the Constitution of the RACDS.

Managing a Complaint

Complaints are a serious matter and should be set out in writing with sufficient detail of the allegation(s), including any supporting documentation and evidence concerning the allegation (if any).

All Complaints received will be actioned without undue delay. Upon receipt of a Complaint, the CEO will allocate the matter to an appropriate person to consider and action.

The College will acknowledge receipt of the Complaint in writing and confirm the details of the person appointed to review and consider the Complaint. The College reserves the right to appoint an external objective investigator to review and assess the Complaint if considered appropriate in the circumstances.

The CEO will also inform the President of any such Complaint received, who will in turn inform the Board as required.

A detailed and impartial investigation of the Complaint is to be undertaken without undue delay, which shall be conducted in a confidential manner and follow the principles of procedural fairness.

It is essential that the environment is safe, and support and assistance is available for all parties during the investigation process. This includes referral to appropriate support services as necessary.

The person subject to the allegation is to be informed of the Complaint including sufficient details of the allegations to enable the respondent to provide a full and considered response to the allegations made. Depending on the nature of the Complaint received, the actual Complaint or particulars which may identify the Complainant, may be withheld from the respondent where, in the reasonable opinion of the College, it does not unreasonably impede the respondent's ability to respond to the Complaint.

Detailed, confidential file notes are to be maintained of the allegation(s) and subsequent investigation.

At the conclusion of the investigation a decision regarding the Complaint is to be made upon the balance of probabilities. The Complainant and Respondent are to be informed of the decision in writing and a copy maintained on their personal file.

Where allegations are confirmed to the reasonable satisfaction of the College, the Respondent will be invited into a show cause disciplinary process concerning the established conduct which may, in the case of a staff member, result in the termination of the respondent's employment without notice, and in the case of a member of the College community, result in termination of the individual's membership of the College, in accordance with the Constitution of the RACDS.

Despite the outcome of the review undertaken, the College will consider what, if any, additional steps and measures are necessary in the workplace to promote safe and efficient workplace practices.

Malicious allegations

A complaint of alleged bullying, harassment or discrimination is a serious matter with significant potential consequences. While the College does not wish to discourage genuine concerns

being raised for its attention, complaints of bullying, harassment or discrimination which, in the reasonable opinion of the College, may be malicious, frivolous, vexatious or vengeful will result in disciplinary proceedings and may result in the termination of the Complainant's employment, and in the case of a member of the College community, result in termination of the individual's membership of the College, in accordance with the Constitution of the RACDS.

RELATED DOCUMENTS

Australian legislation

Occupational Health and Safety Act 2004 (Victoria)

Work Health & Safety Act 2011/2012

Prevention of Bullying and Violence at Work Guidance Note (WorkSafe Victoria)

Occupational Safety & Health Act 1984 (Western Australia)

Equal Opportunity Act 2010 (Victoria);

Racial & Religious Intolerance Act 2000 (Victoria);

Racial Discrimination Act 1972 (Commonwealth);

Sex Discrimination Act 1984 (Commonwealth);

Racial Hatred Act 1995 (Commonwealth);

Disability Discrimination Act 1992 (Commonwealth);

Human Rights & Equal Opportunity Act 1995 (Commonwealth)

Fair Work Commission Australia, www.fairwork.gov.au

Further information is available at the Australian Human Rights and Equal Opportunity Commission (AHREOC) website. The website contains a summary of the sexual harassment, human rights, anti-discrimination and equal opportunity legislation in Australia:

www.humanrights.gov.au

New Zealand legislation

Employment Relations Act 2000

Human Rights Act 1993

Health and Safety in Employment Act 1992

Appendix A

DEFINITIONS

Bullying

Bullying is viewed as behaviour in the workplace, or in connection with the workplace, where a worker repeatedly behaves unreasonably towards another worker, or group of workers which creates a risk to health and safety.

Bullying may breach anti-discrimination laws and/or criminal law.

Bullying behaviours can include, but is not limited to:

- Physical or verbal abuse or insults
- Yelling screaming, or offensive language
- Psychological harassment including belittling, offensive or degrading remarks
- Intimidation, manipulation, and/or unreasonable and persistent criticism
- Unjustified criticism or complaints
- Excluding someone from workplace activities
- Withholding information that is vital for effective work performance
- Setting tasks that are unreasonably above or below a worker's ability
- Deliberately changing work rosters to inconvenience particular employees
- Setting timelines that are very difficult to achieve
- Excessive scrutiny at work

What is NOT bullying?

Reasonable management actions carried out in a fair way are not bullying. Examples of reasonable management actions include, but are not limited to:

- Setting performance goals, standards and deadlines
- Allocating work to a worker
- Rostering, allocating and altering working hours
- Informing a worker about unsatisfactory work performance
- Informing a worker about inappropriate behaviour
- Implementing organisational changes
- Performance management processes
- Constructive feedback

Harassment

Harassment is viewed uninvited or unwelcome behaviour that offends, humiliates or intimidates another person, whether or not that effect is intended.

Harassment may be overt or implied, it may be direct or may be imposed by indirect means. It may be an isolated incident or may be repeated. It may be unintentional. Harassment can include threatening, degrading or intimidating behaviour, abuse of power or position, isolation, discrimination, sexual and/or racial harassment and to debase or corrupt.

Sexual harassment in the workplace, includes any unwelcome conduct of a sexual nature which could be expected to make a reasonable person feel offended, humiliated or intimidated. It may be physical, verbal or written.

Certain conduct that may be tolerated socially could constitute sexual harassment in the workplace when it is unwelcome. At the same time, sexual harassment must not be confused with conduct that has the consent of all involved. Sexual harassment is any behaviour that includes, but is not limited to:

- Sexual advances and/or requests for sexual favours
- Sexual innuendo
- Offensive verbal comments of a sexual nature including sexual or smutty jokes
- Comments about someone's alleged sexual activity or private life
- Unwelcome physical contact
- Persistent, unwelcome social contacts (e-mails, txt, telephone calls, following someone home)
- Use of pornography

Discrimination

Unlawful discrimination may occur when an employee is treated less favourably than others because of that person's individual characteristics or because that person belongs to a particular group of people. Discrimination does not have to be calculated or intentional to be unlawful. The intention of the person discriminating is irrelevant.

Basically, two types of unlawful discrimination can occur in the workplace:

- **Direct Discrimination** - this occurs when an individual treats another person less favourably for an unlawful reason.
- **Indirect Discrimination** - this occurs when a policy or practice appears neutral but in fact results in an individual or group being treated less favourably.

The College includes the following as prohibited grounds for discrimination:

- Gender (including marital status, pregnancy or potential pregnancy);
- Race (including colour, nationality, ethnic or ethno-religious origin);
- Sexuality (including sexual preference, transgender status or homosexuality);
- Age;
- Marital status;
- Family or carer's responsibilities;
- Pregnancy;
- Religion;
- Political opinion;
- Criminal records;
- Disability; or
- Trade Union Activity.