



# Anti-Bullying / Discrimination / Harassment Procedure

Policy Domain:	Human Resources
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Related Policies/Regulations	Anti-Bullying / Discrimination / Harassment Policy; Complaints and Grievances Policy and Procedure documents

## Purpose

The purpose of this procedure is to outline in detail the steps to be taken by any employee, consultant, volunteer, visitor, Fellow and trainee/candidate who feels they are the subject of bullying, discrimination and/or harassment.

## DEFINITIONS / KEY WORDS / ABBREVIATIONS

To be read in conjunction with the Anti-Bullying / Discrimination / Harassment Policy

CEO deals with all matters pertaining to any employee, consultant, volunteer and/or visitor  
The *Honorary Secretary* deals with all matters pertaining to Fellows and trainees/candidates

## The Procedures

Any person who wishes to lodge a formal complaint about a bullying/discrimination/ harassment and/or victimisation issue in the workplace should follow the procedure outlined on the next page. The College is committed to conducting an investigation into the complaint in a confidential and timely manner. The investigation will also be conducted according to the principles of natural justice which ensure equity and fairness to all parties involved in the complaint. No judgements or decisions will be made until all relevant information has been obtained and reviewed.

<p><b>1. Self-help Approach</b></p>	<p>The complainant, if possible, should discuss their concerns with the individual he or she believes is the cause of the grievance. Tell the other person in a direct and firm manner that their behaviour is unacceptable – consider telling the person in writing if you are unable to speak to them Open and honest (not aggressive) discussion can resolve many problems.</p>
<p><b>2. Seek Assistance</b></p>	<p>If the grievance is not resolved, or if the complainant does not feel that they can deal with the problem themselves, then they should request assistance from their immediate supervisor.</p> <p>The College recognises that in some instances, discussing the matter with an immediate supervisor may not be appropriate. You can therefore discuss your concerns with the CEO (employees) or the Honorary Secretary (Fellows, Trainees/Candidates) in strict confidence.</p> <p>You can also contact the relevant authority in your state or territory for confidential advice and information.</p>
<p><b>3. Be prepared to discuss options on how to resolve the problem</b></p>	<p>The CEO or the Honorary Secretary will listen, discuss options and assist the complainant with the next step in this process.</p> <p>They will record discussions.</p>
<p><b>4. Make a formal complaint</b></p>	<p>If self-help and less formal conflict resolution strategies have not been successful then the complainant may choose to make a formal complaint.</p>

### External complaints

A person who has experienced sexual harassment can make a written complaint to the Australian Human Rights Commission (or the relevant state or territory anti-discrimination agency). The complaint will be investigated and the Commission will generally endeavour to settle it by conciliation. If conciliation is unsuccessful or inappropriate in the circumstances, the complaint may be terminated and the complainant can then apply to the Federal Magistrates Court or Federal Court of Australia for a decision.

A person is not required to attempt to resolve a complaint within the workplace before approaching the Commission or the relevant state or territory anti-discrimination agency. Criminal acts such as assault may also be reported directly to the police.

### Summary of Dispute Resolutions Process

The table on the following page summarises the Informal Resolution and Formal Complaints Processes. Records must be kept. Each record must include a summary of the complaint, the finding and action taken.

<b>Informal Resolution Option</b>	<b>Formal Complaints Option</b>
<p><b>Self Help</b></p> <p>A person may choose to address the unwelcome behaviour by communicating to the initiator of the action that they find the behaviour offensive, intimidating, humiliating or bullying.</p>	<p><b>Lodgement</b></p> <p>A person seeking to make a formal complaint can do so verbally or in writing, and the complaint must be submitted to the CEO or Honorary Secretary as appropriate.</p>
<p><b>Seek Assistance</b></p> <p>The person may seek assistance and support.</p>	<p><b>Principles of Natural Justice</b></p> <p>The College is committed to conducting an investigation into the complaint in a confidential and timely manner. The investigation will also be conducted according to the principles of natural justice which ensure equity and fairness to all parties involved in the complaint.</p>
<p><b>Mediation</b></p> <p>Mediation is a negotiation between the parties (without three-way face-to-face contact) and discusses the options, considers the alternatives and reaches a consensual agreement.</p>	<p><b>Investigating Team</b></p> <p>The CEO or CEO's delegate, Secretary or the Secretary's delegate as appropriate will conduct an investigation into the formal complaint.</p>
<p><b>Conciliation</b></p> <p>Conciliation involves face-to-face contact between the complainant and respondent, to negotiate a resolution between the parties.</p>	<p><b>Investigation Outcomes</b></p> <p>An outcome of the investigation is achieved once the Investigator has established whether the complainant's allegations have been substantiated.</p>
<p><b>Resolution</b></p> <p>Resolution is achieved when the complainant is satisfied that the uninvited or unwelcome behaviour has stopped. If the allegations are denied, or a satisfactory resolution cannot be achieved through informal action, then the complainant can choose to pursue the dispute through the formal procedures.</p>	<p><b>Resolution</b></p> <p>After the investigation has been completed, actions will be taken to resolve the complaint. Any action will occur following consultation with the complainant, and the respondent.</p>
	<p><b>Appeal Process</b></p> <p>If the complainant is dissatisfied with the outcome of the investigation they may appeal in accordance with the College's Appeals Process</p>

### Key Aspects of the Procedures

#### a. Confidentiality

The College will exercise confidentiality for its procedures in order to protect the rights and welfare of all those involved in a complaint resolution process. If an allegation of discrimination, harassment or bullying is made, information will only be accessible to people who 'need-to-know' or other relevant people such as witnesses.

Any records made during an investigation will be stored in a secure environment.

#### b. Impartiality

The procedures will be conducted in a fair and equitable manner at all times. No judgments or decisions will be made until all relevant information has been obtained and reviewed.

#### c. Victimisation

Victimisation will not be accepted or tolerated against a person who has:

- made, or intends to make a complaint;
- been, or intends to be a witness;
- is a support person to any of the parties involved in the complaint;
- is involved in resolving the complaint;
- acted in good faith in bringing information or making an allegation under anti-discrimination and harassment legislation.

Should such victimization occur, disciplinary action will be taken against the offender.

#### d. Timeframes

The College is committed to ensuring that all disputes, both informal and formal, are addressed efficiently and in a timely manner. Any concerns regarding the timeliness of a complaint process should be directed to the Secretary or the Secretary's delegate.

#### e. Defamation

Allegations of unlawful discrimination, harassment or bullying are serious matters and can potentially damage an individual's reputation. To minimise the risk of defamation it is important to maintain confidentiality and involve as few people as possible in the dispute resolution process.

All College personnel and other representatives appointed to assist in dispute management, are protected under the doctrine of 'qualified privilege' provided they act in accordance with the dispute resolution procedures and not maliciously.

#### f. False Accusations

False accusations of discrimination, harassment or bullying will be viewed seriously and, where found to be malicious, may expose the complainant to risk of defamation proceedings or disciplinary action up to and including dismissal.

#### g. Intent

The College acknowledges that behaviour or comments acceptable to one person may offend or be unwelcome to another. Perceptions and interpretations are likely to differ because of

diverse backgrounds, cultures and views. "Innocent intent" is not a defence or excuse against harassment or discrimination complaints nor a justification for bullying behavior.

h. Support Person

A support person is responsible for providing assistance to the complainant or the respondent of a discrimination, harassment or a bullying dispute. A support person may be a family member, trusted advisor or a co-worker.

The support person's role is to be conducted in the spirit of conciliation as well as fair and equitable outcomes.

A support person is also bound by the requirement for confidentiality and cannot act as a witness and a support person in the same complaint.

i. Counselling and Support

A complainant may wish to seek counseling or assistance from someone independent of the College.