

WORKPLACE BULLYING, SEXUAL HARASSMENT AND DISCRIMINATION: A GUIDE FOR JUNIOR MEDICAL OFFICERS



Disclaimer

The document is for general information and is not a substitute for individual workplace policy. Consult with human resources for support and information. Websites and content originating from third parties are not checked for accuracy, adequacy, validity or reliability.

The Canberra Regional Medical Education Council (CRMEC) is committed to fostering a community that is free from bullying, sexual harassment and discrimination.

What is bullying, sexual harassment and discrimination?

What is workplace bullying?

Workplace bullying covers overt or subtle behaviours that are unreasonable and undesired. Bullying behaviour:

- Is repeated
- Is unwelcome and unsolicited
- Occurs between workers of an organisation
- A reasonable person would consider to be offensive, intimidating, humiliating or threatening
- Has the potential to cause harm to those experiencing the behaviour

What is not bullying?

It is important to differentiate between bullying and legitimate work authority. Supervisors can provide legitimate comment, constructive criticism and feedback. However, criticism and feedback should be delivered respectfully. If you are unsure if behaviour is, or is not bullying, discuss the behaviour with a trusted colleague or contact listed on in this resource.

What is sexual harassment?

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature that results in a person feeling humiliated, intimidated or offended. It can be physical or verbal.

What is discrimination?

Discrimination is behaviour causing humiliation, offence or intimidation based on a person's race, gender, sexuality, ethno-religious background, disability/disease, marital status, age or other characteristic endemic to that individual. Key distinguishing features of discrimination is that it can be a single event and it results in unfavourable treatment.

Resolving workplace bullying, sexual harassment or discrimination: What can I do about it?

It is useful to consider a tiered approach for resolution.

Support networks

Witnessing or experiencing bullying, sexual harassment or discrimination can be overwhelming. It is essential to seek support. Find someone who you feel safe talking to – friends, family, members of the JMO association, or contacts listed in this resource.

Informal resolution

Informal options include:

- seeking advice of a trusted person to decide on strategies and appropriate responses. This may include a Respect, Equity and Diversity (RED) officer, senior colleague, mentor or supervisor.
- speaking directly to the person concerned. In many instances, the perpetrator does not realise the effect of their actions and, once identified, may modify their behaviour.

If the matter cannot be resolved by these steps, consider discussing with your supervisor to jointly seek a resolution. Alternatively, contact an independent person or organisation who may provide information on options external to your workplace.

Formal complaint

If informal processes fail, or you feel they are not applicable or safe, a formal complaint can be raised. A formal complaint involves writing down your experiences and discussing them with a person delegated to investigate the behaviour. Human resources will assist with lodging your written complaint and provide advice on temporary arrangements during the resolution process (e.g., alternative employment arrangements, work locations, reporting lines, and arrangements to manage work interactions).

Reporting to the CRMEC

The CRMEC accredits prevocational medical education programs in the ACT and southern NSW training network. Hospitals must fulfil CRMEC standards to remain accredited. The CRMEC can assist you by:

- Providing clear contact points to seek advice and support.
- Discussing identified risks with the Director of Medical Services or Director General, with your consent.
- Indirectly investigating complaints by evaluating processes within a facility as a whole, making recommendations for action and monitoring the outcomes.

Further avenues for help

If the situation has not been adequately resolved through formal processes, explore further avenues:

- Contacting the Canberra Regional Medical Education Council.
- If the matter relates to bullying, harassment or discrimination based on sexuality, gender identity, intersex status, disability, race or age, a complaint can be made directly to the Australian Human Rights Commission.
- Contact your medical defence insurer for impartial and independent advice.

Anonymous Reporting

Anonymous reporting prevents continued support and follow-up for the victim, and impedes natural justice for all parties. For this reason, anonymous reporting is not encouraged.

However, you may only feel comfortable reporting these behaviours anonymously. You can report anonymously to the CRMEC, though your anonymous report can only be considered within the context of a facility-wide accreditation process, without individual support or resolution.

Reasons you might not report....

“It could affect my career...”

This is a common fear and can discourage reporting, but is rarely true. Bullying behaviour is often associated with the bully's overinflated belief of their self-importance. Opportunities for victims to be allocated new supervisors are often available.

“I suspect no action will be taken...”

Canberra Health Services has a zero tolerance policy for bullying, sexual harassment and discrimination in the workplace. All complaints will be taken seriously, and if substantiated there are consequences for perpetrators.

“I don't want to upset relationships within the workplace...”

Although you may feel isolated, you are probably not alone. In all likelihood, there are other people in the workplace feeling just like you, hoping that someone will speak up. By reporting the behaviour, you can empower other staff to speak up, and have a positive impact on the workplace.

“Managers seem to accept the behaviour...”

Managers or supervisors who do not address these behaviours are neglecting their obligations.

“I don't want to create a hassle for my supervisor...”

Managers or supervisors may not be aware of the behaviour, or they may be involved in inappropriate conduct. Feeling guilt that your action may have negative repercussions for perpetrators and/or your supervisor is common for victims, but this is not your guilt to carry.

“I saw it, but it didn't actually happen to me. I don't want to break anyone's confidentiality or cause trouble by saying anything...”

Supportive bystanders should speak up safely and respectfully. Try and support the person being bullied and, if appropriate, offer to help them report. You can use the same complaint processes whilst maintaining the confidentiality of the victim, or choose to report the situation anonymously to CRMEC.

....and the reasons why you should.

"It helped me to regain control of my life..."

Fear of negative career consequences is a major barrier to victims coming forward. If you are the victim, it is likely that the behaviour is already having a devastating effect on your personal life and your career. Although it is extremely difficult to do, by coming forward you have the opportunity to break this cycle and regain control.

"I made the workplace better for everyone..."

A workplace can only address problems of which it is aware. By reporting these behaviours you are helping make your workplace a fairer and more supportive learning environment for everyone.

What do I do if I experience or witness bullying, sexual harassment or discrimination?

INFORMAL RESOLUTIONS

- Seek advice from a trusted person
- Speak to the person concerned directly
- Consider contacting your assigned supervisor
- Consider contacting a RED contact officer (https://www.cmteedd.act.gov.au/__data/assets/pdf_file/0010/1165942/WhoG-RED-Contact-List_Master.pdf)
- Contact the CRMEC for advice: crmec.manager@act.gov.au
- Contact a medical defence organisation for advice

If the matter remains unresolved, informal resolutions have not worked, you feel unsafe, or the behaviour is serious, consider a formal complaint

FORMAL RESOLUTIONS

Contact:

- Your hospital Human Resources Department
- The CRMEC can direct you to an appropriate contact to further your complaint: crmec.manager@act.gov.au

Hopefully informal resolution strategies or a formal complaint will adequately address the behaviour. If not, there are still options available

OTHER OPTIONS

- Contact CRMEC for further points of contact: crmec.manager@act.gov.au
- Australian Human Rights Commission (for complaints relating to discrimination: phone 1300 656 419)
- Medical Defence Organisations are also able to provide help and advice to resolve these issues
- Though discouraged, you can also report anonymously: crmec.manager@act.gov.au

YOUR WELFARE

- Don't forget to seek support from trusted people
- Stay in contact with your GP. If you don't have a regular GP, you can utilise the Doctors' Health Advisory Service ACT (0407 265 414 – 24hr service)

Contacts

Bega

Director of Medical Services
Ph: 0264919108
Email: Elizabeth.Mullins@health.nsw.gov.au

Canberra

Director of Medicine
Ph: 51243956
Email: Paul.Dugdale@act.gov.au

Calvary

Director of Clinical Services
Ph: 62016592
Email: frank.bowden@calvary-act.com.au

Goulburn

Director of Medical Services
Ph: 0248273102
Email: Sunil.Adusumilli@health.nsw.gov.au

Moruya

Director of Medical Services
Ph: 0467 763 887
Email: Belinda.Doherty@health.nsw.gov.au

CRMEC Manager

Ph: 62059852
Email: crmec.manager@act.gov.au

What do I do if I experience or witness bullying, sexual harassment or discrimination? For emergency counselling support

- If urgent support is needed there are 24hr services available:
- Beyond Blue Support Service: Ph: 1300 224 636
- Lifeline crisis support and suicide prevention: Ph: 13 11 14
- Canberra Rape Crisis Centre (7am – 11pm): Ph: 02 6247 2525

If you experience a sexual assault

- Even if you are not ready to report the assault, seek medical assistance as soon as possible:
- Canberra Rape Crisis Centre (7am – 11pm): Ph: 02 6247 2525
- NSW Rape Crisis Centre (24hrs): Ph: 1800 424 017
- Service Assisting Male Survivors of Sexual Assault: Ph: 02 6287 3935
- Canberra Sexual Health Centre: Ph: 02 6244 2184
- Emergency Medical Care Canberra Hospital: Ph: 6244 2222
- Australian Federal Police Sexual Assault Team: Ph: 13 14 44
- NSW Police Assistance Line: Ph: 13 14 44

Other resources

- CRMEC website: <http://crmec.health.act.gov.au/>
- Australian Human Rights Commission. *What you can do to stop bullies – be a supportive bystander: Violence, Harassment and Bullying fact sheet*. <https://www.humanrights.gov.au/what-you-can-do-stop-bullies-be-supportive-bystander-violence-harassment-and-bullying-fact-sheet>
- National Centre Against Bullying: <https://www.ncab.org.au/get-help/>
- Preventing Workplace Bullying Guidelines: Appendix J: http://www.cmd.act.gov.au/__data/assets/pdf_file/0007/171871/preventworkbully.pdf
- CRMEC website resources: <http://crmec.health.act.gov.au/resources>
- ACT Government Public Sector Employment Framework Portal: Resolving workplace issues <https://www.cmtedd.act.gov.au/employment-framework/workplace-behaviours/resolving-workplace-issues>
- Canberra Health Services: *Anti-Discrimination, Harassment & Bullying Policy CED11-37*: <https://www.health.act.gov.au/sites/default/files/2018-11/Anti%20Discrimination,%20Harassment%20And%20Bullying%20Policy.pdf>