1. Purpose and scope

The purpose of this policy is to describe the practice that is expected in College activities, training programs and within the various workplaces and training environments where College trainees are located.

2. Keywords

Discrimination, harassment, bullying, Fellows, Trainees, International Medical Graduates, IMGs

3. Background

The College is committed to fairness and equity. In accordance with proper human resource practice and legislation the College is committed to ensuring that Fellows, Trainees and International Medical Graduates are not subjected to inappropriate discrimination and / or harassment. The intent is to define expected appropriate workplace and training environment behaviour.

Bullying is a workplace issue, as defined in legislation. In the event that a Trainee, International Medical Graduate, Fellow or other person associated with the College is bullied in the workplace, the employer has primary responsibility. However the issue may be referred to the College where training or the gaining of surgical qualifications are affected.

4. Body of policy

The Royal Australasian College of Surgeons (the College) is committed to equality of opportunity and ensuring that the working and training environment is free from harassment and inappropriate discrimination.

This means that

- Fellows, Trainees and International Medical Graduates 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;

- The College will encourage work and training environments free of harassment and unlawful discrimination. It should be understood that harassment should not be tolerated under any circumstances. However it is usually the employer who can undertake disciplinary action against the employee. The role of the College is to define acceptable behaviour, provide counselling and liaison with bodies such as the Equal Opportunities Commissioner or Medical Boards to deal with unresolved issues.

The College commits to:

- Promoting working and training environments free from harassment and inappropriate discrimination where all are treated with dignity, courtesy and respect;

- Ensuring that policies and procedures about harassment and inappropriate discrimination are available;

- Encouraging an effective complaints procedure based on the principles of natural justice;

- Treating all complaints in a sensitive, fair, timely and confidential manner;
4.1 Discrimination

Discrimination is any practice that makes a distinction between individuals or groups so as to disadvantage or advantage.

Unlawful or inappropriate discrimination means treating a person less favourably because of a personal attribute as defined by equal opportunity laws and/or human rights. This includes inappropriate 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 States and Territories of Australia, and New Zealand all have broadly similar legislation covering grounds of inappropriate discrimination. These include:

- gender;
- pregnancy;
- childbirth or breastfeeding;
- potential pregnancy;
- marital/domestic status, including being divorced or separated from a spouse or civil union partner, or being the surviving spouse of a marriage or the surviving partner of a civil union or de facto relationship;
- disability;
- race, colour, national extraction, social origin, descent, and ethnic, ethnico-religious or national origin;
- physical features;
- age, compulsory retirement;
- employment status;
- family responsibilities, family status, status or lack of status as a parent or carer;
- being a relative, spouse or civil union partner of a particular person;
- having made a complaint in relation to discrimination, harassment or bullying
- HIV/AIDS vilification or the presence in the body of organisms capable of causing illness;
- religious belief or activity or lack of religious belief or activity;
- political belief or activity or lack of political belief or activity;
- industrial activity or lack of industrial activity;
- employer association activity;
- trade union activity;
- sexual preference
- profession, trade, occupation or calling;
- medical record; and
- criminal record.
4.2 Legislation

The relevant legislation in Australia is:

The Racial Discrimination Act 1975 (Australia)
The Sex Discrimination Act 1984
The Disability Discrimination Act 1992 of Australia
The Workplace Relations Act 1996
The Occupational Health & Safety Act 1985


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:


and from the New Zealand “Public Access to Legislation Project” web site:


4.3 Harassment

Harassment is unwanted, unwelcome or uninvited behaviour that makes a person feel humiliated, intimidated or offended. Harassment can be sexual, racial hatred and vilification, related to disability or victimisation of a person who has made a complaint.

4.3.1 Sexual Harassment

Sexual harassment can take various forms. 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 or the display of offensive material. This includes offensive material accessed from the internet or sent by email;
- 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 was unwelcome. Investigation of a complaint will consider how the conduct in question was perceived and experienced by the recipient rather than the intention behind it. Sexual harassment does not have to be repeated or continuous to be against the law.
4.3.2 Individual Responsibility

Everyone associated with the Royal Australasian College of Surgeons has a responsibility to ensure that they co-operate in the maintenance of work and training environments that are free from inappropriate discrimination and harassment.

While the College does not intrude into the personal relations of employees, Fellows, Trainees or International Medical Graduates, it does have a concern where sexual relationships may represent an abuse of power in the training 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.

4.3.3 Consequences of Harassment and/or Inappropriate Discrimination

Investigation of harassment and bullying should occur in the local workplace as an employment issue; employees found guilty of harassment or inappropriate discrimination could face one or more of the following consequences:

- Formal apology
- Counselling
- Transfer
- Demotion
- Dismissal
- Other, mutually agreed upon, arrangements

The College will encourage resolution by apology and counselling and appropriately refer issues to regulatory bodies for formal investigation. The College does have a formal complaint resolution mechanism which can be activated but this has limited investigative power.

4.3.4 Bullying

Bullying is unreasonable and inappropriate behaviour that is intimidating, threatening and/or humiliating. It is behaviour that is repeated over time or occurs as part of a pattern of behaviour.

Bullying occurs when a person or a group of people offends, hurts and harms another person. This can impact on mental health, causing feelings of anxiety, isolation, depression, result in physical injury and increase the risk of suicide.

There are three broad categories of bullying:

- **Direct physical bullying** (hitting, tripping, pushing or damaging property)
- **Direct verbal bullying** (name calling, insults, homophobic or racist remarks, verbal abuse)
• **Indirect bullying** - This form of bullying is harder to recognise and often carried out behind the bullied student’s back. It is designed to harm someone’s social reputation and/or cause humiliation. Indirect bullying includes:
  - lying and spreading rumours
  - playing nasty jokes to embarrass and humiliate
  - mimicking
  - encouraging others to socially exclude someone
  - damaging someone’s social reputation and social acceptance
  - cyber-bullying, which involves the use of email, text messages or chat rooms to humiliate and distress.

The following types of behaviour could be considered bullying, **where repeated or occurring as part of a pattern of behaviour**:

- Assigning meaningless tasks unrelated to the job
- Giving employees impossible assignments or unrealistic targets
- Deliberately changing work rosters to inconvenience particular employees
- Deliberately withholding information that is vital for effective work performance.

### 4.4 CONDUCT

#### 4.4.1 Fellows

a. Fellows shall not, in the course of their duties for the College, unlawfully discriminate, harass or bully:

- an employee of the College;
- a contractor of the College;
- a member of the public;
- another Fellow or Council member;
- a trainee.

b. Fellows must not discriminate against, harass or bully another Fellow, a trainee, a Council member or member of a Committee of the College (who may not be a Council member) in the performance of his or her functions for the College.

c. Fellows shall not victimise another person, or subject a person to any detriment because that person:
4.4.2 Trainees

a. A Trainee shall not, in the workplace, in the course of College Activities, or in training, unlawfully discriminate, harass or bully:

- an employee of the College;
- a contractor of the College;
- a member of the public;
- another Fellow;
- another Trainee, or other participant

b. A Trainee shall not victimise another person, or subject a person to any detriment because that person:

- Has made a complaint under College Policies;
- Has brought proceedings under College Policies;
- Has, or proposes to give evidence or information in connection with proceedings, under College Policies.

It will not be unlawful discrimination if the conduct is exempt under anti-discrimination law.

4.5 PROCEDURES

4.5.1 Complaints

Fellows, Trainees and International Medical Graduates will be encouraged to have issues resolved locally particularly through their employer. Most employees have substantial support through designated contact officers and human resources departments to appropriately investigate and resolve these issues. Most are handled through 'self-management' techniques which highlight the behaviour that is appropriate and clearly requesting it does not happen again.

External bodies such as the Equal Opportunity Commission can also be accessed. Formal written complaints can be made to the College through the Chief Executive Officer.
ADDITIONAL A: EXPECTED PROCEDURES

4.6 Key Aspects of the Procedures

4.6.1 Confidentiality

Confidentiality needs to be maintained in 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 should only be accessible to people who ‘need-to-know’ or other relevant people such as witnesses.

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

4.6.1.1 Impartiality

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

4.6.1.2 Victimisation

Victimisation should 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 should be considered against the offender.

4.6.1.3 Timeframes

All disputes, both informal and formal, should be addressed efficiently and in a timely manner.

4.6.1.4 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.

Individuals 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.

4.6.1.5 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.
4.6.1.6 Intent

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.

4.6.1.7 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.

4.6.1.8 Counseling and Support

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

4.6.2 Processes

4.6.2.1 Informal Resolution Process

Informal disputes emphasise resolution rather than the presentation of factual proof or substantiation of a dispute. Informal disputes are those that can be resolved by the complainant or through discussion between the parties. Informal disputes do not require a formal investigation.

4.6.2.2 Formal Complaint Process

A formal written complaint requires a formal investigation conducted to determine whether there is factual proof or substantiation to the complaint.

All formal complaints should be directed to the Employer’s Human Resource or Chief Executive Officer of the College.

4.6.2.3 Options

Options before raising a complaint include the following:

Option One: Action Taken Directly by the Complainant

If appropriate, the complainant should speak directly to the person(s) whose behaviour they find unacceptable and make it clear that they want the offending behaviour to stop. If the complainant’s concern is not taken seriously, he/she may choose to take further action under these procedures.
Option Two: Speaking to a Neutral Third Party

Many Employers have a recognized Contact Officer program to enable reporting of harassment, discrimination or bullying. Other Neutral Third Parties may also be utilised.

Option Three: Speaking to the Human Resources/Chief Executive Officer

If appropriate, the complainant can speak directly to the Employer about ways in which he/she can assist in ensuring the offending behavior is stopped.

4.6.3 Dispute Resolution Procedures

Defined very simply, an informal dispute generally involves either one or a number of the following processes: mediation, conciliation or education. A formal complaint will be required to be put into writing with a formal investigation then conducted to determine whether there is factual proof or substantiation of the complaint.

Best practice dispute resolution management would require that the majority of disputes begin within an informal framework and then only move into a formal investigation process if the informal procedures do not have a satisfactory outcome.

4.6.3.1 Summary of Informal Resolution Process and Formal Complaints

<table>
<thead>
<tr>
<th>INFORMAL RESOLUTION</th>
<th>FORMAL COMPLAINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Self Help</strong></td>
<td><strong>Lodgement</strong></td>
</tr>
<tr>
<td>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.</td>
<td>A person seeking to make a formal complaint can do so verbally or in writing, and the complaint must be submitted in writing.</td>
</tr>
<tr>
<td><strong>Seek Assistance</strong></td>
<td><strong>Principles of Natural Justice</strong></td>
</tr>
<tr>
<td>The person may seek assistance and support.</td>
<td>Investigations into the complaint are to be 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.</td>
</tr>
<tr>
<td><strong>Mediation</strong></td>
<td><strong>Investigating Team</strong></td>
</tr>
<tr>
<td>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.</td>
<td>The Human Resources or Chief Executive Officer will conduct an investigation into the formal complaint.</td>
</tr>
<tr>
<td><strong>Conciliation</strong></td>
<td><strong>Investigation Outcomes</strong></td>
</tr>
<tr>
<td>Conciliation involves face-to-face contact between the complainant and respondent, to negotiate a resolution between the parties.</td>
<td>An outcome of the investigation is achieved once the Investigator has established whether the complainant’s allegations have been substantiated.</td>
</tr>
</tbody>
</table>
INFORMAL RESOLUTION

Resolution
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.

FORMAL COMPLAINTS

Resolution
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.

Appeal Process
If the complainant is dissatisfied with the outcome of the investigation they may:

- request an internal review; or
- lodge a complaint with applicable external statutory bodies.

If the respondent is dissatisfied with the investigation process they can request an internal review. There is no internal review option for them in relation to the outcome of the investigation.

4.6.3.2 Summary of Parties Rights

RIGHTS OF THE COMPLAINANT

1. To have their complaint treated informally or formally, at their option.
2. To have their complaint investigated and conciliated if requested.
3. To have support or representation throughout the process.
4. To express concerns without fear of retribution or of suffering detriment.
5. To withdraw a complaint.
6. To have the situation remedied.
7. To privacy – to have the matter kept confidential on a “need to know” basis.

RIGHTS OF THE RESPONDENT

1. To be informed of what he/she is accused of and who is making the allegations.
2. To respond to the allegations.
3. To fair treatment and procedures.
4. Not to be prejudged or discriminated against.
5. To have support or representation throughout the process.
6. Not to be dismissed unfairly or otherwise treated unfairly, harshly or unreasonably (taking into account all the circumstances).
7. To have privacy – to have the matter kept confidential on a “need to know” basis.
8. To be protected from defamation and malicious complaints.
4.7 INFORMAL PROCEDURE

4.7.1 Definition of Informal Resolution Process

Informal disputes emphasise resolution rather than the presentation of factual proof or substantiation. Informal disputes are those that can be resolved by the complainant or through discussion between the parties. The complainant may elect to have a support person with them at the time of the interview. Note: If there is more than one complainant, it is essential they are interviewed separately.

All parties involved may wish to seek counselling or assistance from someone independent.

4.7.2 Action Taken Directly by the Complainant

If the complainant is comfortable addressing the respondent directly, a clear message should be given including specific feedback on the aspects of behaviour that were offensive and unacceptable.

If the discrimination, harassment or bullying continues, the complainant should record the incident, including details such as dates, times, witnesses (if any), what happened and what was said, done or felt by the complainant. These details should then be kept in a secure place. The complainant may then report the incident, either through the formal or informal processes.

As part of this process the complainant may elect for an informal meeting to be arranged with the respondent to discuss the dispute.

4.7.3 Conciliation

The complainant may elect for an informal meeting to be arranged with the respondent to discuss the dispute. If the respondent agrees, this meeting should be conducted as soon as possible in a private and confidential environment. Both parties should be advised that such a meeting is an informal dispute resolution process with the intent of seeking a mutually agreed resolution. If the matter is not resolved, the complainant may choose a more formal dispute resolution process.

4.8 FORMAL PROCEDURES

4.8.1 Definition of a Formal Complaint

Formal complaints focus on whether a complaint can be substantiated. They are complaints that will need to be put into writing and will necessitate a formal investigation.

4.8.2 Action Taken by the Complainant

Where an allegation is of a serious nature, or where conciliation is either rejected or has failed, formal investigation may be the appropriate response.

A formal investigation is where a statement is prepared and provided to the respondent for a response. The complaint is then investigated. The investigator will work to establish what evidence or facts can
either substantiate or refute the allegations, based on an assumption of innocence unless and until the evidence shows otherwise.

Although individual employees may wish to withdraw a discrimination, harassment or bullying complaint, there may be instances; for example, sexual harassment, where the Employer is required to fulfil legal obligations and continue to investigate the matter.

Report findings will form the basis of appropriate action in responding to both the individual and organisational matters addressed in the findings.

If a complainant decides to resolve harassment, discrimination or bullying disputes in a formal, documented manner they must adhere to the following steps:

4.8.3 Lodgment of a Formal Complaint

All complaints (whether written or verbal) should be lodged directly with Human Resources or the Chief Executive Officer.

4.8.4 Arranging an Interview with the Complainant

The complainant may elect to have a support person with them at the time of the interview. Note: If there is more than one complainant, it is essential they are interviewed separately.

Prior to the interview, it is essential the Investigator reflects on the level of seriousness of the allegation. For example, if the allegation is substantiated, could it lead to disciplinary action? If disciplinary action is an outcome of the investigation process then implementation of the recommendation should meet the relevant award or contract of employment disciplinary provisions.

Following an investigation, co-ordination of the implementation process of any recommendations arising from the investigation is required.

The interview should take place in a private and confidential environment where there will be no interruptions. The complainant should feel comfortable at all times and, if necessary, breaks should be included during the interview process.

The complainant may wish to seek counselling or assistance from someone independent.

4.8.5 Conducting an Interview with the Complainant

Inform the complainant about the investigation process. Obtain information from all relevant sources and ensure the complainant knows that formal records will be kept. Advise the complainant where the records will be stored, and who will have access to them.

Ensure the complainant and the support person are fully aware of, and understand their responsibility in relation to, confidentiality and the confidentiality agreement.

Explain to the complainant that the major purpose of the first interview is to clarify the nature of their complaint. This will include a detailed description of what took place, how the discrimination, harassment or bullying has affected him/her, and if there have been any reprisals, threats or unfavourable treatment directed towards him/her since the incident was reported.
Clarify the complainant’s understanding of the incident or situation. If possible, the complainant should provide specific details about incidents, times, dates, places, frequency of occurrence and the names of possible witnesses (copies of any notes, diary entries or records should also be produced).

- Allow time: you may need more than one interview
- Be sensitive to ‘power perceptions’ and watch for gender balances.

Where possible, the Investigator should provide feedback to the complainant advising him/her, on the basis of the initial interview, whether the incident appears to contravene Approved Policies.

The complainant should be asked to clarify what they believe will resolve the problem, for example:

- What is their desired outcome?
- Is the complainant seeking more than feedback to be given to the respondent about their perceived unacceptable behaviour?
- Are they seeking assurances that such behaviour will not occur again?
- Do they want a formal apology from the respondent?

At the conclusion of the interview, the Investigator will review the procedure to date and advise the complainant when the respondent will be interviewed, and an expected time when the Investigator can report back to the complainant.

Remind the complainant of the requirement for confidentiality.

Ensure the complainant knows where he/she can also access internal and external confidential advice, support and counselling.

4.8.6 Arranging an Interview with the Respondent

The respondent should be advised that someone has made a serious complaint about him/her. Advise the respondent that he/she may have a support person present with them to hear the allegation. Ensure that both the respondent and the support person are fully aware of and understand their responsibility in relation to confidentiality and the confidentiality agreement.

Advise the respondent of the principles and purpose of the investigation, and that a written or verbal response to the allegation(s) is required.

The respondent should be provided with a detailed description of the allegations. If relevant, explain that the complaint appears to be in relation to a form of unfair treatment, discrimination, harassment or bullying that is against Approved Policies.

Obtain the respondent’s account of the alleged events and ensure open rather than closed questions are used. Separate the (alleged) facts from your own judgements and ensure a good rapport is maintained with the respondent.
If an allegation is denied, the respondent should be asked for their view as to why he/she believe the complaint was made, and how the issue may be resolved. The respondent should also be asked to nominate any witness(es) to be interviewed during the investigation.

The Investigator will review all information obtained from both the complainant and the respondent and will interview any witness(es) if deemed necessary. Feedback will be given to both the complainant and respondent, followed by an arranged meeting between all parties involved to advise the resolution options.

Remind the respondent of the requirement for confidentiality.

Ensure the respondent knows where he/she can access internal and external confidential advice, support and counselling.

### 4.8.7 Conducting an Interview with the Respondent

#### Counselling and Support

The respondent may wish to seek counselling or assistance from someone independent.

The respondent may elect to have a support person with them at the time of the interview. Note: If there is more than one respondent, it is essential they are interviewed separately.

Prior to the interview, it is essential the Investigator reflects on the level of seriousness of the allegation. For example, if the allegation is substantiated, could it lead to disciplinary action? If disciplinary action is an outcome of the investigation process then implementation of the recommendation/s should meet the relevant award or contract of employment disciplinary provisions.

The interview should take place in a private and confidential environment where there will be no interruptions. The respondent should feel comfortable at all times and, if necessary, breaks should be included during the interview process.

#### 4.8.8 Witnesses

Witnesses should only be interviewed in circumstances where:

- the Investigator does not have enough information and believes witness statements will assist in making a determination; or
- the complainant or respondent is concerned that the Investigator does not have enough information to make a determination; or
- the allegation or counter-allegation is serious enough to result in disciplinary action.

It is strongly recommended that the Investigator should only interview enough witnesses to make a determination.

Ensure the witness(es) and the support person are fully aware of and understand their responsibility in relation to confidentiality and the confidentiality agreement, and that potentially the evidence they provide could be referred to in an external legal hearing.
4.8.9 Conducting Interviews with Witnesses

An identified witness should be interviewed privately and advised of the confidentiality, privacy and record keeping issues. He/she will be informed that there will be no reprisals for providing information that may assist with the investigation, and that this information will not be disclosed to either party without his/her permission.

In instances where the witness does not give permission to disclose his/her submission to either party, the Investigator will only refer to the information provided in “general terms”. For example, by using phrases such as “I have spoken to various people about the allegation and it appears there is some evidence to support the complaint” or “Other people in the work area confirmed that they have observed the alleged incidents occurring.”

In order for the Investigator to maintain confidentiality and to not influence the witness, the witness should not be told any more than they already know. It is essential the witness does not discuss the complaint with individuals who are not involved in the complaint resolution procedures.

4.8.10 Determining the Outcome of the Complaint

Before determining a final outcome to the complaint, the Investigator will review all relevant documentation and evidence.

To determine the outcome of the complaint, the Investigator should consider two main points:

- How serious is the allegation?
- Is there agreement between the complainant and the respondent on the major facts of the allegation? (This does not necessarily require agreement on the interpretation of those facts.)

4.9 REMEDIES TO A FORMAL COMPLAINT

Where discrimination, harassment or bullying behaviour is found to have occurred, a successful outcome to a complaint can be that this behaviour stops and more respectful behaviour is put in place.

Disciplinary Action

If the Investigator assesses the complaint to be “of a serious nature” disciplinary action may need to be considered. At this stage, the Investigator should forward the recommendations arising from the investigation to the appropriate authority.

4.10 ACTING ON UNSUBSTANTIATED COMPLAINTS

If the complaint is not substantiated the following outcomes may be considered:

- both parties to be informed of the finding and the relevant reasons;
- the complainant will be advised that if he/she is unsatisfied with the outcome, he/she can lodge a complaint either internally through the appeals process, or externally through the relevant statutory bodies.
4.11 INTERNAL REVIEW

The complainant may request review of the investigation process and the findings from the investigation, if the complainant is dissatisfied with either the process or the outcome. The respondent may request an internal review if they are dissatisfied with the investigation process (not the outcome).

It will then be determined if an internal Review Panel, of personnel nominated by himself/herself, is necessary to assist in either a complainant or respondent's request for an appeal.

5. Associated documents

Parts of this policy have been adapted from the Human Rights and Equal Opportunity Commission Sexual Harassment Code of Practice ISBN 0 642 25263 7.

Approver
CEO

Authoriser
Council