

**AUSTRALASIAN COLLEGE  
OF COSMETIC SURGERY  
AND MEDICINE**

**GRIEVANCE POLICY**

## **1. INTRODUCTION**

The ACCSM is committed to the prevention of bullying, discrimination, harassment and victimisation of its members and employees.

## **2. PURPOSE**

This policy defines the process for ACCSM members and employees to raise issues relating to bullying, discrimination and harassment and any offences of victimisation and defamation. It identifies the roles and responsibilities of the College and its members in relation to bullying, discrimination and harassment; and sets out the process for raising a grievance and the possible consequences for any stakeholder who engages in bullying, discrimination or harassment of another stakeholder.

## **3. SCOPE**

This policy applies to all stakeholders of the College, including;

- All Members;
- Employees of the College; and
- Members undertaking office bearing and volunteer duties on behalf of the College.

This policy relates to all occurrences of bullying, discrimination and harassment occurring in the course of activities relating to the business of the College that are not outside the College's control.

This policy does not prevent a member from raising a grievance outside of the College to another body or organisation.

## **4. ACCOUNTABILITIES**

The ACCSM commits to making all reasonable efforts in the application of this policy, including the communication of this policy, monitoring its compliance, supporting appellants, following procedures, and taking appropriate actions.

Where complaints of bullying and harassment occur within training practices or other external entities of the College, the ACCSM will endeavor to work as closely as possible with these organisations to address claims. It must be noted that the College can only take appropriate action where the College has jurisdiction to address bullying, discrimination and harassment claims.

Where bullying, discrimination and/or harassment of a victim severely compromises education, learning and skill development, the ASSCM will take appropriate action, including the assistance available in the ACCSM Special Considerations Policy.

#### **4.1 COLLEGE MEMBERS AND EMPLOYEES**

All College members and employees have a responsibility to ensure conduct that is free from bullying, discrimination and harassment. They are accountable to intervene if these behaviours are observed including the reporting of any bullying, discrimination or harassment.

For reported events of bullying, discrimination or harassment, college members and employees are expected to assist in the investigation as per the requirements in this policy and maintain confidentiality of all information regarding an investigation.

#### **4.2 COLLEGE GOVERNANCE ROLES AND PRECEPTORS**

Any members with office bearing roles or formal educational duties (For example Dean or Preceptors), have an expectation to ensure that they promote this policy, model the behaviours related to this policy, and monitor the environments they undertake College work in to ensure acceptable standards of conduct.

#### **4.3 THE ACCSM GENERAL MANAGER**

The General Manager, in addition to the responsibility outlined above, is accountable to the College Council to implement, maintain this policy and ensure all office bearers are appropriately trained to fulfill the obligations of the College with relation to bullying, discrimination and harassment.

#### **4.4 THE ACCSM PRESIDENT**

The ACCSM President holds responsibility to work with the General Manager in the implementation of this policy. In the case where a grievance pertains to, or a conflict of interest is found with, the General Manager, the President will take over all responsibilities of the General Manager detailed within this policy.

### **5. DEFINITIONS**

#### **5.1 BULLYING**

Bullying is generally defined as a behaviour that intimidates, offends, degrades, insults or humiliates an individual. Within a workplace bullying is defined as repeated, unreasonable behaviour directed towards a person or group of persons at a workplace, which creates a risk to health and safety.

##### **5.1.1 Categories of Bullying**

###### **Overt bullying**

Visible and usually expressed through physical or verbal means:

- (i) Instances of behaviours that are abusive including threatening gestures or physical contact
- (ii) Language that is aggressive, abusive or offensive, including threats or using demeaning tones or shouting;
- (iii) Conduct that results in public humiliation including demeaning remarks or orders that result in demeaning actions needing to be carried out
- (iv) Criticism that is constant, unreasonable, undue and unconstructive

###### **Covert bullying**

Less visible and conveyed through indirect means:

- (i) The withholding of information or resources from an individual which they require to fulfil work or training tasks

(ii) Exclusion or isolation from work or training

(iii) Unreasonably high demands on specific individuals

(iv) Creating false or malicious stories of an individual or influencing others to isolate an individual

## **5.2 DISCRIMINATION**

### **5.2.1 Direct & Indirect Discrimination**

There are two categories of discrimination, direct and indirect.

#### **Direct Discrimination**

Occurs when persons in the same or similar position to another person is treated unfairly due to their sex, race, age, domestic status, sexuality, disability, transgender status and/or carer's responsibilities.

#### **Indirect Discrimination**

Indirect discrimination occurs when a requirement, policy or practice that applies equally to everyone, but causes disadvantages a particular group or groups more than other groups.

### **5.2.2 Examples of Discrimination**

The following list of discrimination examples may occur either through direct or identification means.

- Gender
- Race
- Age
- Religious beliefs
- Domestic Status
- Sexual orientation/ identity
- Disability
- Transgender
- Carer's Responsibilities

## **5.3 HARASSMENT**

Harassment is defined as any behaviour that a person does not want, offends, humiliates or intimidates them or creates a hostile environment. Harassment can occur where the unwelcome behaviour is not repeated or continuous. A single incident may amount to harassment. It is possible for harassment to be unintended and where the resolution may be found in the acknowledgement of the situation and an apology.

### **5.3.1 Examples of Harassment**

Harassment includes unwelcomed behaviours or conduct including;

- (i) belittling or offensive comments or jokes regarding members of a particular group as found in 5.2.2
- (ii) bodily contact such as touching, hugging, kissing, patting or massaging
- (iii) staring or leering at a person or at parts of their body
- (iv) sexual gestures, sexually explicit conversations or messages of any form
- (v) intrusive or personal questions
- (vi) unconstructive criticisms taunts, teasing or name calling
- (vii) sexist, racist or homophobic material displayed within the workplace
- (viii) making threats
- (ix) persistent, unwelcome social invitations
- (x) using social media or other technology to post damaging or hurtful comments about another person.

## **6. EXCEPTIONS AND EXCLUSIONS TO DEFINITIONS**

### **6.1 BULLYING**

By definition, bullying must be both repeated and in context. Bullying does not include one-off incidents where a person causes offence to another person.

There is a distinction between a person's responsibility and authority in work or training situations and bullying.

The ACCSM has legal responsibility to oversee training requirements and monitor training program performance and provide feedback on performance. The character or sensitivity of an individual will not be used to measure an incidence of bullying. If a stakeholder of the College has defined performance problems, their preceptor is obligated to identify and manage them in a constructive way that does not involve a breach of the conduct expectations set out in this policy.

### **6.2 DISCRIMINATION**

The ACCSM may be obligated to distinguish and impose this policy for certain persons or groups on the grounds of disability or carer's responsibilities under circumstances where avoiding discrimination would impact the meeting of the Australian Medical Council Standards, national law, or cause undue hardship on the College.

It is not unlawful to prefer one group over others, where membership of that group is a genuine job requirement.

In the determination of this policy, the following circumstances will be considered;

- (i) the nature of the detriment or benefit to any person/s impacted
- (ii) the effect of the disability of any person concerned;
- (iii) the financial situation, and the estimated financial impact that may be made

## **7. LEGISLATION AND DISCRIMINATION**

Under national law, it is prohibited for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on any of, but not limited to, the following grounds:

- (i) the race of the person
- (ii) the sexual preference of the person
- (iii) the person is transgender
- (iv) the person is HIV/AIDS infected or thought to be HIV/AIDS infected (whether or not actually HIV/AIDS infected).

Under legislation, a public act may constitute vilification if it was possible for members of the public other than those directly involved in the act to have seen, heard or read the act and it was serious enough to encourage other members of the public to hate, hold serious contempt for or severely ridicule a person or a group, in circumstances where they did not already hold those feelings.

Individuals who engage in discrimination during the course of college business or training will be subject to appropriate legal action. They may be found liable and have disciplinary and/or legal action taken against them for bullying, discrimination or harassment.

## **8. PROTECTION FOR SPEAKING UP**

The ACCSM is committed to ensuring that a member or employee is not victimised for speaking up regarding the making of a bullying, discrimination or harassment complaint, or for providing information about or being a witness in a grievance investigation, or for escalating a complaint to an authority.

## **9. ACTIONING A GRIEVANCE**

If a member or employee believes they are being or have been bullied, discriminated against or harassed they may take the following action/s;

- (i) Approach the person/s directly
- (ii) Refer the matter to a relevant manager/supervisor/preceptor



(iii) Where applicable, contact the human resources department or relevant body and follow internal policies at their hospital or site

(iv) Make a grievance with the ACCSM General Manager

(v) Contact the relevant government body for advice / information.

## **9.1 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The ACCSM has an EAP that provides anonymous counselling service to employees and members of the College. If for any reason a College employee or Member would like counselling advice before, during or after a grievance, the College strongly recommends using this service.

## **10. ACCSM GRIEVANCE PROCEDURE**

The ACCSM will attempt to resolve a grievance in the shortest time frame possible. The time taken to resolve a grievance is dependent on the severity of the grievance and the number of stakeholders that are involved in the grievance allegation.

When a member or employee of the College (appellant) makes an allegation (grievance), the following procedures must be followed;

### **10.1 APPROACH THE ACCSM GENERAL MANAGER**

Where the complaint relates to the General Manager, the member or employer should liaise directly with the ACCSM President.

The General Manager will;

(i) explain the process for handling a complaint.

(ii) ask the appellant if they would like to have a support person present.

(iii) listen to the appellant seriously, sensitively and sympathetically

(iv) advise the appellant that any grievance that they raise meets the definitions of section 3 of this policy

(v) document the grievance using the [ACCSM Grievance Record Form](#) and file appropriately using a file accessible only by the General Manager and College President. In the instance the grievance pertains to one of those positions, access to the file will not be granted to that person/s.

## **10.2 INVESTIGATION**

**(i)** If the General Manager, and/or the President decides not to proceed with an investigation into the grievance, they will present options to assist the appellant

**(ii)** If the General Manager, and/or the President determines that the grievance falls outside the scope of this Policy, they will inform the appellant of this decision in writing as soon as reasonably possible.

**(iii)** Grievances of a nature deemed to be less serious that do fall directly within the scope of this Policy may be resolved by the General Manager and/or the President deciding to implement measures which do not require an investigation.

**(iv)** If the General Manager and/or the President decides to proceed with an investigation into the grievance, then an investigation will be carried out to determine the College Stakeholder(s) involved, the severity of the grievance and how the grievance will be resolved.

**(v)** Grievances of a less serious nature that do fall within the scope of this Policy may be resolved by the General Manager and/or President deciding to adopt measures which do not require an investigation.

**(vi)** When undertaking an investigation, the General Manager and/or President will take into account the following:

- Attempts that have been made at resolving the grievance through discussion or mediation.
- How serious the allegations of misconduct are in whether informal resolution could compromise the rights of the parties;
- If the grievance is against a more senior member of staff;

- If the appellant also alleges victimisation;
- If the allegations are denied and an investigation is required to substantiate the grievance.
- If there are any previously made grievances involving the persons been raised

If a decision is made that an investigation into a grievance is appropriate, the General Manager and/or President may appoint an external or internal Investigating Officer to carry out the investigation.

When a grievance is investigated, the Investigating Officer will ascertain which college stakeholder(s) are directly involved in the grievance and who may have witnessed the incident / occasion on which the grievance is based. This will be reported with an investigation plan to the General Manager and/or the President.

Either the General Manager or President will exercise their discretion to proceed with the investigation.

The Investigating Officer will:

- (i) approach and speak privately with each identified stakeholder
- (ii) inform each stakeholder, that a formal grievance has been raised against them, that there will be an investigation into the matter and the process of the investigation.
- (iii) ask whether the stakeholder wishes to have a support person present.
- (iv) ask a series of questions using the [ACCSM Grievance Interview Record Form](#) to determine what has occurred from the perspective of the accused person.
- (v) give the person every opportunity to respond fully to and, if relevant, defend themselves against the allegations.

Following interviews relating to those identified persons directly involved in the incident the Investigating Officer will assess whether or not it is necessary to interview any other stakeholders who may have witnessed the incident. Assessments of whether witnesses are required will be based on the severity of the grievance and whether the witness has evidence directly related to the grievance.

In the case of interviewing additional stakeholders, the Investigating Officer will interview each witness separately and ask questions using the [ACCSM Grievance Record Witness Form](#). Witnesses will sign this form at the completion of the interview.

The Investigating Officer will document an accurate record of all information gathered in the course of the investigation. The Interviewing Officer will give the opportunity to review, correct and endorse each record of interview. Each interviewed person is required to sign their Interview Record Form which stipulates that the person agrees to keep the grievance in the strictest confidence and that they are not to discuss the grievance with any person(s). If confidentiality is breached, the person(s) involved in divulging the information will be held legally liable for any defamation it may cause a person(s) and may have disciplinary action taken against them.

All relevant notes and documents will be retained in the grievance folder with restricted access.

(i) Notwithstanding the process set out below, the General Manager of the College may exercise his or her discretion to amend, substitute or set aside the process; if, in his or her view, the complaint would be more appropriately, fairly and efficiently managed in an alternative manner;

(ii) The College (and any of its agents) must observe the principles of natural justice when handling a complaint.

## 11. RESOLUTION OF A GRIEVANCE

Once all the College Stakeholders and witnesses involved in the grievance have been interviewed the Investigating Officer, General Manager and/or the President will analyse the responses, make a determination, consider their recommendations and prepare a report. The Investigating Officer will include the following in the final report:

- (i) the factual events in sequential order that led to the incident occurring;
- (ii) if a grievance has occurred;
- (iii) information of those who were directly involved in causing the grievance;
- (iv) their assessment of the severity of the grievance; and
- (v) if they believe any persons were disadvantaged as a result of the grievance.
- (vi) a recommendation to the General Manager and/or President what they deem to be the most appropriate action / remedy to take to resolve the grievance, including what steps must be taken to prevent the behaviours from recurring and whether the appellant is to receive compensation.

If any recommendation of the Investigating Officer includes disciplinary action against a trainee or compensation to address a disadvantage suffered by a trainee, the General Manager will refer these recommendations to the Censor in Chief for consideration and approval consistent with any relevant policies of the College.

After having completed the investigation, the Investigating Officer must inform the appellant and the accused person of their recommendations and the reasons for the recommendations.

Possible actions to resolve a grievance (depending on the severity of the grievance) include:

- (i) mediation between individuals / parties
- (ii) verbal or written warning
- (iii) counselling
- (iv) verbal or written apology

- (v) transfer to another role with the College
- (vi) dismissal or removal from the training program
- (vii) another form of disciplinary action at the discretion of the General Manager or President

In the case where the Investigating Officer finds that a grievance has not occurred or that the evidence is not sufficient to prove that a grievance has occurred, the reasons for this decision must be explained to all the stakeholders involved in the grievance.

If there is strong evidence that the grievance made was vexatious or malicious, the appellant may be subject to disciplinary action.

If the appellant or any additional stakeholders were found to be disadvantaged in accessing their rights and/or privileges of their role with the College as a result of the grievance, Investigating Officer is to recommend to the General Manager and/or President (in writing) the most appropriate remedy / action to compensate the persons for being disadvantaged. Options of actions for this may include;

- (i) reinstating any leave taken as a result of the grievance
- (ii) providing leave during the investigation of the grievance
- (iii) paying any medical or counselling fees associated with the inappropriate behaviour
- (iv) removing from files any detrimental comments on work performance or assessment documents
- (v) providing flexible training arrangements in accordance with the ACCSM Flexible Training Policy
- (vi) providing the opportunity to re-sit an examination.

The General Manager and/or President must agree with any course of action recommended by the Investigating Officer before any steps can be taken to implement the recommendations.

## **12. GRIEVANCES AND EXTERNAL AUTHORITIES**

When a grievance includes an act of a criminal nature the General Manager and or President, is to first contact the relevant authorities. Any investigation by the College into the grievance is to be suspended until the relevant authorities have completed their investigations.

The General Manager, and or the President is to assist the relevant authorities in their investigation (if required) and be the point of contact of any updates or finding.

Any findings or outcome of an authority and actions taken will be reviewed by the General Manager, and/or the President in order to determine whether to resume their investigation into the grievance or close the investigation.

## **13. PRIVACY AND CONFIDENTIALITY**

In accordance with the Privacy Act 198 (Cth) (Australia) and the privacy Act 1993 (NZ), the ACCSM will not disclose personal information about the member except for the purpose directly relevant to this policy.

All applications made under this Policy and their outcome will be recorded and retained by the College under relevant policy and/or legislation until it is considered that the information will no longer be required for reference by the trainee or the College.

## **14. RECONSIDERATION, REVIEW AND APPEAL**

The [ACCSM Reconsideration, Review and Appeal Policy](#) is available to member with regards decisions relating to grievances.

### **RELATED DOCUMENTS**

- [ASCCM Special Consideration Procedure Guideline](#)
- [Reconsideration, Review and Appeal Policy](#)
- [ACCSM Flexible Training Procedure](#)
- [ACCSM Withdrawal from Training Policy](#)
- [Remediation in Training Policy](#)

- The National Employment Standards (Fair Work Act 2009) –  
[www.fairwork.gov.au](http://www.fairwork.gov.au)

## **17. CONTACT**

For further information and advice about this policy please contact the ACCSM office.

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