

Bullying, Harassment and Discrimination Policy

Introduction

doctorportal Learning Pty Ltd, trading as 'CPD Home' is a jointly owned subsidiary of the Australian Medical Association (WA) Inc, and Australian Society of Anaesthetists.

CPD Home is available to non-exempt medical practitioners in Australia at www.cpdhome.org.au. It is not limited to members of the AMA.

Background

CPD Home is committed to fairness and equity and providing our prospective subscribers, subscribers, and representatives of prospective or certified learning providers a safe environment to:

- engage in the activities provided by CPD Home to support subscribers with:
 - Undertaking meaningful professional development
 - Meeting their Continuing Professional Development (CPD) requirements under the Medical Board of Australia's (MBA)'s *Registration Standards: Continuing Professional Development* (the Standard), and
 - Demonstrating that they have done so should they be audited by the MBA
- work with CPD Home in providing learning content for our subscribers to access.

CPD Home is committed to providing prospective subscribers, subscribers and representatives of prospective or certified learning providers a safe, respectful environment for engaging with our services free from all forms of discrimination, bullying, victimisation and harassment.

Purpose

The purpose of this policy is to outline:

- CPD Home's intolerance of, and legal obligations, when it comes to all forms of discrimination, bullying, victimisation and sexual harassment
- the process to be followed should a prospective subscriber, subscriber, or representative of a prospective or certified learning provider feel that they are subject to discrimination, harassment, bullying or victimisation from within the CPD Home community.

Objective

CPD Home aims to prevent prospective subscribers, subscribers, and representatives of prospective or certified learning providers from experiencing any form of discrimination, harassment, bullying or victimisation in their engagements with us.

Scope

This policy applies to:

- all CPD Home staff, which for the purpose of this policy includes contractors or individuals who enter in relationships with CPD Home
- members of the CPD Advisory Panel
- how CPD Home provides services to subscribers and learning providers
- all aspects of supporting subscribers to manage and meeting their CPD requirements
- all aspects of working with learning providers to facilitate access to their learning activities
- all interactions between CPD Home staff or CPD Advisory Panel members with any prospective subscriber or subscribers, or any prospective learning provider, or certified learning providers whether in person, via digital technology, or at a CPD Home work related event.

It does not apply to actions taken by CPD Home staff when seeking to:

- support subscribers who have been identified in quarterly audits as being at risk of not completing their CPD requirements for the CPD year
- contact subscribers regarding any overdue payments
- advise subscribers if likely to be classified as non-participating
- initially advise prospective learning providers of CPD Home certification, accrediting, listing services, and hosting services we provide
- contact learning providers regarding any overdue payments.

Definitions

Please refer to the Glossary for definition(s) of terms that apply to this policy.

Policy

Key Principles

All CPD Home staff and CPD Advisory Panel members are required to treat all prospective subscribers, subscribers, and prospective learning providers and CPD Home Certified Learning Providers with dignity, courtesy and respect. CPD Home aims to prevent those with whom we interact from experiencing any form of discrimination, harassment, bullying or victimisation in their engagements with us.

In managing complaints under this Policy, we will handle the matter:

- confidentially
- with sensitivity
- objectively and without prejudice
- efficiently and in timely manner
- transparently
- in line with the principles of natural justice.

Defining harassment

Harassment is viewed as uninvited or unwelcomed 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 be debase or corrupt.

Defining sexual harassment

Sexual harassment is any behaviour of a sexual nature, which is unwelcomed, or could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It may involve a single incident or a series of incidents.

CPD Home has a responsibility to protect its prospective subscribers, subscribers, and representatives of prospective or certified learning providers from sexual harassment when engaging with CPD Home staff and decision makers.

Sexual harassment may include, but is not limited to:

- physical contact – e.g. touching, patting, pinching, kissing or embracing someone
- verbal comments – e.g. innuendo, crude jokes, suggestive comments about someone's appearance or body, persistently inviting someone out, unwelcome questions about a person's private life or requests of a sexual nature, or
- non-verbal actions – e.g. leers, stares, displays of sexually explicit material, offensive body and hand movements, suggestive letters and drawings including email, indecent exposure or stalking.

Sexual harassment is not behaviour which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcomed, invite, reciprocated and based on mutual respect, it is not sexual harassment. Sexual harassment is not related to mutual attraction or genuine affection between people.

Inappropriate behaviour not objected to at the time it occurs should not be construed as consent.

Defining bullying

Bullying is repeated unreasonable behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by a person or persons against another or others during the conducting of CPD Home business that creates a risk to health and safety. It includes behaviour that harms, threatens, victimises, intimidates, offends, degrades or humiliates a prospective subscriber, subscriber, or representative of a prospective or certified learning provider, possibly in front of others.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to engage in CPD Home services or access their entitlements
- unreasonable refusal of applications for special recognition of exceptional circumstances or financial hardship.

Bullying is unacceptable at CPD Home. It is important to note that reasonable action carried out by a CPD Home employee, such as advising and offering support to subscribers at risk of not completing their CPD requirements, does not constitute bullying.

Defining discrimination

Discrimination occurs when a person is treated less favourably than another person because of certain attributes. Under federal and state laws, it is against the law to discriminate against a person (or their association with a relative, friend or colleague) on the ground of:

- race (including skin colour, descent, ethnic, ethno-religious background or nationality)
- gender
- pregnancy
- transgender status (actual or perceived)
- marital status
- disability (actual or perceived, past, present or future)
- carers' responsibilities (actual or perceived)
- homosexuality (actual or perceived), and/or
- age.

Direct discrimination is where someone is treated less favourably because of their sex, age, race, disability, pregnancy or any of the other grounds covered by anti-discrimination legislation.

Indirect discrimination occurs when an unreasonable requirement that is the same for everyone has an effect or result that is, or is likely to, advantage the individual because of a personal characteristic protected by law.

Indirect discrimination is not unlawful when the rule or policy is reasonable, having regard to the circumstances of the case. For example, not granting a variation to CPD requirements for caring responsibilities that result in a continuous absence from practice of less than six months is not unlawful discrimination.

Defining victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have made a complaint, or intend to make a complaint, or helped someone else make a complaint, about sexual harassment or some form of discrimination. Victimisation is against the law and will not be tolerated by CPD Home.

Action

Making a complaint

Should a prospective subscriber, subscriber, or representative of prospective or certified learning provider believe in good faith that they have been the subject of bullying, harassment or discrimination they should:

- tell the person involved in a direct, firm and rational manner that their behaviour is offensive and unacceptable and that you do not want it repeated. *The person may have been unaware their actions have given offence and once they are aware their behaviour is unwelcome, it often stops*
- tell the person in writing if you are unable to speak to them
- keep diary notes of all incidents with dates, names and any response made, or
- if the above informal options are not working or appropriate, make a formal complaint via CPD Home Complaints Portal.

Any complaint received will be treated confidentially by any CPD Home employee charged with handling the matter.

Resolving a complaint

In most circumstances, complaints can be resolved through informal discussion between the parties concerned, either directly or through the conciliation of the matter is inappropriate or unsuccessful, a formal process of resolution will be instigated and an investigation in accordance with the principles of natural justice will be conducted. At the conclusion of the investigation, both parties shall be advised of the outcome of the investigation and the reasons for the decision.

Related Documents / Legislation

The following documents are related to this policy.

1. CPD Home Complaints Policy
2. Racial Discrimination Act 1972 (Commonwealth)
3. Sex Discrimination Act 1984 (Commonwealth)
4. Racial Hatred Act 1995 (Commonwealth)
5. Disability Discrimination Act 1992 (Commonwealth)

Appendices

1. Glossary

Version Tracking

Version	Date	Comments
1.0	December 2022	
1.1	August 2024	Updated Introduction to reflect the joint ownership of CPD Home. Replaced CEO with Executive Lead to reflect current SOP. Removed unrelated glossary terms.
1.2	October 2024	Added Definitions statement and edited glossary. Transferred roles and responsibilities to SOP. Updated minor amendments.

Appendix 1 Glossary

Term	Definition
Complaint	Dissatisfaction or concern about the conduct or actions of CPD Home expressed in a written complaint submitted via the CPD Home Complaint Form by a: <ul style="list-style-type: none"> • Subscriber to CPD Home services • CPD Home Education or Service Provider, or • member of an CPD Home decision making or advisory entity.
CPD Advisory Panel	Panel of medical advisers who provide advice regarding the CPD Home Program of Learning.
CPD Home Program of Learning	The CPD Home Program of Learning (CPD Program) provides a pathway for Australian registered medical specialists, international medical graduates, PGY2+ trainees and non-vocationally registered doctors to engage in an accredited CPD program. From 1 January 2024, the CPD Program is a mandatory program for subscribers to the CPD Home service.
CPD Home staff	Includes employees or contracted consultants, legal or financial professionals acting for CPD Home.
Decision maker	Any person or persons making decisions for or on behalf of CPD Home.
the Standard	The Medical Board of Australia's (MBA)'s revised <i>Registration Standard: Continuing professional development</i> .