

<b>Policy Title</b>	<b>Anti Bullying and Harassment Policy: Postgraduate Specialist Training</b>
<b>Approvers</b>	SMG, Executive Board
<b>Author(s)</b>	Training and Faculties Office
<b>Applies to</b>	RCPI Postgraduate Trainees and Trainers
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## Table of Contents

Definitions.....	3
Bullying and Harassment in the Workplace .....	5
Informal Approach.....	5
Formal Complaint to Employer.....	5
RCPI's Anti-Bullying and Harassment Procedure.....	6
Principles .....	6
Purpose.....	6
To Whom Does this Policy Apply.....	7
Lodging a Grievance.....	7
Additional Information.....	8
Malicious Complaints.....	9
Review .....	9

## Definitions

### **Bullying**

Bullying at work is defined as *'inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work'*.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work but as a once off incident is not considered to be bullying.

### **Examples**

Bullying can include conduct offensive to a reasonable person, e.g. oral or written slurs, physical contact, gestures, jokes, displaying pictures, flags/emblems, graffiti or other material which state/imply prejudicial attitudes which are offensive to fellow employees. The following are common but not exclusive examples of bullying behaviour:

- Personal insults and name calling
- Persistent unjustified criticism and sarcasm
- Public or private humiliation
- Shouting at someone in public and/or private
- Sneering
- Instantaneous rage, often over trivial issues
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unnecessary work interference
- Making it difficult for staff to have access to necessary information or actively withholding information required to carry out duties of the job
- Aggression
- Not giving due credit for work contribution
- Continuously refusing reasonable requests without good reasons
- Intimidation and threats in general

## **Harassment**

Harassment is any form of unwanted conduct, related to an individual's gender, civil or family status, sexual orientation, religion, age, disability, race or membership of the Traveller Community which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Harassment may be perpetrated by employees, clients and other business contacts. Harassment can occur between people of the same or opposite sex. Harassment can take many forms. It may be of a visual, physical or verbal nature. The uniform characteristic is that the behaviour is unwanted and unwelcome by the recipient. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. A single incident may constitute harassment. Harassment is a very real problem to those who experience it. However it is intended, if the behaviour is unwelcome to the recipient, it is not just "good fun" or a "joke".

## **Definition of Sexual Harassment**

Sexual harassment is any form of verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Examples of sexual harassment include:

- Sexual gestures
- Displaying sexually suggestive objectives, pictures, calendars
- Sending suggestive and pornographic correspondence including faxes, text messages or e-mails
- Unwelcome sexual comments and jokes

- Unwelcome physical conduct such as pinching, unnecessary touching, etc.
- Same sex

## **Bullying and Harassment in the Workplace**

Among Trainers and Trainees every possible effort should be made to create a culture of dignity, respect and kindness. While primary responsibility for prevention and responding to bullying and harassment, as well as the mechanisms for dealing with its complexities, lies with the employing healthcare agency, an element of professionalism training in medicine is awareness of the processes and procedures for dealing with bullying and harassment. Therefore, while RCPI will promote this training and professionalism element, in individual cases for those who feel that they are the subject of bullying or harassment in the workplace as previously defined, the RCPI can only engage after the following employer processes have been fully considered:

### **Informal Approach**

It is recommended that the **HSE Dignity at Work** policy or local HR policy is reviewed.

It is often preferable for all concerned that complaints of bullying or harassment are dealt with informally whenever possible. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality. Thus, in the first instance if a person believes that he/she is the subject of bullying/harassment they should express that this is how they are experiencing the interaction to be and ask the person responsible to stop the offensive behaviour.

A support contact person is an independent employee of the HSE who has volunteered and received training to provide support and information on the Dignity at Work policy to colleagues who may feel they are experiencing bullying, harassment and or sexual harassment.

Click [here](#) to get a full list of Support Contact Persons working in your HSE Hospital or Region.

### **Formal Complaint to Employer**

If the informal approach fails to deal with the behaviour a Trainer or Trainee may make a formal complaint under the employer's Dignity at Work policy. The Trainer or Trainee who makes a Dignity at Work complaint should inform the RCPI immediately. The RCPI will assess the support required. The

support requirements may differ depending on the situation. The RCPI will alert the Chair/Dean of the Training Body and the National Specialty Director/Regional Programme Director.

The RCPI will await the outcome of the employer's investigation before any action is taken as per RCPI grievance policy. In some circumstances, as part of RCPI's duty of care, it may be necessary for the RCPI to change a training assignment without prejudice. RCPI does not hold the Trainee employment contract so all changes to the training assignment require agreement with the existing employer and proposed employer. In cases where no appropriate alternative training posts are available it is not the role of the RCPI to identify funding for supernumerary training posts. In such circumstances RCPI will escalate to the HSE National Doctors Training Planning unit in the HSE.

## **RCPI's Anti-Bullying and Harassment Procedure**

### **Principles**

The RCPI is committed to the promotion of an environment for work which upholds the dignity and respect of all Trainees and Trainers and which supports every individual's right to work and train in an environment which is free of any form of harassment, intimidation or bullying. The RCPI recognises the right of every individual to such an environment.

### **Purpose**

This policy is underpinned by national legislation:

- Employment Equality Acts, 1998 to 2007
- Equal Status Acts, 2000 and 2004

- Prohibition to Incitement of Hatred Act, 1989

The purpose of this policy is to ensure compliance with the respective legislation and to outline RCPI's policy and procedure relating to bullying.

### **To Whom Does this Policy Apply**

This policy applies to all RCPI Trainers and Trainees.

Potential Bullying or Harassment issues involving RCPI Staff should be progressed under the RCPI Staff Bullying and Harassment Policy.

In the event that a local investigation under employer's policy and procedures confirms that bullying or harassment occurred and involved an RCPI Trainer[s] and /or Trainee[s], and the employer makes RCPI aware of such findings, RCPI reserves the right to conduct its own investigation and to impose any necessary sanctions arising from that investigation.

### **Lodging a Grievance**

RCPI will only accept a grievance complaint related to alleged bullying and harassment in the following circumstances:

- The employer's investigation procedure has been completed, where bullying or harassment has been deemed to have occurred and where the employer brings the finding[s] to the attention of RCPI. In such circumstances, all reasonable steps will be taken to protect those involved from intimidation, victimisation or discrimination. Retaliating against someone who complains about bullying or harassment is a serious disciplinary offence. Malicious complaints will also be regarded seriously by RCPI and may result in disciplinary action.
- Where the behaviour considered objectionable continues following a formal investigation which did not make a finding of bullying and harassment, a Trainee or a Trainer may raise a grievance under the College Grievance Policy which will be dealt with in accordance with that Policy.

- If a Trainee has left the employment/rotation in which the behaviour complained of occurred, RCPI will consider the circumstances on a case by case basis before deciding on the appropriateness of an intervention.

The RCPI Trainer or Trainee should refer the grievance in writing to the Training Body using the Grievance Form. Please refer to the RCPI Grievance policy.

## **Additional Information**

### **Preventative Actions**

It is recommended that workplace preventative actions be extended to cover both active and passive prevention. In this context it should be noted that prevention covers both prevention of bullying and early intervention to modify behaviours which might lead to bullying.

Passive prevention includes such approaches as education and training, public awareness and documentation. Active prevention includes early intervention, the role of the employer's Safety Statement to identify and codify responses to bullying and the role of structures within the College.

### **Training and Education**

Education and training of all stakeholders are critical to the elimination or a very substantial reduction of workplace bullying. It is the responsibility of management, unions and professional and other representative bodies to provide such training both in the workplace and as part of general vocational and professional training. Management training should include awareness of the problem as well as training in the Codes of Practice and the recommended approaches to dealing with allegations of workplace bullying.

### **Awareness**

All parties involved in the workplace have a responsibility to raise awareness of both the issue and its unacceptability in the workplace. It is recommended that each working site, under the guidance of the Department of Enterprise, Trade and Employment would have the primary responsibility for coordinating the relevant employee awareness of bullying and the remedies available. The Health and

Safety Authority will have primary responsibility for raising awareness of workplace bullying as a hazard in the workplace and of an employer's new responsibilities in relation to the Safety Statement. Management at the working site are responsible for promoting awareness of the issue and the procedures for raising and handling complaints of bullying in their respective workplaces. Unions and other representative bodies are responsible for raising awareness among their members.

### **Malicious Complaints**

Sometimes complaints concerning bullying/harassment may themselves be false and/or maliciously motivated. If RCPI finds this to be case, disciplinary action may be imposed.

### **Review**

This Policy shall be subject to review every three years from the date of approval of this document by the Executive Board

<b>Approved By:</b>	<b>Date</b>
Senior Management Group	12/06/19
Executive Board	14/06/19
<b>Review</b>	
Review by Executive Board	March, 2022