

# Bullying, Harassment and Discrimination Policy

Effective: January 2023

## Introduction

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

CPD Home is available to non-exempt medical practitioners in Australia at [www.cpdhome.org.au](http://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 (MBA) Registration Standard: Continuing Professional Development (the Standard); and
  - demonstrating that they have done so should they be audited by the MBA; and;
- 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; and
- outline 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 into particular relationships with CPD Home;
- CPD Advisory Panel members;
- how CPD Home provides services to subscribers and learning providers;
- all aspects of supporting subscribers to manage and meet their CPD requirements;
- all aspects of working with learning providers to facilitate access to their learning activities; and

- all interactions between CPD Home staff or CPD Advisory Panel members with any prospective subscriber or subscriber, 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; and
- contact learning providers regarding any overdue payments.

## Definitions

The following definition(s) apply to this policy and where applicable, its procedures.

Term	Definition
CPD Advisory Panel	Panel of medical advisers which provides advice to the AMA (WA) CEO and senior leadership team regarding the CPD Home Program.
CPD Home staff	Includes employees or contracted consultants, legal or financial professionals acting for CPD Home.
CPD Home Executive	Includes the AMA (WA) CEO, Chief Operating Officer and Chief Financial Officer.
CPD Home Managers	Line managers responsible for a particular area of the CPD Home business.

## 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 a timely manner
- transparently; and
- in line with the principles of natural justice.

### Defining harassment

Harassment is viewed as uninvited or unwelcome 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 debase or corrupt.

### **Defining sexual harassment**

Sexual harassment is any behaviour of a sexual nature, which is unwelcome, 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, welcome, invited, 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; and
- 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 grounds 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, disadvantage 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.

## **Roles and Responsibilities**

### **CPD Home staff**

All CPD Home staff (including the Complaints Officer) have a responsibility to comply with the intent of this policy, to offer support to anyone who is being bullied, harassed or discriminated against to advise them where to obtain help and advice, and to maintain complete confidentiality during any ensuing investigation.

### **CPD Home managers**

All managers have a leadership role in ensuring the Harassment, Bullying and Discrimination Policy is adhered to, and in taking appropriate action in circumstances where they become aware of existing or possible harassment, bullying or discrimination. Staff in management positions have a responsibility to monitor the working environment to ensure that appropriate standards of behaviour are observed at all times and to model appropriate behaviour themselves.

## CPD Home Executive

The CPD Home Executive have a responsibility to investigate and resolve complaints of bullying, harassment or discrimination in a sensitive, thorough, confidential, and timely manner, ensuring that complainants and witnesses are not victimised.

## 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 the 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 CPD Home Management.

Where a complaint has been made and 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	

## Appendix 1 Glossary

Term	Definition
Appeal	Of a decision, to be undertaken by an Appeals Committee, an ad-hoc committee of the AMA (WA) Board.
Applicant	Any Subscriber or Education Provider directly affected and unsatisfied with an CPD Home decision who applies to have the decision reviewed, reconsidered or appealed.
Aphra	Australian Health Practitioner Regulation Authority
Certified Learning Provider	A learning provider who is certified by CPD Home, and can apply for accreditation of a CPD activity for listing in the CPD Learning catalogue.
Conflict of Interest	<p>A conflict of interest occurs when a person's personal interests' conflict, or could be perceived to conflict, with their responsibility to act in the best interests of CPD Home.</p> <p>Conflict of interests may be:</p> <ul style="list-style-type: none"> <li>• Real – where a direct conflict exists between the decision maker and their duty to act in the best interests of CPD Home.</li> <li>• Apparent – where it appears or could be perceived that personal interests are influencing the decision maker to not act in the best interests of CPD Home.</li> <li>• Potential – where personal interests are not currently but could come into conflict with their duty to act in the best interests of CPD Home.</li> </ul>
CPD Advisory Panel	Panel of medical advisers which provides advice to the AMA (WA) CEO and senior leadership team regarding the CPD Home Program.
CPD Home 'Catalogue'	This is the catalogue of learning modules and readings available to CPD Home subscribers.
CPD services	Carrying out 'CPD Home' related functions or activities offered to subscribers.
CPD Tracker	Online tracking tool enabling subscribers to record courses, events and other completed CPD activities. Each CPD activity record includes the length of time, area for self-reflection and optional storage of learning evidence.
Learning Providers	Entities who deliver education or learning to doctors.
CPD Home Executive	Includes the AMA (WA) CEO, Chief Operating Officer and Chief Financial Officer
CPD Home Managers	Line managers responsible for a particular area of the CPD Home business.
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 2023, 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
CPD requirements	<p>Means CPD requirements against the Standard, as follows:</p> <ul style="list-style-type: none"> <li>• develop a written annual professional development plan;</li> <li>• complete a minimum of 50 hours per year of CPD activities that are relevant to your scope of practice and individual professional development needs;</li> </ul>

	<ul style="list-style-type: none"> <li>• allocate your minimum 50 hours per year between the following types of CPD activities:             <ul style="list-style-type: none"> <li>◦ at least 12.5 hours (25 percent of the minimum) in educational activities;</li> <li>◦ at least 25 hours (50 per cent of the minimum) in activities focused on reviewing performance and measuring outcomes, with a minimum of five hours for each category; and</li> <li>◦ the remaining 12.5 hours (25 percent of the minimum), and any CPD activities over the 50-hour minimum across any of these types of CPD activity, including any relevant specialty high-level requirements;</li> </ul> </li> <li>• self-evaluate your CPD activity at the end of the year as you prepare your professional development plan for the next year; and</li> <li>• retain records of your annual CPD activity for audit by your CPD home and the Board for three years after the end of each one-year cycle.</li> </ul>
CPD Year	The CPD Year is 1 January to 31 December.
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"> <li>• Subscriber to CPD Home services;</li> <li>• CPD Home Education or Service Provider; or</li> <li>• Member of an CPD Home decision making or advisory entity.</li> </ul>
Complaints Officer	A CPD Home staff member trained in complaints handling and delegated the responsibility for managing a complaint.
Cooling off period	A 14 day period in which the subscriber can change their mind about subscribing without penalty.
CSV File	Comma Separated Value - A electronic file in which the data in each data field is separated by a comma.
Decision maker	Any person or persons making decisions for or on behalf of CPD Home.
Deferral	An extension of time, up to three months from the end of the CPD Year, in which to complete the CPD requirements for that CPD Year. The deferred CPD activities to be undertaken concurrently with the current CPD Year requirements.
eDM	Electronic Direct Mail
Exemption	CPD requirements for the CPD Year are waived.
Exit Poll	A series of questions to ascertain reasons for subscription cancellation and identify areas for improvement.
Frivolous report or complaint	The matter giving rise to the report or complaint is minor or trivial, vague or poorly explained inhibiting its investigation, or unable to be substantiated?
Learning Management System (LMS)	Online system used to deploy, track and report completion of learning activities measured against the CPD Program.
Malicious report or complaint	A report or complaint that appears to be motivated by a purpose that is dishonest and intended to cause harm.
Outgoing Subscribers	Subscribers who are moving to a different CPD home provider.
Parent Entity	doctorportal Learning Pty Ltd, trading as 'CPD Home' is a wholly-owned subsidiary of the Australian Medical Association (WA) Inc.
Participating Subscribers	Subscribers to CPD Home who do not have an exemption and who by default are participating in the 'CPD Program'

Personal information	Personal information includes a broad range of information such as name, gender, contact details, financial information and may also include other personal information (e.g. professional details) or an opinion, that could identify an individual. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances.
Personal interest	Personal interests include where the decision maker or a person or organisation affiliated with them would receive a benefit or incur a detriment because of the decision being made. That benefit or detriment could be financial or non-financial.
Point-in-Time Snapshot	A Point-in-Time snapshot is a copy of a storage volume, file or database as they appeared at a given point in time and is used as a method of data protection. In the event of a failure, data can be restored from the most recent snapshot before the failure.
Procedural matters	Refer to an application for a Review or Appeal of a CPD Home decision.
Professional details	Professional details include information such as qualifications, scope of practice, specialty or specialties, employment information (status, type, role), and educational/supervisory/research activities.
Sensitive information	Sensitive information is personal information that includes information or an opinion about an individual's: <ul style="list-style-type: none"> <li>• racial or ethnic origin</li> <li>• political opinions or associations</li> <li>• religious or philosophical beliefs</li> <li>• trade union membership or associations</li> <li>• sexual orientation or practices</li> <li>• criminal record</li> <li>• health or genetic information</li> <li>• some aspects of biometric information</li> </ul>
Subscribers	Subscribers to CPD Home may be members of the AMA or non-member medical practitioners who have selected us as their CPD Home.
Reconsideration	Of a decision, to be undertaken by the original decision maker
Review	Of a decision, to be undertaken by a Review Panel
Review Panel	A panel comprised of three people chosen at the discretion of the CEO or their delegate for purpose of reviewing a decision under the Review, Reconsideration and Appeals Policy. The Review Panel shall not include a member who participated in the original decision or its reconsideration, or who otherwise has, or is perceived to have, a conflict of interest.
Register of Interests	A record of declared or identified conflicts of interests listing to whom they apply, the nature and extent of the conflict and any steps taken to address it.
the Standard	MBA <i>Registration Standard: Continuing Professional Development</i>
Variation	The hours for each domain of CPD activity as per the Standard for the CPD Year are proportionally reduced to reflect the period where the subscriber did not practise medicine.
Vexatious report or complaint	A report or complaint that is falsely made, unwarranted or made repetitively, or made for some other collateral purpose such as to cause delay or disruption, gain leverage or cause disadvantage or to harass or annoy.