



**GUIDELINES ON DEALING WITH
INAPPROPRIATE BEHAVIOUR
REVISION 2**

RCSI DEVELOPING HEALTHCARE LEADERS WHO MAKE A DIFFERENCE WORLDWIDE

DEALING WITH INAPPROPRIATE BEHAVIOUR

Discrimination, bullying and sexual harassment either in the practice of surgery or in surgical training is completely unacceptable and inappropriate under any circumstance and should not be tolerated. Inappropriate behaviour in any modern workplace can have a serious and lasting adverse impact on those who are subjected to it. Discrimination, bullying and harassment demean individuals and prevent them from reaching their true potential.

Workplace bullying and harassment adversely affect the quality of patient care by undermining employee morale and can result in absenteeism, stress-related illnesses, and higher turnover of staff. Bullying and harassment may also have a damaging impact on trainees not directly subjected to inappropriate behaviour but who witness it or have knowledge of it.

Everyone involved in Surgical Training has a responsibility to treat colleagues with dignity and respect, irrespective of their sex, race, marital status, age, disability, sexual orientation, religion, political conviction, membership or non-membership of a trade union/professional organisation or real or suspected health status. RCSI is committed to taking a leadership role in supporting the standards of professionalism behaviour that are required of health professionals in positions of leadership and/or influence. We are committed to ensuring that appropriate procedures are in place to firstly support and empower, but also support any victims of discrimination, bullying and sexual harassment.

WHAT IS WORKPLACE BULLYING

Workplace bullying is repeated 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.

A key characteristic of bullying is that it usually takes place over a period of time. It is regular and persistent inappropriate behaviour, which is specifically targeted at one employee or a group of employees. It may be perpetrated by someone in a position of authority, by employees against a manager or by employees in the same grade as the recipient.

What Bullying is Not

The following do not constitute bullying:

- An isolated incident of inappropriate behaviour may be an affront to dignity at work but, as a once-off incident, is not considered to be bullying, e.g. an occasional bout of anger or a conflict of views.
- Fair and constructive criticism of an employee's performance, conduct or attendance.

- Reasonable and essential discipline arising from the good management of the performance of an employee at work.
- Actions taken which can be justified as regards the safety, health and welfare of the employees.
- Legitimate management responses to crisis situations, which require immediate action.
- Complaints relating to instructions issued by a manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure.

Examples of Bullying

There are two broad categories of bullying:

Direct bullying – behaviour that is overt and usually involves conduct directed at a person to belittle or demean them. Examples include:

- Aggressive and intimidating behaviour
- Belittling, degrading or humiliating comments
- Spreading misinformation or malicious rumours
- Interfering with a person's property or work equipment
- Displaying offensive material (e.g. pornography)

Indirect bullying – behaviour that excludes or removes benefits from a person. Examples include:

- Assigning meaningless tasks unrelated to the job
- Setting tasks that are unreasonably below or beyond a person's skill level
- Deliberately changing work rosters to inconvenience particular employees
- Deliberately withholding information that is vital for effective work performance.

HOSPITALS DIGNITY AT WORK POLICY

All training hospitals recognise the right of all employees to be treated with dignity and respect and are committed to ensuring that all employees are provided with a safe working environment, which is free from all forms of bullying, sexual harassment and harassment.

The HSE Dignity at Work policy covers sexual harassment and harassment as outlawed by the Employment Equality Acts 1998 to 2008 and workplace bullying and reflects the experiences of both employers and union representatives in dealing with complaints of bullying and harassment.

To read the policy, please click [here](#)

(http://www.hse.ie/eng/staff/Resources/hrppg/Dignity_at_Work_2009_Policy.pdf)

A **summary version** is also available. Please click [here](#)

(http://www.hse.ie/eng/staff/Resources/hrppg/Dignity_at_work_Policy_for_the_Health_Services_Summary.pdf)

Each training Hospital has their own policies in relation to Dignity at Work and these are available from your line manager or HR department.

SUPPORT

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 Hospital or Region.

http://www.hse.ie/eng/staff/Resources/hrppg/Support_Contact_Persons.html

Some frequently asked questions in relation to the Support Contact Person are:

How can a Support Contact Person support me in these circumstances?

Their role is to enable you to better understand the Dignity at Work policy, which explains bullying, harassment and sexual harassment. The policy provides information on a range of options available to you. Support Contact Persons are there to assist you over a short period of time, i.e. 3-4 visits if required.

Who will know that I visited a Support Contact Person?

This support is available to all staff on a confidential basis. The only individual who will know about your visit is the support contact person.

Will the Support Contact Person help me if I am accused of bullying, harassment or sexual harassment?

Yes, this support is available to both people who may feel they are being bullied, harassed and or sexually harassed, or by staff who may have an accusation of bullying, harassment or sexual harassment made against them.

Will the Support Contact Person speak to the person who is bullying, or harassing me?

No, this is not their role. They will help you to better understand what is going on, but will not speak to anyone on your behalf.

Do I have to visit a Support Contact Person in my work area?

No, you can choose any Support Contact Person. Support Contact Persons are there to assist you over a short period of time, i.e. 3-4 visits" if **required or via telephone**.

For a list of Support Contact Persons in your area, please select from the links below

DEALING WITH ALLEGATIONS OF BULLYING, SEXUAL HARASSMENT AND HARASSMENT

Issue resolution for discrimination, bullying and harassment should occur in the local workplace as an employment issue. The hospital's human resources department can provide advice on the complaints and resolution process in addition to counselling and support. This should be the first port of call. The local **Support Contact Person** can also offer advice and support to individuals who feel they are encountering inappropriate behaviour.

Where inappropriate behaviour related specifically to a trainee's training and progression, a trainee may also lodge a complaint to the training programme. Again this should occur locally with the trainee's supervisor, Hospital Based Director of Core Surgical Training or Training Programme Director. This can be escalated directly to the Dean of Postgraduate Surgical Education if the trainee feels this is more appropriate.

Guiding principles

When handling any allegations raised by trainees, the following guiding principles will always apply:

- Fairness and equity – anyone raising allegations will be treated fairly and equitably. Any trainee should feel free to raise valid allegations and should be reassured that they will not be victimised for doing so or acting as a witness for another complainant.
- Resolution of issues as informally as possible – it is in the interests of all parties that any complaints raised are resolved at the earliest opportunity.
- Timely resolution – where allegations have been raised, these will be dealt with in a timely manner.

Confidentiality

All complaints of harassment and bullying will be treated sensitively and in confidence. This extends to information about, or provided by, the alleged harasser, complainant, representatives and any witnesses involved, either prior to or during any investigation or subsequent proceedings.

However, there may be occasions where the alleged behaviour is deemed to be extremely serious, for example a threat of physical violence, and on these occasions, the College may consider taking action without the express agreement of the complainant and undertake a full investigation.

In certain circumstances, where illegal or dangerous practices are revealed, it may be necessary to disclose details of the case to a relevant authority, or where the behaviour of the harasser is considered to amount to a criminal offence, the complainant may be advised to contact the police. This will not preclude the College undertaking its own investigation.

Informal procedure

A Trainee who believes they are the subject of harassment or bullying may wish to keep a diary of the details. This should include the details of the incident, date, time, place, their feelings at the time, their reactions to the incident, the reactions of the person considered to be harassing them and details of any witnesses to the incident.

Many complaints of harassment or bullying can be dealt with informally. This approach can result in speedy resolutions and be beneficial to all parties concerned. In many circumstances, an informal approach may be all that is required to stop the behaviour causing offence, particularly if the perpetrator is unaware of the effects of their actions.

Any trainee who feels that s/he is being subjected to behaviour, which undermines his/her dignity should let his/her objections be known, otherwise the person engaging in the unwelcome behaviour may be unaware of the effects of his/her actions. The trainee may either approach the alleged perpetrator directly and make the person aware that the behaviour in question is unwelcome or request a manager to approach the person on his/her behalf. Sometimes the alleged perpetrator is genuinely unaware that his/her behaviour is unwelcome and causing distress. An informal discussion is often sufficient to alert the person concerned to the effects of his/her behaviour and can lead to greater understanding and an agreement that the behaviour will stop.

Before deciding what course of action, if any, to take, the trainee may wish to discuss the matter on a confidential basis with a Support Contact Person, manager, Occupational Health Service or Employee Assistance Programme.

Support Contact Person

A trainee who feels that s/he is being bullied or harassed may wish to avail of the support of a Support Contact Person whose function is to listen, be supportive and outline the options open to the employee. Details of Support Contact Persons are detailed above or can be obtained from the Human Resources Department. The Support Contact Person will explain the definitions of bullying/ harassment and the various elements of the procedure to assist the employee to make an informed choice about what action, if any, s/he may wish to take. The Support Contact Person cannot act as an advocate or representative for the employee and may not approach the alleged perpetrator on his/her behalf.

Local Intervention of an Appropriate Manager / Supervisor

Where the trainee is not confident about approaching the alleged perpetrator or where a direct approach has not resolved the matter, s/he should request the intervention of an appropriate manager. The manager may attempt to resolve the matter in an informal low-key and non-confrontational manner by making the alleged perpetrator aware of the effects of his/her behaviour.

Mediation (*managed by Hospital HR department*)

Where the matter cannot be resolved locally, both parties will be requested to consider the use of mediation and every effort will be made to secure their agreement. Mediation is a strictly confidential process and requires the voluntary participation and co-operation of both parties.

Formal Investigation (*managed by Hospital HR department*)

If the matter cannot be resolved at local level or through mediation, it may be the subject of a formal investigation by the Hospital. Details of the investigation process are set out in the HSE "Dignity at Work Policy"

http://www.hse.ie/eng/staff/Resources/hrppg/Dignity_at_Work_2009_Policy.pdf.

Investigation by the Training Programme

If the matter cannot be resolved at local level or is inappropriate to be dealt with locally and specifically relates to the trainees training or progress then the training programme can investigate it.

Where inappropriate behaviour related specifically to a trainee's training and progression, a trainee may also lodge a complaint to the training programme. Again this should occur locally with the trainee's Supervisor, Hospital Based Director of Core Surgical Training or Training Programme Director. This can be escalated directly to the Dean of Postgraduate Surgical Education if the trainee feels this is more appropriate.

The trainee can raise their concerns confidentially with the Dean of Postgraduate Surgical Educations by the following methods:

1. Writing directly to "Dean of Postgraduate Surgical Educations, RCSI Surgical Affairs, 121 St Stephens Green, Dublin 2.
2. Email appealsadmin@rcsi.ie with your concerns or requesting a meeting.
3. Telephoning the Surgical Affairs office on 01-402-2369 to arrange a meeting with the Dean.

PROTECTED DISCLOSURE

If you witness harassment or inappropriate conduct, you are strongly encouraged to report it to your employer and/or appropriate authorities. You can of course, if appropriate, make a Protected Disclosure under the Protected Disclosures Act 2014. Protected Disclosures can be emailed confidentially to rcsiombudsman@protecteddisclosure.ie