

## WHAT IS VICTIMISATION?

### Definition

Victimisation occurs when a person is subjected to or threatened with any form of detriment or punishment for raising a complaint, providing information about a complaint or otherwise being involved in the resolution of a complaint. Victimisation can also occur when a person is planning to make a complaint or be involved in complaint resolution. Victimisation can include reprisal, bullying or intimidation.

### Statement regarding victimisation in the raising of a complaint as a breach of the RACS Code of Conduct.

Every patient has a right to expect that their healthcare is uncompromised by discrimination, bullying and sexual harassment (DBSH) in the practice of surgery.

Every surgical Trainee, International Medical Graduate, and every healthcare worker – including every surgeon – has a right to a workplace free of discrimination, bullying and sexual harassment.

These principles and rights are enshrined in the RACS Code of Conduct.

People can make DBSH complaints to RACS if they have been affected by discrimination, bullying and sexual harassment in the training and practice of surgery.

RACS will seek to resolve such complaints in accordance with its complaints management processes.

To ensure the efficacy of this framework, RACS will not tolerate victimisation of complainants, their witnesses or support persons, nor respondents, witnesses or support persons. Under the RACS Code of Conduct, victimisation means subjecting or threatening to subject a person to some form of detriment or punishment because they have lodged, or intend to lodge, a DBSH complaint, or because they have supported a complainant, or co-operated with an investigation of a DBSH complaint, or plan to do so.

Victimisation is prohibited by New Zealand and Australian Federal, Territory and State discrimination laws, and it is a breach of the RACS Code of Conduct.

Victimisation can be the subject of a complaint to RACS and it can attract serious penalties.

The Royal Australasian College of Surgeons (RACS) is committed to building a culture of respect in surgery and improving patient safety through identifying and addressing unacceptable behaviours. Unacceptable behaviour adversely affects our co-workers as well as our patients, and it is up to all of us to take appropriate action to address it.

Legislation in Australia at Federal, State and Territory levels, and in New Zealand, defines specific types of unacceptable behaviours. Knowing the relevant legislation is the responsibility of every professional in the workplace.

Unacceptable behaviour covers a broad range of behaviours. Colloquially, terms such as bullying and harassment are often used interchangeably but sometimes incorrectly to describe rude or disrespectful behaviour. Legislation, however, defines and differentiates bullying, discrimination and sexual harassment as specific types of unacceptable behaviours.