

Margaret River Farmers Market

Code of Conduct 2021/22

Margaret River Producers Association



Unacceptable behaviour policy guideline

The impact of COVID-19 means some customers may experience delays and changes in the way we deliver our services and markets are set up. We'd like to apologise if you're affected. We're working hard to ensure that the markets are fully operational and we'd like to thank you for your patience as we continue to adjust to these challenging times.

1. Unacceptable actions policy

Sometimes, people visiting our market or providing a service at our market use behaviour, actions or general conduct that makes it very difficult for other public visiting or other stall holders and staff to do their job and deliver a service to the public. A person's actions may become unacceptable because they use unreasonable conduct towards staff, stall holders or others members of the public visiting our market. In such cases, we take action to protect our staff members, stall holders and reputation of the market.

2. Scope

This policy covers all areas of work related to the running and functioning of the Margaret River Farmers Market. It applies to the people having contact with those running the market, coming to the market or potentially coming to the markets both as members of the public and stall holders and potential representatives of each. Contact covers various forms, including social media, telephone, face to face, and written correspondence.

3. Policy statement

We do not view behaviour as being unacceptable just because a person is forceful or determined. However, we do consider actions that result in unreasonable contact or demands on committee members or staff associated with the markets to be unacceptable.

References: <https://lawpath.com.au>, <https://www.ombudsman.gov.au/>, <https://www.willungafarmersmarket.com.au/wp-content/uploads/2020/05/WFM-COP-2019-2020.pdf>

These are the actions managed under this policy. This policy does not prevent the need to ensure the market is accessible to all, on an equal basis.

4. Equality and diversity

- 4.1. In some cases, people may have a mental health issue and/or disability where it may be difficult for them to communicate clearly and appropriately. If there is evidence of this in circumstances of unacceptable behaviour, we'll consider the individual's needs and our staff and stall holders, before deciding on how best to manage the situation. We'll always consider making reasonable adjustments for the person if we are asked to do so, but we may still need to manage contact if necessary.
- 4.2. We act in line with our privacy policy, which you can find on our website. We will not share any sensitive information that people provide to us about their personal circumstances without their permission.

5. Unreasonable actions

5.1. Aggressive or abusive behaviour

- 5.1.1. Violence, aggression and verbal abuse towards our staff, stall holders or other members of the public is not tolerated. This can include behaviour or language, whether spoken, written or via social media) that makes anyone feel offended, afraid, threatened or abused. For example, threats, personal abuse, offensive remarks or swearing.
- 5.1.2. Language that is racist, sexist, homophobic or that makes serious allegations that staff, stall holders or other members of the public have committed criminal or corrupt conduct without evidence is unacceptable. Comments which are aimed at third parties are unacceptable because of the effect they may have on any one person. We also consider inflammatory statements to be abusive behaviour.

6. General unreasonable behaviour and demands

6.1. Individuals may make unreasonable demands, such as the amount of information they request, the nature or scale of the service they expect or the number of approaches they make. If actions start impacting on our committee, staff members or volunteers, we consider them unacceptable. We also consider it unacceptable if complying with the demands would impact on our ability to provide the Farmers Market.

6.2. Unreasonable behaviour depends on the circumstances around it and the seriousness of the issues raised by an individual. Some examples of unreasonable demands or behaviour:

- Refusing to accept explanations of what we can or can't do;
- Insisting the complaint be dealt with in incompatible ways with our process, or aren't good practice;
- Making unjustified complaints about staff dealing with the issues, and trying to have them replaced;
- Changing the basis of the complaint;
- Raising many detailed but unimportant questions and insisting they are all answered;
- Secretly recording meetings and telephone conversations;
- Submitting untrue documents;
- Raising repeat complaints with minor changes or additions that the person insists make 'new' complaints;
- Repeatedly demanding a committee response within an unreasonable timeframe;
- Insisting on a face to face meeting when we do not consider it necessary;

Please note that this is not a complete list and is just a broad example of some of the actions and behaviours we consider unacceptable.

7. Unreasonable levels of contact

7.1. Sometimes the volume and duration of contact made by a person to a staff member or the committee can cause problems. This can happen over a short period, such as one day, or over the life-span of a complaint or issue raised. We consider that the level of contact from a consumer is unacceptable when the amount of time responding to an individual impacts our ability to deal with day to day general operations and issues needing to be resolved by the committee.

8. Refusal to cooperate

8.1. Sometimes, an individual repeatedly refuses to cooperate, making it difficult for us to follow protocols or guidelines set by the local or state government. This is particularly evident during COVID. Members of the public and staff and stall holders all have guidelines that need to be followed it is considered unacceptable if someone refuses to follow these guidelines when specifically requested to do so.

9. Managing unreasonable actions

9.1. We reserve the right to take action when unreasonable behaviour affects our functionality, though we'll aim to do so in a way that still allows a complaint to progress through our process. We'll try to ensure that any action we take is the minimum required to solve the problem. We take relevant personal circumstances into account, including the seriousness of the complaint and the needs of the individual.

References: <https://lawpath.com.au>, <https://www.ombudsman.gov.au/>, <https://www.willungafarmersmarket.com.au/wp-content/uploads/2020/05/WFM-COP-2019-2020.pdf>

9.2. There are a number of steps that we may take due to unacceptable behaviour towards our staff, depending on the way contact is made and the type of unacceptable behaviour.

10. Contact

10.1. Phone Calls

10.1.1. If our staff experience unacceptable behaviour over the phone, they have the right to place the caller on hold or end the call. If they are ending the call, our staff will tell the caller how their conduct is considered to be unacceptable and give the caller the chance to change their behaviour.

10.1.2. If the caller chooses to carry on acting in a way considered unacceptable, our staff will advise the caller that the call will be ended if they don't change their behaviour. If the caller still does not change their behaviour, our staff can terminate the call.

10.1.3. If a caller's behaviour is thought to be extreme, for example if they make threats of violence, our staff can end the call without warning. In certain incidents, we may report incidents to the police. This will be the case if physical violence is threatened.

10.1.4. If there are multiple instances of unacceptable behaviour and it continues, we may apply more permanent restrictions.

10.2. Correspondence

10.2.1. Our staff or members of the association don't have to tolerate unacceptable behaviour in any correspondence, including letter, email and via social media. If there is a legitimate request for information in the communication, it is reasonable to provide that information. If the information is not legitimate then the individual will be told to change their behaviour in future contact as it is considered unacceptable.

10.2.2.If no legitimate request for information is included, our staff or committee members don't have to respond to abusive contact. We will contact the individual to tell them their behaviour is unacceptable and to modify their conduct and language in future, or we will not respond. Communication that includes physical threats to staff or committee members or serious allegations without proper evidence will not be accepted.

10.2.3.In all cases of unacceptable communication, we will contact the individual explaining why the behaviour is unacceptable and that their behaviour must change for future contact. If the behaviour is not changed, we will consider permanent restrictions.

11.Actions we may take

11.1. If we consider a person's behaviour or actions unacceptable, we may decide to restrict or block contact from them. We may:

- Limit future contact to a particular form or advise how often we can be contacted. For example, by email only, to be reviewed once a week;
- Allow contact to a specified committee member only;
- Require that contact be made to us through a representative;
- Return documents. In extreme cases, tell the person that further irrelevant documents will be destroyed;
- Read and file future contact, but only respond if a new complaint is made or new information is given;
- End or suspend the person's complaint. In extreme cases, we may refuse to consider future requests or comments from the individual;
- Take any other action we believe is appropriate, including ending all contact with the person.

12. Decision process

- 12.1. Except in extreme cases, such as a person making physical threats to staff where we end contact immediately, our decisions to restrict contact are carefully considered by the committee.
- 12.2. We will give the individual the opportunity to change their behaviour before we make a decision.

13. Communicating our decisions

- 13.1. When we end contact immediately due to aggressive or abusive behaviour, the person is told at the time of the incident.
- 13.2. We will always tell the person in writing why we have decided to restrict future contact, the arrangements and how long the restriction will be in place. We can respond in another format if required.

14. Appealing our decision

- 14.1. If we tell a person that we will no longer communicate with them, they will also be told about their right to appeal. Appeals need to be made in writing and submitted to the committee within 10 working days of the notice of restricting contact.
- 14.2. Potential grounds for appeal may include:
 - The person's actions were wrongly decided to be unacceptable;
 - The restrictions were disproportionate to the incident; or
 - The restrictions have negatively impacted the individual because of personal circumstances.
 - The Committee will consider the appeal within one month of receipt. Restrictions will stay in place until a decision is made. Any amendments to

the restrictions will be made by the individual considering the appeal and the evidence provided. Their decision is final.

15. Recording unreasonable actions

15.1. All incidents of unreasonable actions are recorded and kept with the committee records.

16. Subsequent approaches

16.1. If we have restricted contact from an individual or organisation but they come to us with a new complaint, we must consider our original decision to restrict communication and any time limit we applied. If we have totally restricted contact, the decision to accept a new complaint can only be made by the Margaret River Producers Association committee.

17. Review and revision

We reserve the right to make amendments to this policy as necessary.