



Code of Conduct

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1. Purpose – why do we need a Code of Conduct?

To create a safe work environment that protects stallholders and City of Port Phillip (CoPP) staff from harassment, aggression and other unacceptable behaviour.

The Management of the St Kilda Esplanade Market (the Market) is committed to ensuring stallholders and CoPP staff are able to operate in an environment free from harassment by creating a Code of Conduct outlining acceptable behavior and defining unacceptable practices which will not be tolerated under any circumstances.

For the purposes of this policy:

- 'workplace' refers to either the Market site or any other activity undertaken in relation to trading at the Market;
- 'Stallholders' refers to any person with a trading permit for St Kilda Esplanade Market or persons acting on their behalf (including stall assistants, friends and family members present at the Market).

Harassment and unacceptable behaviour at the Market may result in:

- the loss of stallholders and CoPP staff;
- reduced morale of existing stallholders and CoPP staff;
- reduced appeal of the market to new stallholders;
- negative affects to the reputation of the market;
- negative affects to the overall viability of the market; and
- legal risks.

BREACHES OF THIS CODE OF CONDUCT MAY BE GROUNDS FOR IMMEDIATE DISMISSAL FROM TRADING AT THE MARKET.



2. What is the Market Code of Conduct?

The Market Code of Conduct is outlined below and applies to all parties when engaged in Market activity on Market Day and all other times, and both on or off the Market site.

- All stallholders and CoPP staff are to be treated with respect, courtesy and dignity at all times
- All stallholders and CoPP staff must strive to contribute to an honest, unbiased and unprejudiced workplace
- All stallholders and CoPP staff are encouraged to report any behavior which breaches this policy as outlined in Section 3 below.

3. Workplace Harassment defined

Workplace harassment is unreasonable and negative behavior including bullying, threatening and abuse, directed at an individual or group resulting in the individual feeling unsafe, offended, undermined, humiliated, intimidated, abused or at risk.

Workplace harassment is usually but not exclusively repeated and persistent behavior. Single incidents of unreasonable behaviour can also create a risk to health and safety. It can include any of the following:

- Bullying of any nature
- Verbal or physical abuse
- Sexism and sexual harassment – unwanted or uninvited sexual behaviour
- Racism and racist behaviour
- Offensive, insulting or derogatory language including shouting or yelling
- Acting in a discriminatory manner
- Offensive, insulting or inappropriate communications (including emails, social media, correspondence etc)
- Unwarranted, unjustified or unsubstantiated criticism or comments
- Intimidating behavior
- Victimisation

4. Preventing Workplace Harassment

All stallholders and CoPP staff must be informed of this policy.

Compliance with this policy is non-negotiable. Stallholders who do not wish to be subject to this Code must notify the Market Manager immediately and in writing. Trading permits will be revoked immediately and outstanding monies refunded.

All reports will be treated seriously and investigated promptly, confidentially and impartially.



Anyone making a complaint or report, and anyone else who may be involved, is not to be victimised. Victimisation is also prohibited by this Code of Conduct and offenders will be dismissed from the Market.

5. Reporting Workplace Harassment

Anyone experiencing or witnessing any negative behavior is strongly encouraged to report it immediately to the Market Manager in writing.

All reports must describe in clear detail the grievance or complaint. Evidence, including statements from third parties may form part of the written complaint.

Verbal complaints or discussion of potential breaches of this Code of Conduct on site at the Market, are not permitted.

Frivolous, vexatious and/or complaints not made in good faith will not be accepted. The Market Manager and Manager Arts & Culture (or delegated officer) will decide if a complaint is frivolous, vexatious and/or not made in good faith.

6. Resolving Workplace Harassment

All complaints considered under this Code will be considered by a minimum of two Council staff. Consideration of complaints will be guided by the principles of fairness, impartiality, integrity and ethical behaviour.

Decisions will be based on the information in the written submissions provided by all parties. Personal appearances or other verbal representations will not be accepted.

a) Complaints between stallholders

For Code of Conduct complaints between stallholders, the Market Manager and Manager Arts & Culture (or delegated officer) will consider the matter and make a decision.

In some instances, a stallholder may be subject to suspension while an investigation is underway.

The outcome of the complaint will be advised to both parties in writing.

For complaints that are upheld, trading permits may be immediately revoked and outstanding monies refunded, or a first and final warning may be issued.

Apart from refunding trading days remaining on the permit, no other compensation will be provided to the stallholder for dismissal under this policy.



b) Complaints between the Council Staff and stallholders

For Code of Conduct complaints between a stallholder and Council staff, the complaint will be considered by the Market Manager (if not involved) and the Manager Arts & Culture (or delegated officer).

If the Market Manager is involved, the complaint will be considered by the Manager Arts & Culture (or delegated officer), the Market Manager's supervising officer and a senior Council staff member with experience in workplace harassment issues.

In some instances, a stallholder may be subject to suspension while an investigation is underway.

The outcome of the complaint will be advised to both parties in writing.

If complaints against stallholders are upheld, trading permits may be immediately revoked and outstanding monies refunded, or a first and final warning may be issued. Apart from refunding trading days remaining on the permit, no other compensation will be provided to the stallholder for dismissal under this policy.

If complaints against Council staff are upheld, standard Council disciplinary action will occur as outlined in the City of Port Phillip City Council Code of Conduct and Disciplinary Policy.

7. Appeals

Appeals against a decision finding a breach of this Code of Conduct may be lodged in writing within 5 days.

Any revocation or suspension of trading permits still applies while appeals are being considered. Stallholders will not be compensated for trading days that are lost while appeals are being considered.

Appeals will be considered by a senior Council staff member with experience in workplace harassment issues who was not involved in the original complaint decision.

8. Reporting and reviewing the Code of Conduct

Reports of any action taken under this Code will be noted numerically to the Advisory Group meetings. Details will not be provided.

Review of the Code of Conduct will occur annually within the management of the Market to ensure current practices and procedures are in place.