



Melbourne Market Code of Conduct and Reporting Procedure

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1. PURPOSE

The Melbourne Market Authority (**MMA**) and market users are committed to ensuring a safe and positive workplace environment that is without risks to the health of MMA employees, contractors and any other attendees of the Melbourne Market, so far as is reasonably practicable. This commitment extends equally to the psychological and physical health and safety of all, in order to create a market free of racism, sexism, discrimination, harassment and violence as well protecting the mental health of all individuals present on Melbourne Market land. Every person that operates on Melbourne Market land has a duty to work and act in manner that is not harmful to their own health and safety and/or the health and safety of others.

The purpose of this document is to clearly outline the framework for MMA's reportable conduct management (response & reporting) process and to ensure it aligns with the Market Operating Rules.

2. SCOPE

This Code of Conduct and Reporting Procedure applies to any of the following while they are accessing, operating or otherwise present on Melbourne Market land:

- a. MMA employees;
- b. MMA contractors;
- c. tenant employees (including the tenant themselves);
- d. tenant contractors;
- e. volunteers, whether volunteering with a tenant or otherwise;
- f. market users (buyers);
- g. visitors; and
- h. any other individual while they are accessing, operating or otherwise present on Melbourne Market land.

3. WHAT IS REPORTABLE CONDUCT?

3.1 REPORTABLE CONDUCT IS:

- a. any conduct by a person (or persons) that creates or is likely to create an unsafe working/operating environment for any person present on Melbourne Market Land. This includes (but is not limited to) conduct such as racism, sexism, victimisation, discrimination, harassment (including but not limited to sexual harassment), violence and / or threats of violence.
- b. any conduct by a person (or persons) that reasonably threatens or could threaten the physical and psychological health, safety and / or wellbeing of any person identified in section 2 above.

3.2 REPORTABLE CONDUCT is NOT:

- a. interpersonal conflict or grievances (provided that it does not fall into the conduct referred to in 3.1 above);
- b. disciplinary processes and reasonable management action taken by an employer, including (but not limited to) a decision to discipline or suspend an employee, or a decision to terminate the employment of an employee; and
- c. operational issues or concerns (please refer to the Market Operating Rules for more information).

4. EXPECTED STANDARDS OF BEHAVIOUR

All individuals present on Melbourne Market land must:

- a) not engage in Reportable Conduct or otherwise behave in a manner which endangers the health and safety of other persons on Melbourne Market land;
- b) deal with any Reportable Conduct in accordance with this procedure and any other applicable procedures (including the Market Operating Rules); and
- c) ensure that they comply with any applicable roles and responsibilities under this procedure.

5. ROLES AND RESPONSIBILITIES

In accordance with the Market Operating Rules (Section 4 – Conduct on Market Land):

- a. all market users must not:
 - conduct themselves in a way that causes offence to others (behaviour that causes offence to others may include, but is not limited to, using indecent or obscene language or threatening or insulting words, or otherwise behaving in a threatening, abusive, riotous, disorderly, indecent, offensive or insulting manner);
 - commit any unlawful act;
 - otherwise act in a manner which may (in the opinion of an Authorised Representative) adversely affect the health or safety of an individual, themselves or the property of others;
- b. any individuals that access or operate from the Melbourne Market land are responsible for their behaviours and actions at all times, for understanding and complying with this procedure, reporting grievances via the listed channels identified within this procedure if they consider Reportable Conduct has occurred and for seeking advice before undertaking any action or activity that may be contrary to this procedure or the objectives of the MMA set out in the Market Operating Rules;
- c. employers and other Melbourne Market users are responsible for taking all reasonable steps to ensure each of their employees, contractors and visitors comply with this procedure.

Information on the standards of behaviour (Market Operating Rules) is available to all Market users via the [Melbourne Market Website](#) and is also captured as part of the following processes:

- a. Visitor check in process at security;
- b. Market Business sign up process;
- c. Site induction for all new tenants, businesses and individuals that access or operate from the Melbourne Market land; and

Existing tenants, businesses and individuals that access or operate from the Melbourne Market land must at all times adhere to the Market Operating Rules and Melbourne Market policies and procedures, as updated from time to time.

Market businesses are liable for the conduct and safety of their Market Business Associates and visitors, and must ensure visitors comply with the Market Operating Rules.

6. PROVISION OF SUPPORT

MMA staff, including but not limited to, Market Relations Officers are available on the market floor to assist individuals that may need initial support in managing unacceptable workplace behaviour or reportable behaviour.

Additional support and resources can be accessed on MMA's website at www.melbournemarket.com.au/strongertogether

If you consider that you or someone you know may need professional support due to being subjected to racism, sexism, discrimination, bullying, harassment or violence, please consider contacting any one of these services:

WorkSafe Victoria	https://www.worksafe.vic.gov.au/ ,
Lifeline (13 11 14)	www.lifeline.org.au ,
Beyond Blue (1300 224 636)	www.beyondblue.org.au .

How do you raise Reportable Conduct?

7. What is a Grievance Report?

A Grievance Report is when a person raises Reportable Conduct with MMA in accordance with this procedure.

8. What can a Grievance Report be raised for?

A Grievance Report can be raised in relation to Reportable Conduct that:

- a. has occurred; or
- b. is currently occurring; or
- c. may occur in the future based on a reasonable apprehension of it occurring.

9. Who can make a Grievance Report?

Any person covered by this procedure, including contractors, volunteers, tenants, buyers, employees, visitors and any other Melbourne Market user.

Note:

- *Grievance Reports can be made against any market user, including tenants, buyers, visitors, Facility Management contractors or MMA employees / contractors*
- *Reports can be made by individuals. A business cannot make a report - but it's business principal or employee can.*

10. Grievance Reporting Process

Grievance Reports can be made via email to strongertogether@melbournemarket.com.au or by telephone on 0448 413 098.

Please note that this number goes directly to the MMA HR representative and is not monitored 24/7, however any voice messages will be responded to within 48 working hours.

All complaints will be treated seriously by MMA and handled confidentially (if appropriate). Any investigation by MMA will be conducted in an objective, reasonable, fair and appropriate manner depending on the nature of the grievance and the circumstances and also in accordance with the Market Operating Rules.

Any internal matter between market businesses will be the responsibility of the individual business principals to resolve internally and business principals have the responsibility to investigate. However, if this matter is considered a breach of the Market Operating Rules, MMA may become directly involved in the matter.

While the particular investigation process and enquiries adopted will be determined by the nature and substance of the report, in general, as soon as practicable upon receipt of the report, if the report is not anonymous, the complainant will be contacted to discuss the grievance and process.

All reasonable efforts will be made to preserve the confidentiality of the investigation and the identity of the parties involved, including the anonymity of the complainant where this has been requested. Investigations regarding a reported grievance by business principals and/or MMA may be limited or not viable if they cannot contact the complainant or if the grievance report is made anonymously.

The respondent needs to be made aware of what the complaint is about and be given sufficient detail so as to have a clear understanding of the allegations against them. The respondent needs to be given an opportunity to respond to the complaint (in writing and/or verbally) and have that response considered as part of the inquiry or investigation proceedings.

Where a complaint may involve offences under the criminal law (such as sexual assault, indecent exposure, or stalking) the matter may be referred to police.

Potential Outcomes of Grievances

Outcomes of an investigation may include but are not limited to:

- Requirement to cease the behaviour
- An apology
- Participating in training
- Self-resolution
- Resolution with advice/assistance
- Mediation
- Disciplinary action including issuing of demerit points or other sanctions in accordance with Market Operating Rules.

Protection for Complainant

We are committed to protecting and acknowledging the rights of the complainant and will not tolerate further victimisation or retaliation by the person being reported or any of their colleagues or associates. Any such conduct will be treated as a breach of Market Operating Rules under Section 4.

Vexatious Grievance

A vexatious grievance is a grievance that is found, either prior to, during, as part of the findings, or post investigation, as being malicious or not made in good faith. Any person who has been subject to a vexatious grievance may themselves have grounds to take action against the original complainant.

Reporting System

All grievances reports will be entered into the Customer Management database in order for a record to be maintained of the offence, the investigation findings, the resolution and any corrective measures applied. The access to the reports will only be provided to MMA representatives on a 'needs to know' basis, including MMA's Human Resources, General Counsel and Head of Property and the Chief Executive Officer.

Review

If the MMA investigation results in an infringement notice, the infringement notice may be appealed through the process set out Clause 5 of the Annexure B in the Market Operating Rules.

11. Grievances Reporting Scenarios

Scenario 1

- a. If the grievance reported is between employees of the same business
Or
- b. A grievance reported is against tenants, buyers and/or visitors

Steps	Action
1.	MMA will advise the business owner/nominee/principals of the grievance. It will be the responsibility of the business owner/nominee/principals to investigate.
2.	MMA will only become directly involved if the conduct may be considered a breach of the Market Operating Rules Section 4. Conduct that is considered a breach of the Market Operating Rules Section 4 may be subject to demerit points or other sanctions such as cost, suspension or ban, which can be enforced as outlined in the Market Operating Rules Annexure B.
3.	Personal information may be collected directly from the individual, a third party and by way of surveillance cameras installed in or around Market Land for investigation purposes.
4.	MMA will request the business to advise of the outcome of their investigation and the outcome recorded in the Customer Relationship Management database.

Scenario 2

If the grievance reported is against MMA staff or their representatives:

Steps	Action
1.	If the grievance reported involves MMA Staff or their representatives, it will be the responsibility of MMA or the relevant employer to investigate.
2.	The complainant's immediate Manager/Supervisor (unless they are the subject of the grievance), the manager/supervisor of the person who is the subject of the grievance, and other management, where appropriate, will be informed.
3.	Personal information may be collected directly from the individual, from a third party and by way of surveillance cameras installed in or around Market Land for investigation purposes.
4.	The outcome will be recorded in Customer Relationship Management database.

Reportable Conduct Definitions

Type	Definition	Examples
Racism	“Racism” refers to treating someone with prejudice, discrimination, or antagonism by an individual, community, or business/institution on the basis of their race or ethnic group.	Racial name calling, favouritism or excluding somebody based on their race.
Sexism	“Sexism” refers to treating someone with prejudice, stereotyping, or discrimination based on their sex, gender or sexual orientation	Making comments or treating someone differently based on their gender. E.g. assuming a women should be at home looking after children.
Discrimination	“Discrimination” occurs when someone is treated, or it is proposed they be treated unfavourably because of a personal characteristic protected by Commonwealth, state or territory law such as sex, race, political or religious beliefs and physical features.	Special privileges because of a political connection or race
Sexual Harassment	“Sexual harassment” is an unwelcome sexual advance, or an unwelcome request for sexual favours to another person; or engagement in any other unwelcome conduct of a sexual nature in relation to the other person which could be expected to make a person feel offended, humiliated or intimidated.	Inappropriate physical contact, such as unwelcome touching, staring or leering, a suggestive comment or joke, wolf whistling

Type	Definition	Examples
<p style="text-align: center;">Bullying & Harassment</p>	<p>“Bullying” is the repeated and unreasonable behaviour by an individual or group directed towards an individual or group where that behaviour creates a risk to health and safety. Reasonable management action that is carried out in a reasonable way is <u>not</u> bullying.</p> <p>“Unreasonable behaviour” means behaviour that a reasonable person, having regard to all the circumstances, would consider victimising, humiliating, undermining or threatening the other person.</p> <p>“Risk to health and safety” includes risk to the mental or physical health of the employee.</p> <p>Bullying can include, but is not limited to:</p> <ul style="list-style-type: none"> • Physical or verbal abuse • Spreading malicious rumors or gossip • Intimidation • Psychological harassment • Unjustified criticism or complaints • Excluding or isolating people from workplace activities • Cyber bullying <p>Harassment involves a similar range of behaviours to bullying but may or may not be ongoing. Safe Work Australia defines harassment as: “unwelcome behaviour that intimidates, offends or humiliates a person.”</p>	<p>Name calling, swearing and abusive language, threats to person or property. Displaying offensive material on stalls or equipment.</p>
<p style="text-align: center;">Violence</p>	<p>“Violence” refers to behaviour involving physical force / threats intended to hurt, damage or kill someone. This also includes damage against personal property.</p> <p>Where a person is physically attacked or threatened.</p> <ul style="list-style-type: none"> • A “threat” can be taken to mean a statement or behaviour that causes a person to believe they are in danger or are being physically attacked • A “physical attack” can be taken to mean the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by another person, where that application creates a risk to health and safety. 	<p>Shoving, threatening with a weapon, punching, threatening or intimidating statements, kicking or damaging a person’s produce, using equipment to intentionally intimidate others on the market floor e.g. forklift.</p>