

PALM scheme stakeholder conduct policy: Australian Government protocol

1. In managing the Pacific Australia Labour Mobility (PALM) scheme, the Department of Foreign Affairs and Trade (DFAT), the Department of Employment and Workplace Relations (DEWR) and PALM scheme implementing partners expect to be able to engage with all stakeholders on a range of issues or concerns in a timely and professional manner.
2. The Australian Government is obliged to ensure our engagement across a wide range of stakeholders is balanced and productive, and that boundaries around respective roles and authority are maintained while supporting the operation of the PALM scheme. As with all employers across Australia, Australian Government departments have duties to their employees under the *Work Health and Safety Act* (section 19) to maintain safe and healthy workplaces, which includes a focus on physical and mental health and safety where difficult issues can be discussed and resolved in a way that is outcomes focused.
3. A PALM scheme stakeholder conduct policy has been developed based on the Commonwealth and New South Wales Ombudsman better practice guides.
4. The Australian Government recognises that continued dialogue with stakeholders is essential to the PALM scheme. The aim of this policy is to ensure that all parties are clear on behavioural expectations, that engagement between parties is efficient and respectful and that all parties are aware of the actions that may be taken to limit harm in the workplace.
5. The principles in this policy also apply to both DFAT and DEWR. This policy will be shared through regular PALM scheme communications channels and made available on the PALM scheme website.

Protocol for stakeholders

6. DFAT and DEWR will ensure systems and processes are in place to enable their employees to engage in a balanced and productive manner with stakeholders.
7. DFAT and DEWR may request to be present in meetings or communications with PALM scheme implementing partners.
8. Stakeholders who engage with DFAT and DEWR and display unreasonable conduct will be verbally advised in the meeting/communication that they are demonstrating unreasonable conduct and asked to reconsider their conduct.
9. Failure by stakeholders to address any unreasonable conduct may result in the meeting/communication being terminated, and the stakeholder advised in writing 'why' the termination occurred.
10. The DFAT Protocol Branch will be advised of any representative of a participating country who continues to demonstrate unreasonable conduct. Such instances may also be reported to the respective DFAT and DEWR work health and safety team.

11. The PALM scheme engages a cross section of stakeholders ranging from workers, approved employers, employer representatives, non-government officials, other Australian Government departments/agencies, and foreign representatives.
12. This policy aims to make parties aware of the Australian Government's behavioural expectations, including what constitutes unreasonable conduct and the steps that will be taken to reduce the impact of this conduct.
13. The Australian Government is responsible for the health and wellbeing of Australian Government officials who are engaged in delivering the PALM scheme. The first obligation of an Australian Government official is to preserve the health and safety of themselves and others. The Australian Government is committed to providing a safe workplace for all employees and is responsible for providing an effective and efficient engagement service for PALM stakeholders and workers.
14. It is important to note that there is no 'one size fits all approach' when managing unreasonable conduct. In this policy, the Australian Government aims to provide a suite of approaches that may be applied by employees in line with organisational policies, procedures, and protocols.

Unreasonable conduct

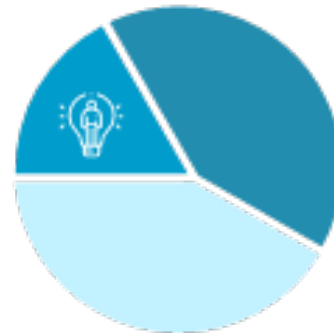
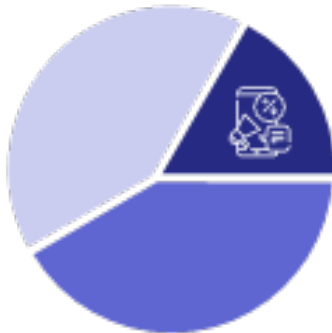
15. In this policy, the terms 'unreasonable conduct' and 'unreasonable behaviour' are used interchangeably and have the same meaning.
16. For the purposes of this policy, unreasonable conduct is:
any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for the people involved.
17. Unreasonable conduct includes:
 - a. unreasonable persistence (unwilling to accept a decision or seeking a different outcome from different people)
 - b. unreasonable demands (seeking outcomes that are unlawful or demanding inappropriate information)
 - c. unreasonable lack of cooperation (refusing to provide evidence or information, preventing others from cooperating and/or participating in the resolution of issues)
 - d. unreasonable arguments (illogical, irrelevant, or trivial information, changes subject); or
 - e. behaviour that is rude, aggressive, abusive, racist, threatening, manipulative, physical abuse, intimidation, or incitement.
18. Unreasonable conduct can occur at any time through any number of different avenues, including face-to-face or through written communication. It does not matter why a person becomes unreasonable during an engagement, what matters is whether a person moderates their conduct so that it is no longer unreasonable.

Framework

19. The strategy aims to address 3 key objectives:

Efficiency and effectiveness of engagement services

Improve effectiveness and efficiency by empowering employees to know how to allocate sufficient time and resources to deal with unreasonable conduct and have the authority to apply mitigation strategies.



Equity and fairness for all stakeholders

Ensure all PALM stakeholders have equitable and fair access to the Australian Government to discuss issues or concerns.

Health and Safety of employees

Prioritising the health and safety of Australian Government employees engaging with PALM stakeholders through practical guidance and clear support to manage unreasonable conduct.

Key principles

20. There are 4 key principles that guide how the Australian Government will respond to and manage unreasonable conduct.



Australian Government service commitments and stakeholder expectations

21. Enquiries, issues, or grievances about the PALM scheme can be made between standard business hours (Monday to Friday 08:30 am to 06:30 pm) through the PALM scheme support service line (1800 51 51 31) or email (PALM@dewr.gov.au).
22. Calls and emails received outside of these times will be managed during standard business hours, unless it is a critical incident as set out in Clause 17.1 of the PALM scheme Approved Employer Deed of Agreement.
23. All calls and emails will be triaged (assessed) and allocated to appropriate areas, specialists, or other stakeholders (other federal government departments, or non-government organisations), if required. Please **allow up to 3 working days** to receive a response to an enquiry, issue or grievance that is **not** a critical matter. The [PALM scheme grievance management policy](#) provides further guidance on how DEWR manages PALM scheme worker grievances.
24. **Critical incidents** (after-hours number 24 hours a day, 7 days a week) are defined in chapter 13.2 of the PALM scheme Approved Employer Guidelines.

25. Calls to the after-hours number that are not critical may result in the stakeholder being advised to call again during normal business hours, or send an email through for assessment.
26. Calls and emails that aim to re-prosecute enquiries or cases where a matter has already been considered and resolved will be filed, and will not be responded to, unless new evidence is available for consideration. Any new evidence must be provided in writing.
27. Requests to share information about decisions may not result in all information being made available. Australian Government employees may not be able to share information on decisions and interactions, for example, in cases where individual workers have asked to maintain confidentiality, or where legislation or legal privilege precludes sharing of information.
28. Unreasonable behaviour during face-to-face engagement will not be tolerated and will result in Australian Government employees discontinuing or otherwise withdrawing from the engagement.
29. Australian Government employees are authorised to engage local police if at any time they feel unsafe or threatened (perceived or actual) during an interaction, or where a stakeholder urges others to commit an offence (e.g. threaten violence, property damage, intimidation, assault etc.)

Limited contact action

30. After receiving up to 3 warnings for unreasonable conduct or conduct during a single interaction, or where a stakeholder is deemed to have habitually engaged in unreasonable conduct, Australian Government employees may advise PALM scheme stakeholders that they will be under a limited contact action (LCA). Stakeholders will be advised verbally, and in writing of what conditions the LCA applies and what time limit they may apply to.
31. Limited contact actions must be endorsed at SES level (First Assistant Secretary or Assistant Secretary) and may include the following conditions:
 - a. Contact can only be during standard business hours, issues may only be reported online, or critical issues need to be reported by another entity.
 - b. Contact is to be organised ahead of time (pre-planned through an email advice) to allow the option of additional witnesses being present during the interaction.
 - c. Contact is to be limited for a set period of time for new issues only (not to continue to prosecute matters already dealt with and closed).
 - d. Contact with Australian Government employees may be banned for a set period of time, other entities will need to contact on their behalf.
 - e. Restrictions on the subject matter that can be discussed if no new evidence is available.
 - f. No face-to-face engagement is permitted for a set period of time.
 - g. No contact (either written or verbal) for a set period of time.

Understanding the principles

Principle	Australian Government Responsibility	PALM scheme stakeholder responsibility
Manage expectations (prevention)	<p>The Australian Government values effective communication and is committed to assisting PALM stakeholders with their enquiry, issue, or grievance where it falls within the scope of our function.</p> <p>While having regard for the stakeholders who engage with PALM and their needs, the Australian Government does not expect its employees to tolerate conduct that is offensive, abusive, threatening or consumes disproportionate resources.</p> <p>The Australian Government will ensure employees are skilled in dealing with complex issues and have the authority to apply preventative measures when stakeholders demonstrate unreasonable conduct.</p> <p>The Australian Government will develop practical guidance to reduce or mitigate the impact of unreasonable conduct.</p>	<p>Calls to the Australian Government should be made during normal business hours, through the advertised contact avenues (phone and email).</p> <p>After hours contact can be made for critical incidents.</p> <p>Ensure conduct when engaging with the Australian Government is respectful and responsive and adjust any unreasonable conduct if asked.</p> <p>Accept any limited contact action if unreasonable conduct.</p>
Recognise cultural difference (prevention)	<p>Australian Government employees will complete cultural awareness training. They will need to understand what may be tolerated in another culture may not align with organisational policy but be able to recognise some of the conduct or communication patterns that they may encounter in their role.</p>	<p>Respond appropriately and adapt behaviour to align with expectations of respect and courtesy when engaging with Australian Government representatives.</p>
Reinforce respect & cooperation (prevention)	<p>Australian Government employees must show the same level of respect and courtesy to all PALM stakeholders.</p>	<p>Be respectful and cooperate with Australian Government employees with regards to any enquiry, issue, or grievance.</p>
Implement policies and procedures (prevention)	<p>The Australian Government will have consistent policies and procedures for managing unreasonable conduct.</p> <p>The Australian Government will promote policies and expectations online.</p>	<p>Respect the policies and procedures the Australian Government has in place for managing unreasonable conduct.</p>

Principle	Australian Government responsibility	PALM scheme stakeholder Responsibility
Exercise ownership and control (management)	Sets systems and processes for how enquiries, issues or grievances are managed (including what priority, who is managing, what assessment to apply, and when it will be filed) and consults with PALM stakeholders where appropriate. Australian Government employees will determine what information can be shared with stakeholders based on confidentiality, legal privilege and legislation considerations.	PALM stakeholders can provide views/feedback on how issues could be addressed to address concerns raised. Understand that due to confidentiality, legal privilege, or legislation, not all information will be appropriate to share.
Specific and observable conduct (management)	Australian Government employees will manage the conduct not the individual. No stakeholder will be labelled, for example as ‘difficult’ or ‘high maintenance’.	Understand the Australian Government is legally required to protect the health and safety of its employees. Strategies are designed to manage conduct, not individuals.
Appropriate/ consistent responses (management)	Australian Government employees will use a range of tools to consistently prevent and respond to unreasonable conduct.	Respond civilly if any unreasonable behavioural or communication patterns are identified. Consideration be given to providing workplace conduct training.
Effective communication (management)	Australian Government employees will provide clear, timely, firm, culturally or personally appropriate communication about enquiries, issues, or grievances. Where follow-up is required, communication will be reasonably maintained with the stakeholder to ensure they are kept informed of progress.	PALM stakeholders can provide views/feedback on how issues could be addressed to address concerns raised.
Commitment (supervisor accountability)	Supervisors will ensure Australian Government employees manage unreasonable conduct in line with organisational policies and procedures.	Respect the policies and procedures the Australian Government has in place for managing unreasonable conduct.
Supervision (supervisor accountability)	Australian Government employees will proactively respond and manage unreasonable conduct where appropriate, ensuring they are aware of what they are authorised to do to mitigate harm to themselves or others.	Any grievances about an Australian Government employee must be made in writing.

Principle	Australian Government responsibility	PALM scheme stakeholder responsibility
Recognition (supervisor accountability)	The Australian Government will ensure areas managing enquiries, issues or grievances are resourced appropriately and employees are afforded the time to adequately deal with cases.	Understand there are limited resources available and to engage in a manner that enables the Australian Government to manage all enquiries, issues, or grievances fairly and efficiently.
Professional, calm, respect, impartial (employee accountability)	To ensure responsible Australian Government employees are trained in complex case management and understand how words and actions can escalate or de-escalate situations, and ensure they are conducting themselves in a manner that is in line with APS (Australian Public Service) values and DEWR policy.	Ensure conduct when engaging with the Australian Government is respectful, and responsive if asked to adjust any unreasonable conduct.
Warnings and limited contact action (employee accountability)	<p>Australian Government employees will have the training and authority to communicate with PALM scheme stakeholders when their conduct is bordering on unreasonable and ensure stakeholders have the opportunity to adjust their conduct.</p> <p>Australian Government employees will have the training and authority to advise PALM stakeholders when their conduct is unreasonable and may be subjected to limited contact action.</p>	<p>Ensure conduct when engaging with the Australian Government is respectful and respond to requests to adjust any unreasonable conduct.</p> <p>Accept any limited contact action if unreasonable conduct continues.</p>