



Unreasonable Conduct Policy 2025

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1. Introduction

The Rural City of Wangaratta (Council) is committed to ensuring that Council and its staff can conduct the business of Council in an effective and uninterrupted manner. This Policy supports Council's responsibility to provide a safe and inclusive environment by setting clear expectations for behaviour when interacting with Council staff and representatives. It recognises that while community engagement is essential to democratic governance, it must occur in a manner that upholds the dignity and safety of all involved.

Council acknowledges its obligation to ensure that its operations are not disrupted by unreasonable conduct. This Policy enables Council and its staff to carry out their duties effectively and without undue interference, ensuring that resources are directed toward delivering services and outcomes that benefit the broader community.

Council is committed to ensuring a safe and respectful workplace for all employees, contractors, and others associated with Council. The health, safety and wellbeing of our workforce is paramount to delivering high-quality services to our community.

2. Purpose

Council is committed to being accessible and responsive to the community it serves, in a manner that is, as far as is reasonably practicable, safe and welcoming for all, and serves the community needs.

Council recognises there will be occasions when some customers will not be satisfied with how Council has managed their specific issue and may express their dissatisfaction in ways that can potentially become unsafe for Council employees, or that may place an unreasonable demand on Council resources (thereby risking the ability to provide Council services to the broader community).

In line with Council's Occupational Health and Safety Policy and Occupational Violence and Aggression Procedure, this Policy provides a process for Council management to respond to a customer whose conduct is considered unreasonable and / or unsafe for Council employees and/or other community members.

Council expects its customers to act in a reasonable manner when interacting with Council employees and Councillors and when attending a Council facility.

3. Scope

In line with the Occupational Health and Safety Policy, Occupational Violence and Aggression Procedure, and the Governance Rules, Council will refer to this Policy when considering a customer's unreasonable or unsafe behaviour. This document entails:

3.1 A Risk Management Approach

Council will consider appropriate risk controls to address unreasonable or unsafe behaviour appropriate to the risk arising for Council employees, contractors, Councillors and/or members of the community. Council will consider the frequency, duration and severity of the unreasonable or unsafe behaviour in measuring the harm or impact that may result from the behaviour.

3.2 Ceasing interactions with customers during an incident

Council supports its employees to cease interactions with a customer behaving unreasonably where it may be unsafe for the employee, including asking a customer to stop, asking them to leave Council's premises and/or terminating a phone call.

3.3 Addressing a customer's conduct after an incident

Council supports its employees and managers escalating concerns to management about unreasonable or unsafe customer behaviour. Management will then take appropriate measures to prevent or reduce risks arising from future behaviour from that customer.

3.4 Restrictions on communication

Council may, where appropriate and proportionate, put in place communication protocols to restrict how a customer engages with Council employees and/or Councillors. This may include restricting communications through one email address and/or Council contact.

3.5 Exclusion from service and facilities

Council may, when appropriate and proportionate, exclude a customer from accessing some or all Council premises (including event sites or temporary Council sites) for a period. This will be a measure of last resort and applied after careful consideration of all available information.

4. Policy Statement

All employees have a right to a safe working environment. Council is committed to providing a safe working environment for employees and others in the workplace or at Council premises or events, so far as reasonably practicable.

Unreasonable or unsafe customer behaviour is defined in Section 5 of this Policy. It has the potential to create substantial health, safety, resource or equity issues for our organisation, our staff, other service users and people making complaints to us (including the person themselves) whether taking place during or outside working hours or in our outside the workplace.

Where there is a risk to an employee's or Councillor's safety (physical and/or psychological), or to Council's ability to function appropriately, because of unreasonable or unsafe customer behaviour, Council management will take proportionate steps to prevent or reduce further harm to its employees and to ensure Council facilities remain a safe, effective and welcoming environment for its employees and Councillors. Council has zero tolerance for aggression and violence in the workplace.

This behaviour can be divided into five categories:

1. Unreasonable persistence;
2. Unreasonable demands;
3. Unreasonable lack of cooperation;
4. Unreasonable arguments; and
5. Unreasonable or unsafe behaviour.

4.1 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on our

organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- Pursuing and exhausting all available review options when this is not warranted and refusing to accept Council's position when told that further action cannot or will not be taken on their requests or complaints.
- Reframing a request or complaint in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so.
- Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their request or complaint.

4.2 Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their request or complaint, the priority it was/should be given, the outcome that was/should be achieved, or imposing self-executing timeframes.
- Insisting on talking to the CEO, executive or senior management personally when it is not appropriate or warranted.
- Insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained repeatedly.

4.3 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a

customer to cooperate with our organisation, staff, or request and complaints processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of incomprehensive and/or disorganised or voluminous information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the customer is clearly capable of doing this.
- Providing little or no detail with a request/complaint or repeatedly supplying information that is insufficient or incomplete.
- Refusing to follow or accept our instructions, suggestions or advice without a clear or justifiable reason for doing so.
- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly and misquoting others.

4.4 Unreasonable arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, or trivial and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence.
- are not supported by any evidence and/or are based on conspiracy theories.
- lead a complainant to reject all other valid and contrary arguments.
- are trivial when compared to the amount of time, resources and attention that the complainant demands.
- are false, inflammatory or defamatory.

4.5 Unreasonable or unsafe behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a customer is – because it unreasonably compromises the health, safety and security of our staff, other service users or customers or the customer themselves. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse and derogatory, racist or grossly defamatory remarks.
- Harassment, intimidation or physical violence.
- Rude, confronting and/or threatening behaviour in person, by phone, online or in correspondence.
- Threats of harm to self or third parties, threats with a weapon or threats to damage property, including bomb threats.
- Stalking (in person or online)
- Emotional manipulation.

5. Process

5.1 Identifying unreasonable or unsafe Customer Behaviour

5.1.1 WHAT IS AN UNREASONABLE OR UNSAFE CUSTOMER BEHAVIOUR?

Unreasonable customer behaviour refers to actions or communication from a person that, because of its nature (severity), frequency and/or duration, risks the safety or productivity of staff, or the ability of the organisation to deliver services effectively.

Unsafe customer behaviour is any behaviour by a person, which, because of its nature (severity), frequency and/or duration, creates a risk of harm to Council employees, Councillors, contractors and/or members of the public, including children.

The behaviour can occur in person, over the phone, via email, letter or social media, or through any other means of interaction.

5.1.2 TYPES OF UNREASONABLE OR UNSAFE CUSTOMER BEHAVIOUR

The customer behaves and or displays any of the following, including but not limited to:

<ul style="list-style-type: none"> • Eye rolling and sneering • Yelling, swearing, calling names • Physical intimidation, such as standing over someone • Spitting, shoving tripping, grabbing, hitting, punching • Threats of violence, threats with weapons • Slamming, kicking, throwing objects and property • Physical assault, including sexual assault 	<ul style="list-style-type: none"> • Unreasonable persistent behaviour or demands (includes unrelenting behaviour once an issue has been addressed) • Unreasonable and argumentative behaviour that is targeted at individuals and does not respect the impact on those individuals • Defamatory and/or personally abusive conduct • Unreasonable attempts to intrude into a Council employee or Councillor's personal life
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5.1.3 CUSTOMER MAY BE EXPERIENCING A HEALTH EPISODE

Employees must consider their own safety before attempting to assist a customer displaying unreasonable or unsafe customer behaviour that the employee considers may be symptoms of the customer experiencing a personal health episode.

When balancing the provision of care and customer service with one's own personal safety, Council employees' personal safety is the priority and comes first.

Any person may experience the emotional grievances of health and personal life issues (including but not limited to political and societal issues in and on Council facilities). Health episodes may include behaviour and conduct related to:

- Drug, alcohol intoxication or withdrawal
- Mental health conditions
- Psychotic episodes, incl. distress, irrational response, cry for help
- Medication poisoning, effects or withdrawal
- Medical episodes
- Other unknown health impacts

5.2 Addressing a customer's unreasonable or unsafe behaviour

CONTACT WITH CUSTOMER

If the customer is known to Council, management may consider it appropriate to

contact the customer and initiate communication regarding appropriate future interactions. A customer should be given a reasonable opportunity to modify their behaviour as well as the opportunity to address concerns about their behaviour.

Management may consider	
<ul style="list-style-type: none"> • Contacting the customer and discussing the incident where the customer displayed unsafe behaviours. <ul style="list-style-type: none"> ◦ Discussing the customer's concerns with Council and reach an agreement, noting that the resolution must ensure safety for Council employees. ◦ Reiterating the conditions of entry and confirming that future acts of unsafe behaviour will not be tolerated. • Writing to the customer explaining: <ul style="list-style-type: none"> ◦ Council is reviewing the incident and their behaviour, and that Council will communicate the outcome of the review. ◦ How the customer can contact Council, via a designated email address, while the review is occurring. ◦ Where appropriate and proportionate, indicating that until the outcome is formalised, they are not permitted to enter some or designated Council premises, and indicating that, if they enter, they may be considered as trespassing such that Victoria Police may be called. 	<p>Council employees will remain professional but are encouraged to be assertive during interaction.</p> <p>Incident reviews must be given priority, and staff will be consulted pursuant to OHS obligations.</p> <p>Customers will be given a timeframe of any actions and review dates.</p>

5.3 Considering a Customer's right to participate in public affairs and engage in freedom of expression

When making decisions about measures to address unreasonable or unsafe customer behaviour, Council must give proper consideration to the relevant human rights of the customer. These human rights, which are set out in the *Charter of Human Rights and Responsibilities Act 2006*, may include (but will not necessarily be limited to) the right to:

- recognition and equality (section 8);
- freedom of expression (section 15); and

- take part in public life (section 18).

5.4 Council's considerations

Council's decisions about measures taken to address unreasonable or unsafe behaviour will take account of the rights noted in 5.3 above and what is known about any relevant medical conditions/attributes, while also considering the following in accordance with Council policy and relevant legislation:

- The group and number of individuals at risk from the unreasonable or unsafe customer behaviour, including children, and the harm or impact that has and/or may result from that behaviour;
- The frequency, duration and severity of the unreasonable or unsafe customer behaviour(s), compliance with Council directions, previous warnings and the psychosocial hazard and impacts on the organisation arising from the behaviour(s);
- The likelihood that the unreasonable or unsafe customer behaviour will be repeated without the measures, and the degree to which the risk will be reduced by the proposed measures;
- The proportionality of the proposed measures against the risk arising from the unreasonable or unsafe customer behaviour; and
- If there are other less restrictive or less potentially discriminatory measures that could reduce the risk.

5.5 Warning and seeking information from a Customer

Council will, when reasonably practicable, provide a warning to a customer when it intends to take action to address unreasonable or unsafe customer behaviour that will impact on the customer's ability to communicate with Council or access Council services or facilities.

That warning will also provide an opportunity for the customer to:

- Refute or explain the unsafe behaviour; and
- Provide information of any relevant attribute (including any medical condition) that is relevant.

5.6 Exclusion/Suspension of service

Council has a low appetite for excluding community members from its services and facilities. Temporary exclusions (or suspensions) for particular customers may be put in place when the CEO considers that other measures have not prevented or will not prevent unreasonable or unsafe customer behaviour.

Suspension of a customer will not be indefinite. Customers who are suspended

will have their suspensions regularly reviewed at least every six months, to ensure they have access to Council services and facilities, taking into account the considerations noted at 5.4 above.

Customers who continue to engage in unreasonable or unsafe customer behaviour may remain on a timed suspension from entering a Council facility or facilities or engaging with certain Council services.

Suspension of a customer will not prohibit members of their family or acquaintances attending Council facilities or accessing Council services, provided that the customer does not accompany them.

5.7 Appealing a restriction

Customers are entitled to one appeal of a decision made to restrict their access to our services. This review will be undertaken by a senior staff member who was not involved in the original decision. This staff member will consider the person's arguments along with all relevant records regarding the person's past conduct and advise the person of the outcome of the appeal by letter signed by the CEO.

If a person continues to be dissatisfied, they may seek an external review from the Victorian Ombudsman. We will provide information to the person about their right to an external review and any relevant contact information.

5.8 Records

All records relating to unreasonable or unsafe customer behaviour and measures proposed or implemented to address the behaviour will be maintained in accordance with Council's Privacy and Data Protection Policy.

6. Decisions made under this Policy

At any time, Council staff may take immediate action, consistent with Council's Occupational Violence and Aggression Procedure, to address immediate risks to health and safety.

When unreasonable or unsafe customer behaviour is reported, a manager, in consultation with an OHS Advisor (for safety-related matters), or a Governance Officer (for non-safety related matters), may request that measures are taken to address the behaviour. Decisions about measures other than suspension / exclusion will be made by Council management in line with relevant policies and legislation. Any decisions to exclude a customer from Council facilities or to exclude them from services and any decisions about unreasonable or unsafe customer behaviour directed at Councillors will be made by the CEO.

7. Responsibilities

Party	Roles and responsibilities
Employees	<ul style="list-style-type: none"> • Seek to de-escalate situations involving unreasonable behaviour, when possible and safe to do so. • Terminate communication or interaction with any customer behaving unsafely. • Report and escalate safety issues to their Line Manager. • Report incidents on Council's incident reporting system as soon as possible after the incident, providing details of the customer and unsafe or unreasonable behaviour, as well as immediate steps taken to make the situation safe. • Participate in incident debriefing and investigation. • File written police report, where relevant.
Line Manager	<ul style="list-style-type: none"> • Ensure the safety of their employees as the priority. • Provide Employee Assistance Program information to employees after any reported safety incident involving unsafe customer behaviour. • Step in and manage uncomfortable customer interactions for their employees and terminate interaction if required. • Request that measures be put in place to address unsafe or unreasonable customer behaviour. • Ensuring immediate safety of their employees by issuing temporary suspension letter to person of interest/customer whilst an investigation determines the endorsed outcomes. • Escalate any issues that are placing unreasonable demand or impact upon their team or the broader organisation.
People & Culture (Safety) and Governance (non-Safety)	<ul style="list-style-type: none"> • Review procedure as required. • Provide guidance and advice as necessary. • Undertake investigations in line with this policy if required.
Directors	<ul style="list-style-type: none"> • Ensure the health, safety, and welfare of all employees, and others in Council facilities. • Step in and manage uncomfortable customer interactions for their employees and enact appropriate management steps contained in this procedure.

Party	Roles and responsibilities
	<ul style="list-style-type: none">• Undertake investigations in line with this policy if required.• Issue temporary suspension letter to person of interest/customer whilst there is consideration of whether measures are to be adopted.• Issue warning letters to persons of interest/customers and make decisions about measures to address unsafe or unreasonable customer behaviour (other than exclusion/suspension).• Escalate suspension or other recommendations to the CEO.• Review measures on a regular basis and upon request.
CEO	<ul style="list-style-type: none">• Ensure the health, safety, and welfare of all employees, Councillors, and others is paramount by providing a safe working environment without risks to health.• Consider measures to address unsafe or unreasonable customer behaviour that impact on employees Councillors and/or the broader organisation.• Issue Suspension/Exclusion letters.

8. Related Legislation and Policies

There are a range of legislation, codes and Council documents that inform and support this Policy. These include, but are not limited to:

Legislation	Council documents
<ul style="list-style-type: none">• Occupational Health and Safety Act 2004• Privacy and Data Protection Act 2014• Charter of Human Rights and Responsibilities Act 2006• Equal Opportunity Act 2010	<ul style="list-style-type: none">• OHS Policy 2023• Governance Rules• Complaints Policy• Complaints Procedure• Occupational Violence and Aggression Procedure• Associated OVA tools and letters• Social Media Policy

Community Consultation

This Policy will be communicated to members of the community when adopted by Council to ensure that all members of the public are aware of the requirements of the Policy and its implications.

9. Gender Impact Assessment

This Policy has considered and applied Council's Gender Impact Assessment Template and satisfies the provisions established in the *Gender Equality Act 2020* (Vic).

10. Monitoring and evaluation

This success of this Policy will be determined by the understanding of unsafe and unreasonable behaviour by Council representatives and the ease in which such conduct is managed by Council.

11. Review

This Policy will be reviewed at least once every four years to ensure currency, or whenever required due to legislative, strategic or operational requirement.

Version History		
Version Number	Date of change	Reasons for change
1.0	July 2025	Re-structure of Council's Unreasonable Conduct Policy.
2.0	July 2025	Updated based on feedback
3.0	August 2025	Updated following further internal and external legal review