

FENCING CONTRACTORS ASSOCIATION NZ INC

MEMBER CODE OF ETHICS & CONDUCT

This Code of Ethics & Conduct has been developed to provide a resource for FCANZ members to measure themselves against, to make sure that they are working to an acceptable standard and behaving ethically. The MCEC is made up of sixteen standards, sitting under four key principles:

1. WORK SAFELY

You must take reasonable steps to make sure that the work you undertake does not endanger the health or safety of yourself, your colleagues or anyone else, including people who work for you, your clients or anyone who will visit the site where work is being carried out.

1.1 Take responsibility for health and safety

You have a responsibility that while carrying out or supervising work, that you take reasonable care of your own health and safety, and take reasonable care to avoid doing things that might adversely affect the health and safety of others.

This means taking all reasonable steps to identify risks to health and safety, and eliminate or manage them in an appropriate way.

1.2 Report unsafe behaviour by others on site

If you see other people engaging in unsafe behaviour or work practices on a site during the course of your work, you have an obligation to raise this with the appropriate person. This may be the person engaging in unsafe behaviour, a supervisor, site manager, or the person responsible for the site.

If you do not believe that the behaviour has been resolved, then take other appropriate action. Appropriate action will depend on the circumstances. You might consider, for example, raising it with the individual again, or alerting Worksafe of the issue.

1.3 Avoid harming the environment

When carrying out or supervising work, you must take all reasonable steps to avoid harming the environment.

Being aware of the impact your work has on the environment is important, including with regard to how you dispose of materials and manage waste on site. This is likely to involve ensuring that chemicals do not spill or are not disposed of by pouring into drains, lightweight materials such as plastics are secured and do not blow away, and the site is left in a tidy manner once work is complete.

2. ACT WITHIN THE LAW

As a fencing contractor, you must act within the law.

2.1 Comply with the law

The [Fencing Act 1978](#), and regulations under that Act, lay out the rules for fencing in relation work on new and existing boundary fences in New Zealand. This works alongside Council by-laws and other key pieces of legislation covering health, safety, use of land and consumer protection.

2.2 Report breaches of the law

If, during the course of your work, you become aware that someone is breaching these laws, then you must report your belief to an appropriate person. This may be the person believed to be contravening the law, or the supervisor, site manager, or person responsible for the site. If the behaviour continues, then you must take other appropriate action (e.g. report the matter to WorkSafe).

3. TAKE RESPONSIBILITY FOR YOUR ACTIONS

When undertaking work, you are representing yourself, your business or employer and the fencing profession. It is important to maintain a high level of trust with your clients. Not only should you be willing to get the job done to an acceptable standard for your client, you should also be prepared to engage appropriately with your client should things not go well.

3.1 Know what work you are competent to do

You must ensure that you only undertake work activities that are within the competence of you and your team. These activities should be carried out in a careful and competent manner.

3.2 Inform and educate your client

You must provide your client with sufficient information and advice to enable them to make an informed decision, to enable you to carry on with the work. If you are unable to provide your client with the information or expertise required, then you may consider directing them to a suitable person (i.e. a designer, architect, engineer).

3.3 Be accountable for work carried out by you, or someone under your supervision

In the event of defects caused by yourself or someone you supervise, you must take all reasonable steps to communicate with your client in an honest and responsive way, and act with integrity when resolving the problem.

3.4 Advise clients of any delays as soon as they become apparent

You must keep your client up to date with progress on the work you are carrying out or supervising, and give realistic timeframes and promptly notify them if these timeframes change (particularly in the case of delays). You must advise the client about the reasons for delays, and take effort to ensure delays can be prevented wherever possible.

3.5 Act in your client's interests

Your client is expecting a professional service and a finished product of an acceptable standard, so make sure any work you conduct or supervise is up to an acceptable standard.

3.7 You must normally follow your client's instructions

Generally, you should follow your client's instructions, unless the instructions are dangerous, are contrary to contracts or consents, or would mean you would not be acting within the law (or by-law).

4. BEHAVE PROFESSIONALLY

As a professional fencing contractor, you should behave in an appropriate and respectful way towards others. This doesn't solely apply to your face-to-face dealings with colleagues and clients, but also in your written and phone communications. At times, poor behaviour may come from someone else. In these instances you should maintain professionalism and respond appropriately without lowering your conduct to an inappropriate level.

4.1 Behave professionally

A client has employed you to carry out or supervise a job and has put their trust in you. Make sure that you act professionally and treat your clients and colleagues with respect.

4.2 Act in good faith during dispute resolution

In the event of a dispute, you should attempt to resolve this with the other parties. Ensure that you make yourself available to discuss the issue, and that all parties have an opportunity to express their views and be heard. You must be respectful and act in a professional manner at all times during the process, even in situations where the other parties' demands may seem unreasonable. Where both parties cannot come to an agreement for moving forward, you could seek mediation or a formal resolution process.

4.3 Price work fairly and reasonably

You must not use inappropriate methods to win a contract. This includes accepting or paying bribes, unfairly estimating costs, or quoting unrealistically low prices to gain a job and then adding on extra costs once work has commenced in order to make up costs. If you become aware that there will be additional costs, then advise your client and obtain their agreement before incurring those costs.

4.4 Maintain confidentiality of client details

If you become aware of a client's confidential information (for example, details of your client's private life or finances), then you must take all reasonable steps to keep that information confidential, unless you are required or authorised by law to disclose it.

4.5 Conduct your business in a methodical and responsible manner

Ensure that the way you operate is honest, fair and professional.

COMPLIANCE WITH THE CODE

All members of FCANZ acknowledge that it is a condition of their membership to abide by this Code, and that they will act in such manner as is necessary to promote compliance with this Code by any persons involved in the member's business, including those who are employed or otherwise engaged on the member's behalf.

Members who are the subject of a complaint shall abide by and comply with a determination of the Fencing Contractors Association NZ Board or Disciplinary Committee (DC) and any subsequent reviews of the DC.

COMPLAINT PROCESS

All complaints need to be lodged in writing using the appropriate complaint form. The complaint form and complaint handling process can be found online here.

If a complaint is found to be justified, the Fencing Contractors Association NZ Board or Disciplinary Committee (DC) may, at its discretion, impose sanctions upon Members, including termination of membership. If either party is unhappy with the manner in which the complaint was handled or the outcome, then the Code provides a right of appeal.

CONTRACTUAL DISPUTES

It is important to note that this Code applies to the conduct and behaviour of Members, and does not extend to contractual disputes, even those between members. Disputes over contractual rights/obligations or technical matters should be dealt with under the contract between parties. It is not the function of the Code to adjust the contractual rights or obligations of the parties, which is the role of the courts, arbitrator or other dispute resolution agents.

However, if the dispute has the potential or effect of bringing FCANZ or the industry into disrepute, FCANZ may take any disciplinary steps it deems appropriate in the circumstances, which may include suspension or expulsion.

Note: This code and the related process are subject to change.

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