



## **Policy No. 2017- 51**

# **Staff Code of Conduct Policy**

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## **PURPOSE**

The purpose of this Code of Conduct is to clearly state the standards of responsibility and behaviours expected by those representing or working for Central Highlands Council. Maintaining professional and ethical conduct at all times is the responsibility of every employee (permanent, temporary, part-time and casual employees) as well as volunteers, contractors working on-site, and work experience students – *every person, every day*.

The Code of Conduct is designed to assist employees to understand how to undertake their duties and behave according to the values held at Council, reducing the risk of real or perceived conflicts between private and public interests, personal gain or unacceptable and/or unlawful behaviours.

The Code cannot describe every requirement of workers or present all the details of the policies that affect their conduct. Instead, it has been written to make workers aware of the range of ethical issues and legislation that affects their behaviour at work and to point to where they can find out more detailed information about procedures or policy. It is also up to workers to seek information when they need a fuller account of standards or procedures or if they are unclear on any area of conduct. The policies and procedures which are referred to in the document can be obtained from your Manager or found in the policies and procedures folder.

The Code is shaped by the Council's statutory obligations, its principles of good governance and its corporate values. Fraud, corruption, dishonest acts and conflicts of interest are clearly not acceptable conduct and they are moreover illegal acts. However, as well as avoiding breaches of legislation, the Council wants a workplace where individuals act with integrity and with respect for others, show courage when it is needed and aim for excellence in performing their duties. It is hoped that this Code will provide workers the principles and information which will allow them to make good judgements in difficult circumstances, as well as follow procedures and comply with legislation.

### **Who does the code apply to?**

All employees, including managers and team leaders must act in accordance with the code and managers at all levels must promote or enforce the code in their office or work place. Service providers, representatives, and agents must make sure their employees are aware of the code and do not breach its principles when performing duties on behalf of the Council.

### **Breaches of the code**

Fraudulent or corrupt behaviour which violates legislation as well as the code should be dealt with according to Policy No. 2013-03 Fraud Control Policy. Other breaches of the code will be dealt with according to Policy No. 2017- 47 Disciplinary Policy & Procedure.

In the case of contractors and contracted providers or representatives, under the terms and conditions set out in their contract.

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The code is presented in the following sections

1. Principles of conduct;
2. The responsibilities of employees;
3. The use of information and intellectual property;
4. Appropriate use and preservation of assets and resources;
5. Conflicts of interest, gifts and hospitality;
6. Disclosure of criminal offences;
7. Fairness, equity and diversity;
8. Workplace health and safety;
9. Policies and guidelines referred to within the Code

## **1. Principles of conduct**

You should be guided by the values of the Council when you act on behalf of Council. The values of Council and the actions associated with these values are described below.

### **Integrity**

Acting with integrity means that employees will:

- a) act and decide in an honest, consistent and transparent way;
- b) deal with others fairly and consistently;
- c) support the decisions of Council;
- d) take responsibility for their actions;
- e) perform their duties with reasonable care and diligence and in the best interests of the community; and
- f) use resources and time wisely.

### **Courage**

It may take courage sometimes to pursue a course of action. Employees should:

- a) find new and better ways;
- b) learn from mistakes;
- c) speak up – tell it like it is;
- d) support colleagues; and
- e) take the extra step.

### **Accountability**

Employees should take personal responsibility for decisions and actions to achieve agreed outcomes. Behaviour that demonstrates accountability is:

- a) ensuring best use of resources;

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- b) taking responsibility for personal decisions and actions;
- c) acting and working in an open and transparent manner and reporting outcomes;
- d) recognising the achievements of others within the work area; and
- e) responding to phone calls, emails and correspondence in a timely manner.

**Respect**

This means that employees will act with courtesy by listening to differences of opinion and show respect for the differences of race, culture, religion, language, gender and abilities of others. This means employees:

- a) are punctual and prepared;
- b) consider and understand the perspective and circumstances of others;
- c) provide and accept feedback;
- d) honouring the privacy of others; and
- e) recognise and respond to the contribution and needs of others.

**Excellence**

Employees should aim to work to an excellent standard. This means employees should:

- a) commit to achieving outstanding outcomes for Council;
- b) display leadership;
- c) try always to improve their performance; and
- d) take pride in the municipality.

**2. The responsibilities of employees**

Acting with good judgement requires knowledge of the regulations and legislation that affect the council’s activities. It also means that employees must perform their duties in a principled way and with a sense of responsibility for the results of their actions.

Employees must comply with the letter and spirit of the law, especially the provisions of the Local Government Act. Some of this affects the conduct of all members of staff, other parts are more relevant to management.

All employees must follow any lawful directions given by a person authorised to do so. If a direction is unclear you should ask for more information in order to fulfil your duties. If you believe the direction could be unlawful or unethical or contradict the organisation’s values, then you should ask a manager for guidance.

The way employees behave at Council hosted functions reflects on the Council. Employees should not consume too much alcohol or attend unsuitable entertainment. At events or promotional functions hosted by other organisations, employees should make sure their conduct adds to the good name of the organisation. All employees should do their best to avoid the appearance of improper conduct or poor performance of duties.

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Managers must make sure they understand any legislation and statutory requirements that relate to their duties and direct staff only in a manner that complies with the legislation. These employees should make sure their advice and decisions are based on sound information and formed in a principled and honest manner.

These employees must make sure that the teams they are responsible for are clear about what is required of them. They must also make sure their teams have the information and training they need to perform their duties in accordance with legislation and regulations. Though Managers may delegate tasks and duties to other employees they are still responsible for quality of work and the productive use of employees' time.

Managers must implement policies and decisions in an impartial manner and consider whether their decisions are in accordance with the spirit and letter of the law that relates to their functions. They should also conduct themselves as an example to their employees and to colleagues of ethical practice and principled actions.

### **Working with members of the elected Council**

Councillors may not direct employees to perform duties or actions. Instead, requests for action are made at the meetings of the Council and its committees where the reports and advice of the administration are presented for consideration by the Councillors. Managers then request action from their employees.

Any employee preparing a report or advising a Councillor must have the approval of their Manager before they start. Any advice or information provided without that approval will not be considered to represent the policies and plans of the administration.

## **3. The use of information and intellectual property**

All employees must treat confidential information with discretion. No employee may make a statement made on behalf of the Council to the media or public. These communications are made by the Mayor.

The Confidentiality Agreement you signed specifies your conduct in relation to confidential information:

In the course of my employment with Central Highlands Council, I may have access to, or obtain, "confidential information" belonging to Council.

I shall not divulge or make use of, for any purpose other than the business of Council any trade secrets, customer lists or confidential information which I may acquire during the course of or incidental to my employment by the organisation. This obligation shall apply for the duration of my employment with Council and after the termination of my employment.

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I understand and acknowledge that I owe the Council a duty of fidelity and a duty of confidentiality with such duties having the meaning recognised by law from time to time. Accordingly, and without limiting the meaning of any duties, I agree and undertake that:

- a) I will not at any time knowingly disclose to any unauthorised person confidential information of the Council, which comes to their knowledge during the course of my employment including details concerning this Confidentiality Agreement;
- b) upon the termination of my employment I will return all intellectual property of Council to which I have access during the course of my time with Council, including all documents, materials, processes and data whether in physical, electronic, computerised or any other form; and
- c) for a period of three (3) months after the date of termination of my time with Council I will not on my own behalf or on behalf of a business competitor, canvass, solicit or otherwise endeavour to entice away from the Council any client.

#### **4. Appropriate use and preservation of assets and resources**

This means planning projects and business activities so that existing resources are used efficiently, thinking imaginatively about alternatives, seeking suppliers whose practices are also sustainable and also using and maintaining existing assets and resources with care. This principle guides those setting the long-term goals of the Council as well as employees using equipment, vehicles and other assets of the Council every day.

Assets must be used effectively and stored securely so that they perform well over a reasonable life span. The Council will take action against any employee who steals, misappropriates, or converts Council, community or customer assets to private use.

##### **Responsibility for how staff members use assets**

Managers must ensure that there are suitable practices in place for the use of assets, so that, where it is appropriate, employees should obtain authorisation to use them. They should also ensure that assets and equipment are secure and well-maintained.

The Council's assets and resources are there for Council purposes. They may be used for private purposes only if they are supplied as part of a contract of employment (such as a mobile telephone or personal computer) or if the General Manager authorises it and payment is made.

Information about the Council's assets is stored on the Asset Register which is maintained by the Deputy General Manager. The register shows what work area has the use of it and which manager is responsible for the asset. This person authorises its use, ensures it is secure and in good condition,

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and that there is, if necessary, training in its use. This manager may delegate day-to-day administration for the use of equipment to other employees but they are still responsible for the assets.

If an asset is damaged, the manager named as responsible in the Asset Register should be notified so that they can arrange for its repair or replacement. Some kinds of damage may be subject to an insurance claim and in this case the manager should inform the Deputy General Manager as soon as possible. If an asset is lost the manager must notify the Deputy General Manager who will look for it or notify the Police and Insurance Company of its loss.

## **5. Conflict of interest, gifts and hospitality**

This section is quite extensive as it covers conflicts of interest, other disclosable interests, as well as gifts and hospitality.

### **Conflict of Interest**

Employees may have private interests that conflict or may be perceived to conflict with the interests of the organisation. These interests must be declared. Conflict of interest provisions can be complex and you are encouraged to seek advice from your Manager or the General Manager if you have any questions.

Under the Local Government Act 1993 (“the Act”), a member of Council staff has a conflict of interest in respect of a ‘matter’ if he or she has a direct interest or an indirect interest in the matter.

A ‘matter’ means a matter with which a member of council staff is concerned and that will require a power to be exercised, or a duty or function to be performed, or a decision to be made.

#### **How do I know if I have a direct interest in a matter?**

A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This includes where there is a reasonable likelihood, that the person will receive a direct benefit or loss that can be measured in financial terms or that the residential amenity of the person will be directly affected, if the matter is decided in a particular way.

#### **How do I know if I have an indirect interest in a matter?**

Indirect interests fall within the following:

##### ***An indirect interest by close association***

A person has an indirect interest by close association in a matter if-

- a) a family member of the person has a direct interest or an indirect interest in a matter; or
- b) a relative of the person has a direct interest in a matter; or
- c) a member of the person's household has a direct interest in a matter.

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### ***An indirect financial interest***

A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.

### ***An indirect interest because of conflicting duties***

A person has an indirect interest in a matter because of a conflicting duty if the person-

- a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter;
- b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;
- c) is a trustee for a person who has a direct interest in a matter.

A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in points (a), (b) and (c) above and, in that position or role, dealt with the matter.

Whether or not your duties relate to the matter in question does not alter the situation. Your duties may not relate in any way to the particular matter, but just the fact that you have work related responsibilities to the relevant person or organisation creates a situation of conflicting duty.

### ***Other employment or unpaid activity***

Council employees only engage in other employment or unpaid activity where these do not conflict with their role as a Council employee. Other employment includes a second job, conducting a business, trade or profession. Examples of unpaid activity may include volunteering and sitting on a board external to the Council.

Council will not prohibit other employment or unpaid activity without good cause. Managers can assist employees to determine if such activity will cause an actual or perceived conflict of interest. If employees believe there may be a conflict of interest they must seek approval from the General Manager to commence or continue in other employment or unpaid activity.

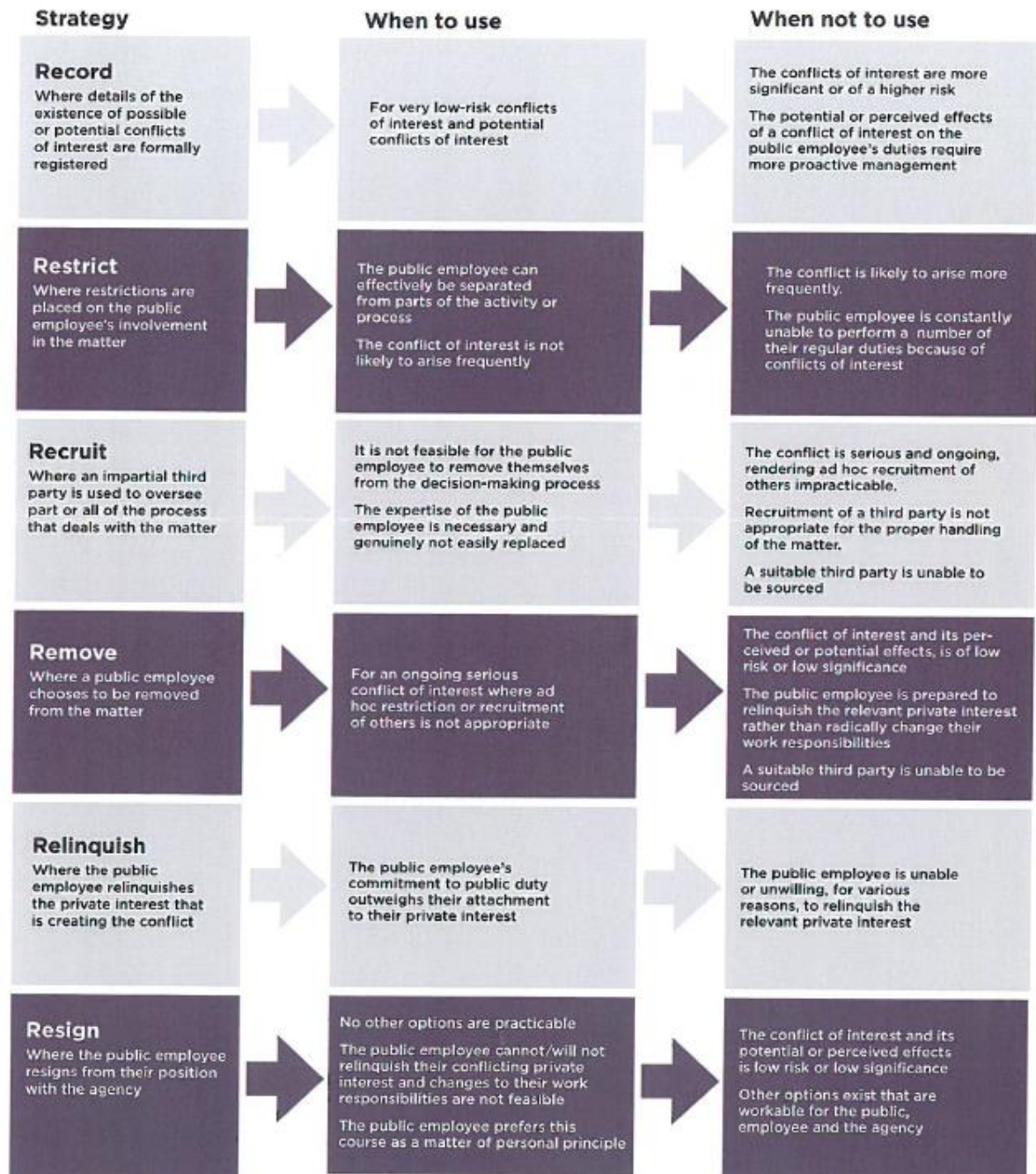
Employees and Managers are encouraged to seek advice from the General Manager where they are unclear on whether the other employment or unpaid activity may constitute a possible breach of this code.

Employees who do not disclose other employment or unpaid activity and a breach is discovered, may be counselled or disciplined under Council's Disciplinary Policy and Procedure, which may result in the termination of their employment.

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# FLOWCHART CONFLICT OF INTEREST RISK MANAGEMENT



Adapted from CMC Qld and ICAC NSW resource: "Managing Conflicts of Interest in the Public Sector."



**Ethics and Integrity Resources | Flowchart:** Conflict of interest risk management  
[www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)

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### ***Gifts and benefits***

In a private context gifts and benefits are usually unsolicited and meant to convey a feeling on behalf of the giver such as gratitude. There is ordinarily no expectation of repayment. Gifts given in a private context are not the focus of this policy.

Gifts and benefits may also be offered to individuals in the course of business relationships. Such gifts and benefits are often given for commercial purposes and serve to create a feeling of obligation in the receiver.

Council employees at all times and in all circumstances must be seen to be fair, impartial and unbiased.

Council employees should actively discourage offers of gifts and benefits and must not solicit gifts or benefits.

Council employees must not take advantage of their official position to secure an unreasonable personal profit or advantage.

People doing business with the Council should be encouraged to understand that they do not need to give gifts or benefits to Council employees to get high quality service.

From time to time Council employees may be offered gifts or benefits. In some limited circumstances gifts and benefits may be accepted. Token gifts of nominal value may generally be received. Non – token gifts of significant value should not generally be accepted.

Council employees should at all times be aware of the wider situation in which an offer of a gift or benefit is being made. For example, Council employees should consider whether the donor is in or may be seeking to enter into a business relationship with Council or may be applying to Council in relation to the exercise of Councils functions.

Council employees must avoid situations that suggest that a person or body, through the provision of gifts or benefits is attempting to secure favourable treatment from Council.

When deciding whether to accept or decline a gift or benefit, consideration should be given to both the value of the gift or benefit and also the intent of the gift or benefit being offered.

### ***Acceptable gifts and benefits***

Gifts or benefits of a token nature at or below nominal value may generally be accepted by Council employees without disclosing details to the General Manager or Mayor and without recording the details of the gift or benefit on the Gifts and Benefits Declaration Form or Register.

That said, Council employees who receive more than the specified number of token gifts of a nominal value from the same person or organisation, in a specified period must disclose that fact in the gifts and benefits register.

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If a Council employees has any doubt if a gift or benefit is token or of nominal value (\$150) they should discuss it with the Deputy General Manager, General Manager or Mayor.

***Token gifts and benefits***

Gifts or benefits of a token nature do not create the appearance of a conflict of interest and include:

- Items with a company logo on them, ties, scarves, coasters, diaries, chocolates, flowers.
- Books given to individuals at functions, public occasions or in recognition of exceptional work done.
- Gifts of single bottles of reasonably priced alcohol given to individuals at functions, public occasions or in recognition of exceptional work done.
- Free or subsidised meals of a modest nature and/or beverages provided infrequently (and or reciprocally) that have been arranged for or in connection with the discussion of official business.
- Free meals of a modest nature and or beverages provided to Council employees who formally represent Council at work related events such as training, education sessions and workshops.
- Invitations to approved social functions organised by groups such as Council Committees and community organisations.

***Non acceptable gifts and benefits***

Accepting gifts of money is prohibited.

Council employees should generally not accept gifts or benefits that appear to be non-token in nature or more than of a nominal value.

If a gift or benefit of a non-token nature or above nominal value is offered and cannot reasonably be refused (as this action may cause embarrassment), the offer and receipt of the gift or benefit must be declared via completion of a gifts and benefits declaration form and the details must be recorded on the council gift register.

If a Council employees refuses a gift or benefit because they believe that the gift was a deliberate attempt to receive “special treatment”, then such instances are to be reported to the Deputy General Manager, the General Manager or Mayor.

***Non token gifts and benefits***

Gifts or benefits of a non-token nature include:

- Free or discounted travel.
- Use of holiday homes.
- Tickets to major sporting events.
- Corporate hospitality at a corporate facility or sporting venue.

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- Free training excursions.
- Access to confidential information.
- Discounted products for personal use.
- Goods and services provided via a determination in a Will.

At times a gift of a non-token nature may be given from one authority to another. Such gifts are often provided to a host authority. These gifts may be given as an expression of gratitude without obligation on the receiver to respond. The gratitude usually extends to the work of several people in the authority and therefore the gift is considered to be for the authority, not a particular individual.

***An indirect interest as a consequence of becoming an interested party***

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.

When considering whether you have a conflict of interest, the question to ask is whether an outside observer would consider the interest could affect the ability of the person having it to deal with the matter impartially.

***Disclosure requirements***

If an employee considers they have an interest in relation to a matter that is in conflict with their public duty, he or she must notify their manager (or in case of a manager, the General Manager) that they have an interest or that there could be the possibility of one arising. They should do this as soon as the interest or potential interest is identified. The manager must then determine whether the interest or the circumstances of the person could be perceived as compromising his or her capacity to carry out duties.

Once the manager has determined whether there is an interest, the manager may:

- reorganise the duties of the person so as to remove them from participation in the matter leading to the interest; or
- put in place a process which will ensure that the person will perform his or her duties impartially and notify the person of this and make a record of the declaration of the interest; or
- require the employee to cease the activity that gives rise to the conflict.

If the manager considers the interest would interfere with the performance of the employee’s duties, then the manager must take steps to make sure the person with the interest is not part of any discussions or deliberations in relation to the matter.

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### ***Council Staff with a delegated power, duty or function***

An employee that has a direct or indirect interest in a matter in which they have a delegated power, duty or function of the Council under the Act or another Act, must not exercise the power or discharge the duty or function.

In addition to notifying their manager of the conflict, all employees must also disclose the interest to the General Manager, in writing, as soon as he or she becomes aware of the conflict of interest.

### ***Employees and persons providing advice***

Employees and persons engaged under a contract to provide advice or a report to a meeting of a Council or a special committee, who have a direct or indirect interest in a matter to which the advice or report relates, must disclose the interest when providing the advice or report and before the advice or report is considered by the Council or the Committee.

### ***Failure to disclose interests***

Depending on the nature of the breach, sanctions will vary from counselling, use of disciplinary procedures, suspension, civil action, or reporting of actions to enforcement authorities. This applies to employees and includes the manager's failure to act if they have the knowledge.

## **6. Disclosure of criminal offences**

It is not discrimination if a person's criminal record means that he or she is unable to perform the inherent requirements of a particular job. (Extract from the Australian Human Rights Commission – accessed on 09/07/09)

Council employees must advise their Manager if they are charged with a criminal offence, which is punishable by imprisonment, or if found guilty, could reasonably be seen to affect their ability to meet the inherent requirements of the work they are engaged to perform. The Manager will discuss the disclosure confidentially with the General Manager to ensure the disclosure is dealt with appropriately.

Council has policies and procedures to ensure that employees are aware of both employer and employee obligations in relation to the *Equal Opportunity Act 1995* and the *Human Rights & Equal Opportunity Commission Act 1986* (Commonwealth):

- 2015-34 Harassment and Discrimination Policy
- 2015-33 Bullying Policy
- 2013-18 Employee Recruitment and Selection Policy

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Council identifies roles within the organisation that require a pre-employment check such as a Police Check or Working with Children Check. Other positions may be identified because of the possible nature of risk to the Council, its employees, customers and the community it serves.

Where an ongoing risk is identified, employees may be required to complete ongoing Police Checks and Working with Children Checks at designated intervals during the course of their employment.

## **7. Fairness, equity and diversity**

Employees must treat others fairly and with respect for the differences of others. This aspect of work place relations is also affected by anti-discrimination and equal opportunity laws. These laws apply to how we treat other employees and our clients.

## **8. Workplace health and safety**

Managers must take all reasonable steps to ensure employees and others working on behalf of the Council know the standards and statutory regulations that affect them. All employees are obliged to comply with safety standards and not breach them either deliberately, by negligence or by trying to coerce another to breach those standards. If an employee identifies a hazard it must be reported immediately to their manager.

No one may bully, harass or behave in a discriminatory manner towards a colleague or others associated with Council. All breaches of this kind will be subject to disciplinary action.

## **9. Policies and guidelines referred to within this Code**

- 2013-18 Employee Recruitment and Selection Policy
- 2014-24 Work Health and Safety Policy
- 2015-33 Bullying Policy
- 2015-34 Harassment and Discrimination Policy
- 2015-40 Gifts and Benefits Policy
- 2017-46 Related party Disclosures Policy
- 2017-47 Disciplinary Policy and Procedure

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