

# MP-HR 24 Code of Conduct Policy

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| TRIM Reference:      | D21/246267               | Due for Review: | December 2023 |
| Responsible Officer: | Manager People & Culture |                 |               |

## Purpose

Section 49 of the Local Government Act 2020 states that a Chief Executive Officer must develop and implement a code of conduct for Council staff that is accessible to all staff.

This Code of Conduct ('the Code') establishes a minimum standard of behaviour that applies to all employees at Surf Coast Shire Council during work time or when they might reasonably be perceived to be representing the Council outside of work hours. The Code is a tool that aims to positively shape the culture at Surf Coast Shire Council.

The Code seeks to provide guidance and to help employees deal with ethical dilemmas they may face at work. In many instances other Council policies will provide detailed guidelines for particular circumstances, however, both this Code and the policies referred to do not cover every situation. If an employee is unsure of the appropriate action to be taken in a given situation then they should seek clarification from their direct supervisor.

## Policy Principles

Any person who works for Surf Coast Shire Council must seek to achieve the highest standards of behaviour when dealing with members of the public, Councillors and each other.

As a local government authority, the Council, its employees and representatives are the custodians of public resources. Council recognises it has obligations and expectations placed upon it by the community which it will strive to fulfil.

Council will ensure procedures are in place to monitor adherence to the Code and to treat breaches seriously. This Code of Conduct acts as a deterrent to misconduct and any breaches could incur serious consequences such as disciplinary actions, termination of employment or legal proceedings.

## Scope

This Code applies to all Council employees which includes the Chief Executive Officer (CEO), General Managers, Managers, Coordinators, Supervisors, full-time, part-time, casual, permanent and temporary employees that are employed by the CEO to enable Council's or the CEO's functions to be performed. It is a condition of employment that employees comply with the Code.

The Code further extends to cover contractors, sub-contractors, employees on secondment or exchange, volunteers and other unpaid workers (eg students and graduates) performing work for Council. Councillors have a separate Code of Conduct and are not subject to this Code.

The Code covers interactions with fellow employees, agency employees, contractors, consultants, Councillors, clients, visitors, work experience students, customers and members of the public attending our workplaces.

## **Policy**

Surf Coast Shire Council is committed to complying with applicable laws and standards, to promote a culture of ethical behaviour, and to encourage reporting of corrupt practices, breaches of the law and matters that could be detrimental to the Council or its reputation.

Surf Coast Shire Council is committed to promoting sound principles of governance that ensure that its processes and decision making are transparent, measurable and accountable. Council is dedicated to implementing and managing processes that meet these requirements.

### **1. Council's responsibility to you**

- Providing a safe workplace - Council recognises its responsibility to provide and maintain so far as reasonably practicable, a working environment that is safe and without risks to the health of employees, contractors, volunteers, visitors and members of the public as required by the Occupational Health & Safety Act 2004.
- Transparency in decision-making means that observers can follow and understand the decision making process and identify the reasons why a particular decision has been made.
- Council is accountable for monitoring performance in the achievement of strategic goals and financial outcomes. In order to do this, reporting systems are in place that provide Council with the necessary information to enable it to assess performance.
- Governing with accountability requires Council employees to undertake their roles in a way which demonstrates that they understand they are governing on behalf of their community.

### **2. Your responsibility to Council**

Council aims to achieve high standards in service delivery to our community. All employees contribute to this by carrying out their duties honestly, responsibly and to the best of their ability.

This includes:

- Attending for duty at times agreed in the contract of employment, Enterprise Agreement or other Agreement. Employees will not be absent during working hours without specific approval. When an absence is unavoidable employees have a duty to notify their relevant Supervisor or Manager as soon as possible.
- Completing timesheets accurately and explaining all absences.
- Whilst at work employees are expected to diligently perform the duties outlined in the position description, or as reasonably directed by their Supervisor or other relevant Manager, General Manager or the CEO.
- Giving priority to Council duties over personal activities during work time.
- Actively participating in ways to improve Council systems and work practices.
- Conducting ourselves in a way so that others gain confidence and trust in Council.
- Not allowing personal conduct to distract or prevent others from doing their job.
- The need to maintain professional practitioner registration where relevant to the position requirements and to show evidence of continuing professional development.
- The need to ensure that you are working within your approved set of competencies not trying to do something you are not qualified/trained for.

- Complying with all Council policies (including this Code of Conduct), legal requirements or other relevant standards, codes and instructions.
- The need to disclose any new matters that are material to your position e.g. criminal matters, loss of driver's licence, qualification or membership to an industry body for example.

Employees responsible for supervising others, must ensure that:

- Their work and the work of those they supervise is contributing to the achievement of their departmental and Council goals.
- Employee performance is monitored and employees are provided with constructive and regular feedback on their performance.
- Where practicable, employees are given training and development opportunities to assist in their work and career development.
- Workloads are fairly distributed.
- Decisions are fair and consistent.
- Employees who handle public money are properly supervised.
- Appropriate action is taken if breaches of this Code or other relevant policies or instructions occur.
- Employee absences are correctly recorded.

### **3. Standards of Conduct**

This section details a list of behaviours and standards that employees are expected to display in the workplace. They are listed in alphabetical order and not in order of importance. The list does not cover all situations or eventualities and employees should seek advice from their direct supervisor if they are in any doubt.

Adhering to the behaviours and standards set out in this Code, will enhance the working environment for all, and strengthen our relationships with each other and with our community.

### **4. Alcohol and Drugs**

Council has a responsibility to provide and maintain a working environment that is safe and without risks to health.

Employees must present in a fit condition to undertake their duties without risk to their own safety, the safety of other employees and the general public. An employee's fitness for work may be impaired by a variety of factors including the adverse effects of medical conditions, level of physical fitness, fatigue, stress, or the use of alcohol and other drugs. Working under the influence of alcohol or drugs is prohibited in the workplace and may result in summary dismissal.

You must not consume alcohol anywhere in the workplace other than at special events which must be authorised by a General Manager or the Chief Executive Officer.

### **5. Appearance and Presentation**

Council aims to portray a professional image in all of its dealings with the community and visitors. Whilst on Council duty, dress and appearance should be neat, clean, observe standards of decency and be appropriate for the work being performed. Where applicable, employees must wear approved Surf Coast Shire Council identification or clothing whilst on Council duty.

Employees are expected to maintain a high level of personal hygiene.

Protective clothing, footwear and equipment should be used where applicable and OHS requirements adhered to at all times. Where specific work instructions exist in your area, these should be followed.

## **6. Attendance at and Absence from Work**

Employees have an obligation to follow their contract, enterprise agreements, policies, other work arrangements and rulings on attending work and taking leave. This includes, not being absent without authority, correctly observing time in lieu requirements and appropriately recording attendance and leave periods. Failure to accurately record attendance at work could be seen as a fraudulent activity by Council and external agencies.

## **7. Bullying, Harassment, Discrimination and Workplace Violence**

Council is committed to proactively preventing and tackling bullying, harassment, workplace violence, discrimination and victimisation. All employees need to be aware of the Equal Opportunity and Workplace Behaviours Policy and to contribute to building a harmonious and tolerant workplace that is free from intimidation, discrimination, bullying, workplace violence and harassment.

## **8. Business Records**

All employees have a responsibility to understand their records management obligations including:

- Making and keeping accurate and complete records of business activities and decision making.
- Creating records proactively including those resulting from telephone conversations, verbal decisions, meetings, emails and letters.
- Ensuring the quality and accuracy of the data used or entered on council databases and systems.
- Not destroying or altering records in an unauthorised manner.

Please refer to the Information Technology Policy (IS-10) for further information.

## **9. Child Safety**

Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests.

We have a commitment to the cultural safety of Aboriginal and Torres Strait Islander children, culturally and linguistically diverse children, and to the safety of children with a disability. We aim to create enriching experiences for young learners and want children to feel safe, happy and empowered.

We have specific policies, procedures and training in place to support employees, volunteers and contractors to achieve these commitments. We create environments where all children have a voice and are listened to, their views are respected and they contribute to how we plan for, design and develop our services and activities.

All council employees, volunteers and contractors have a legal obligation to report suspected cases of child sexual abuse to the police.

Working with and caring for children and young people brings additional responsibilities for employees, contractors and volunteers of council. All employees, contractors and volunteers are responsible for promoting and protecting the safety and well-being of children and young people by:

- Adhering to Council's Child Safe Policy at all times and taking all reasonable steps to ensure the safety and protection of children and young people, including reporting any concerns where a reasonable belief is formed that a child has been abused or neglected;
- Following the Child Safe Standards, to create and maintain a child safe environment;
- Adhering to The Reportable Conduct Scheme, by responding to, reporting and participating in investigations pertaining to reportable allegations under the Scheme;
- Treating children and young people with respect and honesty;
- Setting clear professional boundaries about appropriate behaviour with children and young people involved with Surf Coast Shire Council;
- Listening and responding appropriately to the views and concerns of children and young people;
- Responding quickly, fairly and transparently to any serious complaints made by a child, young person or their parent/guardian in accordance with Council policies.
- Undertaking compulsory child safe training

Employees, contractors and volunteers must not:

- Develop any 'special' relationships with children and young people that could be seen as favouritism such as the offering of gifts or special treatment;
- Do things of a personal nature that a child or young person can do for themselves, such as toileting or changing clothes;
- Have contact with children outside of Council's programs;
- Discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability or sexuality.

## **10. Community Activities**

Council acknowledges the rights of employees to be actively involved in the community. Your personal life is very much your own business, but you shouldn't let your activities detract from your job or damage the reputation of Council.

If you are involved in a community group the following guidelines are to be followed:

- a) Declare your involvement with the community group to your supervisor in the first instance. Your supervisor may decide to declare this to the relevant General Manager if a possible conflict of interest could occur.
- b) Omit yourself from decision making processes within Council that relate to the community group.
- c) Do not place yourself in a position of conflict with Council.
- d) Exercise judgement on all matters relating to matters where your employment and community group activities interact.

When considering the opportunity to act as a spokesperson for a community group, that has dealings with Council, employees should consider the following:

- Their role within the organisation
- The perceptions of others and views of others of their neutrality
- Do not provide confidential information that is not available via public sources

**Some examples of involvement in inappropriate community activity could include:**

|                                      |   |
|--------------------------------------|---|
| Misuse of Council Information;       | Simon works within Council's Parks department, specialising in trees. A longstanding tree within a Moriac Playground has been marked for removal by Council, as it has been deemed to be a potential dangerous hazard. Simon decides to join the group, as he empathises with their view that the tree should remain. He provides the group with further information about other trees that will potentially be removed in the region. Council receives a formal petition from the group, listing all of the trees that have been flagged for removal, which is not yet public knowledge. |
| Conflicts of interest;               | Rebecca works in Council's planning department. She has been approached by a local community group "Save Torquay from Development" to chair their group. Rebecca accepts the offer, attending and chairing their regular meetings.  |
| Damage to the reputation of Council; | Penelope is a kindergarten teacher at Jan Juc Kindergarten. Penelope appears in the Surf Coast Times Newspaper attending a pro white supremacy rally. Parents contact Council to express their anger that a person with these extremist beliefs is supervising their children.  |

Employees must be mindful of the following:

- Conflicts of interests; to avoid situations where their integrity could be questioned through their involvement with community groups and their role with Council.
- Misuse of Council information; to never disclose confidential information obtained through employment to external sources.
- Damage to the reputation of Council; to avoid situations or incidences where the reputation of the organisation could be damaged either willingly or unwillingly.
- Impact upon the ability of a person to perform their role with Council; people should not place themselves in a position that will undermine their work performance or damage their professional relationships.

Employees should make sure that their involvement with political party groups (e.g. Australian Motoring Enthusiast Party), interest groups (e.g. Build the Torquay pool), protests, rallies or other community events does not impact negatively upon their position or the reputation of Council.

Employees must be mindful of any potential issues that may arise through conflicting interests. If an employee believes that a situation could potentially arise through their personal activities, then they should discuss this with their supervisor in the first instance to seek guidance.

### **Advice for employees**

An employee's private life is their own business. However, employees will need to use their judgment when being involved in community activities.

Employees must be mindful of any potential issues that may arise through conflicting interests. If an employee believes that a situation could potentially arise through their personal activities, then they should discuss this with their supervisor in the first instance to seek guidance.

If you're in any doubt or have any concerns please discuss this with your Manager or a member of the Human Resources Department.



Employees that publicly criticise Council may face disciplinary action.

Council's Digital and Social Media policy (HR 40) provides more guidance to employees on matters relating to digital and social media use.

## **11. Conflicts of Interest**

When making decisions on behalf of Council, employees must declare any real, perceived or apparent conflicts of interest.

A conflict of interest can arise if an employee's private or personal interests (or those of relatives or friends) could affect their ability to carry out their duties and make decisions objectively within their role with Council.

If an employee believes they have a conflict of interest (whether perceived or real) they must report it to the Chief Executive Officer or their relevant General Manager or Manager in the first instance. The report should then be followed up in writing. Until the matter is resolved, an employee should make sure they are not part of any decision-making processes related to the matter.

Employees must not accept any gifts or benefits, whatever the value, if there is a possibility that in doing so it may create a real or perceived conflict of interest, or if the integrity and impartiality of the employee is likely to be impugned. For example, if accepting the gift or benefit could suggest to the giver they will receive more favourable treatment from the employee or Council in general.

Gifts may be accepted with General Manager's approval provided they are recorded in a register maintained and under the control of the CEO. Please refer to the Gifts and Hospitality Policy (SCS-018) for further information.

Employees who own shares or other interests in public or private companies should carefully assess the potential for a conflict of interest where they, their partners or other relatives own shares or other interests in a company or firm that is a customer of or a supplier to Council.

## **12. Employment Outside of Council**

Employees who perform paid or unpaid work outside of Council are responsible for ensuring that this additional work:

- Is kept separate from Council work.
- Does not lead to a conflict of interest.
- Does not affect Council time or resources.
- Does not interfere with an employee's ability to do their Council work.
- Is consistent with OHS requirements.

Employees should seek direction and/or approval from the Chief Executive Officer or their relevant General Manager, if they perform paid work outside of Council that could create a conflict of interest.

### **13. Information Technology, Telephones and Other Communication Devices**

Council telephones, email and Internet facilities are for business use. Private use of these services must be kept to a bare minimum, provided that this use does not impact on work performance, other work responsibilities or system performance.

The use of email or other media to distribute or store offensive or inappropriate material (for example pornography, depictions of extreme violence, racial vilification or hatred) and/or access to inappropriate Internet sites will not be tolerated under any circumstances and could lead to disciplinary and/or criminal charges.

Employees who use Council's communication facilities are expected to acquaint themselves with the relevant policies. All employees should be aware that the Council's IT assets are regularly scanned and checked for unwanted threats, viruses and employee usage.

When using social media sites such as Facebook and Twitter for work purposes, Council employees are expected to:

- Have obtained appropriate authorisation.
- Adhere to Surf Coast Shire Council's Code of Conduct, policies and procedures, including Information Privacy and Equal Opportunity & Workplace Behaviours policies.
- Behave with caution, courtesy, integrity and respect.
- Comply with relevant laws and regulations.
- Reinforce the integrity, reputation and values of Surf Coast Shire Council.

### **14. Intellectual Property**

Employees must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. Any original work that an employee contributes in association with their employment remains Council property.

Employees must respect the copyrights, trademarks and patents of Council's suppliers and must not re-produce or quote suppliers' material without their permission.

### **15. Legislation, Policies, Procedures & Instructions**

Employees are expected to be aware of and act within the law, policies, procedures, protocols and instructions relevant to their work. They should also comply with any legal, reasonable direction from their direct manager or relevant management representative. Employees have the right and a responsibility to ask questions or raise concerns with their line management about how to do their work, particularly if they think there is a better way of doing something, or if they think that a direction may be in breach of the law or is unsafe.

When an employee believes that a request or direction is either unlawful or unsafe, they should voice this concern to the person giving the direction. If an employee is not satisfied with the response, the concern may be raised at a higher level in their line management or through an appropriate representative e.g. their Health & Safety Representative. However, unless there is a significant concern for lawfulness or safety, an employee is usually obliged to implement that direction in the interim.



## **16. Privacy and Confidentiality**

Employees are expected to have read, understood and comply with the confidentiality clauses in their contracts of employment. In general, employees are reminded that they have a duty to maintain the confidentiality of information gained in the course of their employment.

Council collects information about individuals, commercial and business information which may be personal, private and/or sensitive. Employees should only search for information from the records management systems about matters related directly to their work ie on a need to know basis. They must not use information gained at work for private purposes.

Other types of confidential information may include, but are not limited to, personal/health information, intellectual property, commercial documents, computer software and programs, policies, financial affairs, strategic and business plans.

Employees can ensure they are maintaining privacy and confidentiality by:

- Taking care not to discuss work matters with anyone not entitled to know such information.
- Taking responsibility to safeguard confidential files and information.
- Ensuring screens are locked when leaving their computer.
- Complying with rules about sharing, correction, storage and destruction of information.
- Seeking advice from their supervisor or Council's Privacy Officer when in any doubt about how to proceed.

Please refer to the Information Privacy Policy (MPP-005) for further information.

## **17. Public Money, Fraud Control and Prevention**

Employees must maintain high standards of accountability when managing public money and will maintain accurate records of financial transactions. Employees are not to borrow or use Council money for private purposes.

The prevention and detection of fraud is the responsibility of every employee. All employees should be aware of their role in relation to fraud prevention, and any instances of fraud or suspected fraud must be reported to their line management or the Finance Manager.

Employees who report such matters, or who assist in the investigation of fraud/suspected fraud will not be discriminated against. Please refer to the Protected Disclosure Policy (MPP-040) and Fraud Control Policy (SCS-010) for further information.

## **18. Smoking at Work**

Smoking is not permitted within Council workplaces, Council plant, vehicles, buildings, in close proximity to the entrance to any Council building, or within the premises of any customer/client of Council services.

## **19. Workplace Health and Safety**

Employees must so far as reasonably practicable:

- Comply with Surf Coast Shire Council's policies, procedures and practices.
- Observe safe work processes in accordance with relevant procedures, training and instruction given.
- Report hazards and the risks associated with our workplace activities.
- Participate in the consultative processes provided by the organisation.

## **20. Breaches of the Code**

A breach of the Code can damage personal, business, public and work relationships and reputations, and have serious consequences for individuals.

Suspected breaches can be dealt with in line with the Discipline Policy & Procedure and treated individually with all relevant circumstances being taken into account. In some cases the breach may constitute a criminal offence or breach of other legislation and be prosecuted by an external authority such as Victoria Police, IBAC (Independent Broad-based Anti-corruption Committee) or Worksafe.

## Definitions

|           |  |
|-----------|--|
| Employee  | Reference to employee includes consultants, contractors, sub-contractor, employees on secondment or exchange, volunteers and students who are also required to comply with this Code.  |
| Workplace | For the purposes of this Code, the workplace is the place of employment and includes anywhere that an employee attends for the purpose of carrying out any function in relation to his or her employment with Surf Coast Shire Council. It also includes any other work-related context, such as conferences, working from home, work functions or business trips. |

## Related Procedure

Fair Work Act 2009  
Local Government Act 2020  
Occupational Health & Safety Act 2004  
Equal Opportunity Act 2010  
Protected Disclosure Act 2012  
Privacy and Data Protection Act 2014  
Equal Opportunity and Workplace Behaviours Policy  
Discipline Policy & Procedure  
Performance Review and Development Policy  
Grievance Policy and Procedure  
Email/Internet Guidelines  
Protected Disclosure Policy & Procedure  
Information Privacy Policy  
Digital and Social Media Policy  
Fraud Control Policy  
Surf Coast Shire Council Enterprise Bargaining Agreement  
Early Education Employees Agreement

## Document History

| Version | Document History | Approved by – Date         |
|---------|------------------|----------------------------|
| 6       | <i>Updated</i>   | <i>EMT – December 2021</i> |