

Employee Code of Conduct V3

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1 Purpose

The purpose of this Code is to prescribe the conduct required by employees to deliver the high ethical and moral standards expected in government and to promote excellent service to the community. This Employee Code of Conduct has been developed in accordance with the requirements of the *Local Government Act 1989 (Vic)* [the Act].

Section 95AA of the Act requires the Chief Executive Officer develop and implement a Code of Conduct for Council employees.

Section 95 of the Act requires Council employees in the course of their employment:

- a) Act impartially;
- b) Act with integrity including avoiding conflicts of interest;
- c) Accept accountability for results;
- d) Provide responsive service.

2 Scope

This Code of Conduct applies to the following people or groups of people appointed by or representing Cardinia Shire Council:

- All people employed directly by the Council (whether full, part time, casual or fixed/maximum term);
- All volunteers of the Council appointed on behalf of Cardinia Shire Council;
- All work experience students, Employment Pathway participants (including trainees and apprentices) or similar arrangement under an official work placement;
- All people appointed by the Council to any committee, working group, reference group or similar advisory or decision making body of the Council, regardless of whether they are paid for their time and efforts, and
- All contractors or consultants engaged in or by the Council (including contractors or consultants engaged through an employment agency).

3 Policy

Council expects a high standard of personal conduct and professionalism from its employees. All employees are expected to:

- Promote and adhere to the values and supportive behaviours outlined in the Cardinia Shire Council Values Framework;
- Act at all times with respect and courtesy towards the community, the general public, Councillors, and other Council employees;
- Maintain proper use of all information gathered and equipment used, through the work of the Council;
- Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;

- Perform their duties impartially and in the best interests of the community, uninfluenced by fear or favour, and
- Refrain from conduct which may negatively affect the reputation of the organisation. This includes interaction on social media platforms.

3.1 Customer Service Standards

Cardinia Shire Council is committed to providing outstanding service to the community. Council employees are expected to strive to provide excellent customer service.

Council's Customer Service Charter provides an overview of the service standards Council provides to meet customer needs and expectations and outlines response times. Employees are expected to comply with these standards.

3.2 Responsibilities

3.2.1 Employee Responsibilities

All employees are responsible for complying with the Employee Code of Conduct and demonstrating appropriate behaviours in accordance with the Council's values framework, activity based working behaviours, policies and procedures.

3.2.2 Leader Responsibilities

Cardinia Shire Council leaders also have a responsibility to ensure compliance with this policy, and should undertake the following:

- Briefing employees on the terms and implementation of this Policy particular in the areas or activities they control.
- Recommend possible variations to the policy and monitor implementation.

3.2.3 People and Culture Responsibilities

Cardinia Shire Council's People and Culture business unit is responsible for:

- Providing advice about this Code, circulate and evaluate the Code and its implementation in consultation with Manager Governance and the Chief Executive Officer.
- Coordinating the investigation of any complaints/breaches of the Code.

3.2.4 CEO Responsibilities

Cardinia Shire Council's CEO is responsible for:

- Creating a workplace that, in accordance with all relevant statutes and laws, supports high achievement standards in business and professional ethics.
- Supporting employees in the execution of their duties through training and development.

3.2.5 Independent Contracts and Agency Labour Hire employees

All independent contractors and agency labour hire employees must be made aware of and agree to abide by the Cardinia Shire Council's Employee Code of Conduct and other workplace policies and procedures. Failure to abide by this policy could result in breach of contract and be subject to the breach provisions within the relevant contract documentation.

3.3 Conflict of Interest

An employee has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest. A conflict of interest exists even if no improper act results from it.

The Local Government Act 1989 defines the circumstances that give rise to a conflict of interest for Council employees. It also specifies the actions that should be taken to resolve a conflict of interest.

In general terms, a person has a conflict of interest if they have a direct interest in a matter, including where they are likely to directly gain or lose financially.

A conflict of interest also exists where a person has one or more of the following six types of indirect interest:

- An indirect interest because of a close association with a family member, relative or housemate who has a defined interest.
- An indirect financial interest, including holding shares above a certain value in a company with a direct interest.
- A conflict of duty arising from having particular responsibilities to a person or organisation with a direct interest.
- Having received an applicable gift valued at \$500 or more from a person with a direct interest.
- Being a party to the matter by having become a party to civil proceedings in relation to the matter.
- Where there is a reasonable likelihood of the person's residential amenity being altered.

Council officers are required to disclose any direct or indirect interest they have when providing a report or advice to the Council or to a special committee of the Council.

This should be done even when the officer only prepares part of the report, and even if another officer's name appears as the person providing the report. An officer who takes responsibility for a report by having his or her name appear as the person submitting the report should also make interest disclosures, even if he or she did not actually prepare the report.

In addition, any officer or manager who presents advice in person to a Council or special committee must disclose any conflicts of interest.

Under section 80B of the Act, Council officers, are subject to conflict of interest rules in the following circumstances:

- When exercising a power, duty or function of the Council under delegation, including where the power, duty or function has been on-delegated (e.g. By the CEO).
- When exercising a statutory power, duty or function of the Chief Executive Officer, either directly by the CEO or by a Council officer under delegation.

The rules require affected employees to make disclosures and not to exercise their delegations.

If an employee has a conflict of interest in a matter where he or she has a delegated authority, the employee must disclose the type and nature of the interest to the CEO as soon as he or she becomes aware of the conflict. This must be provided in writing. The employee must not exercise any delegated power, duty or function in relation to the matter.

Employees will not be pressured to exercise a delegated authority when they have a conflict of interest; they should ensure that the relevant matter is dealt with by another officer or referred to the Council for a decision.

To exercise a delegated authority when you have a conflict of interest is a serious breach of public trust. It risks disciplinary action and you may face prosecution in Court.

Employees must ensure that there is no actual (or perceived) conflict of, or incompatibility between their personal interest and the impartial fulfilment of public or professional duties.

3.4 Gifts and Entertainment

To ensure transparency and the principles of good governance and accountability Council officers are required to adopt the following principles in relating to gifts and entertainment:

- Gifts or entertainment should not be accepted/received where possible;
- Gifts or entertainment are not to be sought, demanded or requested;
- Gifts or entertainment received or refused must be placed on the Gift Register within 14 days; and
- Gifts or entertainment received must not create a real or perceived sense of obligation that may lead to a perception of preferential service as a result of the gift.

3.4.1 Gifts

An employee must not seek or accept (directly or indirectly) from any person, organisation or body for themselves or for any other person or body for anything done by virtue of their employment with Council, if:

- a) the gift is offered in an attempt to interfere with any act, matter or thing to be done or performed by the Council aimed at a particular outcome by the person or body making the offer; or
- b) they feel that they may be compromised (either at the time of the offer or in the future) in the proper performance of their duties under the Local Government Act or any other Act.
- c) if it is likely to be perceived by a 'reasonable person', as intended to, or likely to, influence you in the fair, impartial, honest and efficient discharge of your duties as an employee.

Section 78C of the Act stipulates that a person (such as an employee) that has an indirect interest in a matter, if the person has, during the preceding 5 years, received an applicable gift (defined as one or more gifts with a total value of, or more than, the gift disclosure threshold (currently \$500) from a person with a direct interest in the matter.

Employees are required to discuss with their Manager, General Manager or the Chief Executive Officer (as appropriate) any instances where a gift offered appears to have a retail value of more than \$50.00. In such circumstances the employee may be required to decline the acceptance or return the gift.

Gifts may be accepted by an employee subject to the following conditions:

- a) Gifts should only be accepted when the gift does not give rise to any conflict of interest.
- b) Subject to the approval of the relevant Manager, General Manager or CEO, consideration was given to whether refusal of the gift could cause offence to the person offering the gift.
- c) Depending on the nature of the gift above the value of \$50 the Manager, General Manager or the Chief Executive Officer determined the gift does not belong to the individual employee and is to be regarded as a corporate gift.

Corporate gifts should only be used for Council-related purposes or at the discretion of the Manager, General Manager or Chief Executive officer pooled for the use of the Business Unit or may be donated to a local charity or community organisation.

In all cases, any offered or accepted gift shall be recorded in the Gift Register administered by Manager Governance. Any gift that does not satisfy the acceptance criteria shall be politely returned and declined.

3.4.2 Entertainment

Any offer of entertainment or hospitality, such as a luncheon, invitation to an event or other similar form of corporate function, above the value of \$50 must be referred to the Manager, General Manager or Chief Executive Officer (as appropriate) for approval prior to acceptance and will be subject to the following limitations:

Entertainment should only be accepted when:

- a) there is clear value to Council (note: peer networking or networking with suppliers does not constitute clear value to Council);
- b) it does not advantage the host company or individuals; and
- c) the entertainment or hospitality does not produce any conflict of interest.

In all cases, any accepted entertainment or hospitality shall be recorded in the Gift Register. Any offer of hospitality that does not satisfy the acceptance criteria shall be politely declined. It is to be noted that reasonable entertainment or hospitality provided to an employee at any function or event that is attended by employee in an official capacity does not constitute an 'applicable gift' for the purposes of section 78C of the Local Government Act. However such entertainment or hospitality is still required to be included in the Gifts Register.

3.5 Outside (Secondary) Employment

Outside employment or involvement as a volunteer in other organisations has the potential to create both conflicts of interests and conflicts between public and private duty.

Employees must not engage in private work with or for any person or body with an interest in a proposed or current contract with the Council without obtaining approval from the Chief Executive Officer or their delegate.

For any secondary employment employees should seek consent and give notification in writing of any outside involvement that may reasonably relate to your council duties.

If the outside employment (whether paid or unpaid) is considered likely to create conflicts of interest and duty an employee's Manager provide a recommendation to Chief Executive Officer (or their delegate) to determine whether the conflicts can be appropriately managed. If they cannot be managed, an employee may be required to choose between the outside involvement and council employment.

3.6 Confidentiality and Privacy

Cardinia Shire Council prides itself on being an open, consultative, cooperative and accountable organisation that encourages the participation of the local community in local affairs. Employees are required to adhere to Council's Information Privacy Policy, the Information Privacy Act and relevant legislation.

During and after the term of employment with the Council employees must not make use of or disclose any confidential information, or divulge any matters concerning the affairs of the Council which has been gained in the course of their employment.

Employees must not release information that they know, or should reasonably know, is information that is confidential to the Council and that the Council wishes to keep confidential. After their term of employment with Cardinia Shire Council, employees must not make use of or disclose any confidential information, or divulge any matters concerning the affairs of Council, business dealings or transactions that are confidential.

The Council will respect the confidentiality of information provided in good faith by third parties and use the information for the purpose intended.

The Council will maintain its ethical responsibilities in protecting individuals and their right to anonymity when providing feedback through evaluation processes unless Council is given their express permission to share the information.

Council is governed by the Public Records Act and as such all record keeping policy and procedure is aligned to the mandates and guidance of the Public Records Office Victoria (PROV). All staff must effectively maintain records in accordance with council policy and procedure.

3.7 Council Property, Assets and Resources

Council's assets include property, plant, equipment, information systems, computing resources, goods, products, funds and/or valuables (this includes surplus material, waste material and off-cuts). All employees share the responsibility for looking after them and using them in a lawful manner.

Employees shall be honest when using Council assets. When using Council assets, employees must follow the instructions provided in order to minimise the risk of personal injury or damage to the asset. Employees are also to ensure assets are secured against theft and properly stored, maintained and repaired.

Council assets, property and services of other Council employees are not to be used by employees for personal/private gain. Any employee intending to take Council assets home for work purposes are required to have the authority of their Manager / Supervisor. This also applies to records in accordance with council policy and procedure.

3.7.1 Inventions, Intellectual Property and Copyright

Unless otherwise agreed in writing, all intellectual property including any discovery or invention or secret process or improvement in procedure discovered or made by an employee in the course of their employment and in any way affecting or relating to the Council's business shall be disclosed to the Council and shall remain the Council's property.

Employees must be careful not to infringe the copyright of another person and will acknowledge any copyright and use of material from other sources in any documents or reports, where appropriate.

3.7.2 Contractors and Intellectual Property

Council's standard terms of engagement ensure that, unless specifically exempted, intellectual property generated by consultants or contractors is the property of Council. Where a contractor or consultant is using pre-existing or third party intellectual property in performing its obligations, the terms of the contract must grant Council a licence to use this intellectual property in order to benefit from the outcomes of the contract. For further information on contractual provisions please contact Council's Finance unit.

3.8 Conduct and Behaviour

Cardinia Shire Council does not condone any behaviour that is not consistent with our values or that outlined in the Workplace Behaviour Policy. This includes, and is not limited to, discrimination, bullying, family violence, victimisation and breaches of our other workplace policies.

3.8.1 Social functions and activities

Employees attending Council organised Social functions or such functions held on Council premises or property (including functions coordinated by Councils Staff Social Club) need to be mindful that even if such functions are held outside working hours, the employee is still a representative of Council. Irresponsible or negligent behaviour at these functions can still be subject to Workplace Behaviours Policy and Managing Conduct and Performance Policy.

In addition, obligations under common law and health and safety legislation need to enforce its rules. Employees have a responsibility to maintain good safe behaviour and not engage in bullying or harassment of others whilst attending a function and to keep any alcohol consumption to sensible levels. Employees should also arrange for their safe travel home after the function.

3.8.2 Alcohol and Substance Use

In order to ensure a safe and enjoyable working environment, the Cardinia Shire Council prohibits the improper or inappropriate use of alcohol and illicit substances during work or at other times when it will result in your work being affected or your or other's safety being put at risk.

Employees should consult your pharmacist or doctor for advice if you believe that any prescribed medicines you are taking are likely to affect your work. Those employee operating plant /trucks need to be drug free and have a zero Blood Alcohol Concentration (BAC).

Should a function be held during working hours or at the end of the working day where alcoholic refreshments are provided, a sensible approach to the provision of such drinks both in alcoholic content and quantity will be adopted.

3.8.3 Professional Relationship Boundaries

In any professional relationship employees will endeavour to maintain the highest standard of conduct and behaviour. This includes:

- Being honest, reliable, punctual and true to their word;
- Being committed to the duty of care that professionals have to their clients;
- Being mindful of appropriate levels of personal information sharing;
- Being positive and respectful in their attitudes and expression towards clients and others that they work with;
- Being aware of the potential consequences of socialising outside of the professional relationship with clients and ensure that business related discussion is restricted, and
- Being mindful of professional boundaries around the development of personal relationships with clients or others that they have a professional standing with and/or where there is a power in-balance in the professional relationship.

Employees are required to inform their manager when professional boundaries are being compromised to seek guidance or to give confidence that it does not contravene the standards of professional boundaries.

3.8.4 Social Media

Employees should recognise the potential for damage to be caused (either directly or indirectly) to the Council and other employees in certain circumstances via their personal use of social media when they can be identified as a Cardinia Shire Council employee.

Employees are personally responsible for the content that is published in a personal capacity on any form of social media platform.

Where employee's comments or profile can identify them as a Council employee, employees must not:

- imply that they are authorised to speak as a representative of the Council nor give the impression that the views they express are those of the Council;
- use their Council email address or logos;
- use or disclose any confidential information obtained in their capacity as an employee/contractor of the Council;
- make any comment or post any material that might otherwise cause damage to the Council's reputation or bring it into disrepute;
- post material that is, or might be construed as, threatening, harassing, bullying or discriminatory towards another employee/contractor of the Council, and
- post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order or is otherwise unlawful.

4 Disputes

Disputes or grievances regarding this policy are to be settled pursuant to the Managing Workplace Complaints and Grievances Procedure.

4.1 Recourse for non-compliance

Employees are expected to comply with the Code, the Local Government Act and other Acts and Regulations that specifically apply to them, the activities of Council as well as with State and Commonwealth laws generally.

Breaches or transgressions of this Code and/or the various sections of the Local Government Act can range from minor to very serious in nature. Perceived breaches of this Code by employees should be taken up with the relevant Manager, General Manager or Chief Executive, as appropriate, in the first instance.

The appropriate remedy or course of action will depend on the nature and circumstances of the breach. For minor matters, the remedy may involve counselling or performance management process for the particular employee/s involved. More serious breaches may result in disciplinary action up to and/or including termination of employment. Please refer to Cardinia Shire Council's Managing Conduct and Performance Policy for further information.

The avenues available in relation to perceived breaches of this Code and/or the Act and conduct constituting corrupt or criminal activity include Court injunctions and Court actions, or approaches to the State Ombudsman, Victoria Police or Department of Transport, Planning and Local Infrastructure. The particular circumstances of a matter will dictate the appropriate course of action.

In relation to "improper conduct" (corruption or criminal activity) where the person making the disclosure (allegation) believes that they need protection from potential reprisals as a result of them making the disclosure, the Protected Disclosure Act 2012 (Vic) is an option to be considered.

Council is committed to the implementation of the Protected Disclosure Act 2012 (Vic) and has developed Protected Disclosure Policy. The Manager Governance is the appointed Protected Disclosure Coordinator for Cardinia Shire Council.

5 Related documents

Type of document	Title and/or HPRM reference
Commonwealth/Victorian legislation	<i>Local Government Act 1989 (Vic)</i> <i>Protected Disclosure Act 2012 (Vic)</i>
Policies	Workplace Behaviours Policy Protected Disclosure Policy Occupational Health and Safety Policy Recruitment and Selection Policy Councillor and Staff Relationships Policy Managing Conduct and Performance Policy
Strategies	Gender Equity Framework
Guidelines	Recruitment and Selection Guidelines
Procedures	Managing Workplace Complaints and Grievances Procedure OHS Management Procedures

6 Glossary of terms

Term	Definition
Confidential Information	<p>“Confidential Information” means information concerning the Council, any company related to the Council or the business or financial arrangements of the Council passing from the Council to an employee including but not limited to:</p> <ul style="list-style-type: none"> • trade secrets, know how, ideas, concepts, designs, technology, manufacturing processes, industrial knowledge and other business and financial information; • the position of the Council on any confidential matter; • any of the dealings, transactions or affairs of the Council, other than those which are in the public domain; • any other information which, if published, may be detrimental to the interests of the Council; and • any trade secret or information relating to any other person, body or organisation which has been provided to or which is held by the Council on a confidential basis.
Employee	For the purpose of this policy, an employee includes persons either paid or unpaid (e.g. volunteers, student on work placement), contractors and agency staff whilst engaged to conduct work on behalf of and for Cardinia Shire Council.
Entertainment	<p>Entertainment includes (but is not limited to) the provision or the promise of the provision of:</p> <ul style="list-style-type: none"> • free or heavily discounted entertainment and/or use of facilities - (including accommodation, travel and entry to sporting /cultural/entertainment events); or • free or heavily discounted meals, drinks and the like.
Gifts	<p>Gifts include (but are not limited to) the provision or the promise of the provision of:</p> <ul style="list-style-type: none"> • Goods and services made available to the recipient for free or at heavily discounted prices; or • Property purchased at a significant discount or extended use of real estate, vehicles or other significant assets; or • Offer and/or loans of money or transfers of money. <p>Gifts also include the above if received by a relative or someone else with whom the employee has a direct association. The term does not include any gift that is offered but not accepted and any gift that has a retail value of \$15.00 or less.</p>
Intellectual property	Intellectual property refers to ownership of intangible and non-physical goods that are creations of the mind. This includes ideas, names, designs, symbols, artwork, writings, and other creations. It also refers to digital media, such as audio and video clips that can be downloaded online.
Leader	An employee would be appointed in a Manager, Team Leader or Coordinator position or someone who supervises or manages an employee or group of employees.
Social Media	Websites and applications used for social networking such as (but not limited to) Facebook, LinkedIn, Twitter, Instagram, MySpace, Yammer, YouTube and Pinterest.

Workplace	Workplace is defined in the legislation to extend beyond the physical boundaries of the workplace to require Cardinia Shire Council to ensure the safety of all employees in all aspects of the conduct of Council's business, even if that conduct occurs outside the place at which Council business is conducted.
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