

# Procurement - Supplier Code of Conduct

April 2021

Hepburn Shire Council is committed to ethical, sustainable and socially responsible procurement and we expect the same high standards of our Suppliers. We view our Suppliers as partners and we care about the way they do business when providing goods, services, or works to Council.

The Supplier Code of Conduct (Code) describes the minimum expectations in the areas of:

- integrity, ethics and conduct;
- conflict of interest;
- gifts, benefits and hospitality;
- corporate governance;
- labour and human rights;
- health and safety; and
- environmental management.

Suppliers to the Council are advised to review the Code and ensure that relevant areas of their business and supply chain meet these standards.

## Application of this Code

Council seeks to work with its Suppliers to meet and exceed minimum expectations as outlined in this Code and continuously strives to improve the standard of its business practices. By Supplier, the Council means any entity that supplies goods, services or works to Council. Where the Code refers to workers, it includes employees, contractors, agency and temporary staff of the Supplier and its related entities.

Where the Code refers to the law it means the laws in the jurisdiction that apply where the goods are procured, or services are performed, or works are undertaken. Fundamental to this Code is an expectation that all Suppliers operate in full compliance with all laws, rules and regulations of the jurisdictions in which they do business.

The expectations outlined in the Code are not intended to supersede or alter the Supplier's regulatory and contractual obligations. The Council expects all existing and new Suppliers to commit to the Code. Suppliers should check their respective contracts, agreements and purchase orders as they may contain additional obligations or higher standards than those set out in this code.

The Council expects Suppliers to communicate the Code to their related entities, Suppliers and subcontractors who support them in supplying goods and services to the Council, so that they are aware of, understand and comply with the Code.

### **Reporting misconduct, unethical behaviour or suspected corruption**

If a Supplier considers that another Supplier has deviated from or breached their obligations under this Code or that a Council employee has breached Council's Code of Conduct, it is expected to report these concerns to:

- in relation to other Suppliers, the relevant department Manager, the Procurement manager, or if there is no such appointed person then either the appointed manager under the contract or the primary Council contact in relation to the goods, services or works being provided;
- in relation to Council personnel breaching Council's Code of Conduct or in relation to allegations of misconduct of Council personnel, the relevant public body head or the Independent broad-based Anti-corruption Commission; or
- in relation to allegations of suspected corruption involving Suppliers or Council personnel, to the Independent Broad-based Anti-corruption Commission.

### **Corrective action process**

Suppliers are expected to self-assess their compliance with the Code and take timely action to correct any deficiencies or breaches reported or identified by an audit, assessment, inspection, investigation or review. Suppliers are encouraged to raise any concerns, discuss and seek clarification accordingly to any elements of the Code with the relevant department or Manager, Procurement, or if there is no such appointed person then the Contract Manager under their contract or the primary Council contact in relation to the goods, services or works they are providing.

If requested by Council, Suppliers must provide evidence and confirmation of their compliance with the Code, including the provision of documents and records that support their compliance. Suppliers are expected to support the Council in reviewing compliance with the Code.

## **A. Integrity, ethics and conduct**

The Council expects high standards of ethical conduct and compliance with all applicable laws. Suppliers are expected to be ethical in their business activities, including relationships, practices, sourcing and operations.

### **Business integrity**

Suppliers are expected to comply with all anti-bribery, anti-corruption, anti-money laundering, and modern slavery laws. Suppliers must not engage in, either directly or indirectly, fraudulent, corrupt, exploitative or collusive activities.

### **Record keeping and documentation**

Suppliers are expected to maintain adequate records that accurately record all financial transactions and information regarding its business activities, labour, health and safety and environmental practices in accordance with applicable laws, policies and procedures. Disclosure of information is expected to be undertaken without falsification or misrepresentation.

### **Professional conduct**

Suppliers are expected to conduct themselves in a manner that is fair, professional and that will not bring the Council into disrepute.

### **Confidentiality**

Suppliers must not improperly use any private, confidential or commercially sensitive information in its possession relating to or in connection with its dealings with the Council.

## Codes of Conduct for Council employees

The Council's Code of Conduct describes the behaviours that exemplify the Council values contained in its Code of Conduct in accordance with section 95, 95A of the Local Government Act 1989. The Council Code of Conduct applies to and is binding on all council employees, and a contravention may constitute misconduct.

## B. Conflict of interest; gifts, benefits and hospitality

The Council believes that all business activities should be undertaken with impartiality and any conflict of interest should be raised and managed.

### Conflict of interest

Suppliers must:

- notify the Council's Chief Executive Officer or anyone acting in that capacity (and where there is no such appointed person then either the relevant department or Manager, Procurement or appointed Contract Manager under the contract or the primary Council contact in relation to the goods, services or works being provided), any situation that raises an actual, potential or perceived conflict of interest related to or in connection with its dealings with the Council; and
- avoid financial, business or other relationships which may compromise the performance of their duties under their business arrangement with the State. Under Council's Code of Conduct, employees are expected to avoid actual, perceived and potential conflicts of interest wherever possible. Any conflicts of interest that cannot be avoided are expected to be declared and managed appropriately.

### Gifts, benefits and hospitality

- Council personnel must conduct themselves with the highest standards of integrity, impartiality and accountability; and perform public duties without favouritism, bias or for personal gain. The appropriate handling of offers of gifts, benefits and hospitality is critical to earning and sustaining public trust.
- Suppliers should not offer Council personnel gifts or benefits, either directly or indirectly, and offers of hospitality will be limited to those acceptable under the council gift policy or take any action in order to entice or obtain any unfair or improper advantage.

## C. Corporate governance

Commitment to sound management administration, risk and corrective action systems, are key to a reliable supply chain for Council. Suppliers are expected to maintain sound administration processes.

### Risk assessment and management

Suppliers should develop and maintain a process to identify, manage and control relevant risks associated with its operations. These include supply chain risks and risks relating to labour and human rights, health and safety, the environment, business ethics, and corporate governance.

### Critical incident management

Suppliers should:

- identify and assess potential critical incidents, emergency situations and business continuity risks; and
- develop and implement emergency plans and response procedures that minimise harm to life, environment and property, while minimising disruption to business continuity.

### Audits and assessments

To ensure compliance with this Code and the applicable laws, Suppliers are expected to:

- perform periodic evaluations of their facilities and operations, and the facilities and operations of their subcontractors; and
- cooperate openly and honestly with any Council audit, assessment or review.

## D. Labour and human rights

Council believes that all workers in its supply chain deserve to be treated with dignity and respect. Suppliers are expected to provide a fair and ethical workplace, which upholds high standards of human rights and integrates appropriate labour and human rights policies and practices into its business.

### Anti-discrimination

Subject to applicable laws, Suppliers are expected not to discriminate against any worker based on age, disability, ethnicity, gender, marital status, political affiliation, race, religion, sexual orientation, gender identity, union membership, or any other status protected by law, in hiring and other employment practices.

### Anti-harassment

Suppliers are expected to commit to a workplace free from workplace bullying, harassment, victimisation and abuse. Suppliers are expected not to bully workers or threaten workers with, or subject them to, unlawful or inhumane treatment. This includes, but is not limited to, abuse and harassment which can be verbal, physical, sexual or psychological.

### Human rights

Suppliers are expected to provide goods and services in a manner consistent with any applicable human rights obligations.

Consistent with relevant modern slavery legislation, Suppliers are expected to proactively identify, address and – where required by legislation – report on risks of modern slavery practices (defined broadly to include all forms of human trafficking, forced labour and slavery-like practices) in their business operations and supply chains.

### Prevention of involuntary and underage labour

Suppliers are expected to:

- ensure that all work is undertaken without coercion; not use any form of forced, bonded or indentured labour; and employ only workers who are the applicable minimum legal age.

All use of temporary and outsourced labour should be within the limits of the law. Suppliers are therefore expected to:

- use all reasonable endeavours to ensure that the third-party recruitment agencies it uses are compliant with the provisions of this Code and applicable law; and

be responsible for payment of all recruitment-related fees and expenses in recruiting foreign contract workers either directly or through third party agencies.

### Working hours, wages and benefits

Suppliers must:

- follow all applicable laws and regulations with respect to wages, working hours and workers compensation insurance;
- ensure that all workers receive their legally mandated minimum wages, benefits, superannuation, leave entitlements and time off for legally recognised holidays; and
- pay workers' wages as required under applicable laws in a timely manner and not be expected to use wage deductions as a disciplinary measure. All overtime is expected to be reasonable and paid at the rate and in accordance with the applicable laws.

### Freedom of association and collective bargaining

Suppliers are expected to freely allow workers to associate with others, form and join (or refrain from joining) industrial organisations or associations of their choice and bargain collectively, or engage in any lawful industrial activity without interference, discrimination, retaliation or harassment.

## E. Health and safety

Worker health, safety and well-being is important to Council. Suppliers are expected to provide a healthy and safe work environment and integrate sound health and safety management practices into its business.

### Workplace health and safety management

Suppliers must comply with all applicable laws relating to workplace health and safety.

Suppliers are expected to:

- manage occupational health and safety hazards; and
- provide workers with job-related training and consult with employees in relation to the provision of information and training.

## F. Environmental management

The Council is committed to promoting environmental responsibility. Suppliers are expected to minimise the environmental impact of their operations and maintain environmentally responsible policies and practices.

### Environmental impacts

Suppliers must comply with all applicable laws and regulations relating to the environment, including any management and reporting obligations. Suppliers are expected to manage the environmental impact of their operations by:

- ensuring the safe storage, transportation and disposal of high-risk and hazardous materials and substances including combustible recyclable and waste materials and hazardous waste;
- maintaining policies and practices for the efficient use of energy, water and natural resource consumption; and
- maintaining policies and practices that reduce the risk of pollution, loss of biodiversity, deforestation, damage to ecosystems and greenhouse gas emissions

Authorised by Local Government Victoria

Department of Jobs, Precincts and Regions  
1 Spring Street Melbourne Victoria 3000  
Telephone (03) 9651 9999

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