

**POLICY 57**

**EMPLOYEE CODE OF CONDUCT**

**DATE AMENDED:** June 2013

**DATE OF NEXT REVIEW:** June 2016

**DATE ADOPTED:** June 2013

**REFERENCES:**

- *Local Government Act (Vic) 1989*
- *Fair Work Act 2009*
- *Information Privacy Act 2000 (Vic)*
- *Protected Disclosure Act 2012*
- *Hepburn Shire Council Enterprise Agreement*
- *Policy 3 (O) – Motor Vehicle*
- *Policy 24 (C) – Risk Management Policy & Framework*
- *Policy 30 (C) – Information Privacy*
- *Policy 33 (C) – Respectful Behaviours*
- *Policy 37 (C) – Councillor Staff Relationship*
- *Policy 39 (C) – Access and Inclusion*
- *Policy 41 (O) – Internet and Email Usage*
- *Policy 45 (C) – Fraud Prevention and Action*
- *Policy 46 (C) – Procurement*
- *Policy 49 (C) – Our Commitment to the Human Rights Charter*
- *Policy 51(O) – Acceptance of Gifts, Hospitality and Other Gratuities by Employees*
- *Policy 64 (C) – Complaints Handling*
- *Policy 68 (O) – Staff Performance Review & Development Program*
- *Policy 69 (O) – Employee Discipline*

**Signed:**



**AARON VAN EGMOND**  
Chief Executive Officer

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## **1. Introduction:**

Council is committed to effectively using its resources to provide best value services and amenities to its community, which comprises residents, rate payers, visitors and other stakeholders. The obligations and principles supporting Council's operations are contained in legislation and other documentation such as strategic and financial plans.

This Code of Conduct (the Code) is not only about how we present ourselves to the community but also applies to how we interact with our colleagues and Councillors, and the standards of behaviour that we can expect from each other.

To do our best work, we need to focus on what we do and do it well. We must make good decisions supported by solid ethical behaviours and attitudes. Our community must trust and respect us and be confident that at all times, we will act in Council's best interests. Our employees need to care about themselves, their colleagues and the community, fostering a vibrant, creative, healthy and resilient working environment.

## **2. Objectives of this Code:**

To ensure that Hepburn Shire Council complies with all statutory obligations, in particular, the Victorian Local Government Act 1989 Conduct Principles. These principles require Council staff, in the conduct of their employment to:-

- Act impartially
- Act with integrity including avoiding conflicts of interest
- Accept accountability for results, and
- Provide responsive service.

## **3. Scope**

This Code applies to all Hepburn Shire Council employees (permanent, temporary, casual, volunteers and contractors) during working hours and at other times including (but not limited to) work functions and while participating in community activities and meetings. Misconduct at work and in public is unacceptable and all employees, volunteers and contractors must comply with this Code at all times unless otherwise indicated in the Code.

Council also operates within the requirements of relevant legislation, policies and procedures and these must also be complied with at all times by all employees, volunteers and contractors. Where there is a conflict between these and this Code, guidance should be sought from a General Manager or responsible Manager.

#### 4. **Staff Values and Expected Standards of Behaviour:**

The employees at Hepburn Shire Council play a significant role in the organisation's ability to achieve its strategic and operational goals. All employees at Hepburn Shire Council are expected to provide the highest standards of performance, adhere to our Values and demonstrate acceptable standards of behaviour to ensure that Council achieves its organisational objectives, maintains professional integrity and protects its image.

##### Accountability:

***Accountability at Hepburn means that we will be responsible for our choices and we will acknowledge and learn from our mistakes.***

The way we work is to:

- ensure any project or task that we are responsible for will be kept within appropriate timeframes and within budget.
- undertake to answer and follow through emails and telephone calls promptly and politely.
- personally adopt time management skills that result in us attending work on time and keeping scheduled appointments.
- through the annual Performance Plan, Position Description and other relevant Council policies and procedures, understand the objectives of our role and be accountable for our performance and the results we achieve in our role.
- Managers are accountable for ensuring that encouragement, support and training and development opportunities are provided to enable staff to achieve the objectives of their role.
- attend work in a work ready state, for example: not suffering the effects of alcohol or other substances, legal or otherwise.
- comply with any reasonable and lawful instruction given by any person at work who has the authority to do so.
- apply ourselves solely to the performance of our duties and responsibilities while we are at work
- meet performance standards and objectives as agreed between our self and our manager.
- ensure a safe and productive environment, free from discrimination, victimisation, harassment and bullying.

##### Respect:

***Respect at Hepburn means that we will accept people's differences, look for the best in people and value their contribution, and treat everyone with respect and dignity.***

The way we work is to:

- treat everyone including employees and members of the community and general public with respect, dignity and courtesy taking into account language, cultural traditions, socio-economic backgrounds, education levels and capabilities.

- respect others opinions even if they differ from our own.
- refrain from expressing personal opinions on political, religious and other matters of a sensitive nature.
- speak and behave appropriately without using racial or religious jokes or slurs, sexual innuendos or any other conduct which may be intimidating or offensive.
- refrain from misconduct in public or making statements which may discredit Council or intentionally bring Council's reputation into disrepute.
- deliver services and programs, and act in a manner that is consistent with the Charter of Human Rights.
- when organising meetings, consider meeting purpose, attendees required and time allocated.
- when attending meetings, arrive on time and be prepared, turn mobile phones off or switch to silent, and contribute to discussion.
- advise meeting organisers well in advance if unable to attend meetings or training sessions.

#### Excellence:

***Excellence at Hepburn means that we will perform to our best ability, commit to learning and growing, and strive to achieve the organisation's long term vision.***

The way we work is to:

- understand and apply all Council policies and procedures and seek to role model these for other staff.
- attend and participate in training, development and continuous improvement opportunities.
- maintain reasonable standards of personal cleanliness and appearance, including dressing appropriately with clean and undamaged clothing.
- wear a uniform in accordance with Council requirements (where one is provided).
- wear name badges or photo identification (where issued) when dealing with external customers, carrying out Council activities in a public environment or when representing Council on official Council business.
- not chew gum, lollies or other foods while attending to any member of the public.

#### Trust:

***Trust at Hepburn means that we will encourage creativity and innovation, value everyone's contribution, lead by example and act honestly.***

The way we work is to:

- be reliable and avoid unplanned absenteeism.
- advise our direct Supervisor as soon as possible of any unplanned absences, i.e. sick leave, personal carers leave.
- disclose knowledge of dishonest behaviour in the workplace and report any unusual transactions or irregular behavior which may put Council's reputation at risk.

- understand and comply with the requirements of Council's Policy 45 – *Fraud Prevention and Action* at all times.
- behave honestly and not co-operate with or protect others who are suspected of behaving fraudulently.
- ensure timesheets accurately reflect fortnight worked and absences.
- report any suspected fraudulent behaviour to their General Manager or in accordance with the *Protected Disclosure Act 2012*.

#### Fun:

***Fun at Hepburn means that we will acknowledge and celebrate our successes, get involved and promote a healthy sense of humour.***

The way we work is to:

- let others know when they have done a good job.
- motivate, support and encourage each other in achieving our goals.
- willingly share information and expertise with our colleagues and other teams.
- work as part of a team and be willing to pitch in and help.
- celebrate successes in a professional manner that encourages inclusiveness and team spirit.

#### Alcohol and Drugs:

The way we work is to:

- prohibit the improper or inappropriate use of alcohol and illicit substances.
- not induce colleagues or others at the workplace to gamble, consume alcohol, tobacco or illegal substances.
- disclose the use of prescribed drugs which may affect personal performance or safety.
- not smoke in any Council vehicles, Council buildings or in the immediate vicinity of entrances to Council buildings.

#### Council Equipment, Assets and Property:

The way we work is to:

- care for and use all Council property, equipment, assets and vehicles appropriately and do not lend, borrow, give away or sell Council property unless authorised by a General Manager.
- maintain Council vehicles in accordance with Policy 3 - *Motor Vehicles*.
- avoid deliberate misuse of Council equipment, assets, materials, intellectual property or the services of other Council employees.
- avoid using Council equipment or materials for personal commercial gain; or on improvements to personal property.
- use instructions provided when using Council equipment to avoid personal injury and/or the incursion of unreasonable maintenance and replacement costs. Report any damaged or dangerous equipment immediately to a Supervisor.

- return all Council property and equipment upon termination of employment.
- avoid copying unauthorised computer software programs protected by copyright.
- refrain from using Council letterhead paper or postage when corresponding on personal or other matters not directly related to the Council.
- avoid unauthorised use of Council's logo;
- avoid falsifying, manipulating or destroying business records;

#### Ethical Decision Making:

***Ethical decision making at Hepburn means that our decisions are transparent, logical, diligent and prudent. Conflicts of interest mean if an employee has a direct or indirect interest in a matter whether pecuniary (financial) or non-pecuniary and are likely to gain personally.***

The way we work is to:

- identify and manage real and perceived conflicts of interest. The CEO, senior officers and officers exercising delegated functions, must declare all conflicts of interest in accordance with the *Local Government Act* (Vic) 1989 Sections 77, 78, 79, 80B and 81.
- work within delegations and exercise powers carefully in accordance with legislation and policy.
- be apolitical and unbiased when making decisions, observing the principles of equal opportunity and anti-discrimination legislation.
- act fairly and in good faith, without undue influence or personal prejudices.
- understand and comply with the requirements of Council's Policy 51 – *Acceptance of Gifts, Hospitality and Other Gratuities by Employees* at all times.
- take into account the provisions of any relevant legislation and regulations and Council policies and procedures.
- consider all known facts, use data and consult with people who may be affected by our decisions and take their feedback into consideration before making decisions.

#### Interacting with Councillors:

***Council is the operational mechanism by which Councillors as the elected representatives of the community carry out their responsibilities. The Chief Executive Officer is appointed by the Councillors to manage Council business on their behalf. This includes responsibility for the management, performance and direction of all employees.***

***All requests from Councillors for information must be directed to the CEO, the relevant General Manager or Manager, or the Personal Assistant to the CEO.***

Employees must not :

- accept instruction or direction from Councillors in relation to their professional duties.

- directly or indirectly approach Councillors in regard to their duties as an employee or any matters of a personal nature unless it is in their capacity as a constituent of the Shire.
- lobby Councillors or use personal influence to gain advantage for themselves or others.
- publicly criticise Councillors.

Employees will:

- refer any requests for information by Councillors to the CEO, the relevant General Manager, Manager or Personal Assistant to the CEO.
- be responsive to requests from Councillors for information and professional advice required to carry out their role.
- provide professional advice and then accept and implement the decisions of Council.

Managing Information:

***Employees at Hepburn may have access to personal or commercial information relating to staff members, the public or the financial operations of Council. This information must only be used for Council purposes and should remain secure and confidential. In addition to the commonly accepted definitions of confidential information, other specific designations include situations referred to under the Local Government Act 5.77(2)(a)(b)(c) subject to Section 89.***

The way we work is to:

- maintain confidentiality and avoid unauthorised disclosure of Council information (for example: financial and rate payer data, individual service arrangements, contractual arrangements, buying terms, suppliers, employee benefits, salaries and conditions)
- not provide unauthorised commentary or information to the public domain including media, online, social media, at public gatherings
- avoid using Council information to gain improper advantage for yourself or any other person.
- not use Council information in any way which may cause harm or detriment to any person, group or organisation.
- ensure employees who leave Council's employment do not take any Council hardcopy or softcopy data or information with them and must return all information technology hardware and software on or before their final day.
- maintain confidentiality following termination of employment.
- secure all confidential information, not retain own copies of Council information and must not take information off site unless they are authorised to do so.
- not disclose or use confidential information except in the proper course of duties. If a recognised law enforcement agency or other Government or judicial body directly approaches an employee for information, they must be referred to the CEO.
- not use email and internet facilities at work to access inappropriate material.

- comply with the *Information Privacy Act 2000* which regulates the management, collection, use and disclosure of “personal information”.

#### Personal Associations:

***Personal associations at Hepburn means family members, friends and personal associates.***

The way we work is to:

- not discuss personal business of those who receive services from Council or have business with Council.
- conduct personal relationships with work colleagues discretely and appropriately .
- refrain from participating in Council decision making that may affect relatives, friends or personal associates.
- refrain from participating in recruitment events where an employee’s family or friend is a candidate for the position.
- not take advantage of our position to improperly influence Councillors or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or any other person or body.
- not expect preferential treatment as an employee, or exert any pressure or use influence to gain such treatment.

#### Responsiveness:

***Responsiveness at Hepburn means to respond to all customers, staff, suppliers and Councillors in a prompt and courteous manner.***

The way we work is to:

- be responsive and accountable to internal and external requests in a reasonable timeframe, or as specified in organisational service standards (to be developed)
- communicate with the person as soon as possible if an employee is unable to address a request, and refer the matter to another person in Council to ensure that it is dealt with in a timely fashion.

#### Secondary Employment and Other Interests:

***Secondary employment or other interests such as business or commercial interests mean working directly for, or delivering services to (paid or voluntary) a commercial business owned and operated by someone other than Council, managing a business, holding directorships of businesses or being an office holder of community organisations.***

The way we work is to:

- seek approval from the Chief Executive Officer to undertake secondary employment or other interests where an employee might be perceived to have a conflict of interest that could impact on Council.
- demonstrate that no conflicts of interest apply before seeking approval.

### Value for Money:

***Value for money at Hepburn means gaining the best possible outcome for Council's expenditure which includes the required quality, best over life result and competitive pricing having consideration for the environment.***

The way we work is to:

- be responsible for supporting value for money in normal day to day actions to ensure the purchase of and use of Council goods or equipment is appropriate and efficient, and wastage is always minimised.
- protect revenue and work in accordance with Council's Policy 45 - *Fraud Prevention and Action*.

### Workplaces:

***Workplaces at Hepburn mean all places of work including offices, depots, meeting rooms, vehicles, client homes.***

The way we work is to:

- not store or distribute offensive or inappropriate material (such as pornography, depictions of extreme violence, racial or other vilification or hatred) at work.
- prohibit the possession of dangerous weapons in all workplaces.
- prohibit gambling at the workplace or use Council resources such as computers or telephones to gamble (exceptions include organised events such as Cup Sweeps, Footy tipping or similar sanctioned activities).
- ensure customer service centres are maintained in a neat, friendly and informative manner which is conducive to quality customer service.
- ensure depots are adequately secured and maintained in a tidy manner that minimises risks to health and safety of all persons.
- ensure offices are treated as professional places of business, with respect and courtesy given to other users.
- ensure workstations are maintained in a clean, tidy and organised manner, free from excessive files and in a safe condition.
- ensure meeting rooms are left in a neat and tidy manner by the Meeting Organiser as soon as possible following the conclusion of the meeting.

## **5. Breaches of the Code:**

Hepburn Shire Council is committed to the standards set out in this Code. Compliance with this Code is compulsory, with any breaches resulting in counselling or disciplinary action appropriate to the nature of the breach and in accordance with the relevant provisions of Council's Enterprise Agreement, employment and other relevant legislation, and Council policies and procedures. Where appropriate, cases of gross or serious misconduct may result in summary dismissal or be referred to the police to determine whether a criminal offence has been committed. Serious misconduct includes but is not limited to:-

- Violation of criminal laws including (but not limited to) assault, theft, fraud, criminal negligence, intentional damage or misuse of Council equipment, sexual harassment, indecent conduct, possession, use or trafficking of illegal drugs or other substances of dependence.
- Engaging in conduct endangering the safety and well-being of self, staff, customers, visitors or other persons.
- Misconduct in public, making statements which may discredit Council or intentionally bringing Council's reputation into disrepute.
- Insubordination or abuse of supervision.
- Serious and deliberate breaches of Council's Code of Conduct or policies.

Deliberate misrepresentation of facts or lying about the behaviour of another individual in relation to this Code could have serious repercussions for the subject of the complaint and the person who makes the false accusation. Any vexatious complaints will be considered a serious breach of this Code and dealt with appropriately.

All incidents of fraud will be investigated and where appropriate, reported to the police who will determine whether a criminal offence has been committed. Where appropriate, civil proceedings may be initiated to seek recovery of financial losses. Employees suspected of fraud will be suspended pending investigation and will be summarily dismissed following successful prosecution. Those who co-operate with proven offenders will also face disciplinary action.

Further, any person aware of a breach of this Code should not take matters into their own hands by attempting to investigate the matter by obtaining evidence or discussing it with other parties, even if they are connected to Council. They must instead report it to Council either directly through their line manager, a General Manager, the Manager Human Resources or to the Protected Disclosure Officer. Confidentiality and protection are guaranteed under the *Protected Disclosure Act 2012*.

## **6. Implementation and Review:**

All staff will receive a briefing and a copy of the Employee Code of Conduct following adoption by EMT. New staff will receive a briefing on the Code of Conduct from the Human Resources Department as part of their induction. It is the responsibility of the engaging Council officer to ensure Volunteers and Contractors engaged by Council are briefed on the Code of Conduct.

A copy of the Employee Code of Conduct will be placed on the Hepburn Shire Council Intranet.

A review of this policy shall occur at least once every three years or more frequently as determined by the CEO.