

MANAGEMENT POLICY

Code of Conduct	Document no:	MPL555.0.20
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1. PURPOSE

The purpose of this Code of Conduct policy is to ensure all workplace participants are clear about their responsibilities and accountabilities. The City of Greater Geelong requires all workplace participants to conduct themselves in a manner which enhances public confidence in local government.

2. SCOPE

- 2.1 This Code of Conduct applies to the City of Greater Geelong Chief Executive Officer (CEO) and all employees, trainees, apprentices, temporary personnel, student placements and volunteers. It also applies to Councillors, service providers, contractors, consultants, representatives and agents who act on behalf of the City of Greater Geelong.
- 2.2 This Code of Conduct applies to all workplace and work related situations, as well as environments where workplace participants are representing the City of Greater Geelong or can be aligned with the organisation outside of normal work hours, including at external public events, via social media or when engaging with the media.

3. DEFINITIONS

- protected disclosure - to make a confidential complaint and to receive protection if a person has reasonable grounds to believe a workplace participant or Councillor is engaging in corrupt or improper conduct; the complainant must raise a matter involving a workplace participant with the Protected Disclosure Coordinator (PDC) and if the PDC confirms the complaint falls under *The Protected Disclosure Act 2012*, the matter will be referred to the Independent Broad-based Anti-corruption Commission (IBAC) to investigate. The method of making a disclosure in relation to a Councillor is to contact the Victorian Ombudsman or IBAC.
- to treat with dignity - to engage with self-control; to listen actively and treat others with civil and sound regard and to participate in a professional manner acknowledging an individual's merit and worth

to treat with respect - to extend consideration, empathy and thoughtfulness; to be well mannered and courteous; to acknowledge and value diversity and to engage in a safe, fair and equitable manner

workplace participant - the CEO, all employees, trainees, apprentices, temporary personnel, student placements and volunteers, service providers, contractors, consultants, representatives and agents when acting on behalf of the City of Greater Geelong; Councillors are also viewed as workplace participants given the nature of their workplace involvement. In addition, Councillors have their own specific Code of Conduct.

4. MANAGEMENT POLICY

All workplace participants are to present and conduct themselves in a manner that is professional, ethical and responsible, as well as operate in line with the organisation's Values. Further, all workplace participants need to recognise that they have Positive Duty responsibilities, and must also ensure that they treat all colleagues, persons known to them through work and members of the public with dignity and respect.

Workplace participants are personally accountable for their own conduct. In addition those who oversee others must inform all of the people they oversee about acceptable and unacceptable behaviour and ensure to the fullest extent possible adherence to this Code of Conduct. Irrespective of role or responsibility workplace participants must not allow, permit, aid, encourage, foster, reward, incite or instruct any form of unacceptable behaviour.

4.1 City of Greater Geelong Values

- Respect and Encourage Each Other
- Embrace New Ideas and Better Ways to Work
- Create a Healthy and Safe Environment for All
- Make People the Centre of our Business

The four Values prioritise people, enabling all workplace participants to achieve their potential while working together for a thriving community. They provide a clear operational framework, irrespective of role and responsibilities. It is incumbent upon all workplace participants to align their conduct with the Values ensuring that workplace and work related behaviour is always appropriate, positive and productive.

4.2 Positive Duty

Everyone has Positive Duty responsibilities that require them to proactively ensure all workplace participants, persons known to them through work and members of the public are not placed at any potential or real risk of unacceptable conduct or harm. The concept of Positive Duty at the City of Greater Geelong requires all workplace participants to contemplate and make a personal assessment about how their behaviour and decisions can impact others, before communicating, decision making and taking action.

Positive Duty also requires the adoption of a pre-emptive and astute approach regarding 'how' to engage and 'why' we are engaging with others. Continuous assessment of the 'how' and 'why' can prevent unacceptable behaviour and ensure

the rights of others are not compromised. The organisation expects all workplace participants to reflect upon the nature of their own behaviour, as it is experienced by others, and to be able to provide an assurance that they have acted in an honest, fair and reasonable manner at all times.

Positive Duty places an onus on every workplace participant to raise issues of concern, be they new or emerging issues, or matters of unacceptable conduct about which there is knowledge. Issues should be raised in a timely and appropriate manner, ensuring daily application and compliance with all organisational policies.

4.3 Behavioural Requirements

The following list, while not exhaustive, details the behavioural requirements of all workplace participants

- deliver effective and efficient services in a professional manner,
- avoid public criticism of other workplace participants, including contractors, consultants, service providers, representatives, and agents who act on behalf of the City of Greater Geelong,
- avoid public criticism of Councillors,
- treat confidential items and confidential discussions on Council business with the strictest of confidence,
- respect and maintain the privacy of workplace participants, Councillors and members of the public,
- declare any gifts or gratuities in line with the relevant policy,
- provide exemplary customer service,
- be environmentally responsible,
- act in accordance with equal opportunity and OH&S legislation and other Acts and Regulations that apply to the role,
- observe the correct lines of responsibility,
- be impartial in reaching decisions,
- be accountable for all interactions, decisions and use of resources,
- make decisions consistent with designated delegations and ensure all direct and/or indirect conflicts of interest are disclosed and appropriately recorded,
- understand and be astute to perceived conflicts of interest,
- adhere to professional and appropriate presentation and grooming standards,
- wear personal protective equipment and clothing as prescribed by the organisation and relevant policies,
- carry out reasonable requests and fulfil all lawful instructions, and
- treat all workplace participants, persons known to you through work and members of the public with dignity and respect, refraining from discourteous, abusive or offensive behaviour.

4.4 Conflicts of Interest

All workplace participants are subject to conflict of interest rules if they are exercising powers of the Council or the CEO directly, or under delegation, as well as if they are members of Committees or when providing advice to Council or Special Committees. A person is considered to have a conflict of interest where they have a **direct interest** or one or more of the six types of **indirect interest**.

A person does not have a conflict if their interests are so remote that they could not reasonably be regarded as capable of influencing the decision, or if their interests are simply held in common with other residents, ratepayers or voters.

In general terms, a person has a conflict of interest if they have a direct interest in a matter, irrespective of whether 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:

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

In the event that a conflict exists, workplace participants must disclose, in writing, the relevant conflict to the CEO, or the relevant manager if not required to be lodged with the CEO. When providing advice or a report to a meeting of Council, a Special Committee, a Committee or a meeting where a decision could be influenced, workplace participants must disclose any direct or indirect interest / conflict of interest, in the matter.

A matter must be lodged with the CEO if the workplace participant is providing advice or a report to a meeting of Council or to a Special Committee or Committee. All disclosures are to be recorded by the CEO or the relevant manager, irrespective of the level at which they are made.

4.5 Perceived and Potential Conflicts of Interest

It is essential, in the interests of good governance and sound community relationships that all workplace participants understand and are responsive to perceived conflicts of interest and potential conflicts of interest. In each case and depending on the circumstances, the workplace participant should be proactive and discuss the matter with the CEO or relevant senior manager. A record of the notification and any resultant strategy should be recorded.

A **potential** conflict of interest is one that may arise in the future, about which the workplace participant has some prior knowledge. A **perceived** conflict of interest is where a third party such as another workplace participant, a community member or a business owner, could reasonably form the view that a conflict exists and the workplace participant's private interests could improperly influence their actions and how they go about their duties in the immediate or longer term.

4.6 Promotion of this Code of Conduct

It is management's responsibility to promote and enforce this Code of Conduct organisation wide, utilising all available avenues including the Staff Relations Consultative Committee, Health & Safety Representatives and union delegates, to ensure all workplace participants are aware of their obligations and understand that they will be held accountable for their own behaviour.

This Code of Conduct is to be communicated via the following methods

- corporate induction,
- contract letter of offer or engagement documentation,
- departmental on-boarding,
- access to policies via the intranet (cityweb),
- departmental meetings,
- various committee meetings
- performance review sessions,
- organisational training sessions, and
- other modes of knowledge growth.

4.7 Code of Conduct Breaches

Where there is a breach of this Code of Conduct, the relevant parties will be held accountable and be subjected to disciplinary action in line with the seriousness of the proven breach. This action may take the form of counselling, various types of warning, or dismissal.

4.8 Reporting Concerns

Every individual has a Positive Duty to speak up in a timely and appropriate manner, if concerned or they have knowledge that a workplace participant, person known to them through work, or a member of the public has been treated in an unacceptable manner, placed at risk, or harmed.

Alleged breaches of this Code of Conduct should be reported to the immediate manager or supervisor unless the breach pertains to that person, in which case the matter should be reported to the next most senior person. Alternatively, and depending on the circumstances, a matter can be raised with the People & Organisational Development Department, a senior Council officer with relevant specialist responsibilities, a member of the executive leadership team, the Protected Disclosure Coordinator (PDC) or with an external agency if appropriate.

All matters will be examined, and may result in investigations. The principles of natural justice will be adhered to in full and procedural fairness applied. Workplace participants who raise concerns, make notifications about on-going knowledge, or raise individual complaints will be informed about progress and any outcomes to the extent that is reasonable and deemed appropriate by management.

4.9 Protected Disclosure

The *Protected Disclosure Act 2012* (the Act) extends both confidentiality and protection against reprisal or detriment to a complainant who has reasonable grounds to believe a workplace participant or Councillor is engaging in corrupt or improper conduct. The complainant should raise a matter involving a workplace

participant with the Protected Disclosure Coordinator (PDC) and if the PDC confirms the complaint falls under the Act, the matter will be referred to IBAC to investigate. The method of making a disclosure in relation to a Councillor is to contact the Victorian Ombudsman or IBAC.

A matter can be raised in writing or orally, including anonymously, and it must be stated at the time that the matter is being raised as a 'protected disclosure'.

Conduct raised with the PDC will generally be conduct of a criminal nature or conduct that a workplace participant could be dismissed for. The following list, while not exhaustive, details examples of relevant corrupt or improper conduct:

- mismanagement of public resources or workplace participant conduct which is unlawful or fails to meet the ethical or professional standards required or exercise of powers entrusted to them
- risk to public health or safety
- risk to the environment
- suspicion based on reasonable grounds that conduct constitutes corrupt conduct

The organisation has a procedure to manage disclosures under the Act. It is an offence under the Act to knowingly provide false information. Penalties apply if such false disclosures are made.

4.10 Misconduct and Serious Misconduct

Misconduct and serious misconduct can result in disciplinary action. Some general examples include:

- unauthorised absences from the workplace
- abuse of leave provisions
- use of a Council vehicle when not authorised
- unauthorised use of Council plant, equipment and resources
- mis-appropriation of Council resources, and
- dishonesty.

Serious misconduct can be wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the employment contract and/or conduct that causes serious and imminent risk (as defined by the *Fair Work Act 2009*) which may result in summary dismissal. During the course of lawful duties, or when aligned with the organisation, examples can include:

- material that is likely to be considered obscene or offensive being brought to the workplace (or causing it to be brought to the workplace), displayed, shown or forwarded to any workplace participant, person known to you through work or member of the public, or by any means including hard copy, video, computer digital imagery and social media
- any deliberate unsafe act which results in, or could lead to, injury to self, a second person or damage to Council property
- vandalism, sabotage or deliberate damage to Council property
- discrimination or harassment based on the legally protected attributes including racial or religious harassment and sexual harassment

- physical or verbal abuse of any workplace participant, person known to you through work or member of the public, including violence, threatening behaviour, vilification, bullying, cyber-bullying, stalking or victimisation
- accepting secret commissions, rewards or benefits (that fall outside of the Gifts, Benefits and Hospitality Policy or other relevant policy) from a person or persons to show an advantage to that person or persons in their business dealings with Council
- disclosing anything relating to the business or transactions of any person having business relations with the Council so as to afford an advantage to any other person
- failure to disclose a direct and/or indirect conflict of interest
- failing to ensure the security of Council information or enabling accessibility by unauthorised people
- unauthorised posting of information through any computer digital imagery, traditional media or via social media
- use of information for individual benefit or gain including divulging to any other person, firm, company or organisation, any confidential information belonging to Council or relating to its affairs or dealings which come to the knowledge of the individual throughout the period of employment
- failing to acknowledge that if acting for personal reasons or as a 'resident' that Council information must be accessed in the same way as any other member of the community would access it
- unlawfully discriminating against, or improperly giving preference to, any person wishing to make use of the services of the Council
- drinking alcohol or being intoxicated while on the job, while using Council equipment or while representing Council to an extent which is unlawful or will impair work performance, judgement and/or safety
- the use, or being under the influence of non-prescribed drugs, or the misuse of another person's prescription drugs (or your own prescription drugs) while on the job, while using Council equipment or while representing Council to an extent which is unlawful or will impair work performance, judgement and/or safety
- withholding information about the use of prescription drugs when medicated, given that the impact may be relevant to the organisation's operational or safety requirements
- wilful disobedience of a lawful and reasonable request or direction
- theft of Council property or stealing from other workplace participants, persons known to you through work, or members of the public
- bringing the Council or the reputation of the Council into disrepute
- breaching Council confidentiality requirements
- repeated acts of misconduct for which the staff member has been counselled and/or warned
- conviction of a criminal offence during the period of engagement which in the opinion of the Council either impacts adversely on the workplace participant carrying out their duties or impairs the reputation of Council
- dishonesty
- fraud, and
- blackmail or extortion.

The above list is not exhaustive, rather a guide to what may constitute misconduct or serious misconduct.

5. REFERENCES

- Contract Letter of Offer or Engagement Documentation
- *Local Government Act 1989 and Local Government Amendment Act 2016*
- Harassment, Bullying and Discrimination Prevention Policy
- Diversity Policy
- Disability Action Plan
- Social Media Policy
- Email and Internet Access Policy
- Smartphone and Tablet Usage Policy
- Smoking, Alcohol and Drugs in the Workplace Procedure
- Drug and Alcohol Policy
- Personal Protective Equipment Procedure
- Corporate Uniform Management Procedure
- City Services Outdoor Clothing Procedure
- Information and Privacy Policy
- Protected Disclosure Procedure
- Disciplinary Policy and Procedure
- Cash Handling Procedure
- Fraud Control and Reporting Policy
- Use of Council Purchasing Card Policy
- Media Liaison Policy
- Gifts, and Hospitality Policy
- Additional Outside Work Policy
- Telecommunications Policy
- Diversity Policy
- OH&S Policy
- Performance Management Policy and Guidelines
- Vehicle Policy Guide
- Working With Children Check Guideline
- Flexible Working Arrangements
- Charter of Human Rights and Responsibilities Act 2006

The organisation is required to review all policies on a regular basis and will on occasions need to alter policies. This list should not be considered finite, rather it is indicative of the type of policies relevant to this Code of Conduct policy.

6. QUALITY RECORDS

Quality records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location