



**WEST
WIMMERA
SHIRE COUNCIL**



**Employee
Code of Conduct**

The best of country living



Employee Code of Conduct

WEST WIMMERA SHIRE COUNCIL

CHIEF EXECUTIVE OFFICER MESSAGE

This Employee Code of Conduct Handbook has been developed with the West Wimmera Shire Council values as the key driver. It has been designed to align with the expected behaviours of employees with the Local Government sector and also the expected behaviours of our elected councillors as included in the Councillor Code of Conduct.

The Code is presented as guidelines, using easy to understand language and terms to clearly explain what is expected of all members of staff. It is not designed to diminish the rights of employees in any way and when followed, will ensure that community perceptions of Council staff are that they are respectful, helpful, courteous and efficient.

All staff have a responsibility to demonstrate professionalism when interacting with members of the community and in a very small community, this can extend to activities outside of the workplace.

The various small communities that make up the West Wimmera Shire can expect that the business of Council and their dealings with Council staff will be conducted with the basic principles of impartiality, efficiency, integrity and respect as standard practice.

Responsibility for understanding the key principles that underpin the Code of Conduct are vested in each employee. The principles do not over-ride legislation and this Code will not act as a substitute for the laws that govern the sector. It will, however, act as a set of internal agreed behaviours that will enhance the standing of the staff in the community.

Honouring the principles that are agreed to within the Code will strengthen the working relationship amongst staff and demonstrate high ethical standards to all new employees, which will assist in creating a highly engaged and productive workforce.



David Bezuidenhout
CHIEF EXECUTIVE OFFICER

“Healthy, thriving, diverse, harmonious, prosperous”

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INTRODUCTION

The Employee Code of Conduct provides information to assist us to understand the values and standards of behaviour that apply in our daily work activities. These are the values and standards upon which council's reputation has been built and will continue to be based. Adherence to these values and standards is fundamental to further building on the partnership, trust and community pride between our Council and the community.

It is also a requirement under S.49(1A) of the *Local Government Act 2020* that the Chief Executive Officer develops and implements a Code of Conduct for Council staff, and this will provide a foundation of good relationships throughout the organisation.

This Code applies to all employees of the Council. It is a condition of your employment that you comply with the Code. All employees are required to read it and become familiar with it.

ADMINISTRATION OF THIS CODE

Administration of this Code is under the direction of the Chief Executive Officer. If you would like to be involved in the development and review of the Code of Conduct and other Council policies, consider joining the Consultative Committee. Contact the Human Resource Manager for further information.

OUR POLICY STATEMENT

Whilst it is prescribed in legislation that we are required to have a Code of Conduct, our main reason for developing and implementing a Code of Conduct at West Wimmera Shire Council is to care for and look after our employees.

Our Code is underpinned by the following principles:

- Belief that all employees of West Wimmera Shire Council have the right to work in an environment free of discrimination, poor workplace behaviour, harassment or bullying.
- We will not tolerate behaviour that harms, intimidates, offends, degrades, disrespects or humiliates an employee when communicating with each other.
- We will work with all employees to ensure they understand how to work appropriately and ethically and we will empower and train our leadership team to identify, manage and resolve any issue seriously, impartially and promptly.
- We will implement the policies and systems required for employees to feel that they can report and resolve issues in the workplace without fear of retribution.
- After a fair and proper investigation we will not hesitate to take disciplinary action against anyone who has not complied with this Code.

Through leadership and partnerships we can all maintain the best working environment for our people.

This statement will be displayed on work noticeboards and in our Council offices. New employees will find a copy of this statement in their induction material.

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RELATIONSHIP TO COUNCIL'S STRATEGIC DIRECTION

In order to make value-based decisions while at work it is important to understand the strategic environment that the decisions relate to. This includes our Vision, Organisational Principles and Council Plan.

The Council Plan sets out the framework the Council will use for the next four years, incorporating proactive strategies that address specific goals the community has indicated are important. This is the document that guides our work, decisions and focus. All employees should be familiar with the Council Plan. A copy of the Council Plan can be obtained from your Director, Manager, Customer Service staff or the Council website.

The West Wimmera Shire Council Plan is our key strategic document and incorporates the Municipal Public Health and Wellbeing Plan with our commitment to health and wellbeing reflected throughout. The Council Plan provides a framework for Council to prioritise actions. Council is responsible for a very broad range of activities and services to our community. Many of these are regulated, contracted by government or specified through funding arrangements.

OUR VISION

Our West Wimmera community is healthy, thriving, diverse, harmonious, prosperous and self-sustaining, with regional and global connectivity.

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VALUES, WORK BEHAVIOUR & EMPLOYMENT PRINCIPLES

OUR VALUES

Our values guide our behaviour and decision-making and how we lead and support our Community.





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EMPLOYMENT PRINCIPLES AND EXPECTATIONS

OUR EMPLOYMENT PRINCIPLES

Council is committed to ensuring that all appointments are based on the following principles:

- Individuals, whether external or internal, will be selected on the basis of merit, taking into account relevant ability, knowledge and skills.
- The Chief Executive Officer has the discretion to determine whether the position will be advertised internally and externally. Where positions are advertised externally information will be made available on our website, employee noticeboards and staff will also be notified via email.
- Respect for the privacy of individuals concerned ensuring that all recruitment campaigns are conducted in a fair and transparent manner.
- We respect the human rights of all individuals applying for a position with Council. They will be treated with respect without regard to political affiliation, race, colour, religion, national origin, sex, marital status or physical disability.
- Equal pay will be provided for work of equal value.

The Chief Executive Officer will also determine whether or not an agency will be employed to undertake recruitment.

West Wimmera Shire Council is a member of the Grampians CoRE (Communities of Respect and Equality) Alliance. This membership means Council will undertake activity to:

- address gender inequality in our organisation and collectively with the CoRE Alliance
- increase our ability to challenge sexism, gender stereotypes or any form of discrimination
- work collaboratively with CoRE Alliance partners to build momentum, gain strength and share knowledge, resources and ideas
- communicate what is working and what is not and monitor our progress

CONFIDENTIAL INFORMATION

During your employment at the Council you may be exposed to information that must be treated confidentially. Except in the proper course of your duties, any unauthorised use or disclosure of information relating to the conduct of the Council is prohibited.

In general this includes:

- Ensuring that you do not disclose information relating to proceedings at closed meetings.
- Ensuring that you do not use or attempt to use confidential information gained by virtue of an official position for the purpose of securing a private benefit, whether directly or indirectly, for yourself or for the benefit of any other person.
- Not without lawful authority, disclose otherwise than to the Council, a councillor, or a member of staff entitled to know, information concerning any of the following personnel matters concerning particular individuals:

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- The personal hardship of any resident or ratepayer.
 - Commercial information the disclosure of which would be likely to prejudice the commercial position of Council and/or any entity engaged with Council.
 - To confer a commercial advantage on a competitor of Council.
 - To reveal a trade secret.
- Proposals for the sale or purchase of land or the rezoning of land. Entering into contracts of any kind, if prior knowledge of those proposals could confer an unfair financial advantage on any person.
 - Information that is subject to legal obligations of confidence.
 - Information including the consideration of legal advice concerning litigation or which would otherwise be privileged from production in legal proceedings on the ground of a legal professional privilege.
 - The disclosure of information of which would prejudice the maintenance of the law
 - Matters affecting the security of Council, councillors, Council staff or Council property.

If you are uncertain about what information should be kept confidential, you should discuss this with your Manager.

Employees are also reminded that the Council complies with the *Privacy and Data Protection Act 2014*. This Act regulates the management, collection, use and disclosure of 'personal information'. If a recognised agency or Government body lawfully approaches you for any of the above information you should refer them to your manager.

If you are applying for a loan, lease, or finance, where you feel the finance body will require verification of your employment details please advise the payroll officer and authorise the disclosure of your employment related details.

CHILD SAFE STANDARDS

Council recognises, respects and promotes its responsibilities to keep children safe from abuse, and commits to ensuring the safety of children as a first priority. Council values diversity and will not tolerate child abuse or discriminatory practices.

The Code of Conduct aims to protect children and reduce opportunities for child abuse or harm to occur. It is intended to complement Council's other related policies and procedures.

The Child Safety Code of Conduct applies to the broad range of situations where interaction with children and young people may occur in the delivery of Council services, including through digital technology and social media.

Council and its staff meet the Child Safety Code of Conduct by:

- adhering to the Child Safe Policy at all times;
- taking all reasonable steps to protect children from abuse and harm;
- treating everyone with respect;



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- working to prevent discrimination and actively promoting the participation and inclusion of all children, recognising in particular:
 - (a) Aboriginal and/or Torres Strait Islander children and young people;
 - (b) children from culturally and/or linguistically diverse backgrounds;
 - (c) children who practise or identify with their religious beliefs or activities;
 - (d) children with a disability;
 - (e) children who identify as lesbian, gay, bisexual, trans and/or intersex;
 - (f) children who are non-binary or gender diverse;
 - (g) children in and out of home care and youth justice.
- modelling appropriate adult behaviour;
- listening to children and responding to their needs appropriately;
- reporting any allegations of child abuse;
- working with children in an open and transparent way;
- encouraging children to participate in matters important to them.

Staff must not:

- discriminate against any child, young person, or staff member because of their age, gender, race, culture, religion, vulnerability, sexuality, ethnicity or disability;
- seek to use children in any way to meet the needs of adults;
- ignore or disregard any concerns, suspicions or disclosure of child abuse or harm;
- use discriminatory or oppressive behaviour or language with children;
- initiate unnecessary physical contact with children or do things of a personal nature that children can do for themselves e.g. toileting or changing clothes;
- develop 'special' relationships with specific children or show favouritism through provision of gifts or inappropriate attention;
- exchange personal contact details such as phone number, social networking sites or email addresses with children; or



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- have unauthorised contact with children and young people in person, online or by phone.

For further information refer to Council's Child Safe Policy.

CONFLICT OF INTEREST

A conflict of interest exists when someone could be influenced, or perceived to be influenced, by a private interest whilst performing their professional duties.

The *Local Government Act 2020* section 126(2) states a relevant person has a conflict of interest if that relevant person has-

- (a) a general conflict of interest within the meaning of section 127 or
- (b) a material conflict of interest within the meaning of section 128.

You are required to inform the Council of any conflicts of interest for the purpose of eliminating or minimising it immediately. The onus is on the employee to disclose such information.

Section 130(2) of the *Local Government Act 2020* states that a member of Council staff who has a conflict of interest in a matter must –

- (a) disclose the conflict of interest in the manner required by the Council's Governance Rules; and
- (b) exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Officers providing reports for discussion and or decisions at Council Meetings or information forums, must declare the interest in the appropriate section of the report. Any disclosure of the type referred to in this Clause will be recorded in the minutes of the meeting.

Please ask your manager if you are unsure of a conflict of interest to be declared.

Completion of Register of Interest Returns and Related Party Disclosures

Persons specified or defined as nominated officer by the Local Government Act (2020) must complete an Initial Personal Interests Return, and complete biannual returns thereafter.

COUNCIL ASSETS

We all share the responsibility for maintaining, protecting and appropriately using Council's property. Council's property includes buildings, plant and equipment, motor vehicles, computers and other office equipment and consumable items used in Council's day-to-day business. Public infrastructure such as parks, roads, signs and street furniture that the Council maintains are also included.

All employees are responsible for ensuring the security of Council's property and for reporting any damage or maintenance requirements and risk issues to the attention of the manager.

You must not remove, damage, give away, lend or destroy any Council property or assets regardless of age or condition, unless authorised by the relevant manager, in accordance with Council policy.

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You must not use any Council assets or services for personal gain or for any improper or illegal use.

Loss or damage of issued equipment, or equipment in the care of an employee may result in the employee being required to compensate Council.

Any Council property allocated to you in the course of your duties (eg. keys, tools) must be returned when you leave the employment of Council.

CUSTOMER SERVICE

Employees will deliver quality customer service to both internal and external customers by conducting themselves with integrity and in a manner that ensures that:

- Our customers are provided with services the highest possible standards of service
- All decisions and actions are evaluated in terms of their impact on customers
- There is a safe and friendly environment at all times for our customers and employees
- All employees, customers and others are treated fairly and without discrimination or harassment

COUNCILLOR INTERACTION

Councillors should be treated with the same professional courtesy and respect as customers and colleagues.

Councillors represent Council on external organisations to keep the Council well-informed on key issues and to ensure outcomes reflect the best interest of our community. As the public face of the Council, they are accountable for the success and implementation of the Council Plan, development, communication and representation of Council policies, strategies and programs. An effective councillor works in partnership with the Chief Executive Officer and, when appropriate, other Council staff to achieve the Council's corporate goals and implement Council strategies.

To achieve this, councillors will:

- Accept that their role is one of leadership, not management or administration.
- Acknowledge that the Chief Executive Officer is solely responsible for Council officers, contractors and contractor staff.
- Acknowledge that they don't have authority to direct Council officers, contractors and contractor's staff to carry out particular functions.
- Not use their position to improperly influence Council officers, contractors and contractor staff or to gain an advantage for themselves or others.
- Exclude themselves from personnel matters relating to Council business or a Council officer.
- Refrain from publicly criticising the competency or credibility of any Council officer. Any such criticism should be made privately to the Chief Executive Officer in a constructive manner.
- Advise the Mayor and Chief Executive Officer of any concern that a Council officer's actions may be contrary to a Council policy or decision.
- Understand that no favouritism will be sought from any Council officer. Information or advice given to one councillor is available to all other councillors, except in



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instances where the Chief Executive Officer needs to provide the Mayor with information before, or to the exclusion of, other councillors.

- Adhere to the agreed protocols of Councillor-Staff conduct.

Employees should note:

- That advice to councillors will be provided through directors and/or the Chief Executive Officer.
- The *Local Government Act 2020* provides for restrictions on councillors ability to misuse their position (Section 123) or improperly direct staff under (Section 124). If you feel that you are being directed by a councillor to do something, and it is not simply a request for service from a customer, you should report the matter to your Director.
- Your director will discuss the matter with you, and if appropriate raise the matter with the Chief Executive Officer.

Refer to Councillor-Staff Interaction Policy

ENVIRONMENT

All employees should consider the impact of their activities on the environment and on the community. Matters to be considered should include water efficiency, waste disposal, the way chemicals are used and stored and other resources. Noise pollution should be kept to a minimum, particularly in open office environments. Employees are required to minimise waste and ensure recycling bins are used appropriately.

GIFTS , BENEFITS AND HOSPITALITY

Transparent and accountable practices are vital to maintaining the community's trust and its confidence that public resources are being used responsibly and appropriately.

Under the *Local Government Act 2020*, section 49(2) the Code of Conduct for members of Council Staff must include a gift policy.

As public officials, our management of any gifts, benefits and hospitality is a practical demonstration of our integrity, impartiality and accountability. It allows our community, business associates and Government to be confident that we make decisions and provide advice free of favouritism, influence and conflicts of interest.

Therefore, as a guiding principle, staff should not accept a gift if it is likely to be perceived by a 'reasonable person', as intended to, or likely to, influence him or her in the fair, impartial and efficient discharge of their duties as a member of Council.

The reference to staff includes full-time and part-time employees, contractors, temporary and casuals engaged by Council.

Council staff should not accept the following gifts, benefits and hospitality:

- Under NO circumstances is cash (monetary gift) to be accepted.
- Staff should not accept any gift where there is, or may be, the perception of a conflict of interest or they believe the gift was a deliberate attempt to receive preferential treatment.
- Council staff that refuse a gift must immediately advise their relevant director or the Chief Executive Officer.
- Receipt of a gift will not affect how a duty or function is performed.

Staff should consider the below 'GIFT' test when deciding whether to accept or decline a gift, benefit or hospitality.

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| G | Giver | <p>Who is providing the gift, benefit or hospitality and what is their relationship to me?</p> <p>Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p> |
| I | Influence | <p>Are they seeking to influence my decision or actions?</p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?</p> |
| F | Favour | <p>Are they seeking a favour in return for the gift, benefit or hospitality?</p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?</p> |
| T | Trust | <p>Would accepting the gift, benefit or hospitality diminish public trust?</p> <p>How would I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family friends or associates think?</p> |

- Gifts of appreciation given as a sign of gratitude, recognise outcomes collectively achieved by the Council and / or group of staff. Therefore, as far as is reasonable and practical, such gifts are to be 'pooled' then shared among the Council and / or work group.
- Where a tender is in process, any officer involved in the evaluation of that tender should not accept directly or through third parties any gifts from any individual / group that may be involved in the tender. It is not appropriate in any circumstances that staff accept gifts from persons or bodies engaged in a competitive tendering process.
- Where a planning or building permit application is in process or any regulatory process is underway, any officer involved in such instances should not accept any gifts from any individual or group that may be involved with the permit application or regulatory activity.
- Any staff member who has been made a beneficiary of a will, or has received a gift from a Council client who is not a relative, must immediately inform their manager prior to the individual acceptance of the gift or benefit.

Staff may accept gifts provided the following guidelines are observed:

- All gifts are to be declared - by completing a Council Gifts, Benefits & Hospitality Declaration Form.
- That a gift does not create a conflict of interest or lead to reputational damage.
- Unplanned and impromptu hospitality that is accepted must be declared by completing a 'Council Gifts, Benefits & Hospitality Declaration Form' and recorded



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on the Employee Gifts, Benefits & Hospitality Register (Staff accepting such hospitality must be mindful that on such occasions they remain ambassadors of Council).

- Non-token offers (offers that are more than trivial or inconsequential) can only be accepted if they have a legitimate business benefit. That is, when the offer furthers the conduct of official business or other legitimate goals of the Council. If it does not, you must decline the offer. Examples of non-token offers that must be declined include:
 - Tickets to entertainment events that do not relate to your official duties; or
 - Non-token hospitality provided while introducing you to a product or service.
- Where the gift would likely bring you or the Council into disrepute, the Council should return the gift or not accept a gift. If it represents a conflict of interest for you, the Council should return the gift or transfer ownership to the Council to mitigate the risk.
- Gifts from Home Care clients, that are non-token in nature, such as plant cuttings may be accepted as long as a Council Gifts, Benefits & Hospitality Declaration Form is complete.

Disposal of Gifts

- Based on the dollar value scale set out below, where practicable, certain gifts are to be handed over to the Chief Executive Officer, relevant Director or Human Resource Manager, as applicable, for work area 'pooling' or donation to an appropriate charity:

| Value of Gift \$ | Declare to Whom | Disposal of Gift |
|--|---|--|
| Token Offers under \$50 / of Nominal Value | CEO/Relevant Director or Human Resource Manager | Decision to be made by relevant CEO/Director. If practical, 'pool' for staff in work area or retain by individual if endorsed by CEO. |
| Non-Token Offers Over \$50 | CEO/Relevant Director or Human Resource Manager | To be determined by CEO. For gifts received by the CEO, the Mayor will sign the Gifts, Benefits and Hospitality Declaration Form. |

For further information refer to Council's Gift Policy

INTELLECTUAL PROPERTY RIGHTS

Any discovery or invention or secret process or improvement in procedure or any trade mark or design or copyright made, discovered or produced by you in the course of your employment will forthwith be disclosed to the Council and will belong to and be the absolute property of the Council.

At the expense of the Council you can, apply or join in applying for patent letters, trade mark, design or any appropriate registration, (whether in Australia or elsewhere), in respect of any of the items referred to above and will execute all instruments, and do all acts and things necessary for obtaining such registration and vesting title in such items and registrations in the Council.



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You irrevocably appoint the Council to be your attorney to sign, execute or do anything you could do to give the West Wimmera Shire Council the benefit of the items and registrations.

You will not use your acquisition of specialised or confidential knowledge, such as trade secrets, to the detriment of the Council.

You agree to adhere to this provision during and after the conclusion of your employment with the West Wimmera Shire Council.

In addition to our values and behaviours and the terms of his or her contract of employment, a member of the Council staff must:

- While on duty the whole of their time shall be directed to the business of the Council and shall ensure that their work is carried out efficiently, effectively and in accordance with Council policies.
- Act in accordance with the law and carry out the lawful directions given by any person having authority to give such directions.
- Give effect to lawful policies, decisions and practices as determined by the Council, whether or not the staff member agrees with or approves of such policies, decisions or practices.
- Seek consent for any secondary employment and give notification in writing of any other outside involvement that may reasonably relate to their Council duties. If the outside involvement (whether paid employment or not) is considered likely to create a conflict of interest, the employee's Manager should determine whether the conflict(s) can be appropriately managed.
- Take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained.
- Treat members of the public, councillors and other staff members in accordance with the values outlined in this handbook.
- Refrain from any form of conduct, in the performance of his or her public or professional duties, which may cause any reasonable suspicion or appearance of improper conduct or biased performance of their public or professional duties.
- Not act for improper or ulterior purposes.
- To be fair and just and support any councillor, member of staff or delegate, or any member of the public when carrying out their duties.

MEDIA

The Council seeks to maintain a professional image by ensuring that any comment made to the media is truthful, accurate and appropriately and consistent. The only people authorised to make any media comment on behalf of Council are the Mayor and the Chief Executive Officer.

Council employees should not make personal comments as a Council officer to the media expressing opinions contrary to Council, for example through letters to the editor.

Other officers may make comment to the media where specifically authorised by the Chief Executive Officer. This authorisation will be provided on a case-by-case basis and will generally be to address specific issues in their areas of expertise.

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SOCIAL MEDIA

Online communication and new media tools are important communication channels that provide the Council with the opportunity of engaging directly with our community. These tools can be used to inform the community about our services; to provide information about programs and to create new channels to open up a two-way conversation and consultation. Council acknowledges the value of responsible use of social networking in the workplace.

Staff should treat their work-related online interactions as they would any other type of professional communication. All social media posts should comply with the relevant Council policies and procedures, with an emphasis on accuracy, brevity, timeliness and politeness of tone. Special announcements and issues that are controversial in nature should be cleared with your relevant manager, before responding. We all need to be aware of and understand the potential risks and damage to Council that can occur, either directly or indirectly, from personal use of social media. This means at home or anywhere else, including out of business hours.

Each of us is personally responsible for content published in our personal capacity on any form of social media platform.

SMOKING

- Smoking is not permitted in Council owned or controlled buildings at any time.
- Smoking is not permitted in Council owned or leased vehicles at any time. This restriction also applies in cases where the driver is alone or with other smokers.
- The rolling or handling of tobacco in Council buildings and vehicles is not permitted.

FRAUD, THEFT AND CORRUPTION

According to the Council's *Fraud & Corruption Control Policy*, fraud and corruption is defined as "forms of dishonesty, deceit or false representation which may be used to gain an unjust or unlawful advantage or benefit".

We are all responsible for the prevention and detection of fraud. Examples of fraud include stealing, or misuse of equipment, cash, intellectual property or other property belong to Council.

All allegations and suspicions of fraud will be investigated. Where an employee is found to have committed fraud their employment may be terminated and the matter referred to the police. Instances of fraud will be reported to the Independent Broad-based Anti-corruption Commission (IBAC).

Staff are reminded that knowingly ignoring acts of fraud is an offence. Staff are to undertake training as directed with respect to fraud and theft awareness and prevention.

We are committed to preventing, detecting and responding appropriately to any fraudulent or corrupt behaviour committed by our employees or contractors.

Fraud involves some sort of actual or potential financial loss. Examples include but are not limited to:

- theft
- obtaining property or financial advantage
- using forged or falsified documents
- unlawful use of Council assets



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- claiming sick leave for any other reason other than illness
- claiming payment for hours not worked.

Council or abuses their position of trust. It is usually motivated by self-interest.

Examples include but are not limited to:

- using your position to benefit a personal interest
- using your position to assist a friend acquire employment
- using your position to improperly influence a tender or grant decision.

Reporting fraud and corruption

All employees and contractors have a responsibility for minimising the risk of fraud and corruption and reporting known incidences. If you suspect that fraud or corruption has been committed, as a first step you should report it verbally or in writing to your direct manager.

A disclosure may also be made directly to the external agency Independent Broad-based Anti-corruption Commission (IBAC).

For further information refer to Council's Fraud and Corruption Control Policy.

USE OF COUNCIL RESOURCES

Council's facilities and equipment are available to carry out Council activities and business. Under no circumstances are Council resources to be used for non-Council business. Use of other facilities such as photocopiers is permitted only if the appropriate work is recorded and charges are paid.

For example, photocopying pamphlets for your local football club without paying the appropriate charge is prohibited, borrowing Council's small plant and equipment from the depot for personal use is also prohibited.

If you have any concerns about use of any Council resources you should discuss them with your manager.

STAFF SOCIAL FUNCTIONS/ TRAINING/MEETINGS

Council sanctioned social functions are considered to be the workplace under this Code of Conduct. These include Council organised events and events organised by the staff Social Club, including those events which are held outside of normal working hours and/or held on or off Council premises.

As such this Code of Conduct applies to those events and all staff attending must comply with the provisions of this Code of Conduct whilst in attendance.

Likewise any training events or meetings attended by staff, either on or off Council premises, are considered to be the workplace. All staff attending such training or meeting are required to abide by this Code of Conduct.

DISCRIMINATION, HARRASSMENT AND BULLYING

It is the responsibility of management to provide a working environment free from discrimination, harassment and bullying. Any employee or potential employee of Council, who has been discriminated against, harassed or bullied, will have the full support of Council.

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No employee will be penalised or disadvantaged as a result of raising concerns or complaints relating to discrimination, harassment or bullying.

DEFINITIONS

What is discrimination?

There are two types of discrimination, direct and indirect discrimination.

- **Direct discrimination** – happens when a person is treated less favourably than another person in the same or similar circumstances on the grounds of a particular attribute, such as their age, gender, race or other grounds referred to below.
- **Indirect discrimination** – happens when there is a policy or rule or a “way of doing things” that might appear on the surface to be fair or neutral, but which has an unequal effect on certain groups of people with a particular attribute or ground referred to below and the policy or rule is unreasonable. Council prohibits discrimination on a number of grounds including age, gender, race, breastfeeding, gender identity, industrial activity, marital status, parental or carer status, impairment, physical features, political belief or activity, pregnancy or potential pregnancy, religious belief or activity, sexual orientation, or personal association with a person possessing one of these attributes.

What is victimisation?

Victimisation happens where a person is treated detrimentally because they have raised a complaint about discrimination, harassment, bullying or other inappropriate workplace conduct, or have been involved in a complaint in some other way. Council prohibits victimisation.

What is Harassment?

Harassment is any unwanted or uninvited behaviour that causes offence or humiliation. It applies whether the behaviour was intended as a joke and whether or not the behaviour was intentional.

Harassment is any type of behaviour that:

- the other person does not want or has not invited
- embarrasses or offends them
- targets them on the basis of race, colour, sex, marital status, religion, political conviction, impairment, pregnancy or sexual preference or other protected attribute

Sexual harassment is a specific kind of prohibited harassment. Sexual harassment occurs where a person:

- makes an unwelcome sexual advance, or an unwelcome request for sexual favours, or engages in other unwelcome sexual conduct in relation to another person
- in circumstances in which a reasonable person, having regard to all the circumstances would have anticipated that the other person would be offended, humiliated or intimidated.

Examples of unacceptable harassment behaviours include:

- displays of offensive posters, pinups, graffiti
- rude gestures or bodily movements
- persistent questions about a person’s sex, race, nationality, disability or sexual preference
- “putting down” people of a different sex, race, national, ethnic social origin or age
- ridiculing those suffering from a disability



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- sending inappropriate e-mails or display of inappropriate material on your own or someone else's PC
- smutty, sexist or racist jokes or comments

This is not an exhaustive list and it is important to note that each of us has a different view of what might personally cause us offence or humiliation.

What is bullying?

Bullying is unreasonable repeated behaviour directed at a colleague or group of colleagues that creates a risk to health and safety.

Examples of unacceptable bullying behaviour include:

- verbal attack, abuse, yelling, screaming, blame and criticism conveyed in an intimidating way;
- banter, teasing or making fun of someone in a way that could cause humiliation or intimidation;
- inappropriately excluding someone from workplace activities when they need to be included for their work or if the behaviour is intended to result in humiliation;
- humiliating or openly hostile treatment or repeated abusive criticism;
- deliberately withholding or providing incorrect information to someone where that information is required to carry out their role;
- throwing books, pens or other objects at colleagues;
- pushing, shoving and tripping;

What is not considered bullying?

Bullying is not reasonable and appropriate performance management or when a colleague is under pressure to meet reasonable obligations outlined in their role.

It is not:

- Reasonable management action, carried out in a fair and reasonable way.
- Setting performance goals, standards and deadlines.
- Allocating work to a worker.
- Rostering and allocating working hours.
- Transferring a worker.
- Deciding not to select a worker for a promotion.
- Informing a worker about unsatisfactory work performance.
- Informing the worker about inappropriate behaviour.
- Implementing organisational change.
- Performance management processes.
- Constructive feedback.
- Downsizing.
- Requesting information from a worker regarding incidents, injury or return to work plans and programs.

What is workplace violence?

Workplace violence is any incident where a colleague is physically attacked or threatened in the workplace. This behaviour is also unacceptable and may result in termination of

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employment. As it is also governed by criminal law, it may also result in criminal charges being laid.

How do I know what is acceptable behaviour?

The examples provided above in the definitions are not exhaustive and are only an indication of some types of behaviour that are considered inappropriate. If you require further clarification please speak to someone you trust. This may be a supervisor (yours or another team supervisor), a colleague or the Chief Executive Officer.

The important things to remember are:

- to anticipate what might be perceived as unreasonable behaviour in the circumstances and by the standards of the people you work with
- to behave in the workplace, in a way that supports a working environment where people feel safe and happy.

ROLES & RESPONSIBILITIES

The following is a list of behaviours expected of everyone to ensure the Council work environment is free of discrimination, harassment and bullying:

- Be aware of this Code of Conduct and comply with it in all work related situations.
- Treat all colleagues in accordance with Council Values.
- Respect others' opinions and be sensitive to others' feelings and perspectives.
- Seek to understand others and be understood, recognising cultural diversity.
- Be aware of your impact on others and use it to build a positive work environment.
- Respect the rights, dignity and worth of all colleagues regardless of their ability, gender or cultural background.
- Attend any training you are requested or scheduled to attend about appropriate workplace conduct.
- Raise any concerns you have about inappropriate conduct in accordance with this Code.
- Treat any information you have about a complaint with strict confidentiality.

If you manage people, you are also required to:

- Communicate with your team about expected standards of behaviour at Council.
- Ensure that new team members receive an induction and understand the standards of behaviour required.
- Ensure your team members attend training to understand the appropriate behaviours required.
- Provide timely feedback to anyone who isn't abiding by the spirit of this Code.
- Be approachable and listen to concerns that your team members may have.
- Create an environment where all team members feel able to raise any concerns about inappropriate conduct that might appear to be a breach of this Code.
- Act on any concerns about unfair conduct that is reported to you or comes to your attention, whether a complaint has been made or not. This includes behaviour you observe.

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REPORTING IMPROPER CONDUCT

Where you suspect improper conduct has occurred the following process should guide your decision making and give you an understanding of how you can either resolve the matter or report the matter.

Depending on the nature of the improper conduct there may be other people who legally need to be notified.

ATTEMPT TO RESOLVE THE ISSUE WHEN IT FIRST OCCURS

Some poor workplace behaviours can be resolved by telling that person that their behaviour or action is unacceptable. In the case of bullying or harassment say “no” to the offender. Sometimes the offender is oblivious to the impact of their behaviour on the complainant.

Where the matter relates to something you have observed and it would not be appropriate to discuss this directly with them in the first instance, eg fraud, theft, breach of privacy, please refer to the relevant policy (i.e Fraud & Corruption Control Policy, Information Privacy Policy, Human Resource Policy and Guidelines Manual etc).

REPORT THE SITUATION TO SOMEONE YOU FEEL YOU CAN TRUST

Discuss the matter with someone you can trust. This ideally should be your immediate Director or the Human Resource Manager. This person will help you to clarify the situation, gather the facts and talk to you about your options, and the process that will follow.

Depending on the nature of the situation (eg. bullying and harassment, fraud, protected disclosure, privacy) a slightly different legal process or investigation may need to occur. This most likely will include some or all of the following steps.

The Human Resource Policy and Guidelines Manual outlines the process of reporting improper conduct, complaints and grievances.

EMPLOYEE ASSISTANCE PROGRAM

Employees have access to an Employee Assistance Program (EAP) facilitated by Acacia.

Phone: 1300 364 273

Text: 0401 337 711

Website/live chat: www.acaciaconnection.com

IMPLICATIONS FOR BREACHING THIS CODE

It is the responsibility of all members of staff to comply with this Code.

In the event of a proven breach of this Code, the appropriate disciplinary actions will be implemented.

All disciplinary action will be conducted in accordance with the requirements of Council's disciplinary processes, Enterprise Agreement and appropriate legislation.


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| Version Number | Issue Date | Author | Description of Change |
|----------------|------------|------------------------------|-------------------------|
| 0.1 | 29/03/2019 | Tammy Smith / Ashley Roberts | Revised – Draft Version |
| 1.0 | 30/04/2019 | Tammy Smith | Final Version Approved |
| 1.1 | 1/11/2021 | Janet Watt | Compliance review |
| 1.2 | 16/05/2022 | Janet Watt | Approved Version |

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