



Gladstone Regional Council

Council Policy

Title	CODE OF CONDUCT
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Responsible Officer	CHIEF EXECUTIVE OFFICER
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1.0 PURPOSE:

This Policy sets the standards of conduct and behaviour expected of all Council Employees of Gladstone Regional Council, including permanent, temporary, full time, part time and casual employees as well as all volunteers, contractors (and their employees), consultants and work experience students.

2.0 SCOPE:

The Code of Conduct applies to the behaviours of Council Employees at work and outside the workplace where that particular behaviour may be directly related to their employment and Council activities and in other circumstances where their actions may impact upon the reputation and activities of Council.

3.0 RELATED LEGISLATION:

- Local Government Act 2009
- Local Government Regulation 2012
- Crime and Corruption Act 2001
- Public Sector Ethics Act 1994
- Environmental Protection Act 1994

- Work Health and Safety Act 2011
- Anti-Discrimination Act 1991

4.0 RELATED DOCUMENTS:

- Gladstone Regional Council Disciplinary Policy
- Gladstone Regional Council Drug and Alcohol Policy
- Gladstone Regional Council Drug and Alcohol Testing Corporate Standard
- Gladstone Regional Council Councillor Advice Policy
- Gladstone Regional Council Entertainment and Hospitality Expenditure Policy
- Gladstone Regional Council Anti-Discrimination Policy
- Gladstone Regional Council Anti-Harassment Policy
- Gladstone Regional Council Public Interest Disclosure Procedure Corporate Standard
- Gladstone Regional Council Gifts Register
- Gladstone Regional Council Conflict of Interest Reporting Form
- Gladstone Regional Council Customer Service Charter

5.0 DEFINITIONS:

<i>Benefit</i>	An intangible gift
<i>Conflict of interest</i>	<p>Refers to a conflict between the private interests of a local government employee and public duty.</p> <p>A perceived conflict of interest exists when it appears that an employee's private interests may have the potential to interfere with the proper performance of their official duties.</p> <p>A real conflict of interest exists when a reasonable person, in possession of the relevant facts, would conclude that the employee's private interests are likely to interfere with the proper performance of their official duties.</p>
<i>Corruption</i>	The misuse of one's power to gain personal advantage.
<i>Council Employee</i>	Any person performing work for Council (including contract staff) and including volunteers, work experience students, vacation employment students and/or any arrangement satisfying the requirements of an employee under the Industrial Relations Act 1999 (Qld).

<i>Councillor</i>	A person elected by the community to run the Council - refer Local Government Act 2009.
<i>Customer</i>	In relation to this Code, 'customer' refers to any person with whom employees may come into contact during the performance of duties. It includes, but is not limited to, members of the public, work colleagues throughout Council and other local government employees.
<i>CCC</i>	The Queensland Government's Crime and Corruption Commission.
<i>EEO</i>	Equal Employment Opportunity is based on the principle that all employees and potential employees of Council have the right to equality of opportunity and fair treatment in employment. In practice, EEO is the establishment of working conditions, policies, corporate standards, practices, guidelines and conditions which enable every individual to compete equally for recruitment, selection, promotion, transfer and training based on merit.
<i>Environmental harm</i>	Is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value (<i>Environmental Protection Act 1994</i>).
<i>Extravagance</i>	Refers to using public resources in excess of what is required to achieve the objective.
<i>Horseplay</i>	Rough boisterous play, skylarking, clowning, fooling around, hijinks, pranks.
<i>Impartiality</i>	Unbiased and not prejudiced towards or against any particular side or party.
Impaired by the effects of alcohol or drugs	<ul style="list-style-type: none">• for employees operating/driving heavy vehicles and buses, a blood alcohol content greater than 0.00% (consistent with Queensland Transport Regulations);• for employees driving light vehicles or operating mechanical tools or equipment, a blood alcohol content greater than 0.05% (consistent with Queensland Transport Regulations);• for all employees – a positive drug test result in excess of the cut-off levels specified in Australian Standard AS 4308; and/or physical

or mental condition and/or behaviour which limits the employee's ability to undertake work in a safe and effective manner.

Indictable offence

a crime or misdemeanour for which an offender cannot, unless otherwise expressly allowed, be prosecuted or convicted except upon indictment.

Indictable offences are more serious offences that cannot be heard in the absence of the defendant (the person accused of the crime). These offences are usually heard in the Magistrates' Court for a committal hearing. The offence may then be committed for trial before a judge in a higher court such as the County Court or Supreme Court.

Types of indictable offences include:

- aggravated burglary
- indecent assault
- drug trafficking offences
- murder
- manslaughter.

Some indictable offences may be heard in the Magistrates' Court where the Court believes it is appropriate for the offence to be dealt with by a Magistrate.

Indictable offence conviction

a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded, in relation to an Indictable offence.

Maladministration

Unlawful, arbitrary, unjust, oppressive or improperly discriminating acts, or actions taken for improper purposes by public officials.

Misuse (resources)

Refers to mistreating or not looking after a public resource or using public resources for purposes other than official purposes.

Obligation

Refers to the general, moral and legal duty to take reasonable care to avoid causing harm to oneself, another person, property or the environment

Public interest

Refers to considerations affecting the good order and functioning of the community and government affairs, for the well-being of citizens. In general, to act in the public interest means to act in accordance with the law and the policy objectives of the elected Council.

Secondary employment

Is when a staff member working for Council also does work (whether contract self-employed, part-

time, casual or other) for oneself, another person or organisation.

Summary Offence

A summary offence is an offence that can be heard by a magistrate sitting alone, rather than a judge and jury. A summary offence can also be heard in the absence of the defendant. Summary offences are usually considered to be less serious offences.

Examples include:

- road traffic offences (for example, careless driving, drink driving and unlicensed driving)
- minor assaults
- property damage
- offensive behaviour.

6.0 POLICY STATEMENT:

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Message from the Chief Executive officer



Gladstone Regional Council is committed to conducting its business with integrity, honesty and fairness, complying with all relevant laws, regulations, codes and corporate standards.

Council aims to deliver best practice by ensuring expected standards are guided by clearly communication sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us. By promoting ethical and transparent behaviour within our organisation, we all can create a positive workplace culture built on honesty, trust and mutual respect.

Council actively supports, encourages and develops its employees to work safely, be customer focused, use technology and Council assets effectively, adapt to changes and improve their own capabilities and contribute to Council's strategic and operational plans.

This Code sets very high standards. Positive behaviours will be strongly promoted and supported. Serious breaches of the Code will not be tolerated.

The implementation of the Code in our workplace is the responsibility of all Gladstone Regional Council employees. Managers and Supervisors have the added responsibility of ensuring that the Code is understood by all employees. Gladstone Regional Council as an organisation is also responsible for making this Code a positive and useful document.

Roslyn Baker
Chief Executive Officer

INTRODUCTION

The Public Sector Ethics Act, 1994 was introduced by the Queensland Government for two main reasons:

- to encourage high standards of official conduct; and
- to encourage agencies to take effective disciplinary action where staff behave unethically.

The Act requires that all councils develop codes of conduct for their employees.

Ethics are the moral principles which guide our relationships between people and our consequent actions.

Being an employee of Council, involves establishing several types of appropriate relationships. It is necessary to assess how to behave towards:

- colleagues;
- supervisors;
- councillors; and
- the public.

In order to avoid potential conflict, it is desirable that there be mutual agreement about appropriate behaviour in each of these relationships. A Code of Conduct can help to express what is likely to be acceptable behaviour in different circumstances, and thus remove some of the uncertainty about these relationships.

It is unlikely that a Code of Conduct can anticipate all the situations that will arise. It is therefore important that there is a set of principles to fall back on, which are fully understood, and which will help to decide on appropriate behaviour when the Code does not provide a solution.

A 'Guide for ethical decision-making' is included in this Code to assist in situations not specifically covered by the Code.

This Code of Conduct is not an exhaustive statement and should be read in conjunction with the Public Sector Ethics Act 1994 and the Local Government Act 2009 (particularly Chapter 2, Part 1, Section 13 – Responsibilities of local government employees).

THE PRINCIPLES OF THE PUBLIC SECTOR ETHICS ACT, 1994

The *Public Sector Ethics Act, 1994* declares four (4) Ethic Principles to be the basis of good public sector practice:

- Integrity and Impartiality
- Promoting the Public Good

- Commitment to the System of Government
- Accountability and Transparency.

PRINCIPLES OF LOCAL GOVERNMENT

The *Local Government Act 2009* sets out the way in which a local government is constituted and the nature and extent of its responsibilities and powers. The Act requires Council's actions are consistent with the following local government principles:

- a) Transparent and effective processes, and decision-making in the public interest; and
- b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- c) Democratic representation, social inclusion and meaningful community engagement; and
- d) Good governance of, and by, local government; and
- e) Ethical and legal behaviour of councillors and local government employees.

These legislated principles, together with Council's corporate values, form the basis of this Code of Conduct. They apply to all employees and guide our thinking, actions and decision-making.

The values we share as employees of Council are:

- a) passion for Gladstone Regional Council
- b) responsive customer service
- c) respect for people
- d) courage to make a difference
- e) working together
- f) getting things done
- g) value for money.

RESPONSIBILITIES UNDER THE CODE

We are all responsible for implementing the Code in our workplace.

All employees, contractors and volunteers are responsible for ensuring that their behaviour reflects the standard of conduct in the Code and builds a positive workplace culture.

Managers and Supervisors have a special responsibility to support employees in achieving the goals of the Code and to lead by example. In this Code, a Manager and a Supervisor are those deemed to be any employee with supervisory responsibilities.

BREACHES OF THE CODE

Council expects all employees whilst engaged in official duties, to ensure they demonstrate the basic standards of acceptable conduct as enshrined in this Code. All employees have the responsibility to comply with this Code of Conduct and all other policies and corporate standards which Council implements and/or varies from time to time.

A breach of the Code of Conduct damages business effectiveness, public perception of Council and interpersonal work relationships. Any act or lack of action by an employee of Council that contravenes this Code may result in Council taking disciplinary action against that employee, which may include dismissal. All suspected breaches will be dealt with on a case by case basis.

Managers and Supervisors must seek to avoid escalation of inappropriate behaviour that may result in a breach of this Code and deal with workplace conflict through timely and direct (face to face) communication that immediately addresses the behaviour in a constructive way.

Managers and Supervisors must make fair, transparent and consistent decisions in response to instances of breaches of this Code. In determining the action to be taken, the nature and seriousness of the breach will be considered.

Some possible consequences of a breach include:

- Referral to the Employee Assistance Program (EAP)
- Performance Management Process
- Disciplinary procedure
- Referral to Crime and Corruption Commission
- Referral to the Police (in cases of suspected criminal activity)

Suspected breaches of this Code should be discussed with Supervisors, Managers or Human Resources.

Corrupt Conduct

Some situations may constitute corrupt conduct as defined in the Crime and Corruption Act 2001, Sections 14 and 15. Corrupt Conduct under the Act is legislated as: :

*"(1) **Corrupt conduct** means conduct of a person, regardless of whether the person holds or held an appointment, that—*

(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—

(i) a unit of public administration; or

(ii) a person holding an appointment; and

(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—

(i) is not honest or is not impartial; or

(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or

(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and

(c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and

(d) would, if proved, be—

(i) a criminal offence; or

(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

(2) Without limiting subsection (1), conduct that involves any of the following could be corrupt conduct under subsection (1)—

(a) abuse of public office;

(b) bribery, including bribery relating to an election;

(c) extortion;

(d) obtaining or offering a secret commission;

(e) fraud;

(f) stealing;

(g) forgery;

(h) perverting the course of justice;

(i) an offence relating to an electoral donation;

(j) loss of revenue of the State;

(k) sedition;

(l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm;

(m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person;

(n) illegal drug trafficking;

(o) illegal gambling."

Examples of corrupt conduct include:

- verbally, physically or sexually abusing a customer or employee
- stealing or misusing Council property
- making a false claim for remuneration with the knowledge that the claimant is not entitled to that remuneration
- accepting a bribe or other benefit.

If an employee suspects that another employee or a Councillor is involved in corrupt conduct, the matter can be reported to either the Chief Executive Officer (CEO) or alternatively to the Crime and Corruption Commission (CCC).

If the CEO is aware of probable corrupt conduct the matter must be reported to the CCC as a requirement of the *Crime and Corruption Act 2001* before the alleged corrupt conduct is investigated.

Case History Examples of Corrupt Conduct:

Senior Storeman at the Depot (A NSW Council)

- Corruptly and dishonestly received more than \$850,000 in benefits through bogus invoices for fencing wire over a period of time between 2004 & 2009.

Council worker (A Victorian Council)

- 929 charges as the Council's venue manager for selling alcohol for cash that was purchased for City events over a period of time between 2005 and 2013
- \$700,000 worth of alcohol

Public Interest Disclosure Act 2010

The *Public Interest Disclosure Act 2010* safeguards public officials who disclose unlawful and improper conduct including breaches of this Code of Conduct.

The taking of reprisals against those who have, or are perceived to have made a disclosure under the Act, are subject to strong sanctions and disciplinary action.

Council recognises its obligations under the Act to protect disclosers from such reprisals and will take appropriate action to do so.

If you have a Concern

The *Public Interest Disclosure Act 2010* and the *Public Sector Ethics Act 1994* aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct.

Where you honestly believe, on reasonable grounds, that you possess information about another Council Officer's conduct that relates to:

- Corrupt Conduct; or
- maladministration that adversely affects a person's interests; or
- a substantial misuse of public resources, other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure; or
- a substantial and specific danger to public health or safety; or
- a substantial and specific danger to the environment

you have the right to make a Public Interest Disclosure to a proper authority subject to, and in accordance with, the Public Interest Disclosure Act 2010 and Council's Corporate Standard.

Should you wish to make such a disclosure please contact:

- your Manager, the Chief Executive's Office or the People and Performance Unit; or
- other external channels (e.g. Crime and Corruption Commission, Anti-Discrimination Commission etc).

THE CODE - ETHICAL PRINCIPLES, VALUES, CODE AND CONDUCT

The First Principle – Integrity and impartiality

Public Sector Ethics Act 1994 section 6 states:

“In recognition that public office involves a public trust, public service agencies, public sector entities and Public Officials seek to promote public confidence in the integrity of the public sector and—

- a) *are committed to the highest ethical standards; and*
- b) *accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and*
- c) *show respect towards all persons, including employees clients and the general public; and*
- d) *acknowledge the primacy of the public interest and undertake that any Conflict of Interest issue will be resolved or appropriately managed in favour of the public interest; and*
- e) *are committed to honest, fair and respectful engagement with the community.”*

Standards of Conduct:

6.1.1 Conflicts of Interest

Conflicts of Interest arise where employees feel there is a conflict between duty to the Council and a personal interest or belief. Employees should disclose in writing, to their supervisor, any real or perceived conflicts of interest.

If an employee considers that a potential conflict of interest cannot be satisfactorily resolved otherwise, a request can be made that another employee deal with the matter.

A Conflict of Interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise and includes advantages to relatives and friends.

If any employee has an interest or a potential interest in a firm which is seeking to contract with the Council for the provision of goods or services, a declaration to this effect must be made by the employee. In the event that such a declaration is not made, the contract may be declared void.

Where required by Chapter 8, Part 5 of the Local Government Regulation 2012 details of interests may need to be provided to the Chief Executive Officer or Mayor to be included in Council's records remain current.

Examples of Conflicts of Interest:

- I am employed as a Ganger in the parks section of Council and I also, with my wife, run a small business that supplies fuel, accommodation and other groceries. My small business is located in a remote area that

means that Council will at times buy fuel, accommodation or other small grocery items such as batteries from my small business.

- I am an employee of Council and one of the organisations that supply product to Council that I generally authorise for payment (okay to pay) offers me a trip to the football in Brisbane if I keep buying the product from them.
- I am on the panel that decides the success of grant applications; I am also a committee member of one of the not for profit organisations that has submitted an application.
- I am on an interview panel to recruit a new employee and one of the applicants is my cousin.

6.1.2 Influences on decision-making

All decisions and recommendations need to be, and be seen to be, fair and transparent and made in an impartial manner, with the prime aim of promoting the public interest and achieving best value for money.

Appropriate decision-making practices can be achieved in a number of ways, including (but not limited to) the provision of:

- policies, corporate standards and procedures,
- clear, concise and complete record-keeping including showing how decisions were made.

To maintain and enhance public confidence in the integrity of public administration, it is essential that Council employees do not use their official powers or position improperly. It is improper to show favouritism to business associates, relatives, friends or companions in providing jobs, privileges, the rewarding of work or contracts and any other benefit or consideration that is not equally available to all others.

Contact with lobbyists must comply with any Policy of Council and the requirements of the *Integrity Act 2009*.

Example of where Influence on Decision-Making may compromise Integrity and Impartiality and create a Conflict of Interest:

- I am an employee of Council and I am part of a panel to decide a successful quote. One of the quotes received by Council has come from my best friend/ wife/ daughter/ family/ brother/ sister. The relationship may be perceived to influence my decision making.

6.1.3 Gifts and Benefits

Pursuant to section 199(3) of the *Local Government Act 2009*, it is an offence for an employee to ask for, or accept, a fee or other benefit for doing something as a local government employee. However, section 199(3) does not apply to remuneration paid by Council or a benefit that has only a nominal value.

Gifts and benefits with an estimated value of \$100 or less are considered nominal and may be kept by the employee (*a record of such should be kept*

by the employee because if the combined value of a number of gifts and benefits received by an employee from the same donor in any financial year exceeds \$100, then each individual gift or benefit becomes reportable).

Gifts and benefits with an estimated value of more than \$100 are considered significant and therefore reportable, however, the Chief Executive Officer may decide whether or not the gift or benefit may be kept by the employee.

If the employee is the Chief Executive Officer, the approval is to be sought from the Mayor.

Prizes won by virtue of automatic entry as a conference delegate, are to be dealt with in the same manner as per the gifts and benefits guidelines shown above.

Employees should also consider:

- why gifts or benefits were offered (whether as thanks or to influence a decision)
- the impression that your acceptance is likely to create.

No matter how small a gift or benefit may be, it may still create a sense of obligation towards the giver.

Employees must politely refuse gifts, prizes and benefits which would clearly bring the employees or the Council's integrity or impartiality into question.

If money is offered, it must be refused, whatever the circumstances.

Apart from the exceptions provided for above, if a gift, prize or benefit is accepted in order to avoid embarrassment and it is subsequently concluded that the value is such that it is not considered to be nominal, such gift, prize or benefit is to be provided to the Manager People and Performance, with written advice of the details of the gift, prize or benefit and circumstances of acceptance. If a significant prize or benefit is offered and not accepted, prompt disclosure in writing, must be made to the Manager People and Performance.

Details of these gifts, prizes or benefits and their subsequent allocation for organisational use, or non-acceptance of gifts, prizes or benefits, are to be recorded by the Manager People and Performance or their delegate in the Register of Gifts and Benefits held within Council's Corporate Memory. The Register will be subject to internal and external audit. The Manager People and Performance is to forward a copy of the advice to the relevant Director, or Chief Executive Officer in the case of a Director, or Mayor in the case of the Chief Executive Officer. In the case of the Manager People and Performance the action officer is the Chief Executive Officer.

Where required by Chapter 8, of the Local Government Regulation 2012 senior staff (including the CEO and Councillors) must ensure that gifts are recorded in their Register of Interests.

Employees must not give money or a gift to an executive, official or employee of any supplier, customer or any other organisation to influence or appear to be influencing the organisation's relationship with the Council.

Example of when Gift/Benefit may compromise Integrity / Impartiality and create a Conflict of Interest:-

- I am an employee of Council and on the panel to decide a quotation and I am offered a prepaid credit card by one of the entity's (person, partnership, company) who submitted a quote. This could be perceived to create an obligation to the entity to view a quotation more favourably.
- I am an employee of Council and I have been offered by one of our suppliers, tickets to the football match in Brisbane in the Company's Corporate Box. It could be perceived that this will create an obligation to the supplier's future benefit.

6.1.4 Employment outside Council

Employees of Council can generally undertake work outside their normal working hours provided that it does not conflict with or adversely affect the performance of their official council duties.

Extreme care should be taken to ensure that active participation, on a part time, casual or freelance basis, in any entity other than Council does not create a potential conflict of interest.

Employees who propose to engage in 'secondary employment' should assess the proposed activities in terms of the following guidelines to determine whether a conflict exists or has the potential to exist with Council business:

- a) that no Conflict of Interest exists or has the potential to develop, between private employment and official Council duties.
- b) that private employment has no adverse effect on the performance of official Council duties. This includes effects from a safety/fatigue management perspective.
- c) that private employment does not involve use of Council resources (physical, technological or intellectual); and
- d) work outside Council continues to meet the requirements at (a); (b) and (c); and
- e) pursuant to section 198 of the Local Government Act 2009, where employment by more than 1 local government, is sought, at the same time, approval of each of the local governments is required prior to appointment to the second position.

Where an employee assesses that a potential conflict of interest may exist where they propose to engage in secondary employment they must seek approval in writing from the Chief Executive Officer prior to commencing or accepting secondary employment.

Although written approval is not required, for employees to undertake voluntary work or a hobby, employees also need to ensure that these activities meet the above requirements. If you are unsure, you should discuss this with your supervisor/manager.

In considering requests to undertake other employment, a balance must be sought between the legitimate interests of Council to protect its integrity and the rights of Council employees to lead their private lives free from unnecessary intrusion by Council.

Employees should inform the Chief Executive Officer if the nature or circumstances of outside employment changes or their official council duties change, which could give rise to perceived or actual conflict between their outside employment and council employment.

Examples of where Secondary Employment may give rise to a Conflict of Interest:

- a) Employee Dan, is employed by Council as a grader operator, he also owns a grader and needs to earn some extra money. He is approached by a business that has been contracted by Council to undertake grading works on Council roads. The contractor has the ability to work weekends.
- b) Employee Nick is employed as an IT support officer with Council. He has developed significant knowledge and expertise in maintenance of personal computers, largely through on-the-job experience and training. Nick is very popular with Council employees and whilst on his rounds trouble-shooting, will chat to colleagues about problems with their home computers. In his spare time Nick assists his friend Toni with her business restoring and selling second-hand computers. He gets paid for his time working with Toni.
- c) Employee Mary is employed as a Storeperson with Council. Outside of Council Mary operates a business selling oils and lubricants. Every two years, Council seeks tenders for the provision of oils and lubricants and Mary submits a tender.
- d) Employee Rachael is employed as a town planner with Council. Council assisted Rachael achieve her degree by paying for all course tuition and time for study during working hours. Rachael is considering entering into partnership with Tanya and operating a planning consultancy business to assist small business make successful applications for development.

6.1.5 Public Comments on Council Business

As a general rule, Councillors comment publicly on Council business. Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments.

Advice on public comment and media enquiries can be sought from the Communications and Marketing team of Council.

The rights of employees to free speech are acknowledged. Employees have the same rights as any member of the community to discuss political, community and social issues in a private capacity. Where an employee feels the need to speak out in public on a political or social matter, it should be made clear that the employee's personal views are being expressed and that

these do not represent the views of Council. The comments should not lead to a breach of confidentiality and must not be negative or derogatory towards Council.

The above applies to all public arenas including but not limited to, social networking websites such as facebook, twitter, etc., letters or SMS to newspapers or public/community meetings.

In addition, where personal information is collected or access is granted to personal information, the Privacy Principles outlined under the *Information Privacy Act 2009* must be adhered to.

Examples of where Public Comment breaches the Code:

- An employee makes an unauthorised derogatory statement to the press on camera regarding a political issue whilst dressed in Council uniform without advising that the view being expressed is a personal view and does not represent the view of Council.
- An employee writes a letter to the editor of the Local newspaper, stating that they are a Council employee, making derogatory comments about a Council Manager and a decision made by Council.

6.1.6 Advice given to Elected Officials

The *Local Government Act 2009* (s. 170) makes it clear that staff should be directed by the CEO, through their Managers/Supervisors, not by individual Councillors. This is in order to avoid a situation where an employee is disrupted from their allocated work schedules and priorities as set by the CEO or their Supervisor.

Communication between Councillors and employees must be in accordance with the Chief Executive Officer's Councillor Advice Guidelines. Council employees must give elected members (Councillors) advice that is thorough, responsive, objective, independent, apolitical and impartial so that Councillors can make decisions and effectively carry out their community responsibilities.

If a Councillor asks for help or advice from an employee other than under the advice guidelines, the employee must tell the Chief Executive Officer about the request as soon as is practicable.

It is inappropriate for employees to approach Councillors with enquiries relating to operational matters.

Examples of a Breach of the Code:

- It would be inappropriate for an employee, in their capacity as an employee, to lobby a Councillor to have their road graded more often than what Council's standards and work programs allow.

- An employee, who is also a member of a local non profit group, rings a Councillor to ask them to vote at the next Council meeting for the non profit group to get a Council grant.
- An employee contacts a Councillor to discuss the merits of another employee and asking the Councillor to recommend termination of the employee discussed.

6.1.7 External Activities

Council supports and is committed to ensuring all staff are free to engage in trade union, party-political, professional, interest group or charity activities of their choosing. However, participation in such activities must not cause either a Conflict of Interest, and/or unduly restrict the performance of official duties with Council.

Involvement in any external organisation must not intrude upon any duty, as a Council employee, to give sound advice to Council that is objective, independent, apolitical and impartial.

Employees are not to take part in political affairs whilst on duty. Council's Information Technology systems, including internet access and email, Council newsletters and workplaces must not be used for political messages or circulating defamatory or disparaging remarks against individuals or groups.

If comment is made publicly in connection with external activities, there must be a clear distinction between the opinion provided as a member of the external organisation, and the opinion provided as a Council employee.

Employees must not use their role in Council, Council information or information gained in the course of their official duties as a Council employee, to advance their position or standing within an external organisation, nor for the benefit or promotion of an external organisation.

Council information must not be provided to members of other groups or related persons, except where this information is publicly available.

As a member of an external organisation employees need to be aware that participating in activities in the public arena, where they may be identified as a Council employee, can give rise to a perception of Conflict of Interest in some circumstances. Where such a situation arises, employees must declare and manage the conflict in accordance with this Code of Conduct.

Example of a Breach of the Code:

- I am an employee of Council but I am also a member of the local Rodeo Committee. I have been asked by the Committee to get the Council to do some work on the grounds using my crew and Council equipment.
- I am a member of the local branch of a political party (for example Labour/Liberal/National) and I use my employee email account to distribute information to other employees on my political party in the lead up to an election.

- I am a member of a local branch of a political party and in my Council uniform hand out "how to vote" cards at pre-polling booth.
- I am a member of a union and attend a union rally in my Council uniform during my normal work time.

6.1.8 Behaviour Towards Each Other

We must all treat others with trust, respect, honesty, fairness, sensitivity and dignity.

Council values diversity, and expects all its employees to accommodate and respect different opinions and perspectives, and to manage interpersonal disagreements by rational debate. Employees must not behave towards any other person in a way that could be perceived as intimidating, overbearing or bullying, or that may constitute unwelcome conduct of a sexual nature. Horseplay as defined in the Code is considered inappropriate conduct in the workplace.

Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work co-operatively with fellow employees and actively and willingly take part in team activities (e.g. meetings).

Examples of Breaches of the Code:

- Engaging in Horseplay which includes activities such as - joking that includes physical contact, playing around, racing, grabbing, foolish vehicle operation, social pressure to participate in unsafe acts, harassment, and unauthorised contests.
- An employee verbally abusing, swearing at, or intimidating a co-worker which causes fear would breach the Code.

6.1.9 Managers and Supervisors Behaviour

Employees who supervise or manage other employees have a special responsibility to model exemplary behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them at work and when dealing with ratepayers and the public generally.

Managers and Supervisors are expected to behave in an exemplary manner and to set a good standard for their staff to follow. Those who manage or supervise other staff have ethical and legal responsibilities including the responsibility to:

- Set good examples for staff through their own behaviours, especially in relation to implementing this Code of Conduct and in observing Council's Policies, Corporate Standards, Guidelines and Procedures
- Maintain open and honest face to face communication with all staff
- Treat staff fairly, equitably and consistently

- Ensure employees understand performance expectations and provide clear and constructive feedback to employees
- Ensure staff are able to operate in a safe and healthy environment
- Intervene at the earliest possible opportunity and take the correct course of action if they observe inappropriate behaviour taking place in the workplace
- Encourage teamwork.

Examples of appropriate Management/Supervisory Behaviour includes:

- Managers and supervisors immediately addressing any potential safety issue/s with staff and working with those staff members to make a site or practice safe.
- Requesting any horseplay immediately cease when it is observed.
- Ensuring that regular employee briefings are provided as required.
- Talking regularly with employees, ensuring that they know their roles and responsibilities.

6.1.10 Non-discriminatory workplace

Council is an Equal Opportunity employer and as such is proactive in ensuring that its practices do not discriminate based on any attribute, or based on a person's association with another person who maintains an attribute relating to:-

- race/ethnicity;
- gender;
- national origin;
- marital status;
- sexual preference/lawful sexual activity;
- age;
- disability/impairment, including infectious disease;
- industrial/employment activity;
- physical features;
- pregnancy;
- family responsibilities;
- religious beliefs;
- political conviction;
- breast feeding; or
- gender identity.

Persons to which this code applies have a shared responsibility to ensure that discrimination is not part of the workplace or within practices in dealing with ratepayers and the public generally.

Discriminatory behaviour must be reported to supervisors or managers, or if such action involves a supervisor or manager, another senior officer. Found cases of unlawful discrimination may lead to disciplinary action taken against offending staff.

Example of a Breach of the Code:

- An employee who makes taunts and/or snide remarks about another employee's race, religious beliefs and/or sexual preference whilst in the workplace would be breaching the Code.
- Not allocating specific tasks to a team member because of their age.

6.1.11 Sexual and other forms of Workplace Harassment

Council is committed to ensuring that all employees are treated with integrity and respect, recognising all employees have the right to work in an environment free from discrimination, harassment and bullying. Discrimination, harassment and bullying behaviour will not be tolerated under any circumstances.

Council is committed to the prevention of any form of sexual harassment, victimisation or other forms of bullying in the workplace, or at any place where work-related activities are performed, including at social functions. This commitment applies to all employees in their relationships with each other, to applicants for employment at Council and to persons who have dealings with Council.

Council continues to implement strategies to eliminate discrimination, harassment and bullying. These include:

- training and awareness-raising strategies to ensure that all employees are aware of both the Code of Conduct and the Anti-Harassment and Anti-Discrimination Policies;
- grievance management procedures which are based on the principles of procedural fairness;
- treating all grievances in a sensitive, fair, timely and confidential manner;
- acting against victimisation; and
- encouraging the reporting of behaviour which breaches this policy.

Discrimination, harassment and bullying must not be confused with legitimate comment, criticism and advice, including relevant negative comment or feedback, from supervisors or behaviour of an individual or group.

Sexual harassment is NOT behaviour that is based on mutual attraction, friendship and respect. Where interactions are consensual, welcome and reciprocated it is not sexual harassment.

Forms of discrimination, harassment and bullying can also constitute criminal offences, including:

- physically assaulting a person, including sexual assault;
- stalking; and
- obscene communications including through emails, phone calls etc.

Employees will act immediately on reports of possible criminal offences.

Managers, supervisors have a responsibility to:

- monitor the work environment to ensure that acceptable standards of conduct are observed at all times;

- treat all complaints seriously and confidentially and take immediate action to refer the staff member or student to the relevant policy and procedures.

All employees have a responsibility to:

- offer support to anyone who claims that they are experiencing discrimination, harassment or bullying and let them know where they can get help and advice; and
- consult with relevant senior officers on reports of discrimination, harassment and bullying.

Examples of behaviour which may constitute either sexual harassment or workplace bullying includes:-

- Acting towards, or speaking to a person in a manner which threatens or vilifies that person;
- Deliberately excluding a particular individual from relevant work related activities or functions;
- Making jokes, suggestive comments or offensive gestures related to a person's race, appearance, colour, ethnic origin, disability, gender, sexual characteristics, or a personal appearance;
- Distribution or display of sexually explicit material (including through email) which may be offensive, including posters, pictures or MPEGs, racist or sexist jokes or cartoons;
- Persistent questions about a person's private life;
- Personal comments about appearance, size, clothing;
- Demands for sexual favours, either directly or by implication;
- Unwanted and deliberate physical contact;
- Indecent assault, rape and other criminal offences.

Case History Example of Sexual Harassment:

- A local government Plant Operator was terminated for sending explicit photographs to a work colleague using a Council provided mobile phone.

The Second Principle – Promoting the Public Good

Public Sector Ethics Act 1994 section 7 states:

“In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and Public officials –

- a) *accept and value their duty to be responsive to both the requirements of government and to the public interest; and*
- b) *accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions; and*
- c) *accept and value their duty to manage public resources effectively, efficiently and economically; and*
- d) *value and seek to achieve excellence in service delivery; and*
- e) *value and seek to achieve enhanced integration of services to better service clients.”*

Standards of Conduct:

6.2.1 Customer Service

All Council employees must strive to provide excellent customer service. They must treat members of the public with honesty, fairness, sensitivity and dignity.

If an employee's role in Council involves contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people. Customers have a right to complain or criticise Council. While all reasonable efforts must be made to help customers lodge complaints, situations may arise where a customer becomes abusive, threatening or intimidating. Council does not expect employees to be treated in an inappropriate manner, nor does it expect employees to resort to such actions themselves. Employees should remain calm, patient and dignified and should they judge the situation to be getting out of hand, they should immediately withdraw from the situation and seek the assistance and advice of a senior officer. Council will support employees taking appropriate action.

When working with vulnerable or dependent customers, employees should exercise a high level of care, diligence and professional competence.

Council participates in language assistance for people from non-English speaking backgrounds through the National Translating and Interpreting Service (NTIS).

Council also participates in facilitating assistance for people who are hearing or speech impaired, via the National Relay Service.

Example of a Breach of the Code:

- An employee being deliberately rude and unhelpful towards a customer.
- A customer becomes agitated at the front counter and starts yelling and swearing and the employee yells and swears back at the customer.

- On a jobsite a member of the public drives by yelling at Council employees and a Council employee tells them to go away by swearing at them.
- A customer telephones Council and becomes abusive and angry and the employee tells them to be quiet and hangs up the phone without explanation.

6.2.2 Fairness to suppliers

Council's contracting activities are regulated pursuant to Chapter 6 of the Local Government Regulation 2012. Further, Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect the content of the Local Government Regulation 2012. Employees must comply with the Local Government Regulation 2012 and Council procedures when seeking suppliers for goods or services.

Employees approved to be involved in offering contracts or buying goods and services from outside Council, must ensure that all reasonable, fair and consistent steps are undertaken to allow all potential suppliers to bid fairly.

Employees also need to ensure that they do not incur any liability or enter into any contract on behalf of Council, or alter the terms or conditions of any contract which Council has already entered, unless authorised to do so.

Example of a Breach of the Code:

- An employee deliberately excluding a potential supplier of goods and services from an opportunity to quote because they have had a disagreement with the supplier over a personal matter.
- Purchasing goods or services from one supplier because the business is owned by your mate, even though other businesses provide the same goods or services at a cheaper price.

6.2.3 Public money

Council employees must maintain high standards of accountability if they collect and/or use public money. Council money may not be borrowed or used for private purposes.

Officers using Council monies for the purpose of entertainment and/or hospitality expenditure on Council's behalf must do so strictly in accordance with Councils Entertainment and Hospitality Expenditure Policy.

Example of a Breach of the Code:

- An employee intentionally using Council funds (such as a corporate credit card) to purchase an item for private use (ie. purchase flowers for a partner or spouse) even if the intention is that the money be later repaid.

6.2.4 Intellectual property

Council expects its Employees to ensure that their actions do not breach or infringe the *Copyright Act 1968*, by unlawfully using the intellectual property of any individual or organisation.

The copyrights, trademarks and patents of suppliers and other organisations outside Council must be respected. Employees must not reproduce or quote suppliers' material unless a license specifically allows it. Audio, video or image files, printed media and software on Council assets must not be copied or stored without an appropriate license or approval. Where this is unclear, written approval must be sought before arranging to publish, disclose or reproduce any articles or materials as part of your official duties.

Any original work, invention or product contributed to in association with official duties as a Council employee remains the property of Council. Similarly, any matters relating to Council's intellectual property must not be published or disclosed without appropriate authority. This does not stop sharing of information relating to official duties with other organisations.

Example of a Breach of the Code:

- An employee who develops a software application for Council then on-selling the application for personal gain to another external party, or taking that application with them when they resign/terminate their employment or using it for the benefit of another employer or in self-employment, without Council's consent.

6.2.5 Concern for the environment

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions (e.g. taking care in disposing of waste and using and storing chemicals, reducing energy consumption and waste in our work spaces where we can and applying high standards of environmental protection across the region).

In performing all duties at Council, compliance is expected with the general environmental duty and where applicable, duty to notify of environmental harm: Refer to Chapter 7, Part 1 of the *Environmental Protection Act 1994*.

Example of a Breach of the Code:

- An employee knowingly fails to report and/or act on an oil spill that they may have caused which creates environmental harm.
- An employee knowingly fails to obtain appropriate approvals to remove vegetation from a site that requires specific approval.

6.2.6 Corporate Image

Gladstone Regional Council is striving for excellence in serving the community and seeks to have the professional image of Council reflected at all times.

Integral to promoting this image, is the personal presentation of Council employees. Where employees are provided with a uniform, the uniform should be worn complete and in good order.

Employee's personal presentation in the workplace or while on official duty must be clean, tidy, and inoffensive to customers. It should have regard to the type of work being performed, workplace health and safety factors, cultural diversity and consistency across Council with respect to a professional image and climatic conditions. Employees must wear personal protective clothing and equipment when required.

Employees who interface with customers and who have been issued with name and/or identification badges must wear the badges at all times when performing official Council duties.

Examples of unacceptable clothing and presentation include:

- clothing printed with offensive matter
- clothing made of see-through fabric
- clothing that is revealing
- jewellery that could get caught in equipment
- bare feet, thongs or any shoes that are not enclosed over the toe
- clothing that exposes the midriff/abdomen
- wearing of jewellery on facial features other than ears (eg. nose rings, pierced eyebrow), may not be appropriate for those whose role involves customer service
- offensive body art that is not covered.

Employees attending meetings, training sessions, conferences, social functions or out of hours functions must ensure that personal behaviour in no way detracts from the image or reputation of Council or brings Council into disrepute.

Should employees find themselves in a public area and still in uniform when off duty, they must be aware at all times that they may be perceived as representing Council and must act accordingly. In particular, when an employee is consuming alcohol in a public place while off duty but still in uniform, they must ensure that their behaviour/conduct does not bring Council's reputation into disrepute.

Example of a Breach of the Code:

- An employee is at a pub after work and whilst they are still dressed in Council's Corporate Uniform, they are observed as being heavily under the influence of alcohol and abusing local Police.

The Third Principle – Commitment to the system of government

Public Sector Ethics Act 1994 section 8 states:

1. *In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and Public officials -*
 - (i) *accept and value their duty to uphold the system of government and the laws of the state, the Commonwealth and local government; and*
 - (ii) *are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and*
 - (iii) *accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.*
2. *Subsection (1) does not limit the responsibility of a public service agency, public sector entity or Public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.*

Standards of Conduct:

6.3.1 Acting within the law

Council employees are expected to have a working knowledge of the law and act within applicable legislation, awards, certified agreements, Council policies, corporate standards, delegations and local laws. All employees are entitled to have access to legislation, policies, corporate standards and industrial instruments such as awards that apply to their work.

Managers have a special responsibility to assist employees to understand relevant legislation.

Employees charged with having committed any indictable offence, are subject to an indictable offence conviction, or are subject to a summary conviction, should immediately report the circumstances to their manager. Such disclosure shall be treated as confidential.

Example of where an Offence must be Reported:

- An employee receives a conviction for drink driving, careless driving and unlicensed driving.

6.3.2 Lawful and Reasonable Instructions

Employees are obliged to carry out an instruction unless there is a danger to a person's health and safety or if it appears to be an unlawful or unreasonable instruction. Unreasonable instructions may include instructions which relate to issues of competence, resources, efficiency, personal beliefs (eg religion) or

conflict with professional ethics. Where an instruction appears unsafe, unreasonable or unlawful, an employee should communicate this to the person giving the instruction. If an employee is still not convinced of the reasonableness or lawfulness of the direction, the employee may raise the issue at a higher level in the organisation or lodge a grievance through Council's Grievance Procedure.

Further, it must be accepted that Council has the right to determine its policy, practices and priorities and that compliance with all reasonable and lawful instructions, whether or not you personally agree with a given direction, is required.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with the Council's Performance Management Systems and/or Disciplinary Policy.

Examples of a Breach of the Code:

- An employee who fails to use a safety harness provided.

(**Note:** if the safety harness has an out of date safety inspection certification the employee would not be subject to disciplinary action as the harness is potentially unsafe).

- An employee fails to obtain a medical assessment and/or clearance as directed by their Supervisor where there are genuine concerns as to their fitness for work.

6.3.3 Privacy

Council maintains information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful to a person's interest if released. Employees should only access personal information and records they require to perform their official Council duties.

Employees must ensure that the collection, storage and use of personal information is done so in accordance with the Privacy Principles outlined pursuant to the *Information Privacy Act 2009*.

As a general rule privacy can be maintained by:

- not discussing work matters with persons not entitled to know such information; and
- taking responsibility to safeguard confidential files and information; and
- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected; and
- ensuring that you comply with Council policies and corporate standards in relation to maintaining privacy of personal information.

It may be appropriate to share information based on personal and professional experience (e.g. in seminars or training programs). However in sharing experiences, steps must be taken to ensure that where personal information is involved, Council's privacy obligations are not breached. You may breach this obligation even if comments are made or personal information other than your own is shared in your personal life, including via social media outlets such as 'Facebook' or 'MySpace'.

In addition to the *Information Privacy Act 2009*, section 200 of the *Local Government Act 2009* makes it an offence for a person who is, or has been, a Council employee to release information that the person knows, or should reasonably know, is information that:-

- is confidential to Council; and
- Council wishes to keep confidential.

Personal and other information may on occasion be sought from Council by an employee or other members of the public pursuant to the *Right to Information Act 2009*.

Example of a Breach of Privacy:

- An employee accesses Council's central records system and discloses to an external party the name and address of a person who complained about the external party's dog.

6.3.4 Respect for Civic Duties

In keeping with the spirit of respect for the law and the system of Government, Council will support staff in the undertaking of civic duties from time to time. These duties include jury duty, Justice Of the Peace/Commissioner for Declarations roles, Emergency Service roles and Defence Force Reserves.

If an employee wishes to stand for election in local, federal or state parliaments, they must observe the requirements as set out in the *Parliament of Queensland Act 2001*.

Special Note:

- Exemptions from Jury Duty based on work grounds are only given in exceptional circumstances and are at the discretion of the Chief Executive Officer.
- Voluntary duties in relation to Emergency Service Roles (including SES and Rural Fire Services) will need to be discussed and approved.

The Fourth Principle – Accountability and Transparency

Public Sector Ethics Act 1994 section 9 states:

In recognition that public trust in public office requires high standard of public administration, public service agencies, public sector entities and public officials -

- a) are committed to exercising proper diligence, care and attention; and*
- b) are committed to using public resources in an effective and accountable way; and*
- c) are committed to managing information as openly as practicable within the legal framework; and*
- d) value and seek to achieve high standards of public administration; and*
- e) value and seek to innovate and continuously improve performance; and*
- f) value and seek to operate within a framework of mutual obligation and shared responsibility between public services agencies, public sector entities and Public Officials.*

Standards of Conduct:

6.4.1 Procedural fairness and Natural Justice

Procedural fairness or “natural justice” is integral to fair and proper administrative decision making.

**The principles of Natural Justice and Procedural fairness include three aspects:

1. **“The notice requirement** – any person who is likely to be affected by a decision should be given notice of the issues and relevant information. The notice to the person must identify the critical issues and contain sufficient information for the person to be able to participate meaningfully in the decision-making process.
2. **The fair rule** – giving the person a reasonable opportunity to respond to the issues/information. A fair hearing not only requires the decision-maker to give the affected person a fair opportunity to ‘speak’ or ‘respond’ but also to give realistic and genuine consideration to the affected person’s submission.
3. **The lack of bias rule** – the person making the decision must act impartially (without bias) in considering the matter. Bias could arise if the decision-maker has some financial or other personal interest in the outcome of the decision (conflict of interest), or has given the impression that they have prejudged the issues ahead of the time (prejudgement).”

** (Source Queensland Ombudsman Complaints Management Training Workbook)

6.4.2 Managing Council Resources

Council resources include property, plant, equipment, information systems, staff work time, computing resources, goods, products and valuables. All resources must be used economically, efficiently, treated with care and given adequate protection to avoid misuse or theft. In addition, employees must avoid waste

and extravagance in the use of resources, ensuring that resources are used for legitimate activities of Gladstone Regional Council only.

The following conditions apply to council resources:

- Council property is not to be borrowed for personal use by employees.
- Where materials are set aside for a particular job and are not completely used up, the remaining material should be returned to stock for future use.
- Photocopying for school, outside committees, etc. is not acceptable.
- Council's e-mail facilities should always be used in a professional and courteous manner and messages should not include any material which infringes on State or Commonwealth Anti-Discrimination Acts.

Upon termination of employment with Council all Council property and work-related documents must be returned immediately.

Example of a Breach of the Code:

- Taking Council tools and equipment home for the weekend to work on an employee's private residence or yard.
- An employee with Commuter Use Only of a Council vehicle using the Council vehicle to take rubbish to the tip or to transport private goods and chattels to move house.

6.4.3 Motor Vehicles, Plant and Machinery

Council plant, machinery and motor vehicles form a significant part of Council's property/resources and, as such, should be treated with due care and attention.

When using Council vehicles, employees must be aware that they are subject to public scrutiny and therefore must ensure the vehicle is used in a safe and efficient manner at all times.

All Gladstone Regional Council plant, machinery and vehicles (including Council vehicles utilised for private use) are designated non-smoking areas.

If employees have personal use of a Council vehicle they must ensure it is maintained and serviced in accordance with Council's vehicle policy, corporate standards and guidelines.

Employees are responsible for ensuring that all plant, machinery and vehicles are properly maintained both mechanically and in appearance. This includes the exterior and interior being kept in a reasonable condition at all times. While the scheduled mechanical maintenance is the responsibility of the Fleet section of Council, employees shall notify the Fleet section should a service become due.

Case History Example of a Breach:

- A local government Ganger – terminated for using Council vehicle to visit TAB during work hours in uniform – unfair dismissal claim dismissed by QIRC – found to be valid reason for termination. (QIRC 155)

6.4.4 Performance at Work

Council aims to conduct its business with integrity, honesty and fairness and to achieve the highest standards in service delivery.

Employees should perform their duties in a timely manner so as to minimise delays and consequent costs for Council and its customers. As a general rule, routine tasks should be completed within the established time frames.

Employees are expected to perform a reasonable day's work in line with the accountabilities of their position description, goals and objectives. In keeping with responsible work ethics, employees should take "ownership" over, and be accountable for, their actions and decisions. Employees should perform their duties to the best of their ability with care and competence and be open about reporting mistakes.

Additionally, employees should endeavour to maintain and improve their knowledge and skills. Council will assist by providing equitable access to training and development opportunities. All Local Government employees have an obligation to be proactive in the continual improvement of all aspects of their work performance: refer to section 13 of the Local Government Act 2009.

Employees should act professionally and avoid situations where their behaviour could reflect badly on Gladstone Regional Council or impact on their workplace.

Employees must avoid negligent conduct by giving sufficient attention to their actions and decisions and by obtaining the direction and advice of Supervisors if they are unsure how to proceed.

Employees are expected to follow Council employment and working arrangements, agreements and rulings on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods.

Council's operational efficiency depends on employee punctuality and attendance at work stations/locations. If employees are unavoidably detained they must advise their team leader/supervisor/manager as soon as reasonably possible before the expected start time.

Absence without approval and without reasonable excuse can create concerns for an employee's safety and lead to unproductive time for others. All employees have an obligation to ensure that they promptly notify Council as soon as practicable upon becoming aware that they are going to be absent from work. Failure to promptly notify Council may result in the non-payment of salary/wages for the period of absence and/or may result in Council taking disciplinary action.

Case History Example of a Breach:

- A local government Employee was terminated for making a false claim for remuneration by submitting fraudulent timesheets. (Stealing time from Council) Crime and Corruption Commission notifiable.

- An employee received a formal warning for excessive use of social media, using Council technology in Council work time.

6.4.5 Health, safety and the environment

As Council employees we are all committed to eliminating or minimising, as far as reasonably practicable, the risk to the health and wellbeing of ourselves and others as a consequence of the way we conduct our business and Council activities.

Council will endeavour to ensure, as far as reasonably practicable

- a. the provision and maintenance of a work environment without risks to health and safety; and
- b. the provision and maintenance of safe plant and structures; and
- c. the provision and maintenance of safe systems of work; and
- d. the safe use, handling and storage of plant, structures and substances; and
- e. the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and
- f. the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and
- g. that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

Employees must take reasonable steps to ensure their own safety, health and welfare in the workplace. They have a duty of care to both fellow employees and members of the public. Employees have the following obligations at the workplace:-

- a) take reasonable care for your own health and safety; and
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons; and
- c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with the Work Health and Safety Act 2011; and
- d) co-operate with any reasonable policy, corporate standard or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

Employees also have a duty to:

- identify hazards and manage risks to health and safety;
- perform all work safely and follow safe work practices;
- use or wear personal protective equipment in accordance with any information, training or reasonable instruction given by Council.

- not intentionally misuse or damage equipment, and inform the Council of any damage to, defect in or need to clean or decontaminate any of the equipment of which the worker becomes aware
- report any incidents or hazards immediately and support investigations;
- take corrective action to 'make safe' the workplace, relevant workplace area or work activities and implement improvements;
- participate in rehabilitation and return to work programs if required.

The workplace must be kept safe, smoke, drug and alcohol free to maintain the trust and confidence of the broader public, and ensure the health and safety of all employees. The use of drugs or alcohol can adversely affect productivity, attendance and on-the-job safety.

As such employees must not:

- use, possess or be impaired by the effects of illegal drugs whilst on duty
- come to work impaired by the effects of alcohol or drugs
- consume alcohol while on duty or in the workplace other than strictly in accordance with Council Policy
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions)
- undermine Council's service to customers by leaving your work station/location in order to smoke. Employees are encouraged to limit smoking to the designated lunch and morning/afternoon tea breaks. Any smoking during work time must not reduce the employee's productivity.
- smoke anywhere within Council's buildings, in Council vehicles, in any enclosed spaces whilst on site or within 4 meters of any part of an entrance to an enclosed place.

Employees must declare to their Supervisor, if they are prescribed and/or taking any medication that has the potential to impair performance or be identified through a random drug and alcohol testing procedure.

A GUIDE TO ETHICAL DECISION MAKING

The following guide is designed to help you reach an ethical decision based on the relevant facts and circumstances of a situation.

Step 1: Assess the situation

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against Council policy?
- Is it in line with the Code's principles and Standards of Conduct?
- What principles does it relate to? Why?
- Who is affected? What rights do they have?
- What are your obligations or responsibilities?

Step 2: Look at the situation from Council's viewpoint

- As a Public official, what should you do?
- What are the relevant laws, rules and guidelines?
- Who else should you consult?

Step 3: How would others see your actions?

- Would a reasonable person think you used your powers or position improperly?
- Would the public see your action or decision as honest and impartial?
- Do you face a Conflict of Interest?
- Will your decision or action stand up to public scrutiny?

Step 4: Consider the options

- Ask your supervisor/manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with Council's values, the five local government principles, the four ethics principles fundamental to good public administration and your obligations?
- What are the costs and long-term consequences of each option?
- How would the public view each option?
- What will be the outcome for Council, your colleagues, others and you?

Step 5: Choose your course of action

Make sure your actions are:

- within your power to take, legal and in line with policy and this Code;
- fair and able to be justified to your manager and the public;
- documented so a statement of reasons can be supplied;
- consistent with Council's mission, goals and values; and
- backed by advice from Council specialists, if this is appropriate.

FURTHER INFORMATION

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your Supervisor, Manager or Human Resources.

There are a number of Gladstone Regional Council Policies underlying this Code of Conduct. You are required to read and understand the policies and corporate standards that govern your employment with Council.

The Chief Executive Officer may vary this Code of Conduct as required.

7.0 ATTACHMENTS:

Nil.

8.0 REVIEW TRIGGER:

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council
3. Periodic Review – 3 years from date of adoption.

TABLE OF AMENDMENTS		
Originally Adopted	5 May 2009	09/256
Amendment 1	2 April 2013	G/13/1483
Amendment 2	20 October 2015	G/15/2599
Amendment 3	19 July 2016	G/16/2850 (removed reference to repealed Media Attribution Protocol Policy)
Amendment 4	26 September 2017	Amended administratively by the CEO - only change is to the CEO's Message



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ROSLYN BAKER
CHIEF EXECUTIVE OFFICER