



Employee Code of Conduct Policy

Reference Number:	7.1
Type:	HR/Administration
Category:	People and Culture
Relevant Community Plan Outcome:	<ul style="list-style-type: none"> • Be bold and innovative in our practices, leadership and decision making • A collaborative, agile and high performing workplace practice transparent and accountable governance
Responsible Officer(s):	Manager People and Culture
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Applicable Legislation:	Local Government Act 1999 Independent Commissioner Against Corruption Act 2012 Local Government (General) (Employee Code of Conduct) Variation Regulations 2018
Related Policies:	Employee Performance Management Policy Additional External Work Policy Media, Communications & Social Media Policy Customer Experience Policy Respectful Workplace Policy Privacy Policy Children and Vulnerable Persons Policy Hospitality, Gift and Employee Expenses Policy
Related Procedures:	Conflict of Interest Guidelines Planning and Development Code of Conduct Guidelines Children and Vulnerable Persons Procedure

1. Purpose

The Code of Conduct for Council Employees is outlined in Schedule 2A of the Local Government (General) Regulations 2013 and amended by the Local Government (General) (Employee Code of Conduct) Variation Regulations 2018. The purpose of this policy is to clearly outline the behavioural standards expected of all employees during the performance of their duties.

2. Scope

Council employees must comply with the provisions of this Code in carrying out their functions as a public officer. It is the personal responsibility of Council employees to ensure that they are familiar with, and comply with, the standards in the Code at all times.

For the purposes of this Policy, the term 'Council Employees' also includes other persons carrying out work on behalf of Council, including, but not limited to trainees, apprentices, labour hire, contractors and work experience, are also expected to comply with the provisions of this Code.

3. Policy Statement

3.1. Organisational Values

Our organisational values of Passionate, Courageous, Caring and Progressive define the way in which we approach our work and are fundamental to the development of a constructive organisational culture.

This policy does not cover every situation, however, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations it does not cover. This policy sets the minimum requirements of behaviour for Council employees and others covered under the scope of this policy in carrying out their functions.

3.2. Principles and Overarching Statement

Council employees in South Australia have a commitment to serve the best interests of the people within the community their Council represents and to discharge their duties as public officers conscientiously and to the best of their ability.

Council employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to their Council.

Council employees will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of their Council is strong.

Council employees will respect the law, and the resolutions made by the elected member body of the Council.

The Council's Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.

Council employees will make reasonable endeavours to ensure that they have current knowledge of both statutory requirements and best practices relevant to their position as is drawn to their attention by Council.

4. Conduct Required of Council Employees

In line with the Principles and Overarching Statement above, the following behaviour is considered essential to upholding the principles of good governance in Councils.

A failure to comply with any of these behaviours can constitute a ground for disciplinary action against the employee, including dismissal, under Section 110(5) of the Local Government Act 1999.

Council employees must also comply with all relevant statutory requirements within the Local Government Act 1999, the Work Health and Safety Act 2012 and other Acts. A failure to comply with these statutes, as identified within this Part, can also constitute a ground for disciplinary action against the employee, including dismissal, under Section 110(5) of the Local Government Act 1999.

Council employees will:

General behaviour

- 4.1.** Act honestly in the performance of official duties at all times, as required by Section 109(1) of the Local Government Act 1999.
- 4.2.** Act with reasonable care and diligence in the performance of official duties, as required by Section 109(2) of the Local Government Act 1999.
- 4.3.** Discharge duties in a professional manner.
- 4.4.** Act in a way that generates community trust and confidence in the Council.
- 4.5.** Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 4.6.** Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

Responsibilities as an employee of Council

- 4.7.** Comply with all relevant Council policies, codes and resolutions of which they have been made aware, relevant to their particular role.
- 4.8.** Deal with information received in their capacity as a Council employee in a responsible manner. Employees are expected to comply with the requirements of Council's Privacy Policy.
- 4.9.** Endeavour to provide accurate information to the Council and to the public at all times.
- 4.10.** Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all relevant information has been obtained and is considered.
- 4.11.** Not release or divulge information that the Council or Chief Executive Officer of the Council has ordered be kept confidential, or that the Council employee should reasonably know is information that is confidential, including information that is considered by the Council or the Chief Executive Officer in confidence, subject to the Ombudsman Act 1972 and the Independent Commissioner Against Corruption Act 2012.
- 4.12.** Not make improper use of information, including confidential information, acquired by virtue of their position.

- 4.13.** Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 4.14.** Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 4.15.** Only make public comment in relation to their duties when specifically authorised to do so, and restrict such comment to factual information and professional advice. The Media, Communications & Social Media Policy identifies those persons who are authorised to make public comment on behalf of Council and expected behaviour in relation to media and social media presence.

Relationships within Council

- 4.16.** Not make any public criticism of a personal nature of fellow Council employees or Council members.
- 4.17.** Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, as required by the Work Health and Safety Act 2012.
- 4.18.** Direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive Officer or nominated delegate/s.

Hospitality, Gifts and Employee Expenses

- 4.19.** Council employees must not:
 - 4.19.1. use Council funds to provide a gift to another employee;
 - 4.19.2. seek gifts or benefits from any individual or entity;
 - 4.19.3. accept any gift or benefit from any individual or entity that may reasonably create a sense of obligation on their part or may be reasonably perceived to be intended to or would reasonably be likely to influence them in carrying out their public duty; or
 - 4.19.4. accept any gift or benefit from any individual or entity who is in, or who seeks to be in, any contractual relationship with the Council.
- 4.20.** Notwithstanding Clause 4.19, Council employees may accept hospitality provided in the context of performing their duties, including:
 - 4.20.1. free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 4.20.2. council work related events such as training, education sessions, workshops and conferences;
 - 4.20.3. council functions or events;
 - 4.20.4. social functions organised by groups such as Council committees and community organisations; and

4.20.5. invitations to and attendance at local social, cultural, or sporting events.

4.21. The Code of Conduct for employees as prescribed within Schedule 2A of the Local Government (General) Regulations prescribe when acceptance of a gift from a third party may be acceptable. Where any Council employee is offered a gift or benefit with a value more than \$50 they must:

- 4.21.1. Declare to and only accept, when approved by the respective Manager or General Manager; in the case of General Managers, the Chief Executive Officer; and in the case of the Chief Executive Officer, the Manager People and Culture.
- 4.21.2. Record the received or refused gift or benefit on the Gifts & Benefits Register which is administered by the Chief Executive Officer's Executive Assistant.
- 4.21.3. Advise the Chief Executive Officer as a matter of urgency if they believe the gift or benefit offered is an attempt to influence the outcome of Council business. Refer to Hospitality, Gifts and Employee Expenses Policy.

Use of Council Resources

- 4.22.** Council employees using Council resources must do so effectively and prudently when undertaking Council work.
- 4.23.** Council employees must not use Council resources, including the services of Council employees, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 4.24.** Council employees must not use public funds or resources in a manner that is irregular or unauthorised.

Register of Interests

- 4.25.** An employee of the Council must adhere to the statutory requirements to lodge a primary return and submit an ordinary return in accordance with Sections 113, 114 and 115 of the Local Government Act 1999 if they have been declared by the Council to be subject to these provisions.

Employees that are declared by Council to be subject to the Register of Interest provisions may be nominated, at the Council's discretion, using the following criteria:

- a. the level of authority the position has to make and/or influence decisions across Council;
- b. the position's influence to approve and/or amend Development applications;
- c. the level of authority the position has to purchase or influence the procurement/purchase of goods and services; and

- d. the level of authority the position has to make and/or influence decisions in relation to external contracts.

Chief Executive Officers

- 4.26.** Chief Executive Officers must act in accordance with the provisions specific to their position within the Local Government Act 1999 at all times.

Complaints

- 4.27.** Any person may make a complaint about a Council employee under this Code.
- 4.28.** Complaints about an employee's behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer of the Council, or a delegated person.
- 4.29.** Complaints about a Chief Executive Officer's behaviour that is alleged to have breached the Code should be brought to the attention of the Council's Principal Member.
- 4.30.** A complaint may be investigated and resolved according to the disciplinary processes of that Council.
- 4.31.** Council has established a procedure to manage complaints as they arise. Refer Appendix A. A flow diagram of the process can be found at Appendix B.
- 4.32.** In considering the lodgment of a complaint against a Council employee for a breach of the Code, Public Officers should be mindful of the obligations outlined in the Independent Commissioner Against Corruption - Directions and Guidelines.
- 4.33.** Nothing in this code in any way derogates from the rights of an employee or duties of an employer under the Fair Work Act 1994, other legislation, an award, an industrial agreement or contract of employment.

Conflict of Interest

- 4.34.** Employees who believe they have a conflict of interest, whether real or perceived, should report this through the relevant channels. Refer to Conflict of Interest Guidelines and Planning and Development Code of Conduct Guidelines.

Employment External to Council

- 4.35.** An employee who is considering employment or contract work that might conflict with their Council duties must notify and seek approval in accordance with the organisation's Additional External Work Policy. Employees must ensure that the employment does not conflict or interfere with their official duties, discredit or disadvantage the Council, or involve the use of confidential information or Council resources. Refer to Additional External Work Policy.

Customer Experience (Internal & External)

- 4.36.** The community expects local government to provide responsive, effective and efficient service whilst receiving a positive and professional customer experience. Our employees will show care in all interactions with our customers, whether they are

internal or external and will treat each other with honesty, fairness, sensitivity and dignity.

Employees who lead and manage other employees have a special responsibility to model this behaviour, and to lead and mentor their teams to ensure they understand the acceptable standard of performance and behaviour.

All employee's must be familiar with Council's Customer Experience Strategy, and its principles being:

- Customer experience excellence is our commitment: We have a clear purpose and prioritise our customers first in the way we interact with them.
- Progressive and flexible decision making: We trust and support each other to make progressive decisions, being agile and flexible for our customers.
- Connection, communication and collaboration: We will work together to deliver a consistent and positive experience for our customers, building effective relationships with internal and external customers.
- Our success is measured by our behavior and outcomes: We consistently monitor our customer experience performance and remain agile and responsive to customer feedback.

Equal Opportunity, Discrimination, Harassment and Bullying

- 4.37.** All employees have the right to work in a safe working environment, including one that is free from any form of discrimination, harassment or workplace bullying. Employees must not harass, discriminate against, bully or support others who display these behaviours. Employees must contribute to building a workplace that tolerates differences and that is free from intimidation, bullying and harassment. Refer to Council's Respectful Workplace Policy.

Corporate Image

- 4.38.** How we are professionally presented including what we wear and our tidiness is determined by what our external customers expect of a professional organisation. Employees must adopt a reasonable business-like presentation commensurate to their duties and the people with whom they meet. Safety clothing and personal protective equipment such as safety jackets, safety footwear, eye protection and hard hats must be worn as stipulated in the relevant policy.

5. Breaches of Policy / Disciplinary Action

Responsibility for implementing, promoting and supporting these values and standards of behaviour will rest with each employee, their Leader, Manager, General Manager and ultimately with the Chief Executive Officer.

Where an employee does not comply with the standards stated in our Employee Code of Conduct Policy, the terms of their contract of employment or the relevant Award and Enterprise

Agreement conditions, they will be subject to disciplinary action commensurate with the seriousness of their actions. This disciplinary action may take the form of a warning, formal reprimand, termination of employment or legal prosecution. Refer to the Employee Performance Management Policy.

Serious misconduct resulting in summary (instant) dismissal includes:

- a. Any **deliberate unsafe act** which results in, or could lead to, injury to a second person or damage to Council property;
- b. Any **criminal act** committed as an employee of the Council, including fraud;
- c. Deliberate **vandalism, sabotage or damage** to Council property;
- d. **Physical or verbal abuse** by an employee against any fellow employee or member of the general public during the course of his/her lawful duties. This includes threatening behaviour or other forms of harassment towards fellow employees or members of the general public;
- e. **Accepting secret commission or rewards** from a person to show an advantage to that person in their business dealings with the Council;
- f. **Disclosing** any information relating to the business or transactions of any person having business relations with the Council so as to afford an advantage to any other person;
- g. **Discriminating** against, or giving preference to, any person wishing to make use of the services of the Council;
- h. **Gross insubordination** or failure to comply with a reasonable and lawful instruction;
- i. **Theft** of Council property or from other employees of Council; and
- j. **Suspension or loss of driver's license** – only applicable to those employees whose employment is dependent upon them holding a driver's licence and are therefore unable to meet the obligations of their Contract of Employment.

This list does not cover all types of misconduct but is intended as a guide to what may constitute serious misconduct and become a dismissible offence.

6. Employees' Rights

Employees are entitled to representation in the consideration of alleged non-compliance with this policy. The principles of fairness, equity and natural justice will apply to any investigation undertaken and management of the matter. Investigations undertaken regarding compliance with this policy will be kept confidential.

7. Reporting – If You Have a Concern

All employees have a role in ensuring that their fellow colleagues are held accountable for inappropriate conduct by informing their Manager or General Manager if they become aware of any such conduct. In addition, in accordance with the Independent Commissioner Against Corruption Act 2012, employees are required to report serious or systemic corruption, misconduct or maladministration that has come to their attention.

Any questions of compliance raised by Council members, other employees or the community regarding this policy will be considered by the relevant General Manager or the Chief Executive Officer.

If you have any difficulties or questions regarding this Employee Code of Conduct Policy, you should discuss them with your Leader or with a member of the People and Culture Team.

8. Definitions

Key Term – Acronym	Definition
Summary Dismissal	Instant dismissal without prior warning (s)

Appendix A

Managing Complaints

Behaviour Contrary to the Employee Code of Conduct

The Council is committed to supporting all employees and any other persons working on behalf of Council in complying with the Employee Code of Conduct and will investigate and address any complaints made relating to the Code. Council has established a procedure to manage complaints as they arise. A flow diagram of the process can be found at Appendix B.

Making an Employee Code of Conduct Complaint

Any person, regardless of their relationship with the Council, who believes behaviour contrary to the Code may have occurred, is encouraged to bring details to the attention of the Chief Executive Officer of the Council, or a delegated person.

Complaints in relation to the Chief Executive Officer's behaviour should be referred to the Council's Principal Member.

Complaints should preferably be raised as soon as possible considering the circumstances and will be promptly acted upon in accordance with the disciplinary processes, steps outlined below.

A complaint concerning behaviour contrary to the Code must be made in writing.

Initial Assessment

The employee's leader will make an initial assessment to determine the nature and seriousness of the breach according to the disciplinary processes of that Council.

If the initial assessment is that no investigation will be undertaken, the reasons for this decision will be clearly documented.

If the initial assessment is of a minor breach, the employee is to be addressed using recovery steps according to the Employee Performance Management Policy. However, if the complaint is of a serious nature that may warrant instant dismissal, the matter must follow steps outlined within the Staff Performance Management Policy.

Investigation

All investigations will be undertaken by the relevant manager, in conjunction with a People & Culture Business Partner, to determine the appropriate level of decision, and in accordance with the employee's rights as detailed in the Staff Performance Management Policy.

Appendix B

