



City of
Whittlesea

Code of Conduct

for Staff

and Others

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1. Preface

This Code of Conduct sets out the behaviours that must be demonstrated by those working for or representing Council.

The *Code of Conduct for Staff and Others* is revised regularly to ensure that it continues to reflect both legislative requirements as well as public expectations around effective governance and the use of community resources.

This Code applies to the following people or groups of people appointed by or representing the City of Whittlesea:

All people employed directly by the Council (whether full, part time, casual or fixed term);

All volunteers of the Council appointed under the Volunteer Policy;

All work experience students, WorkReady participants or similar arrangement under an official work placement;

All people appointed by the Council to any committee, working group, reference group or similar advisory or decision making body of the Council, regardless of whether they are paid for their time and efforts; and

All contractors or consultants engaged in or by the Council (including contractors or consultants engaged through an employment agency).

Unless stated otherwise, a reference to 'you', 'your' or 'we' in this document includes all of the people listed above.

You should familiarise yourself and act in accordance with this Code.

This document should be read in conjunction with the Whittlesea City Council Enterprise Agreement No. 6 (2011).

Guidance and support on any aspect of the Code is always available from your manager, ¹ the Human Resources Department or the Governance team in the Civic Administration Department.

Council is committed to providing any training that may be required to support the understanding of and compliance with this Code.

A separate Code of Conduct for Councillors has been adopted by the Council and is subject to formal review at least once in every Council term.

- ¹ Manager in the context of this Code means the relevant Manager, Director, Supervisor, Co-ordinator or Team Leader to whom the employee directly reports to.

2. City of Whittlesea Values

The City of Whittlesea is a vibrant and dynamic place to work. We deliver over 100 services to our community and that number is set to expand as we enter an exciting phase of growth. The way each of us behaves at work determines how effective the organisation is and how well we will manage this period of expansion. This is a shared responsibility, as is our responsibility to make the City of Whittlesea both a great performer and a great place to work.

We know that how we go about our work, treat each other and relate to the people of this municipality underpins our ability to achieve this. Thanks to the input of staff throughout the organisation we are proud of our shared staff values and workplace behaviours. Each of us is responsible to ensure our behaviour is consistent with these staff values. We must also continue to share ideas about the activities and behaviours we want our team to embrace.

The following six values represent our shared desire of how we want to work together.

- **Open communication**
- **Excellence**
- **Wellbeing**
- **Valuing diversity**
- **Respect**
- **Sustainability**

This Code of Conduct reflects these six values and how we should behave to be consistent with them.

3. Introduction

3.1. Purpose of the Code

The primary purpose of this Code is to set out standards of behaviour required of those working for or representing the Council, rather than prescriptive and detailed policies and procedures. However, there are many Council policies and procedures dealing with a range of matters mentioned in this Code and they should be read in conjunction with this Code (Refer to Section 9).

The Code is designed to help you further understand your responsibilities and obligations working for the City of Whittlesea. The behaviours described in the Code are essential in our relationships with our community, stakeholders, other levels of government and colleagues.

3.2. Pre-employment or engagement

You should ensure that any representations or disclosures made in an application for employment or engagement with the Council are true, correct and free from omission and that you hold the necessary skills and qualifications required to carry out and perform your duties.

3.3. Management of contractors and consultants

You should ensure that if you engage contractors or consultants for the Council (including contractors or consultants engaged through an employment agency) that they are aware of and comply with this Code as well as relevant policies and procedures.

3.4. Professional Codes of Conduct

Certain professions have their own professional Codes of Conduct which set out a range of matters relating to the profession including dealing with breaches of that Code. A breach of such a Code may affect your capacity to continue to act in that profession and may also affect your ability to undertake your duties for the City of Whittlesea.

This Code of Conduct specifies the behaviour expected of those working for or on behalf of the City of Whittlesea and should be read in conjunction with any professional Codes of Conduct.

3.5. Breach of this Code

A breach of this Code may result in action being taken under legislation and Council's responsibilities as an employer, which may include disciplinary action, and in serious cases, termination of your employment or contract.

4. We Value Open Communication

4.1. Advising Council

Your advice should be provided in an honest, impartial and timely manner, and with an understanding of its implications on the broader policy direction of Council. The organisation will at all times act in an open, honest and transparent manner when advising staff.

4.2. Public comment

When officially representing Council, you should only make public comment when authorised to do so by a Director or the Chief Executive Officer. Such comment avoids the expression of personal opinion. Public comment includes providing information or comment to any media (electronic and print), the internet and other public forums (such as speaking engagements and community forums).

When making a comment in a private capacity, you should be aware that your comments may be seen as representing a Council position, so you should make sure it is clear that you are expressing your own view.

4.3. Remaining apolitical

During caretaker periods just prior to council elections (which is governed by the Local Government Act 1989), you must maintain the neutrality of the administration and comply with relevant legislation, policies, Council resolutions and protocols issued by management.

You are not to use your position to support particular issues, political parties or candidates in an election campaign.

You may provide briefings to Councillors only when authorised by the Chief Executive Officer or a Director. When providing briefings to Councillors, you should respect the confidentiality of Council deliberations leading to a decision, and decline to provide personal views or judgements on Council policy or policy options.

4.4. Lawful industrial activity

The right to lawful industrial activity is acknowledged as is the right of elected Workplace Union Delegates to represent and speak on behalf of their members.

4.5. Criminal offences

If it is a requirement of your position, you may be required to undergo a Police Check or Working with Children Check at any time prior to or after your employment or engagement with Council.

You must immediately advise your Manager if you are charged with a criminal offence, which is punishable by imprisonment or, if found guilty, could reasonably be seen to affect your ability to meet the inherent requirements of the work you are engaged to perform.

4.6. Ability to meet essential requirements

You must immediately notify your Manager of any loss, suspension of, or change to, a registration, accreditation, licence or other qualification that affects your ability to perform your duties.

5. We Value Excellence

5.1. Services to the community

We provide services to the community in an equitable, prompt and professional manner. We act within the level of our authority and in accordance with Council decisions, policies and procedures. You should listen to customers and act on their needs and expectations in a courteous, professional and helpful manner

5.2. Secondary employment

If you engage in any secondary employment it is important that the activity does not conflict with your role with the Council. Secondary employment includes a second job, conducting a business, trade or profession, or active involvement with other organisations (paid employment or voluntary work). If you believe there is a conflict you should raise this with your manager.

5.3. Subcontracting or Consulting to Council

If you are an employee of the Council, you are precluded from working for Council under contract arrangements e.g. subcontracting and consulting. Employees cannot act as staff and suppliers at the same time.

5.4. Conflict of interest

You should declare and avoid conflicts of interest to help maintain community trust and confidence.

A conflict of interest can be actual, potential or perceived.

You should ensure your personal or financial interests do not influence or interfere with the performance of your role. You should ensure the interests of family members, friends, or associates do not influence or could be perceived to influence the performance of your public duties.

If you believe a conflict of interest may exist, you should declare this to your manager and, if required, stand aside from any further participation in or provision of advice about the matter. Details of the interest can be disclosed using the prescribed form (Refer to Section 10).

If you are unsure about a possible conflict of interest, you should seek advice from your manager, the Human Resources Department or the Governance team in the Civic Administration Department.

5.5. Public trust

You should seek to build and maintain a high level of trust with the community and your colleagues and behave in a manner that does not bring the Council into disrepute.

5.6. Decisions and advice

You should make decisions and provide advice that is free of prejudice or favouritism and is based on sound professional judgement. Before making a decision or providing advice, you should consider relevant information and the impact on the Council and community. Your decisions should not be affected by personal influences.

5.7. Implementing Council policies and programs

You should implement Council policies and programs fairly and without bias. Your decisions and actions are to be consistent with relevant policies and procedures and are based on merit and careful consideration of the relevant facts.

5.8. Being accountable for decisions and actions

You should make decisions and take actions within the scope of your authority, ensuring they are lawful and consistent with relevant legislation and Council policy. You should comply with legislation, policies and lawful instructions in the performance of your work.

You should consider any impact of your decisions or actions on those affected by them.

5.9. Open to scrutiny

You should implement Council policy in an open and transparent manner and maintain accurate and reliable records as required by relevant legislation, policies and procedures. Records are kept in such a way as to ensure their security and reliability and are made available for appropriate scrutiny when required.

5.10. Compliance with legislation

You should ensure that you are aware of and comply with all legislation relevant to the performance of your duties.

6. We Value Your Wellbeing

6.1. Safety

You should demonstrate and encourage safe behaviour.

6.2. Supporting others

You should work co-operatively with your colleagues, care for others and show empathy and understanding. You support and learn from them and accept differences in personal style.

6.3. Drugs and alcohol

Council has in place an Occupational Health and Safety procedure to manage drug and alcohol abuse in the workplace to prevent the risk of injury to the wellbeing of employees, visitors and others.

Council believes that the use of alcohol and drugs contribute to accidents, injury and illness across the workforce. As part of its commitment to the health, safety and wellbeing of all employees, Council ensures so far as reasonably practicable that: -

- Alcohol is only used in a manner that does not endanger employees while at work or travelling to and from work;
- Illicit drugs are not used or present on Council premises or carried by any Council employees; and
- Medically prescribed drugs are used in accordance with directions so as not to endanger employees taking them or other employees.

If you are taking any medication that could affect your work performance or the safety of yourself or others, you should inform your manager to ensure any necessary precautions or adjustments to work can be put in place.

Support is available from the Human Resources Department and through the Employee Assistance Program; details are available on Council's Intranet.

6.4. Respect the Work/Life Balance

Council employs a comprehensive staff health program which is regularly evaluated and improved. Council highly values the health and wellbeing of all staff as this reduces absenteeism and leads to better work/life outcomes.

7. We Value Diversity

Diversity is the recognition and acknowledgement of individual differences such as education, age, gender, sexual orientation, ability or disability, religion, ethnicity, culture, language, or any other characteristic that shapes an individual's attitudes, behaviours, and perspective.

7.1. Accept, Acknowledge and Appreciate

You should respect the rights and dignity of those affected by your decisions and actions, both your work colleagues and community members.

7.2. Equity, diversity and anti-discrimination

You should create an environment that is free of discrimination, harassment, bullying and other unacceptable behaviour. You should follow the spirit as well as the letter of the law relating to the practice of discrimination, harassment, bullying and victimisation. If you are unsure whether a behaviour or practice is a form of discrimination, harassment, bullying or victimization, seek advice and support from Council's Equal Opportunity Contact Officers, your manager or Director, or the Human Resources Department. When an allegation of this type of unacceptable behaviour is made, Council is committed to following its policies, Enterprise Agreement and Awards and the relevant legislation.

7.3. Understanding human rights

You should be aware of and understand the human rights protected by the Charter of Human Rights and Responsibilities Act 2006 ("the Charter").

7.4. Making decisions and providing advice consistent with human rights

You should ensure that your own decisions, advice and policy development properly considers the human rights set out in the Charter and respects the human rights of others.

7.5. Protecting human rights

You should seek to protect the human rights of colleagues, other public officials and members of the community by raising concerns that could breach those rights, and reporting any suspected breaches to your manager.

8. We Value and Respect Each Other

8.1. Acting Openly and Honestly at work

You should promote an environment that encourages respect. You are fair, objective and courteous in your dealings.

You should be open and transparent when making decisions and give honest advice based on available facts and data. You should ensure, as far as possible, that your advice is up to date and accurate.

You should deal with issues consistently, fairly and in a timely manner.

When dealing with staff and their representatives, Council will act in an open and honest manner and will work with them in a transparent fashion.

8.2. Using your position

You should manage your position in a responsible way. You should not use your position to provide a private benefit to yourself, your family, friends or associates. You undertake your duties in a way that is fair and reasonable, and family or other personal relationships do not improperly influence your decisions.

Where you are involved in managing or negotiating panels of suppliers or procuring any other services or supplies on behalf of Council, you should be conscious of the need to avoid any real or perceived conflict of interest in dealing with the supplier or service provider in delivering any personal services or supplies to you. Any existing or emerging conflict of interest must be disclosed immediately and reported to your manager.

8.3. Financial probity

You should observe the highest standards of integrity in financial matters and comply with the legislation, policies and procedures. You should maintain a strict separation between work-related and personal financial matters and only use or authorise the use of Council funds or facilities for work-related purposes.

8.4. Work resources

8.4.1. Council Ownership of Work Resources

Work resources include physical, financial, technological, intellectual property and paid time (including proprietary rights developed or created by employees in the course of their employment). Council retains ownership of all these work resources.

You should use work resources and equipment efficiently and only for work-related purposes.

8.4.2. Internet and Email Systems

Limited personal use of the internet and email system is permitted as long as it:

- does not interrupt or interfere with your or another staff members work performance;
- is consistent with email and internet policies; and
- it does not result in significant cost to Council or disrupt Council's computer systems.

Limited personal use includes not making lengthy or long distance personal telephone calls, sending large group emails, browsing the internet for matters of personal interest if it affects your productivity or sending any significant non-work related attachments via email.

The use of any work resources is not permitted in any situation where the resources are used for private, "for profit" business purposes.

Use of the internet and e-mail to access or disseminate pornographic or other offensive material, material which promotes hatred, racism or discrimination, playing games, gaming, wagering and betting etc is strictly prohibited. For a full list of prohibitions, please refer to the email and internet policies.

Council can and does monitor your use of Council systems including personal use of Council's email system and the internet. Users should therefore not have any expectation of privacy for any actions performed using the City of Whittlesea internet and intranet connections.

8.4.3. Best Value

You should seek to achieve best value for money and use resources in the most effective way possible and identify opportunities for continuous improvement.

8.5. Reporting unethical behaviour

You should report to your supervisor or the Human Resources Department any workplace behaviour that violates any law, rule or regulation or could represent corrupt conduct, mismanagement of public resources, or is a danger to public health or safety or to the environment.

Information about making a complaint under the Whistleblowers Protection Act 2001 is also available on Council's website and on request.

8.6. Gifts and benefits

You must not seek or accept any immediate or future reward or benefit in return for the performance of any duty or work for the Council. The acceptance or otherwise of a gift or other benefit such as hospitality and professional development opportunities must be dealt with in accordance with Council's Gift Policy.

Definitions

The Gift Policy defines a "gift" as any disposition of property without payment or with inadequate payment including the provision of goods and services such as food hampers, containers of alcohol and building materials. The Policy defines "hospitality" as free or discounted goods and services such as meals, entertainment, travel and accommodation.

Zero tolerance on gifts

As a general rule, all gifts must be refused. If a gift cannot be refused it should be accepted on behalf of Council and then surrendered to the Office of the CEO.

Hospitality

Hospitality is considered a gift and must be refused with the exception of reasonable hospitality received when attending an event or function in an official capacity.

Reasonable hospitality means hospitality that is not excessive in the particular circumstances and is in proportion to the likely benefits to local governance. A person is acting in an official capacity if they are exercising their powers or performing their responsibilities under relevant legislation.

Free tickets to a sporting or cultural event at which the staff member is not performing any official duty or free membership of an organisation do not constitute reasonable hospitality whether or not they are received when attending an event or function in an official capacity and, therefore, must be refused.

Community perceptions

The acceptance of gifts and other benefits can give the impression that you are using your position for personal gain, rather than to serve the community, which reflects badly on you and on Council.

There is also a risk that your action may constitute, or appear to constitute, a misuse of your position or the acceptance of a secret commission, which are serious offences under the Local Government Act and the Crimes Act respectively.

You should never accept gifts of money. Offers of bribes, commissions or other irregular approaches from an individual or organisation must be brought to the attention of the CEO.

Declaration of Gifts

Offers of gifts or other benefits must be declared using the prescribed form (Refer to Section 11) and will be recorded in a register. Guidance and support is always available from your manager, the Human Resources Department or the Governance team in the Civic Administration Department.

8.7. Use of Council Information

If you have access to official information, you should ensure it is only used to perform your duties and in an approved manner. Council information must be handled according to relevant legislation and Council policies and procedures.

You should also understand the importance of confidentiality. Confidential information requires special treatment and protection. Those people who provide confidential information to Council have the right to expect this information will be treated as confidential. If you have access to confidential information you should ensure it remains confidential, and at all times act in accordance with legislation and policies relating to dealing with private information.

8.8. Information privacy and confidentiality

When collecting, using or disclosing personal information, you should carry out your obligations under information privacy legislation and Council's Information Privacy Policy and Guidelines.

Where you receive and manage information, you should ensure that its confidentiality will be maintained and that it will not be used to advantage a prospective employer or business, or disadvantage the Council.

8.9. Lawful instructions

You should comply with any lawful instructions in the performance of your work. If the instruction is unclear or appears contrary to this Code, you should seek clarification from your manager or higher level management if you require further clarification.

8.10. Disputes procedure

Should a dispute arise as a result of the operation of this Code of Conduct, parties are to follow the Prevention and Settlement of Disputes procedure contained within the Enterprise Agreement.

9. Select list of policies, legislation and other documents linked to the Code

Policy and Procedure

City of Whittlesea Human Resources Policies

City of Whittlesea Council Policies

City of Whittlesea Occupational Health & Safety Manual

City of Whittlesea IT Email Management Policy and Internet Policy

Legislation

Local Government Act 1989

Equal Opportunity Act 2010

Information Privacy Act 2000

Health Records Act 2001

Charter of Human Rights & Responsibilities Act 2006

Whistleblowers Protection Act 2001

Other

Whittlesea City Council Enterprise Agreement No. 6 (2011)

10. Conflict of Interest Form

Note: A copy of this form can be downloaded via the Governance Portal on Council's Internet

Your Name: _____

Your Position: _____

Your Department: _____

Matter under consideration:

Expected role / duties to be performed by you in dealing with this matter:

Please mark the box that relates to your interest – mark only one box.

- A direct interest exists if your benefits, obligations, opportunities or circumstances would be directly altered if the relevant matter is decided in a particular way [s.77B].**

One of five classes of indirect interest may exist including:

- an indirect interest because of a close association, such as when a family member, relative or member of your household has a direct or indirect interest; [s.78].**
- an indirect financial interest when a benefit or loss to another person affected by the decision would be likely to result in a financial gain or loss to you; [s.78A].**
- an indirect interest because of a conflicting duty where you have a duty to another person or body that has a direct interest in the matter; [s.78B].**
- an indirect interest because you have received an applicable gift, being a gift, including an election donation, valued at \$200 or more; and [s.78C].**
- an indirect interest because you have become a party to the matter by lodging an appeal, objection or submission, or by undertaking civil proceedings, in relation to the matter. [s.78D].**
- an indirect interest because your residential amenity is likely to be altered if the matter is decided in a particular way. [s.78E].**

What is the nature of the Private Interests which may potentially affect your ability to carry out or be seen to carry out, your official duties impartially and in the public interest?

STATEMENT OF CONFLICT OF INTEREST RESOLUTION OR MANAGEMENT

Proposed action to be taken to resolve or manage the conflict of interest:

The above action has been agreed on to resolve conflicts of interest contained in this declaration.

Signature of Officer
Date: / / .

Signature of Officer's Manager / Director
Date: / / .

I have noted the information set out in this document and the proposed action to be taken to resolve and manage the conflict and agree with the action proposed.

Signature David Turnbull (CEO)
Date: / / .

11. Gift declaration Form

Note: A copy of this form can be downloaded via the Governance Portal on Council's intranet

Register No. _____

Name: _____

Position: _____

Date Gift Offered: _____

Name of individual, company or group providing gift or consideration:

Nature of Gift or Consideration: (Please provide a brief description)

Disposal / Utilisation of Gift or Consideration:

- Accepted
- Declined
- Other

Action taken (i.e. Returned, Donated to a third party, forwarded to the CEO)

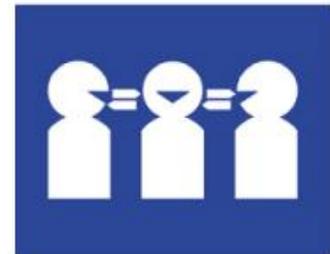
Approximate Value of Gift or Consideration: _____

Signed: _____

Name & Position _____



Multilingual Telephone Service (This is a free service)



9679 9871 خدمة الهاتف

Телефонска служба 9679 9875

电话服务 (广东人) 9679 9876

电话服务 (普通话) 9679 9857

Telefonska služba 9679 9872

Telefon servisi 9679 9877

Τηλεφωνική Υπηρεσία 9679 9873

Dịch vụ Thông dịch 9679 9878

Servizio telefonico 9679 9874

Telephone services in other
languages 9679 9879