



Yarriambiack Shire Council EMPLOYEE CODE OF CONDUCT



CHIEF EXECUTIVE OFFICER MESSAGE

This Employee Code of Conduct Handbook has been developed with the Yarriambiack Shire Council values as the key driver. It has been designed to align with the expected behaviours of employees within the Local Government sector as well as the expected behaviours of our elected Councillors as detailed in the Councillor Code of Conduct.

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

All staff have a responsibility to demonstrate professionalism when interacting with members of the community. As a result of living and working in small communities, this responsibility extends to activities outside of the workplace.

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

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

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



Tammy Smith

CHIEF EXECUTIVE OFFICER

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INTRODUCTION

WHY WE HAVE A CODE OF CONDUCT

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

It is a requirement under the Local Government Act that the Chief Executive Officer develops and implements a Code of Conduct for Council staff, and this will provide a foundation of good relationships throughout the organisation.

This Code applies to all employees of the Council, including senior management, full-time, part-time, casual, permanent and temporary employees. It is a condition of your employment that you comply with the Code. All employees are required to read it and become familiar with it.

The Code of Conduct applies to all contractors providing services to Yarriambiack Shire Council, staff on exchange, volunteers and work experience students or graduate placements who perform work for Council.

Section 139(1) of the *Local Government Act 2020* requires Council to develop a Code of Conduct for Councillors.

HOW DO OUR VALUES AND BEHAVIOURS IMPACT ON THE ORGANISATION

Values are ideals that guide or qualify our personal conduct. Like morals, they help us distinguish right from wrong and tell us how we can conduct our lives (both work and personal) in a meaningful way. Values provide the perspective in the best and the worst of times.

Our values and behaviours impact on our organisation in the following ways:

- how we feel, our morale, our enjoyment and fulfilment levels;
- our ability to function efficiently and effectively;
- our colleagues, customers and our team performance;
- the community's perception of our organisation;
- our ability to achieve the Council Plan and ultimately fulfil the Yarriambiack Shire Council objectives.

ADMINISTRATION OF THIS CODE

Administration of this Code is under the direction of the Chief Executive Officer.

RELATIONSHIP TO COUNCIL'S STRATEGIC DIRECTION

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

OUR VISION

In consultation with our community, Yarriambiack Shire Council aims to provide a viable, sustainable and vibrant future.

OUR MISSION

Through strong leadership, transparency and strategic planning, Councillors and staff in partnership with our community will achieve our vision.

CONTINUOUS IMPROVEMENT

We drive continuous and sustainable improvement in service provision, operational efficiency and stakeholder relations to create a leading organisation.

PRINCIPLES

Social Justice

We strive to make sure that every part of our core business is accessible by and inclusive of all community members.

Best Value

We provide services that are responsive to community needs, meet set performance standards, provide value for money, balance affordability and accessibility, and support opportunities for local employment growth or retention.

Sustainability

We manage public assets and resources in a way that supports and balances sustainable economic, social and environmental objectives and adheres to the principles of intergenerational equity.

THE COUNCIL PLAN

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

The Council Plan is the key strategic document that will be used to prioritise and guide Council activities and planning. The Council Plan provides a framework for Council to prioritise actions. Council is responsible for a very broad range of activities and services to our Community. Many of these are regulated, contracted by Government or specified through funding arrangements.

OUR POLICY STATEMENT

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

Our policy is underpinned on the following principles:

- Belief that all employees of Yarriambiack Shire Council have the right to work in an environment free of discrimination, poor workplace behaviour, harassment or bullying;

- We will not tolerate behaviour that harms, intimidates, offends, degrades, disrespects or humiliates an employee when communicating with each other;
- We will work with all employees to ensure they understand how to work appropriately and ethically and we will empower and train our leadership team to identify, manage and resolve any issue seriously, impartially and promptly;
- We will implement the policies and systems required for employees to feel that they can report and resolve issues in the workplace without fear of retribution;
- After a fair and proper investigation we will not hesitate to take disciplinary action against anyone who has not complied with this Code;
- We will abide by the principles of equality as contained within the Yarriambiack Act@Work Action Plan.

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

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

VALUES, WORK BEHAVIOUR & EMPLOYMENT PRINCIPLES

OUR VALUES

In a time of accountability and transparent decision making, the conduct of Council employees must be above reproach. To achieve this, we must have shared values and a clear understanding of what is expected of you as employees.

Council Plan Values

- Treat our customers with courtesy and respect;
- Lead and develop leadership within our community;
- Constantly strive to improve our services;
- Forge closer relationships with customers;
- Investigate matters thoroughly and objectively, and
- Keep our customers informed, in plain language, about the process and outcome;
- Treat people fairly, with respect and have proper regard for their rights;
- Make decisions lawfully, fairly, impartially, and in the public interest;
- We are honest, trustworthy, reliable, transparent and accountable in our dealings;
- We are careful, conscientious and diligent;
- Use public resources economically and efficiently; and
- Actively pursue positive outcomes for the community.

EMPLOYMENT PRINCIPLES & WHAT IS EXPECTED

OUR EMPLOYMENT PRINCIPLES

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

- Individuals, whether external or internal, will be selected on the basis of merit, taking into account relevant ability, knowledge and skills;
- The Chief Executive Officer has the discretion to determine whether the position will be advertised internally and/or externally. Where positions are advertised externally

information will be made available on our website, social media, newspaper publications, employee noticeboards and staff will be directly notified via email;

- Respect for the privacy of individuals concerned by ensuring that all recruitment campaigns are conducted in a fair and transparent manner;
- We respect the human rights of all individuals applying for a position with Council. They will be treated with respect without regard to political affiliation, race, colour, religion, national origin, sex, marital status or physical disability;
- Equal pay will be provided for work of equal value.

The Chief Executive Officer will determine whether a recruitment agency is required to assist in the recruitment process.

WHAT IS EXPECTED?

There are many different situations that an employee will encounter whilst employed at Council. This section provides broad guidance to our employees on employee matters. Where more detail is required please speak to your Manager.

The following topics are listed in alphabetical order, not order of importance.

ACT@WORK

What is Act@Work?

Preventing violence against women and children promotes positive messages of gender equality and nonviolence. It encourages us to think about the role we play in building healthy and respectful workplace cultures. Workplaces are an important part of our lives and the benefit of a healthy and respectful workplace extends far beyond individual workplaces and can influence our families and the broader community.

We actively promote the principles of Act@Work and expect that all of our employees will follow these principles.

ALCOHOL AND OTHER DRUGS

The consumption of alcohol and illicit drugs is prohibited during work hours, while on YSC premises/worksites and when driving council vehicles. Employees must not attend work influenced by AOD to the extent that their judgment and work performance is impaired, or where they are in contravention of legal requirements. It will be considered to be a breach of this Code of Conduct if an employee reports to work under the influence of alcohol and/or drugs.

If you are taking prescribed medication that will adversely affect or impair your ability to perform duties safely, it is your responsibility to inform your direct Manager immediately and not attend work until a clearance is provided from your Medical Practitioner.

If you are responsible for a Council event or a function where alcoholic refreshments are provided, a sensible approach to the provision of such drinks, both in alcoholic content and quantity, will be adopted. Where work related social and business function involved the consumption of alcohol, appropriate management of the situation must take place.

For more information regarding Alcohol and Other Drugs in the workplace, refer to Council's Fit for Work Policy and Procedure and please speak to your Manager.

COMMITMENT TO THE CODE

The Council, by endorsing the Employee Code of Conduct commits to:

- Providing the necessary resources to ensure training and understanding of the Code;
- Supporting adherence to every aspect of this Code;

- Fostering the further development of good conduct and governance within the Yarriambiack Shire Council.

All staff will be required to acknowledge the Code and sign that they have read the document as part of the staff induction and performance review.

COMMUNICATION AND TEAMWORK

Council is committed to communicating with all of its employees regardless of where you work and what job you do. Open communication fosters teamwork and facilitates a healthy working environment as well as promoting the sharing and exchanging of ideas and information that will support Council in the pursuit of excellence.

As employees you accept that it is your responsibility to speak to your peers, subordinates and Managers to share information and practices as appropriate.

Ways in which you can do this is to ensure you:

- Participate in team, toolbox and staff meetings;
- Respond to requests for assistance;
- Read and contribute to the internal newsletter / memos;
- Read and contribute material for the staff noticeboards.

All communication must be in accordance with the Code of Conduct.

COMMUNITY INTEREST

Council encourages all employees to participate in local activities that address the needs of the Community. If you are involved in a Community group that has contact or dealings with the Council, you must advise the Community group to use the appropriate channels to deal with its issue(s) with the Council. You must not act in a manner that provides the group with priority access or special benefits.

If you are involved with a Community group and that group is using the media to exert pressure on the Council, the employee must not act as the spokesperson for the group or be seen from a public perspective to be in conflict with the Council. (Refer to Conflict of Interest section of this Code for further information).

PREVENTION OF BULLYING AND HARASSMENT

We are committed to providing a safe and productive working environment free from discrimination, harassment, bullying and occupational violence. You are responsible for treating others with respect and are not to participate in, condone or fail to act on inappropriate behaviour of any kind.

This topic is discussed in detail in the following Section – Discrimination, Harassment & Bullying.

RECORD KEEPING

Employees must not destroy or alter business documents and records that are required to be maintained for a statutory period unless authorised to do so. Records are not to be falsified or tampered with. Business records should not be removed from Council premises unless authorised by your Manager. For more information on what is a business record and how to manage business records related to your position, please speak to your Manager.

All staff must adhere to regulations in accordance with State legislation on the management of information/documents.

Requests from the public to view documents must be made in writing and approved by the Chief Executive Officer. Application forms can be found on the Yarriambiack Shire

Council website, or you can speak to the Customer Service team and they will provide assistance.

CONFIDENTIAL INFORMATION

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

In general this includes:

- a) Ensuring that you do not disclose information relating to proceedings at closed Council meetings.
- b) Ensuring that you do not use or attempt to use confidential information gained by virtue of an official position for the purpose of securing a private benefit, whether directly or indirectly, for yourself or for the benefit of any other person.
- c) Not without lawful authority, disclose otherwise than to the Council, a Councillor, or a member of staff entitled to know, information concerning any of the following personnel matters concerning particular individuals:
 - The personal hardship of any resident or ratepayer;
 - Commercial information the disclosure of which would be likely to prejudice the commercial position of Council and/or any entity engaged with Council;
 - To confer a commercial advantage on a competitor of Council.
 - To reveal a trade secret.
- d) Proposals for the sale or purchase of land or the rezoning of land. Entering into contracts of any kind, if prior knowledge of those proposals could confer an unfair financial advantage on any person.
- e) Information that is subject to legal obligations of confidence.
- f) Information including the consideration of legal advice concerning litigation or which would otherwise be privileged from production in legal proceedings on the ground of a legal professional privilege.
- g) The disclosure of information of which would prejudice the maintenance of the law.
- h) Matters affecting the security of Council, Councillors, Council staff or Council property.

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

Council operates under and complies with the *Privacy and Data Protection Act 2014*, *Health Records Act 2001* and other relevant legislation. These Acts regulate the management, collection, use and disclosure of 'personal information'. If a recognised agency or Government body lawfully approaches you for any of the above information you should refer them to your Manager.

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

PRIVACY

Staff should only seek information from our records management systems or files about matters that inform their work, i.e. on a need to know basis.

Staff can maintain privacy by:

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- Taking care not to discuss specific work matters with anyone not entitled to know such information;
- Taking responsibility to safeguard confidential files and information;
- Complying with rules about storage and destruction of information;
- Referring all media enquiries to their Director or the Chief Executive Officer.

CHILD SAFE STANDARDS

Council has a zero tolerance to child abuse. All Council officers, including employees, contractors, volunteers and Councillors have a legal and moral obligation to keep children safe and promote their best interests. All children regardless of their age, gender identity, sexual orientation, ethnicity, religious beliefs, ability and family background have the right to be protected from harm and to be treated with dignity, respect and integrity.

As a child safe organisation we are committed to providing welcoming, safe and accessible environments where children feel valued, listened to and considered in decisions that affect their lives. The need to remove or reduce the risk of child abuse informs our decision making concerning children in our care. We have specific policies, procedures and practices in place to support our people to achieve these commitments.

All staff, volunteers and Councillors of Yarriambiack Shire Council are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.

All personnel of Yarriambiack Shire Council are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- adhering to Yarriambiack Shire Council's Child Safe Policy at all times / upholding Yarriambiack Shire Council's Statement of Commitment to Child Safety at all times;
- taking all reasonable steps to protect children from abuse;
- treating everyone with respect;
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another;
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification);
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance on discrimination);
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities);
- ensuring as far as practicable that adults are not left alone with a child;
- reporting any allegations of child abuse to Yarriambiack Shire Council's Child Safety Officer, Gavin Blinman, Director Community Development and Wellbeing, and ensure any allegation is reported to the police or child protection;
- reporting any child safety concerns to Yarriambiack Shire Council's Child Safety Officer, Gavin Blinman, Director Community Development and Wellbeing;
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe;
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

Staff and volunteers must not:

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- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children);
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps. Sitting on laps could be appropriate sometimes, for example while reading a storybook to a small child in an open plan area);
- put children at risk of abuse (for example, by locking doors);
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes;
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities);
- use inappropriate language in the presence of children;
- express personal views on cultures, race or sexuality in the presence of children;
- discriminate against any child, including because of culture, race, ethnicity or disability;
- have contact with a child or their family outside of our Council without our Child Safety Officer's knowledge and/or consent (for example, no babysitting). Accidental contact, such as seeing people in the street, is appropriate);
- have any online contact with a child or their family (unless necessary, for example providing families with e-newsletters);
- ignore or disregard any suspected or disclosed child abuse.

By observing these standards you acknowledge your responsibility to immediately report any breach of this code to Yarriambiack Shire Council's Child Safety Officer, Gavin Blinman, Director Community Development & Wellbeing.

If you believe a child is at immediate risk of abuse phone 000.

CONFLICT OF INTEREST

A conflict of interest exists when someone is in a position to derive personal benefit from actions or decisions made whilst performing their professional duties.

Conflicts of interest:

A General Conflict of Interest – A person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's **private interest** could result in that person acting in a matter that is contrary to their public duty.

Private Interest – Private Interest means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.

A private interest may relate to the relevant person themselves, such as

- a financial gain or loss to the person, either directly or indirectly
- an impact on their reputation or responsibilities, such as an award or promotion
- a change to their personal circumstances, such as a change to their residential amenity.

A private interest may be indirect, relating to an impact on a person associated with the relevant person, such as:

- a matter affecting the interests of a relative, friend or work colleague.
- a cost or benefit to an organisation that financially supported a councillor's election campaign, or
- a cost or benefit for a staff member's immediately past employer.

A Material Conflict of Interest – A relevant person has a Material Conflict of Interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

Affected person – An affected person can be:

- a) the relevant person,
- b) family member of the relevant person
- c) a business person of a relevant person,
- d) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee,
- e) a person from whom the relevant person has received a gift,
- f) a business partner of the relevant person,
- g) an employer of the relevant person or a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body.

The Act states that a benefit or loss, for material conflicts of interest, includes benefits or losses that are:

- direct or indirect, and
- pecuniary or non-pecuniary.

Direct or indirect

A direct benefit or loss includes where the affected person is the immediate recipient, or suffers the loss themselves. An indirect benefit or loss includes where the affected person would gain a benefit or suffer a loss because of the impact on another person or body, or as an indirect effect of a process.

Pecuniary or non-pecuniary

A benefit or loss does not have to be pecuniary. A pecuniary benefit or loss is one that can be measured in money.

Examples of non-pecuniary benefits or losses might include:

- an impact on a person’s residential amenity (such as a proposed change in use of a nearby property that will impact on their enjoyment of their home or a change to parking arrangements in their street), or
- a permit allowing a person to conduct an activity.

You are required to disclose to Council of any general or material conflicts of interest in the manner required by the Council’s Governance Rules; and exclude yourself from the decision making process in relation to the matter, including any discussion, vote or action on the matter at any Council meeting or delegated committee. The onus is on the employee to disclose such information.

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

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

Completion of Personal Interest Returns and Related Party Disclosures

As per section 134 of the *Local Government Act 2020*, all Senior Officers and Officers nominated by the Chief Executive Officer must complete a Personal Interest Return and Related Party Disclosure biannually.

COUNCIL ASSETS, CUSTOMER SERVICE & INTERACTION

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

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

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

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

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

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

The employee agrees that the Council may withhold any monies owing to the employee including payment in lieu of a notice period not actually worked after resignation, from the employee's salary and entitlements at termination, if the employee has not returned all of the Council's property in his/her possession.

CUSTOMER SERVICE

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

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

Please refer to the Council's *Customer Service Charter* for more detailed information.

COUNCILLOR INTERACTION

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

Councillors are democratically elected by the residents and ratepayers of the Shire. They take an Oath of Office to carry out this role impartially, to the best of their ability and in the best interests of the Shire. As the public face of the Council, they are accountable for the success and implementation of the Council Plan, development, communication and representation of Council policies, strategies and programs. An effective Councillor works in partnership with the Chief Executive Officer and when appropriate, other Council staff to achieve the Council's corporate goals and implement Council strategies.

Employees should note:

- That advice to Councillors will be provided through their Directorss and/or the Chief Executive Officer;

- That a Councillor does not have the authority to direct any member of staff to do anything. The *Local Government Act 2020* provides for restrictions on Councillors ability to misuse their position (Section 123) or improperly direct staff under (Section 124). If you feel that you are being directed by a Councillor to do something, and it is not simply a request for service from a customer, you should report the matter to your Director;
- Your Director will discuss the matter with you, and if appropriate raise the matter with the Chief Executive Officer.

See attachment – Councillor-Staff Contact Protocols

DISCRIMINATION, ENVIRONMENT, GIFTS, BENEFITS & HOSPITALITY

DISCRIMINATION

Council is committed to ensuring our workplace is free of discrimination. Discrimination is defined as treating someone unfairly or unfavourably because of a personal characteristic they have or are assumed to have. Any breaches should be reported immediately to your Manager or the Chief Executive Officer.

No one will be victimised for identifying discrimination in our workplace.

This topic is discussed in detail in the following Section – Discrimination, Harassment & Bullying.

ENVIRONMENT

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

GIFTS , BENEFITS AND HOSPITALITY

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

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

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

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

Council staff

- a) Under NO circumstances is cash (monetary gift) to be accepted.
- b) Employees should not accept any gift where there is, or may be, the perception of a conflict of interest, or they believe the gift was a deliberate attempt to receive preferential treatment.
- c) Council employees that refuse a non-token gift must immediately advise their relevant Director, the CEO or the Department of Organisational Performance.

Receipt of a gift will not affect how a duty or function is performed.

- d) Council employees recognise the cultural sensitivities around gift giving and refusal/return of gifts.
- e) Employees should consider the below 'GIFT' test when deciding whether to accept or decline a gift, benefit or hospitality.

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

- f) Where a tender is in process, any officer involved in the evaluation of that tender should not accept directly, or through third parties, any gifts from any individual / group that may be involved in the tender. It is not appropriate in any circumstances that employees accept gifts from persons or bodies engaged in a competitive tendering process.
- g) Employees need to be particularly aware of the consequence of accepting a gift from a current or potential supplier and/or contractor which may be a crime in itself.
- h) Where a planning or building permit application is in process or any regulatory process is underway, any officer involved in such instances should not accept any gifts from any individual or group that may be involved with the permit application or regulatory activity.
- i) Any staff member who has been made a beneficiary of a will, or has received a gift from a Council client who is not a relative, must immediately inform their Manager prior to the individual acceptance of the gift or benefit.
- j) The Gifts, Benefits and Hospitality Policy is unlikely to cover all circumstances of gift offering. If employees are unsure about a gift, they should raise the matter with the Chief Executive Officer or the Manager of Organisational Performance.

Gifts of Appreciation

Gifts of appreciation given as a sign of gratitude, recognised outcomes collectively achieved by the Council and / or by a group of employees. Therefore, as far as is

reasonable and practical, such gifts are to be 'pooled' then shared among the Council and / or work group.

Ceremonial Gifts

The Yarriambiack Shire Council can direct individuals such as employees or Councillors to accept ceremonial gifts on Council's behalf. Ceremonial gifts need to be recorded on the Council's internal register but do not need to be published.

Ceremonial gifts are treated separately to other types of gifts because:

- they are the property of the Council, irrespective of value, and are less likely to create a conflict of interest; and
- refusing ceremonial gifts may cause offence or embarrassment to the organisation, Community or Government who offered the gift.

Acceptance of Gifts

Employees may accept gifts provided the intent of this policy and the following guidelines are observed:

- All gifts are to be declared - by completing a Council Employee Gifts, Benefits & Hospitality Declaration Form.
- That a gift does not create a conflict of interest or lead to reputational damage.
- Unplanned and impromptu hospitality that is accepted must be declared by completing a 'Council Employee Gifts, Benefits & Hospitality Declaration Form' and recorded on the Employee Gifts, Benefits & Hospitality Register (Employees accepting such hospitality must be mindful that on such occasions they remain ambassadors of Council).
- Non-token offers (offers that are more than trivial or inconsequential) can only be accepted if they have a legitimate business benefit. That is, when the offer furthers the conduct of official business or other legitimate goals of the Council. If it does not, you must decline the offer. Examples of non-token offers that must be declined include:
 - tickets to entertainment events that do not relate to your official duties; or
 - non-token hospitality provided while introducing you to a product or service.
- Where the gift would likely bring you or the Council into disrepute, the Council should return the gift or not accept the gift. If it represents a conflict of interest for you, the gift should be returned or transfer ownership to the Council to mitigate the risk.

Disposal of Gifts

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

Value of Gift \$	Declare to Whom	Disposal of Gift
Token Offers under \$50 / of Nominal Value	CEO/Relevant General Manager or Human Resource – Governance Department of Organisational Performance	Decision to be made by relevant Director or Manager of Organisational Performance. If practical, 'pool' for employees in work area or retain by individual if endorsed by Director or Manager of Organisational

		Performance. Token Offers that are declined do not need to be recorded.
Non-Token Offers Over \$50	CEO/Relevant Director or Manager of Organisational Performance	To be determined by CEO. For gifts received by the CEO, the Mayor will sign the Employee Gifts, Benefits and Hospitality Declaration Form. Gifts accepted or declined to be recorded on the Employee Gifts, Benefits and Hospitality Register.

For further information regarding Gifts, Benefits and Hospitality, refer to the Policy

DRESS CODE AND UNIFORM

Uniform Issued for Safety (Including Personal Protective Equipment PPE)

Council will supply all uniform considered Personal Protective Equipment, including:

- High visibility shirts/vests/jumpers/winter jackets;
- Council approved pants;
- Safety shoes/boots (refer to Enterprise Agreement);
- Council approved hats, safety glasses and sunglasses;
- Any other safety clothing as deemed necessary by Management.

Initial allocation will be determined in accordance with the Enterprise Agreement.

Replacement items will be issued according to the principles of reasonable wear and tear including the requirements of their role.

How to wear the uniform:

- Outdoor staff must wear high visibility clothing when outdoors;
- Sun hat should be worn at all times when outside in warm weather;
- Outdoor staff and/or staff deemed by Management must wear safety shoes at all times to ensure the safety of the employee – no other shoes are to be worn.

Corporate Uniform – Employees other than Physical Services

All permanent full-time, permanent part-time and casual employees not required to wear compulsory uniform have access to the Uniform Allowance in the Enterprise Agreement.

All tops/shirts must cover the shoulders. If working outdoors, staff deemed “indoors” staff must adhere to the Occupational Health and Safety requirements in relation to exposure to ultraviolet radiation.

Uniform items that will not be provided by Council include, but are not limited to:

- Socks/underwear;
- Belts;
- Shoes (other than safety boots as required).

Other staff (not required to wear corporate uniform as outlined above) may purchase Council approved corporate uniform at any time at own cost.

Jewellery

Jewellery should be discreet and professional in appearance. Ear piercings are acceptable, provided the jewellery is of a conservative and professional nature. Staff must consider their own health and safety in regards to jewellery and piercings whilst at work.

Hair

Hair should be worn neat and tidy. If Occupational Health and Safety rules require it, long hair should be worn tied back.

Footwear

All staff are required to wear appropriate footwear if no uniform is set out. Thongs are not considered appropriate footwear.

Tattoos

Tattoos, that could be perceived to be offensive, should be discreetly covered.

Pregnant Employees

Pregnant employees are expected to adhere to the uniform guideline. However, consideration must be given to pregnant employees at all times to support their health and wellbeing needs.

Exchanges

If garments do not fit correctly please send them back to the person authorised to return them.

Returning Old Uniforms

Upon termination the uniform must be returned in full.

It is the responsibility of the employee to treat the uniform with care; the employee must keep the uniform clean and presentable at all times.

IMPROPER OR UNDUE INFLUENCE

Staff and delegates shall not use their position in Council to influence other Councillors, staff or delegates in the performance of their duty in order to gain advantage (either direct or indirect) for themselves or any other person or body.

If a former Council employee or delegate attempts to use their previous position with Yarriambiack Shire Council to influence either Councillors, employees or delegates in the performance of their duties in order to gain an advantage (either direct or indirect) for themselves or any other person or body, the Chief Executive Officer is to be notified in writing and an investigation into the allegation is to be conducted.

VARIOUS RIGHTS

HUMAN RIGHTS

The Human Rights Charter (HRC) came into effect on 1 January 2008. The Charter is based on a 'dialogue model' of human rights protection which seeks to ensure human rights are taken into account by all three arms of Government when developing, interpreting and applying Victorian law and policy.

The HRC provides equal protection to all people in Victoria. This includes you, your family, colleagues, clients and members of the public.

The Charter requires Councils and their employees to act compatibly with human rights and to consider human rights when making decisions.

It means that for all employees:

- a) You must take human rights into account when you make decisions, provide advice and deliver services.
- b) You must be aware of any changes made to Council guidelines, policies or the legal framework for your job to take human rights into account.

Your decisions may be reviewed by the Ombudsman and the Courts.

INTELLECTUAL PROPERTY RIGHTS

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

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

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

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

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

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

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

OCCUPATIONAL HEALTH AND SAFETY

The health and safety of our employees, contractors, and volunteers is of paramount importance to Council.

Health and safety will not be sacrificed to achieve financial goals or for any other reason. The Council is committed to providing services to the community that do not jeopardise the health and safety of employees, contractors and volunteers or anyone that may be affected by our activities.

We all share the responsibility of ensuring that our customers and fellow employees are safe and without risk to health as far as is reasonably practicable.

All employees, contractors and volunteers are required to read and make themselves familiar with Council's Health and Safety Policies, Guidelines and Procedures.

PERSONAL IDENTIFICATION

It is compulsory for all employees provided with a name badge to wear this at all times when working for Council in a public environment or representing the Council at public forums or at meetings.

All employees who are Authorised Officers under Section 224 of the *Local Government Act 1989* must at all times carry with them a photo identification card indicating that they are appointed as Authorised Officers.

This card must be shown, upon request, to an occupier of premises when the Officer is entering premises for the purposes of conducting an inspection associated with their duties as an Authorised Officer. Prior to entering property, the staff member should contact the property owner as a matter of courtesy.

PREFERENTIAL TREATMENT

Any employee, who has the authority to employ staff, whether on a permanent, temporary or casual basis, must not employ a member of his/her family or friend.

Where a member of an employee's family or a friend is a candidate for a position within the Council, that employee must disclose their association with the candidate to their Manager or Chief Executive Officer and must not participate in the selection process.

Any failure to disclose your association with a candidate for a position and any attempt to influence the outcome of a recruitment and selection process, in which a member of your family or a friend is a candidate, will be considered a breach of this Code.

PROFESSIONAL DECISIONS

We want our employees to develop and advance professionally in a manner consistent with their abilities. Although difficult decisions may arise in hiring, evaluation of performance, promoting, disciplining or terminating employees, Council expects such responsibilities to be carried out with regard to Council's values, fairly, with discretion and respect for privacy, as well as compassion for the individuals concerned.

Where appropriate, these procedures must be conducted in accordance with the Council's dispute resolution procedure as outlined in Council's Enterprise Agreement.

PROCUREMENT- SUPPLIERS AND CONTRACTORS

Staff are expected to comply with Council's *Procurement Policy* and not provide preferential treatment to any particular supplier, and are requested to always declare any Conflict of Interest.

PUBLIC INTEREST DISCLOSURE

Council is subject to the provisions of the *Public Interest Disclosure Act 2012*. The purpose of the Act is to encourage and facilitate disclosures of improper and specified conduct by public officers, public bodies and other persons. The Act protects disclosures of detrimental action taken in reprisal for a person making a disclosure under the Act.

The Act defines "improper conduct" as corrupt conduct (see the *Independent Broad-based Anti-corruption Commission Act 2011*) and "specified conduct", including conduct involving a substantial mismanagement of public resources, conduct involving a substantial risk to public health or safety and conduct involving a substantial risk to the environment.

Council will not tolerate employees engaging in such conduct and applicable matters will be referred to the Independent Broad-based Anti-corruption Commission (IBAC). Alternatively disclosures may be made to IBAC directly.

Independent Broad-based Anti-corruption Commission

IBAC

Level 1, North Tower, 459 Collins Street
Melbourne, Victoria 3001
Internet: www.ibac.vic.gov.au

Postal Address:

GPO Box 24234, Melbourne Victoria 3000

Toll free: 1300 735 135

Fax: (03) 8635 6444

Note disclosures must relate to corrupt or specified conduct in order to qualify for the protections afforded by the Act.

Complaints or disclosures other than protected disclosures will be handled in accordance with Council's Complaints Handling Policy.

Complaints about Chief Executive Officer

The CEO is to advise the Mayor and Council about a complaint. The CEO may make the request for a probity auditor to be appointed in relation to the complaint. The primary duties of the probity auditor are to assist Council in the processes to deal with the complaint which includes preparing a report at the end of the probity period.

PUBLIC APPEARANCES

To ensure consistency is maintained in the course of public speaking engagements, similar to the consistent approach taken in making comments to the media, any invitation provided to an employee to speak for or on behalf of the Council should be referred to your Manager.

RISK MANAGEMENT

Council is committed to proactively managing all risks inherent in Council's operations. The need to manage risk should be recognised by all Managers, service providers and employees as being fundamentally important.

Council has a *Risk Management Policy* and associated procedures that all Managers and employees are to be familiar with. Managers and employees must understand how risk management relates to their area of responsibility. All employees and contractors are required to read and make themselves familiar with Council's *Risk Management Policy and Procedures*.

MEDIA, SOCIAL MEDIA, SMOKING, FRAUD & THEFT

MEDIA

The Council seeks to maintain a professional image by ensuring that any comment made to the media is truthful, accurate, appropriate and consistent. The only people authorised to make any media comment on behalf of Council are the Mayor and the Chief Executive Officer. Other Officers may make comment to the media where specifically authorised by the Chief Executive Officer. This authorisation will be provided on a case-by-case basis and will generally be to address specific issues in their areas of expertise.

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

SOCIAL MEDIA

Social media refers to digital communication channels used to share opinions, insights, experiences and perspectives via written comments, shared video or audio files. Social media platforms include, but are not limited to blogs, Wikipedia, Facebook, Twitter, MySpace, Flickr, Snapchat, Instagram and YouTube.

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

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

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

SMOKING

- a) Smoking is not permitted in Council owned or controlled buildings at any time.
- b) Smoking is not permitted in Council owned or leased vehicles at any time. This restriction extends to cases where the driver is alone or with other smokers.
- c) Smoking is not permitted on the grounds of any children's services centre or recreation playground.
- d) Smoking should only take place 4 metres from Council entrances, open windows and heating/cooling systems.
- e) The rolling or handling of tobacco and smoking e-cigarettes in Council buildings and vehicles is not permitted.
- f) Any employee who ignores the smoking directive outlined above may be subject to disciplinary action.
- g) Refer to Council's Smoke Free Workplace Guideline for further information.

FRAUD AND THEFT

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

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

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

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

THE LAW

Council is subject to local, state and federal laws. All employees are required to comply with relevant laws. No one can be directed or carry out an illegal act or justify an illegal act by claiming to be acting under the order of a Manager, or to be complying with Council policy or procedure.

USE OF COUNCIL'S RESOURCES

Council's facilities and equipment are available to carry out Council activities and business. Under no circumstances are Council resources to be used for personal use.

Utilising Council resources to support local not for profit community groups is permissible if written permission from the Chief Executive Officer is received.

If you have any concerns about the use of any of Councils' resources you should discuss them with your Manager and refer to Council's Information Communication Technology Acceptable Use Policy.

DISCRIMINATION, HARASSMENT AND BULLYING

Discrimination, harassment and bullying is not only unacceptable, it is illegal, pursuant to state legislation (*Crimes Act 1958 - Brodie's Law, Equal Opportunity Act 1995, Racial and Religious Tolerance Act 2001, Human Rights Charter 2007*) and federal legislation (*Sex Discrimination Act 1984; Racial Discrimination Act 1975; Disability Discrimination Act 1992; Human Rights and Equal Opportunity Commission Act 1986, Equal Opportunity for Women in the Workplace Act 1999, Age Discrimination Act 2004, Workplace Relations Act 1996*), the *Local Government Act 1989, Local Government Act 2020* and various Occupational Health and Safety legislation.

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

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

DEFINITIONS

It is very important that employees understand the definitions relating to this topic:

What is discrimination?

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

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

What is victimisation?

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

What is Harassment?

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

Harassment is any type of behaviour that:

- a) The other person does not want or has not invited.
- b) Embarrasses or offends them.
- c) Targets them on the basis of race, colour, sex, marital status, religion, political conviction, impairment, pregnancy or sexual preference or other protected attribute.

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

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

Examples of unacceptable harassment behaviours include:

- a) Displays of offensive posters, pinups, graffiti.
- b) Rude gestures or bodily movements.
- c) Telling stories of sexual performances or asking for sex.
- d) Persistent questions about a person’s sex, race, nationality, disability or sexual preference.
- e) “Putting down” people of a different sex, race, national, ethnic social origin or age.
- f) Ridiculing those suffering from a disability.
- g) Sending inappropriate e-mails or display of inappropriate material on your own or someone else’s personal computer.
- h) Smutty, sexist or racist jokes or comments.

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

What is bullying?

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

Examples of unacceptable bullying behaviour include:

- a) Verbal attack, abuse, yelling, screaming, blame and criticism conveyed in an intimidating way.
- b) Banter, teasing or making fun of someone in a way that could cause humiliation or intimidation.
- c) Inappropriately excluding someone from workplace activities when they need to be included for their work or if the behaviour is intended to result in humiliation.
- d) Humiliating or openly hostile treatment or repeated abusive criticism.
- e) Deliberately withholding or providing incorrect information to someone where that information is required to carry out their role.
- f) Throwing books, pens or other objects at colleagues.
- g) Pushing, shoving and tripping.

What is not considered bullying?

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

It is not:

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

What is workplace violence?

Workplace violence is any incident where a colleague is physically attacked or threatened in the workplace. This behaviour is unacceptable and may result in termination of employment. As it is governed by criminal law, it may also result in criminal charges.

How do I know what is acceptable behaviour?

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

The important things to remember are:

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

ROLES & RESPONSIBILITIES

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

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

If you manage people, you are also required to:

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

REPORTING IMPROPER CONDUCT

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

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

ATTEMPT TO RESOLVE THE ISSUE WHEN IT FIRST OCCURS

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

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

REPORT THE SITUATION TO SOMEONE YOU FEEL YOU CAN TRUST

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

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

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

The complaint management process must adhere strictly to the principles of natural justice. The principles of natural justice are:

Complainant's rights	Respondent's rights
<ul style="list-style-type: none"> • The right to have the complaint investigated and, if necessary, conciliated. • The right to have support/representation, if requested. • The right to express views and opinions without intimidation from others. • The right to discontinue a complaint. • The right to have the situation remedied. • The right to privacy. 	<ul style="list-style-type: none"> • The right to natural justice. • The right to know exactly what they are responding to. • The right not to be discriminated against. • The right not to be dismissed unfairly, harshly or unreasonably. • The right to have support/representation, if requested. • The right not to be defamed. • The right not to be the subject of unfounded or malicious complaints. • The right to privacy.

The employee will not be disadvantaged in their employment conditions or victimised as a result of lodging a complaint.

EMPLOYEE ASSISTANCE PROGRAM

Employees have access to the Employee Assistance Program, facilitated by Converge International via phone 24 hours a day, 7 days a week on 1300 687 327.

The Rural Outreach Program is available within the region to assist Employees and their Families. A Rural Outreach worker can be contacted via phone on 1300 688 732.

IMPLICATIONS FOR BREACHING THIS CODE

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

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

These may include:

- a) Counselling and mediation.
- b) Mentoring and/or coaching.
- c) Performance management plans.
- d) Verbal warning.

- e) Written warnings.
- f) Recovery of monies owed.
- g) Termination of employment.

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

STAFF SOCIAL FUNCTIONS/ TRAINING/MEETINGS

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

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

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

ATTACHMENT ONE

COUNCILLOR-STAFF CONTACT PROTOCOLS

Background

The following protocols are provided as guidelines to ensure that contact by all Councillors with Council staff is undertaken in a consistent and orderly fashion.

As Councillors would be aware, providing direction to staff is prohibited under the *Local Government Act 2020*. It is the responsibility of the Chief Executive Officer to manage the staff resources of the organisation and inappropriate direction is in breach of the Act.

The following protocols are not designed to prevent contact between staff and Councillors, but rather are designed to provide the staff with the confidence that their conversations will not be used to form an argument in a debate. The protocols also provide Councillors with a structured procedure to ensure all contact with staff is appropriate.

Reasons for Councillor / Staff Contact

There are many reasons that direct contact with staff will assist Councillors in undertaking their civic duties, these may include but are not limited to the following:

- a) Questions around planning permit reports prior to making a decision.
- b) Finding information to answer questions from residents.
- c) Financial information.
- d) Status reports on various programs.
- e) Assistance with diary commitments and travel arrangements.
- f) Discussions on meeting minutes etc.

Process for Receiving Information

The process for Councillors to follow when seeking information that a staff member may be able to assist with is as follows:

- a) Submit a request via text, phone or in person to the Chief Executive Officer or relevant Director to provide the information, or
- b) Submit a request via text, phone or in person to the Chief Executive Officer or relevant Director to meet with the staff member.




Staff should not be approached directly at their work station, as a request from a Councillor may trigger a re-prioritisation of their activities.

If a re-prioritisation occurs in an area that is required to meet statutory timelines (such as planning or finance), it could potentially put the organisation at risk of non-compliance with regulations or legislation.

Working with the Manager of Organisational Performance & Executive Assistant

The Manager of Organisational Performance & the Executive Assistant provide administrative support for Councillors. Councillors are permitted to contact either staff member directly regarding any of the following: diary management including RSVPs, speech writing, travel arrangements, accommodation arrangements, itinerary preparation, arranging meetings as required.

Version Number	Issue Date	Author	Description of Change
0.1	10/05/2019	Tammy Smith	Revised – Draft Version
0.2	22/07/2019	Tammy Smith	Revised – Draft Version
1.0	02/10/2019	Tammy Smith	Final Approved Version
2.0	30/11/2020	Bernardine Schilling	Final Approved Version
2.1	5/08/2021	Bernardine	Revised – Draft Version to Consultative Committee and OHS Committee. Administrative changes only
3.0	20/8/2021	Bernardine Schilling	Final Approved Version
4.0	29/07/2022	Belinda penny	Revised – Front cover and outgoing CEO (Jessie) signature replaced with new CEO signature (Tammy). Consultative Committee notified at next meeting

Code of Conduct Adopted by Chief Executive Officer:	02/10/2019	Jessie Holmes	Signature: 
Code of Conduct to be Reviewed by Senior Management Group:	30/11/2020	Jessie Holmes	
	20/8/2021	Jessie Holmes	
	29/07/2022	Tammy Smith	