

Employee Code of Conduct

Endorsed by Chief Executive Officer



on

24 July 2023

management policy

MITCHAM

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1. PREAMBLE

The City of Mitcham is committed to its cultural brand *A place where staff feel that safety is a priority, they belong, and they are a part of a learning organisation*. This can only be achieved through a strong culture founded on productive, respectful working relationships internally and with the community that we serve.

It is expected that employees of the City of Mitcham act honestly and effectively to serve the community with the utmost of professional integrity.

2. PURPOSE

This Employee Code of Conduct sets the standards of behaviour that the City of Mitcham expects employees to demonstrate in the performance of their duties and functions and the standard employees can expect of each other.

3. SCOPE

All employees are bound by the Employee Code of Conduct and must comply with the provisions of this Code of Conduct in carrying out their functions as public officers and employees of the City of Mitcham.

4. DEFINITIONS

Code means this City of Mitcham Employee Code of Conduct.

Conflict of Interest means a conflict between a Council employee's work responsibilities and their personal or private interests. A Conflict of Interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of interest can be real (actual) or perceived (apparent).

- A **real Conflict of Interest** is a conflict between the employee's duties and their private interests.
- A **perceived Conflict of Interest** arises where a person is likely to believe an employee's private interests could improperly influence them at work. Such a perception is judged having regard to what a fair and reasonable person could be expected to believe.

Employee means any permanent, fixed term contract, casual or temporary person employed directly by the City of Mitcham.

Ethics is the guiding values, principles and standards that enable people to determine how things should be done and how they should act. It refers to the judgements that people make and the process that determines those judgements. It is the process by which people make value-based decisions which ultimately guides their actions and behaviours.

People Leader means any employee with employee line management responsibility.

Misconduct is wrongful, improper or unlawful conduct. It occurs where there is an incident involving a breach of policy, procedure, general instruction or general obligations and duties as an employee, including those under the Employee Code of Conduct.

Personal relationship includes, but is not limited to:

- family relationships, including parent, spouse, de facto partner, child, sibling, cousin, niece, nephew, grandparent, grandchild, aunt and uncle;
- emotional relationships, including close friendships, intimate, romantic or sexual relationships; and

- financial relationships, including business relationships where a monetary interest exists.

Public interest means acting lawfully and in a way that best serves the community.

Public Officer means an employee of the City of Mitcham.

Serious and wilful misconduct is misconduct that is wilful or deliberate and that is inconsistent with the continuation of the employment contract. It is also conduct that causes serious and imminent risk to the health, safety of a person or to the reputation of Council. This may also cause an irretrievable breakdown in the employment relationship and therefore warrant dismissal without notice.

5. PRINCIPLES

This Employee Code of Conduct adheres to the City of Mitcham's values, including respect, innovation, customer driven, accountability, teamwork and wellbeing.

All employees must exhibit the highest of ethical and behavioural standards of conduct in order to promote public confidence; and to provide advice, which is objective, independent, apolitical and impartial. All employees must discharge their duties with integrity, conscientiously, equitably and to the best of their ability.

6. POLICY STATEMENT

The behaviour standards set out in this Employee Code of Conduct are considered essential to upholding the principles of good governance at the City of Mitcham.

The City of Mitcham aims to conduct its business with integrity, honesty, fairness and equity and to comply with all relevant laws, regulations, codes, and corporate standards.

All employees are expected to ensure the highest standards of behaviour when dealing with management, other employees, its customers, other volunteers, contractors, or members of the public.

The City of Mitcham encourages a culture where ethical conduct is recognised, valued, and followed at all levels and ensures appropriate action is taken to prevent inappropriate behaviours and actions.

Employees must also comply with all relevant statutory requirements within the *Local Government Act 1999*, the *Work Health and Safety Act 2012* and other relevant Acts.

It is the personal responsibility of all employees to ensure that they are familiar with and comply with the standards in the Employee Code of Conduct at all times.

6.1. Behaviour Standards

All employees will not at any time act in a manner that a reasonable person would view as bringing them, the Council into disrepute; or that is otherwise improper or disgraceful.

All employees will:

- Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- Comply with the City of Mitcham's policies, procedures, directions, codes and resolutions.
- Act honestly and with integrity in every aspect of their work and being open and transparent when making decisions or providing advice to the City of Mitcham;

- d) Act in a way that generates community trust and confidence in the City of Mitcham.
- e) Act in a reasonable, just, respectful, non-discriminatory and courteous manner when dealing with all people, including our clients/customers, suppliers, contractors, competitors, the public and other employees and employees of our clients/customers.
- f) Maintain a work environment free of discrimination, harassment and bullying.
- g) Act with reasonable care and diligence in the performance of official duties and within designated authority and delegations.
- h) Discharge duties in a professional manner.
- i) Ensure that personal interests, including financial interests do not influence or interfere with the performance of their role and that conflicts of interest are declared and managed appropriately.
- j) Maintain confidentiality of confidential information gained in the course of employment.
- k) Make reasonable endeavours to ensure that they have current knowledge of both statutory requirements and best practices relevant to their position.
- l) Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based, is factually correct and that all relevant information has been obtained and is considered.
- m) Take reasonable care that their acts or omissions do not adversely affect the health and safety of themselves or other persons.
- n) Endeavour to provide accurate information to the City of Mitcham and to the public at all times.
- o) Respect the law, and resolutions made by the elected member body of the City of Mitcham.
- p) Not be absent from duty without authority or proper explanation or excuse.

6.1.1. Diverse and Inclusive Workplace

The City of Mitcham is a diverse and inclusive employer and as such employees should promote diversity, inclusion and belonging and be proactive in ensuring that workplace practices are non-discriminatory and free from harassment and bullying.

6.1.2. Use of Council Resources or Property

Employees shall use Council resources and public funds effectively and only for appropriate purposes as authorised.

Employees must not use Council resources unreasonably for private purposes, including but not limited to vehicles, tools or services of council employees, unless legally or properly authorised to do so, and payments are made where appropriate.

Employees are not entitled to utilise council premises or services (e.g. waste removal) for private purposes or remove any assets including non-monetary assets (e.g. loose wood) unless properly authorised to do so.

The City of Mitcham retains ownership of all Council resources and assets.

6.1.3. Handling of Official Information

By virtue of their duties, Council employees frequently access, otherwise deal with, and/ or are aware of, information about issues, facts and circumstances that they know, or where a reasonable person in the circumstances would know, needs to be treated as confidential.

Employees will not:

- Access or attempt to access official information other than in connection with the performance by them of their duties and/or as authorised.
- Disclose official information acquired through the course of their employment other than is required by law or where appropriately authorised in the agency concerned.
- Make improper use of information, including to only use information for the purpose for which it is gathered.
- Employees will ensure that the privacy of individuals is maintained and will only release information in accordance with relevant legislation, industrial instruments, policy, or lawful and reasonable direction.

6.1.4. Conflict of Interest

Employees will avoid real or perceived conflicts of interest and ensure their personal or financial interests do not influence or interfere with the performance of their role.

They will also ensure the interests of family members, friends or associates do not influence the performance by them of their duties.

An employee who has an interest in a matter in relation to which they are required or authorised to act in the course of official duties:

- a) Must disclose the interest to the chief executive officer; and
- b) Must not act in relation to the matter, unless the chief executive officer otherwise determines.

Any conflict of interest real or perceived must be declared.

Refer to Subdivision 3 Conflict of Interest, clause 120 in the Local Government Act 1999.

6.1.5. Accepting Gifts and Benefits

An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation to a person on the part of the employee or influence the employee in the performance or discharge of the employee's functions or duties.

Employees are to politely refuse any gift / benefit which may bring the City of Mitcham's integrity or impartiality into question and if accepting the gift will be perceived as a conflict of interest or a bribe.

If an employee does receive a gift or benefit, they must ensure the details of each gift or benefit is recorded within the City of Mitcham Staff Gifts and Benefits Register.

Refer to Subdivision 2A Gifts and Benefits, clause 119A in the Local Government Act 1999.

6.1.6. Public Comment

Only the CEO / Mayor and delegated officers are to comment publicly on Council business.

Employees are only to make public comment in relation to their duties when specifically authorised to do so and restrict such comment to factual information and professional advice.

Employees must not make any public criticism of a personal nature of fellow employees or Council members.

If approached by the media employees are to refer them directly to the CEO or the appropriate delegated officer for a formal response.

6.1.7. Social Media

A high standard of conduct and behaviour is expected online. Council has nominated a number of officers who are responsible for all official Council public social media platforms who are the only employees approved to post and respond to comments on behalf of Council.

Information published by employees on social media must withstand public scrutiny and be disclosed in a way that does not bring Council into disrepute.

Employees are personally responsible for any social media content published, posted, forwarded, shared or endorsed in a personal capacity.

As an employee, you must not:

- Share any information, either intentionally or accidentally that you have access to in your position on social media unless it is publicly available;
- Post anything that may affect Council's or the public's trust and confidence of you as an employee;
- Create or distribute any malicious, bullying/harassing or damaging material; or
- If another person has posted material about/of you or tagged you in a manner likely to cause damage to Council's reputation or bring it into disrepute, you must arrange to have the material removed and report to your people leader immediately.

Even when posting material that relates to you as an employee and/or impacts on Council's reputation, on your personal social media accounts, you must continue to uphold this code of conduct.

6.1.8. Employment or other remunerated activity outside Council

Employees must not engage in employment or other remunerative activity outside of their City of Mitcham employment where the activity conflicts with, or has the potential to conflict with, their duties, or if the performance of such outside employment or activity might affect their capacity to perform their duties.

Employees must seek written approval utilising the Outside Employment or Remuneration Activity Application Form for any employment or remunerated activity (including any employment, work or service for which payment is made by way of pay, salary, honorarium, commission, fee, allowance or other reward) prior to undertaking this outside activity of their official duties with Council.

Employees may be employed by more than one Council at any one time, if each Council approves prior to being appointed in the second position.

Employees do not require approval to undertake voluntary or unpaid activities or paid recreational activities (e.g. sport coaching) unless there is a real or perceived conflict of interest between such activity and their duties.

6.1.9. Criminal Offences

Employees will at the earliest possible opportunity advise their people leader in writing if they are charged with a criminal offence and, if admitted or proven, there would be a connection between the offending conduct and the employee's duties, role or position and/or status or is likely to cause damage to Council's reputation or bring it into disrepute.

Any employee who is disqualified from driving and it is a requirement of their role must at the earliest possible opportunity advise their people leader in writing.

6.2. Breaches of the Code of Conduct

A breach of the Code of Conduct damages business effectiveness, public perception of Council and interpersonal work relationships.

There is an expectation that employees will report any workplace behaviour that a reasonable person would suspect breaches this code of conduct, is a danger to health or safety or to the environment or amounts to misconduct.

Any employee who fails to comply with these behaviour standards may be liable to disciplinary action, which may result in disciplinary action, up to and including termination of employment.

Conduct which breaches this Code may fall under the Independent Commissioner Against Corruption (ICAC) Act and referred to either the Office for Public Integrity who investigate corruption of public officers or the South Australian Ombudsman who investigate misconduct and maladministration.

7. RESPONSIBILITIES

7.1. Employee Responsibilities

All employees are required to comply with the behaviour standards in this code of conduct.

All employees of the City of Mitcham are bound by this code of conduct, regardless of the nature or level of employment or employment status.

All employees of the City of Mitcham must familiarise themselves with the content of this code of conduct and conduct themselves in a manner consistent with the values and behaviour standards that are set out herein.

All employees have a shared responsibility to ensure that discrimination, bullying and harassment are not part of the workplace or work practices in dealing with each other or members of the public.

Complaints about an employee's behaviour that is alleged to have breached these behavioural standards are to be brought to the attention of the Chief Executive Officer, General Manager or People and Culture.

In addition, under the *Independent Commission Against Corruption Act 2012 (ICAC Act)* local government employees must report any matter reasonably suspected to be corruption in public administration to the Office for Public Integrity.

7.2. People Leaders

People Leaders are responsible for monitoring and acting upon compliance with this code of conduct, including ensuring that a consistent, fair and confidential process is used to investigate instances of suspected non-compliance.

People Leaders are responsible for encouraging employees, volunteers, and contractors to report all instances of non-compliance of this code of conduct in order to support an open reporting environment.

7.3. People and Culture

People and Culture are responsible for ensuring that all new employees receive a copy of the Employee Code of Conduct on commencement of employment with the City of Mitcham.

Provide advice to people leaders and employees in regard to compliance with this code of conduct.

7.4. Performance and Strategy

Performance and Strategy are responsible for the process and maintenance of the City of Mitcham Staff Gifts and Benefits Register.

8. POLICY REVIEW

This Policy will be reviewed every five (5) years or earlier as required.

9. VERSION HISTORY

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
1	People & Culture Advisor	Policy developed from previously gazetted Code of Conduct for Council Employees, as a part of the Local Government Act 1999 (not revoked).	29/05/2018
2	Manager, People & Culture	Up-dated Policy with additional information.	23/01/2023
3	Manager, People & Culture	Up-dates based on staff and CEO feedback.	19/07/2023

10. DOCUMENT CONTROL

Responsible Department:	People & Culture		
Policy Document ID (ECM No.):	4830926		
Applicable legislation:	City of Mitcham Local Government Employee Award Enterprise Agreement City of Mitcham and Australian Services Union Enterprise Agreement Local Government Act 1999 Fair Work Act 1984 Work Health and Safety Act 2012 Independent Commission Against Corruption Act 2012		
Related Policies & Corporate Documents:	All City of Mitcham Policies and Procedures		
Additional References	Gifts and Benefits Register Outside Employment or Remuneration Activity Application Form		
Staff Consultation	Yes	Date:	15 to 30 March 2023
ASU:	Yes	Date:	15 to 30 March 2023
AWU:	Yes	Date:	15 to 30 March 2023
Effective From Date:	20 July 2023	Next review Date:	20 July 2028