Code of Conduct for Employees Policy

CITY OF GOLDCOAST.

DETAILS

Council ☐ **Admin** ☒

Effective from:		April 2015
Contact officer:		Manager People and Culture
Next review date:		June 2015
File reference:		LG449/519/02
iSpot #	This policy	23611126
	Value Proposition	48905255

OBJECTIVES AND MEASURES

Objectives	To provide a set of standards and behaviours related to the way employees do their jobs. It puts a responsibility on each employee to use sound judgement. It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying the standards, employees enhance public trust and confidence in each other.
Performance measures	• Level of employee satisfaction with workplace practices. • Level of customer satisfaction with client services.
Risk assessment	High

POLICY STATEMENT

Council of the City of Gold Coast (Council) conducts its business with integrity, honesty and fairness and complies with all relevant laws, regulations, codes and corporate standards.

Everyone working for Council must seek to achieve the highest standards of behaviour when dealing with customers and each other. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels and ensure appropriate action is taken to prevent fraud and corruption.

Council actively supports, encourages and develops its employees to help them become the best they can be. In doing so, Council ensures that all employees continue to provide excellent customer service.

The principles of the *Public Sector Ethics Act 1994*, combined with Council's corporate values, for the basis of the Code of Conduct for Employees. The four principles are:

1. Integrity and impartiality
2. Promoting the Public Good
3. Commitment to the system of government
4. Accountability and Transparency

All Council employees, regardless of their employment status, role or position must be familiar with and follow the spirit and content of the Code of Conduct for Employees.

SCOPE

This Code of Conduct applies to all Council employees, regardless of their employment status, role or position – permanent, temporary, casual or part-time employees, contractors or volunteers, manager, supervisors, team leaders, team members or individuals

DEFINITIONS

Council – *Council of the City of Gold Coast*

RELATED POLICIES AND DELEGATIONS

Alcohol in the Workplace Policy
Benefits and Gifts Policy
Conflicts of Interests for Employees Policy
Corporate Uniform Policy and Procedures
Customer Contact Policy
Delegated Power and Authorisations Policy
Disciplinary Policy
Entertainment and Hospitality Expenditure Policy
External Communication Policy
Good Working Relationships Policy
Grievance Resolution Policy
ICT Resource Usage Policy
Information Management and Information Privacy Policy
Learning and Development Policy
Leave Policy
Vehicle Allocation and Use Policy
Low Value, Perishable and Scrap Items Policy
Occupational Violence Prevention and Management Policy
Portable and Attractive Items Policy
Procurement Policy and Standards
Right to Information and Information Provision Policy
Smoking in the Workplace Policy
Whistleblowers (Public Interests Disclosure) Policy
Working Outside of Council Policy

LEGISLATION

Anti-Discrimination Act 1991
Copy Right Act 1968
Crime and Misconduct Act 2001
Disability Discrimination Act 1992
Equal Opportunity in Public Employment Act 1992
Information Privacy Act 2009
Integrity Act 2009
Local Government Act 2009
Public Interest Disclosure Act 2010
Public Records Act 2002
Public Sector Ethics Act 1994
Racial Discrimination Act 1975
Right to Information Act 2009
Workplace Health and Safety Act 1995

SUPPORTING DOCUMENTS

Attachment A – Amendments
Attachment B – Code of Conduct for Employees

RESPONSIBILITIES

Sponsor	Chief Operating Officer
Owner	Manager People and Culture

VERSION CONTROL

Document	Date	Approved	Amendment
A18492911 v17	01.07.21	COO A71168668 GA21.0608.004/G21.0608.019	Update sponsor effective 1.7.21 (Corporate restructure)
23611126 v16	07.04.15	#48905255	Minor amendment
23611126 v15	30.01.15	#47976298	Minor amendment
23611126 v14	30.01.15	#47976298	Minor amendment as per v13
23611126 v13	16.12.14	#46725107	Minor amendment
23611126 v12	11.03.14		Minor amendment
23611126 v11	22.11.12		Minor amendment
23611126 v10	08.02.12		Minor amendment
23611126 v9	08.02.12		Minor amendment
23611126 v8	08.02.12	#34282926	Minor amendment
23611126 v7	21.04.11	#30838768	Minor amendment
23611126 v6	18.09.08		See version 7
23611126 v5	18.09.08		See version 6
23611126 v4	17.09.08		Minor amendment
23611126 v3	27.08.08		Minor amendment
23611126 v2	27.08.08		Minor amendment
23611126 v1	27.08.08		Original policy

Code of Conduct for Employees Policy
Attachment A - Amendments

CITY OF GOLDCOAST.

The following amendments are to be read in conjunction with the Code of Conduct for Employees.

NAMING CHANGES

Replace all references throughout the Code of Conduct for Employees Policy as per the following:

Current references in Code of Conduct	New references in Code of Conduct
Public Interest Disclosure Policy	Whistleblowers (Public Interests Disclosure) Policy
Procurement Policy and Purchasing Guidelines	Procurement Policy and Standards
Delegated Power and The Appointment of Statutory Authorised Persons and Administrative Authorised Officers Policy	Delegated Power and Authorisations Policy
Enterprise Bargaining Agreement 2009	Certified Agreement 2012
Fraud Prevention & Security Advisor	Executive Coordinator (Lawyer) Integrity & Ethical Standards
5581 8816	5581 7468
Local Government (Operations) Regulation 2010	Local Government Regulation 2012
Public comments on Council business	Public comments
Gold Coast City Council	Council of the City of Gold Coast

PUBLIC COMMENTS

Delete the following paragraph on page 7:
"You have the same rights as any member of the community to enter into discussion of community and social issues in a private capacity. You must recognise, however, that you will generally be seen as speaking from a privileged position. As a result, you must take all reasonable steps to ensure that:

- you do not use non-public Council information for private advantage, or disclose that information
- your comment is understood as representing your personal views as a private citizen."

Replace with the following paragraph:

"Social media is not treated differently to other forms of communication. As such the Code, the *Good Working Relationship Policy,* the *Social Media Policy* and the *External Communication Policy* apply to personal use of social media. It is essential that you understand that comments made via social media are in the public domain and are open to scrutiny, comparable to comments made to the media or at a public forum. As a result, you must refrain from making comments that:

- reflect adversely on Council's reputation;
- constitute offensive, humiliating, intimidating, discriminatory, bullying and/or harassing behaviour towards other Council staff;
- perceived as being derogatory of Council or its decisions or policies; or
- disclose non-public Council information.

Comments on social media made from any device (i.e. personal, public, Council, etc.) that are deemed not to be in accordance with the Code, made during and outside office hours, may breach Council policy and your obligations as a local government officer under the *Local Government Act 2009*.

All officers have an obligation to act responsibly and ethically when communicating about matters related to Council in their personal time. When using social media in a personal capacity, it is important that readers of your posts, whether posted publicly or in private, do not misconstrue your personal comments as representing an official Council position or identifying yourself as a Council employee."

Under the title "**(v) Public comments on Council business**" on page 7 insert an additional dot point after the words "You should also refer to Councils:", as follows:

- *Social Media Policy*

Code of Conduct for Employees

NOVEMBER 2011

Approved - CEO 03.11.2011 iSpot 34282926.
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GCCC8796

Gold Coast City Council

From the CEO

As a large family of employees, we at Gold Coast City Council are in the business of providing community value. This means that, amongst other things, we ensure our day to day conduct is of a high standard - in keeping with the trust held in us by the Gold Coast community. This Code provides an outline of minimum behaviour standards required of all employees of Council, regardless of employment status. I commend it to all my fellow employees.

Tim Baker
Chief Executive Officer

Policy Title:	Code of Conduct for Employees
Commencement Date:	3 November 2011
File Reference:	LG449/519/02
Responsible Branch:	People & Culture Branch

Further Advice

- Manager People & Culture Branch
- Executive Coordinator (Lawyer) Integrity and Ethical Standards – phone 5581 7468
- Manager Internal Audit
- Crime and Misconduct Commission

Breaches and Penalties

Breaches may be reported to any senior officer or the Executive Coordinator (Lawyer) Integrity and Ethical Standards. A breach may lead to disciplinary, legal or other action.

Scope

This Code of Conduct applies to all Gold Coast City Council employees, regardless of their employment status, role or position – permanent, temporary, casual or part-time employees, contractors or volunteers, managers, supervisors, team leaders, team members or individuals.

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Overview

Code of Conduct Statement

The Gold Coast City Council aims to conduct its business with integrity, honesty and fairness and comply with all relevant laws, regulations, codes and corporate standards.

Everyone working for Council must follow the highest standards of behaviour when dealing with customers and each other. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels.

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

Our Vision

Defined by our spectacular beaches, hinterland ranges, forests and waterways, the Gold Coast is an outstanding city which celebrates nature and connects distinct communities with the common goal of sustainability, choice and wellbeing for all.

Our Mission

Leading the way towards a bold future that can sustain growth and economic development while retaining a lifestyle that is uniquely 'Gold Coast'.

Our Values

The values we share as employees of Council are:

- Commitment, pride and passion for the City
- Working as one team with one vision
- 360 degree trust
- Respect for each other
- Getting the job done right

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Legislative Principles and Corporate Values

The *Public Sector Ethics Act 1994* identifies four ethics principles fundamental to good public administration that guide our behaviour as Public officials and form the basis for a local government Code of Conduct. The four principles are:

Ethics Principles	Integrity and impartiality	Promoting the public good	Commitment to the system of government	Accountability and transparency
Standards	Conflicts of interest	Customer Service	Acting within the law	Using Council assets
	Influences on decision-making	Fairness to suppliers	Acting in accordance with delegations and signing documents on behalf of Council	Diligence, care and attention
	Accepting Gifts and Benefits	Public money	Raising concerns	Attendance at and absence from duty
	Employment outside Council	Intellectual property	Privacy	Self-development
	Advice given to elected officials	Concern for the environment		Workplace health and safety
	External activities			
	Behaviour towards each other			
	Non-discriminatory workplace			
	Sexual and other forms of Workplace Harassment			

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

- transparent and effective processes, and decision-making in the public interest;
- sustainable development and management of assets and infrastructure, and delivery of effective services;
- democratic representation, social inclusion and meaningful community engagement;
- good governance of, and by, local government; and
- ethical and legal behaviour of councillors and local government employees.

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

The Objective

The objective of Council's *Code of Conduct For Employees* is to provide a set of standards and behaviours related to the way we do our work. It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us. Nothing in this Code interferes with your rights as a private citizen or a ratepayer.

The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations it does not cover. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your colleagues, your direct supervisor/manager and by Council.

A 'Guide for ethical decision making' is included at Appendix A to help you apply the Code in everyday situations.

To whom does the Code apply?

The Code of Conduct applies to all Gold Coast City Council employees, regardless of their employment status, role or position – e.g. permanent, temporary, casual or part-time employees, student placement, managers, direct supervisors, team members or individuals.

All employees, Agency Resources and volunteers must be familiar with, and follow the spirit and content of the Code of Conduct.

When does the Code apply?

The Code of Conduct is concerned with our conduct as public officials, and behaviour as individuals at work and outside the workplace, where particular behaviour may be directly related to our employment and Council activities and in other circumstances where our actions may impact upon the reputation and activities of the Gold Coast City Council.

Procedure Requirements

1. The First Principle – Integrity and Impartiality

1. In recognition that public office involves a public trust, employees should seek to:

a) promote public confidence in the integrity of the public sector; and

b) be committed to the highest ethical standards;

2. Having regard for the principle mentioned above employees should:

a) accept and value their duty to provide advice which is objective, independent, apolitical and impartial;

b) show respect towards all persons, including employees clients and the general public;

c) acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and

d) be committed to honest, fair and respectful engagement with the community.

Standards of Conduct

(i) Conflicts of interest

When making decisions, you must declare any conflicts of interest that could affect your objectivity in carrying out your duties.

A conflict of interest occurs when you as a public official are in a position to be influenced, or appear to be influenced, by your private interests when doing your job. A conflict of interest can arise from avoiding personal disadvantage as well as gaining personal advantage – whether financial or otherwise. This includes advantages for relatives and friends.

If you feel you have a conflict of interest, whether actual, perceived or potential, you may discuss it with your direct supervisor/manager with a view to avoiding it.

If the conflict of interest cannot be avoided, you must report it to the Chief Executive Officer or relevant Director promptly. Your Chief Executive Officer or relevant Director will then provide further direction on how to resolve the matter giving rise to the conflict of interest. Until the matter is resolved, you must make sure you are not part of any decision-making process related to the matter.

Where required by Chapter 5, Part 5 of the *Local Government (Operations) Regulation 2010* you may be required to supply details of interests to the CEO or Mayor to be included in a Register of Interests and ensure particulars contained in a Register of Interests remain correct.

You should also refer to Council's:

- *Conflict of Interests for Employee Policy*

And:

- Chapter 5, Part 5 of the *Local Government (Operations) Regulation 2010*

(ii) Influences on decision-making

You must not influence any person in an improper way with the aim to obtain personal advantage or favours.

All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record-keeping and showing how decisions were made.

You must not in any way misrepresent your qualifications, experience or expertise in any recruitment and selection process.

Appendix A has more information about how to undertake ethical decision making: see 'A guide to ethical decision-making'.

(iii) Accepting Gifts and Benefits

Occasionally you may be offered gifts or benefits from people with whom you do business.

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

You may accept gifts or benefits of a nominal value in limited circumstances, however as a rule you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a conflict of interest or be seen to be receiving a bribe.

The test to apply is whether you could be (not whether you are) influenced by your private interests in carrying out your official duties, or whether people are likely to believe that you could be influenced. For example, ask yourself if accepting the gift or benefit could suggest to others that the giver may or would receive favourable treatment.

Where required by Chapter 5, Part 5 of the *Local Government (Operations) Regulation 2010* senior staff (including the CEO) must ensure that gifts are recorded in their Register of Interests.

You should also refer to Council's:

- *Benefits and Gifts Policy*
- *Appendix A – A guide to ethical decision making*

And:

- Chapter 5, Part 5 of the *Local Government (Operations) Regulation 2010*

(iv) Employment outside Council

Council policy requires that you get approval before you perform paid work outside of Council.

If you perform paid work outside of Council, you must be sure this work:

- is kept separate from Council work;
- does not lead to a conflict of interest;
- does not affect Council time or resources (physical, technological or intellectual); and
- does not interfere with your ability to do your work in Council.

You should also refer to Council's:

- *Work Outside of Council Policy*

(v) Public comments on Council business

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

You should not release non-public Council information or contribute to public comment on Council policy or administration unless:

- providing the information or making comment is part of, or consistent with, your duties or has been appropriately authorised
- you do not misrepresent the facts about the matter
- the matter is not confidential or restricted in its distribution

If you are asked to comment on any Council matter via the media or other public relations firms, refer it to the Corporate Communications branch.

Sometimes, it might be appropriate to share information based on your personal and professional experience (e.g. in external seminars or training programs). You must ensure that by sharing your experiences you do not breach the confidentiality of Council information.

You have the same rights as any member of the community to enter into discussion of community and social issues in a private capacity. You must recognise, however, that you will generally be seen as speaking from a privileged position. As a result, you must take all reasonable steps to ensure that:

- you do not use non-public Council information for private advantage, or disclose that information
- your comment is understood as representing your personal views as a private citizen.

You must also ensure that to the extent you collect, handle or give access to personal information, you comply with the Privacy Principles outlined under the *Information Privacy Act 2009*.

This clause (clause v) does not apply to a Public Interest Disclosure to a proper authority. Where you honestly believe on reasonable grounds that you possess information about another Council Officer's conduct that relates to:

a) Official Misconduct; or

b) maladministration that adversely affects a persons interests; or

c) a substantial misuse of public resources, other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure; or

d) a substantial and specific danger to public health or safety; or

e) a substantial and specific danger to the environment

You have the right to make a Public Interest Disclosure to a proper authority subject to, and in accordance with, the *Public Interest Disclosure Act 2010.*

You should also refer to Councils:

- *External Communication Policy*
- *Right to Information and Information Provision Policy*

(vi) Advice given to elected officials

Communication between Councillors and employees must be in accordance with the Council's endorsed protocol for providing advice to elected officials. Council employees must give elected members (Councillors) advice that is thorough, responsive, objective, independent, apolitical and impartial so that Councillors can make decisions and carry out their community responsibilities.

If you have any concerns or questions about a request from an elected official you must discuss this with your direct supervisor/manager.

You should also refer to Council's:

- *Councillor and Officer Communications Protocol*

(vii) External activities

Council supports, and aims to, ensure all staff are free to engage in trade union, party-political, professional, interest group or charity activities of their choosing, in their own time and without utilising Council resources. However you must make sure that participation in such activities does not cause a conflict of interest, and/or unduly restrict the performance of your official duties with Council.

You must not allow your involvement in any external organisation to intrude upon your duty as a Council employee, to give sound advice to Council which is objective, independent, apolitical and impartial.

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

If you comment publicly in connection with external activities, you must make a clear distinction between your opinion as a member of the external organisation, and your opinion as a Council employee.

You must not use your role in Council, Council information or information gained in the course of your official duties as a Council employee, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide Council information to members of other groups or related persons, except where this information is publicly available.

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

(viii) Behaviour towards each other

All employees must treat other employees and Councillors with respect, honesty, fairness, sensitivity and dignity. Employees who supervise or manage other employees have a special responsibility to model this kind of behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them.

Council values diversity, and expects all its employees, Agency Resources and volunteers to accommodate and respect different opinions and perspectives, and to manage interpersonal disagreements by rational debate. You must not behave towards any other person in a way that could be perceived as intimidating, overbearing or bullying, or that may constitute unwelcome conduct of a sexual nature.

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

You should also refer to Council's:

- *Good Working Relationships Policy*

(ix) Non-discriminatory workplace

Council is an equal opportunity employer and as such is proactive in ensuring that its practices do not discriminate based on an attribute, or based on a persons association with another person who maintains an attribute relating to:

- age;
- breastfeeding;
- family responsibilities;
- gender identity;
- impairment;
- marital status;
- national origin;
- parental status;
- political belief or activity;
- pregnancy;
- race;
- relationship status
- religious belief or religious activity;
- sex
- sexuality/ lawful sexual activity;
- trade union activity; or
- association with, or relation to, a person identified on the basis of any of the above attributes.

Council aims to create and maintain a workplace free from discrimination. As an employee of Council you have a shared responsibility to ensure that discrimination is not part of our workplace or our practices. If you witness discriminatory behaviour you have a positive obligation to report such actions to your supervisor or manager or if such action involves your supervisor or manager, another senior officer. Unlawful discrimination may lead to disciplinary action being taken against offending staff.

You should also refer to Council's:

- *Good Working Relationships Policy*

(x) Workplace Harassment, including harassment of a sexual nature

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

As an employee of Council it is expected that you proactively contribute to building a workplace that is free from sexual harassment; victimisation and bullying. You have a joint responsibility to respect the rights of fellow employees, by not taking part in any action that may constitute harassment of any form, and in doing so supporting and promoting the achievement of equal employment opportunity.

Some examples of behaviour which may constitute either sexual harassment or workplace bullying includes:

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

You should also refer to Council's:

- *Good Working Relationships Policy*

2. The Second Principle – Promoting the Public Good

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, employees should:

a) accept and value their duty to be responsive to both the requirements of government and to the public interest;

b) accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions;

c) accept and value their duty to manage public resources effectively, efficiently and economically;

d) value and seek to achieve excellence in service delivery; and

e) value and seek to achieve enhanced integration of services to better service clients.

Standards of Conduct

(i) Customer service

As a Council employee it is expected that you will strive to provide excellent customer service. You must treat members of the public equitably and with honesty, fairness, sensitivity and dignity.

All Council employees serve ratepayers directly or indirectly. If your role in Council involves regular contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people.

You are expected to treat complaints from customers, ratepayers, and the community or fellow employees seriously, and respond to constructive feedback as an opportunity for improvement.

Customers have a right to complain or criticise Council. Council expects its employees to show respect towards complainants. While you must make all reasonable efforts to help customers lodge complaints, if you think a situation is threatening or intimidating, you are entitled to withdraw. If in doubt, ask for help from a more experienced colleague, or a direct supervisor/manager. Council will support any employee who believes they are under threat from a member of the public.

Council's image can be impacted by the presentation of its staff. Council requires its office-based employees to appear neat and tidy and maintain a professional business standard of dress. If you are unsure about what constitutes appropriate dress please discuss this with your direct supervisor/manager. Where you have been provided with Council uniforms, you are required to wear all components of the uniform without alteration (other than alterations designed to ensure a proper fit) and ensure that uniforms are clean and tidy. If you are a direct supervisor/manager you are expected to ensure that staff are appropriately presented at all times.

You should also refer to Council's:

- *Customer Contact Policy*
- *Claimants (Administrative Actions) Policy*
- *Occupational Violence Prevention and Management Policy*
- *Corporate Uniform Policy and Procedures*

(ii) Fairness to suppliers

Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect the content of the *Local Government (Finance, Plans and Reporting) Regulation 2010.* You must comply with the *Local Government (Finance, Plans and Reporting) Regulation 2010* and Council procedures when seeking suppliers for goods or services.

If you have been approved to be involved in offering contracts or buying goods and services from outside Council, you must be sure you have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work.

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

You should also refer to Council's:

- *Procurement Policy and Purchasing Guidelines*

(iii) Public money

You must maintain high standards of accountability if you collect and use public money. You are not to borrow or use Council money for private purposes. This also applies to items such as taxi vouchers or other vouchers.

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

You should also refer to Council's:

- *Procurement Policy and Purchasing Guidelines*
- *Entertainment and Hospitality Expenditure Policy*

(iv) Intellectual property

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

You must respect the copyrights, trademarks and patents of suppliers and other organisations outside Council which includes that you do not reproduce or quote suppliers' material unless your license specifically allows it. Similarly you must not store or copy audio, video or image files, printed media and software on Council assets without an appropriate license or approval. Where this is unclear you must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of your official duties.

Any original work, invention or product you have contributed to in association with your official duties as a Council employee remains the property of Council. Similarly, you must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. This does not stop you from sharing with other organisations information relating to your official duties. However, if you do, and if you are unaware of whether such action may breach this Code, you must first seek clarification from your direct supervisor/manager.

You should also refer to Council's:

- *Information Management and Information Privacy Policy*
- *Information Confidentiality Policy*

(v) Concern for the environment

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

In performing your duties at Council, you must ensure that you comply with your general environmental duty and where applicable, your duty to notify of environmental harm.

3. The Third Principle – Commitment to the System of Government

1. In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government employees should:

a) accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government;

b) be committed to effecting official public sector priorities, policies and decisions professionally and impartially; and

c) accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

2. Section 1 above does not limit the responsibility of an employee to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

Standards of Conduct

(i) Acting within the law

You are expected to be aware of, and comply with applicable legislation, awards, certified agreements, Council policies and local laws relevant to your area of work. You are entitled to have access to any legislation that may be relevant to your work.

You are expected to obey legal, reasonable directions from direct supervisors/managers. You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or there is a better way of doing something, or if you think that a direction may be in breach of the law. When you have recorded your suggestion or concern you are required to work as directed by your direct supervisor/manager, except where there is an imminent risk to safety. If the matter cannot be resolved within the workgroup, it should be immediately referred to your manager.

If you are charged with having committed any indictable offence, are subject to an indictable offence conviction, or are subject to a summary conviction, you should immediately report the circumstances to your direct supervisor.

(ii) Acting in accordance with delegations and signing documents on behalf of Council

If you are requested to undertake an action on behalf of the Chief Executive Officer (CEO) or Council, prior to exercising any power on behalf of the CEO you must ensure there exists an appropriate delegation or authorisation in line with State legislation, that allows you to exercise the power.

The following persons are the only persons who may sign a document on behalf of Council:

- the Mayor;
- a delegate of Council; or
- a Councillor or Council employee who is authorised, in writing, in accordance with the authorisation made by the Mayor to the CEO to sign documents.

You should also refer to Council's:

- *Council's Register of Delegations*
- *Council's Register of Administratively Authorised Officers*
- *Delegated Power and The Appointment of Statutory Authorised Persons and Administrative Authorised Officers Policy*

(iii) Raising concerns

You have the right to comment on or raise concerns with your direct supervisor/manager about Council policies, practices or priorities where they impact on your employment. However, you must do this in a reasonable and constructive way and take responsibility for your comments and views. Further, you must accept that Council has the right to determine its policy, practices and priorities and that you must comply with all reasonable and lawful instructions, whether or not you personally agree with a given policy direction.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with Council's recognised agreement or policy.

If you believe that a request or a direction is either unlawful or unsafe to fulfil, you should say so to the person giving it. If you are not satisfied with the response, the concern may be raised at a higher level in the chain of management or through an appropriate contact employee, e.g. a Workplace Health and Safety Officer or the Executive Coordinator (Lawyer) Integrity and Ethical Standards. However, unless there is a significant concern for lawfulness or safety direction, your are usually obliged to implement it in the interim.

You should also refer to Council's:

- *Grievance Resolution Policy*

(iv) Privacy

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

Employees must ensure that the collection, storage and use of personal information is done so in accordance with Council recognised agreement or policy.

As a general rule you can maintain privacy by:

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

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

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

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

Personal and other information may on occasion be sought from Council by an employee or other members of the public in line with the *Right to Information Act 2009.* If such a request is made of you, you must ensure that you refer such requests to the Right To Information/ Information Privacy Officer to be properly considered.

You should also refer to Council's:

- *Right to Information and Information Provision Policy*
- *Information Management and Information Privacy Policy*

4. The Fourth Principle – Accountability and Transparency

In recognition that public trust in public office requires high standards of public administration, employees should:

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

Standards of Conduct

(i) Using Council assets

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and/or valuables (this includes surplus material, waste material and off-cuts). All employees share the responsibility for looking after them.

If you are in charge of assets you must take good care of them while they are in your possession or use, and ensure they are used economically and efficiently. It is an offence to misuse or allow anyone else to misuse Council assets. Your responsibility includes making sure assets are secured against theft and properly stored, maintained and repaired.

You need to be scrupulously honest and careful in the protection and use of Council resources, and do so in accordance with Council recognised agreement or policy.

The very limited and reasonable personal use of office resources (e.g. telephone, computer and photocopier) is permitted at the discretion of the relevant manager.

Employees should be aware of the potential for legal liability to arise from the unofficial or private use of resources, property or facilities.

Upon your employment terminating with Council, you must return all Council property and work-related documents immediately.

You should also refer to Council's:

- *ICT Resource Usage Policy*
- *Portable and Attractive Items Policy*
- *Low Value, Perishable and Scrap Items Policy*
- *Light Vehicle Use and Allocation Policy*

(ii) Diligence, care and attention

Council aims to conduct its business with integrity, honesty and fairness and to achieve the highest standards in service delivery. You contribute to this aim by carrying out your duties honestly, responsibly, in a conscientious manner and to the best of your ability. This includes:

- maintaining punctuality and not being absent from your workplace during work time without reason
- giving priority to official duties over personal activities during work time;
- not wasting time chatting about personal matters and interrupting other staff;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting yourself in a way so others gain confidence and trust in the way Council does business;
- not allowing your conduct to distract or prevent others from working; and
- not exposing Council to a judgement for damages against it, as a result of your negligence or breach of any law or policy

If you are responsible for managing or supervising others, you must also ensure that:

- you model the values and principles outlined in this Code and ensure that employees within your area of responsibility understand and comply with the Code;
- you do not come under a financial obligation to any employee you supervise or manage;
- your work, and the work of those you supervise, contributes to the achievement of Council's goals;
- employee performance is monitored and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, and within Council policies and budgets employees may be given training opportunities to assist them in developing their careers;
- employees are provided with information that is vital for effective work performance;
- the opinions of employees are respected and considered;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on timesheets, attendance records and in Council's payroll system; and
- appropriate action is taken if breaches of this Code occur.

You should also refer to Council's:

- *"Performance through People" (PtP) performance management framework*

(iii) Attendance at and absence from duty

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

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

Council's operational efficiency depends on your punctuality and attendance at your workplace. If you are unavoidably detained please advise your direct supervisor/manager as soon as possible.

You should also refer to Council's:

- *Leave Policy*

(iv) Self-development

All local government employees have an obligation to be proactive in the continual improvement of all aspects of their work performance. You should aim to maintain and improve your work performance and that of your work unit in the delivery of customer service. You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work.

Council will assist you by providing equitable access to training and development opportunities. This may include accessing the study assistance program, learning new work duties, participating in project work or undertaking internal or external training.

You should also refer to Council's:

- *Learning and Development Policy*

(v) Workplace health and safety

As Council employees we all must strive to eliminate work related injury and illness.

Council aims to ensure that the risk of death, injury or illness caused by the workplace, relevant workplace area, work activities, or plant/substances for use at work, is minimised to as low as reasonably practicable.

You must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow employees and members of the public.

While at work, you must:

- take reasonable care for your own health and safety;
- take reasonable care that your acts, or omissions, do not adversely affect the health and safety of others;
- comply, so far as you are reasonably able, with any reasonable instruction that is given; and
- cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

You also have a duty to:

- identify hazards and manage risks to health and safety;
- immediately report any identified incidents or hazards to your direct supervisor;
- support any workplace investigations;
- perform all work safely and follow safe work practices;
- take corrective action to 'make safe' the workplace, or work activities and implement improvements;
- participate in any education or training programs as directed; and
- participate in rehabilitation and return to work programs if required.

(vi) Drugs and Alcohol

We must keep our workplace drug and alcohol free if we are to maintain the trust and confidence of the broader public, and ensure the health and safety of all employees. The use of drugs or alcohol can adversely affect productivity, attendance and on-the-job safety.

There is to be no alcohol consumed within Council unless it is approved in accordance with Council policy. In all cases, the following conditions apply:

- employees are not to use, possess or be impaired by the effects of alcohol or any illegal drug whilst on duty;
- if any employee is using a prescribed or over the counter pharmaceutical drug that may affect performance (e.g. antihistamine) then they shall notify their supervisor prior to commencing work; and
- unless approved in accordance with policy, consumption of alcohol by employees at any time when they are on duty is prohibited and may result in instant dismissal.

You should also refer to Council's:

- *Alcohol in the Workplace Policy*
- *Entertainment and Hospitality Expenditure Policy*
- *Smoking in the Workplace Policy*

Breaches of the Code

Council requires all employees to comply with the basic conduct standards in this Code.

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

Any act, or lack of action, by an employee of Council that contravenes this Code may result in Council taking disciplinary action that may include dismissal, legal action or criminal prosecution.

You should also refer to Councils:

- *Disciplinary Policy*

And:

- *Chapter 5, Part 3 of the Local Government (Operations) Regulation 2010*

If you have a concern

All employees are required to report a suspected breach of the Code.

The Chief Executive Officer has a duty to notify the Crime and Misconduct Commission of suspected Official Misconduct, and notify the Queensland Policy Service of loss as a result of a criminal offence.

Protection is available to employees and any person making a public interest disclosure in certain circumstances.

Should you wish to make such a disclosure please contact:

- internal channels (e.g. direct supervisor, manager, director, Manager People & Culture, Executive Coordinator (Lawyer) Integrity and Ethical Standards, Chief Executive Officer)
- external channels (e.g. Crime and Misconduct Commission, the Ombudsman, Anti-Discrimination Commission etc).

You should also refer to:

- *Public Interests Disclosure Act 2010*
- *Public Interests Disclosure Policy*

Publication

In accordance with the requirements of section 20 of the *Public Sector Ethics Act 1994*, the Chief Executive Officer will keep a printed copy of the Code available for inspection in the Executive Office and Council will publish the Code on its Intranet site for all employees to access.

Training

Education and training about public sector ethics will be offered at induction and as frequently as the Chief Executive Officer determines.

Authority

In accordance with Section 16 of the *Public Sector Ethics Act 1994*, the following consultation process was followed in development of this Code:

- People & Culture Consultants;
- Internal Stakeholders;
- People Management Steering Committee;
- Joint Consultative Committee in accordance with clause 6.8 of the Gold Coast City Council Enterprise Bargaining Agreement 2009; and
- Chief Executive Officer.

This Code was approved by the Chief Executive Officer in accordance with Section 17 of the *Public Sector Ethics Act 1994*.

Further assistance

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your direct supervisor or manager. In most cases, they will be able to answer your enquiries.

If you have concerns about approaching any of these people, contact the next most senior person in your area.

Alternatively you might wish to contact one of the following:

- Executive Coordinator (Lawyer) Integrity and Ethical Standards
- Manager People & Culture
- Crime and Misconduct Commission – in relation to suspected official misconduct.

Definition of Terms

The terms below have the following meanings for the purposes of this policy. Where appropriate, meanings have been adopted from relevant legislation.

"advice" includes access to, or copies of, files, records, documents, data and other forms of information, and opinions or recommendations.

"Agency Resources" (sometimes referred to as "contractors" or "agency temps") are not Council employees. Agency resources are workers who have the following characteristics:

- are workers engaged through a contractual arrangement where a third party organisation (intervening legal entity e.g. a company structure) is mandatory. The contract will often nominate the specific person(s) to undertake the assignment;
- work under direction or supervision of GCCC personnel usually on a time and materials basis;
- are procured and payments to their Agency are managed through the Procurement System;
- can be thought of as a "non-employee workers".

"benefit" means something that is similar to a Gift in that it is of value to the recipient, but it is less tangible in nature This includes:

- a new job or promotion;
- preferential treatment;
- access to confidential information;
- property, advantage or service;
- anything that is for a person's good;
- the causing of detriment; and
- direct or indirect benefit, relief or abstention from direct or indirect benefit, or promise of direct or indirect benefit; and covers
- any gifts, gratuities, remuneration, allowances, fees, subsidies, considerations, incentives, discounts or entry fees, memberships or loans provided under special conditions.

"bribe" includes a benefit (including property) given to, conferred upon or procured for a councillor or employee (or promises to do so) with a view to influencing the councillor or employee in the discharge of his or her duty, to neglect his or her duty, or using or taking advantage of his or her office to facilitate the commission of an offence.

"Chief Executive Officer" includes a person acting in that position at the time.

"conflict of interest" occurs when you as a public official are in a position to be influenced, or appear to be influenced, by your private interests when doing your job. A conflict of interest can involve avoiding personal disadvantage as well as gaining personal advantage. Your private interests may include social and professional activities and interests with individuals or groups, including family and friends, as well as financial interests.

"Director" includes a person acting in that position at the time.

"employee" includes all Gold Coast City Council employees, regardless of their employment status, role or position– permanent, temporary, casual or part-time employees, Agency Resources or volunteers, managers, direct supervisors, team members or individuals.

"fraud" includes the broad range of deceitful acts that people may perform to benefit themselves or some other person at the expense of others. Fraud can be committed by employees (internal fraud) or by people outside Council (external fraud). Refer also to the policy *Ethics and Fraud Risk Management.*

"gift" means an item of value – money, voucher, entertainment, hospitality, travel, commodity, property – that one person gives to another. Gifts may be offered as an expression of gratitude with no obligation to repay, or given to create a feeling of obligation.

"help" includes assistance and service.

"Impaired by the effects of alcohol or drugs" means:

- for employees operating/driving heavy vehicles and buses, a blood alcohol content greater than 0.00% (consistent with Queensland Transport Regulations);
- for employees driving light vehicles or operating mechanical tools or equipment, a blood alcohol content greater than 0.05% (consistent with Queensland Transport Regulations);
- for all employees – a positive drug test result in excess of the cut-off levels specified in Australian Standard AS 4308; and/or physical or mental condition and/or behaviour which limits the employee's ability to undertake work in a safe and effective manner.

"intellectual property" means an invention, original work, the results of scientific research or a product development, which can be protected.

"manager" includes a person acting in that position at the time.

"officer" refers to an employee of Council.

"official misconduct" means wrongdoing by a public sector official (including police) in carrying out their official duties or exercising their powers. It must involve one of the following:

- dishonesty or lack of impartiality;
- a breach of the trust put in a person by virtue of their position; or
- a misuse of officially obtained information.

It must also be a criminal offence or serious enough to justify dismissal of the person from their position.

"public official" means an employee of Council.

"staff" refers to an employee of Council.

"summary conviction" means a summary conviction of an Indictable offence by a Magistrates Court.

"supervisor" is an officer who supervises others. The term includes the Chief Executive Officer, directors and managers.

Appendix A – A Guide to Ethical Decision Making

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

Step 1: assess the situation.

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

Step 2: look at the situation from Council's viewpoint.

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

Step 3: how would others see your actions?

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

Step 4: consider the options.

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

Step 5: choose your course of action.

Make sure your actions are:

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

Appendix B – Applying the Code

The questions and responses below are provided as a general guide to assist you with applying the principles of the Code.

Does the Code apply if I am on leave?

The Code continues to apply where your conduct during leave may negatively impact on the integrity of Council or your ability to resume duties at the completion of your leave.

Does the Code apply after work hours?

As a local government employee, you have a responsibility to conduct yourself in a manner that will not undermine public confidence in the integrity of Council.

Can I use Council's purchasing price to order products from a supplier for my personal use?

No. The principle of integrity is breached if you accept this benefit, and in doing so you may have influenced the supplier in an improper way to obtain advantage.

If there is discarded or obsolete office equipment in my work area, can I take it home for personal use if my supervisor has mentioned it to me?

Taking the equipment, even if it appears to be of low value, is not permitted without written authorisation from an appropriate level of management. The principle of economy and efficiency is breached if Council assets are stolen, misused or wasted.

A supplier has invited me to lunch to discuss the purchase agreement for new mowing equipment for my work area. Can I accept and should I allow the supplier to pay for the lunch?

Hospitality from suppliers to staff that procure, manage, maintain or use equipment may be provided to influence future decisions, and can lead to allegations of corruption.

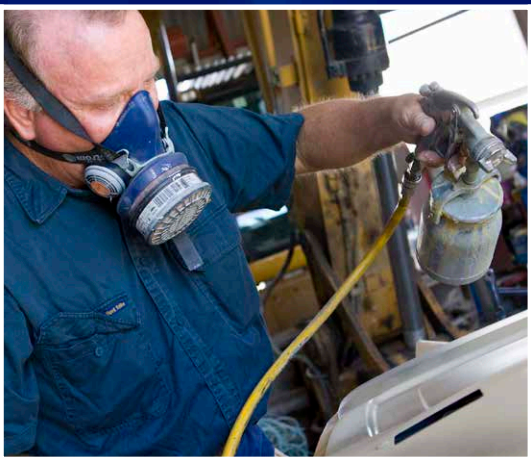
With the approval of your manager, it may be possible for you to attend. You must be clear that your decision-making process is fair and transparent. You should not be improperly influenced by accepting a benefit which would create a conflict of interest.

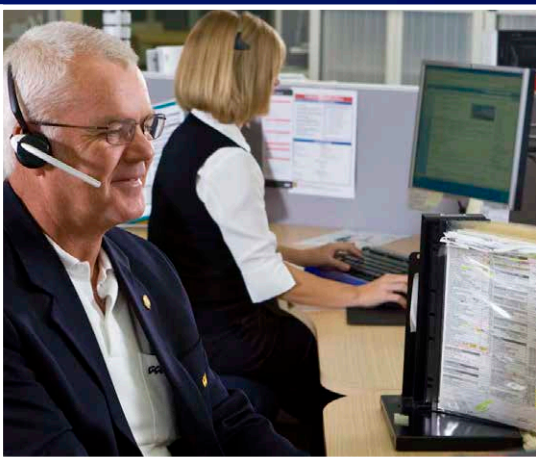
I have seen plans for an upcoming project involving Council which is still being developed and has not been publicly announced. Can I mention the details to my sister who might have an interest in becoming a supplier to the project?

If the information is not public, it is not to be disclosed outside of Council. The principle of integrity may be compromised by releasing confidential information that you have become aware of through your employment with Council. This also includes information about costs of goods or services, or tender bids. In the situation described, it may also be a conflict of interest should you or your family member benefit from the information you provided.

I would like to write to my local Councillor in relation to the condition of the road surface in my street. Am I able to do so?

Yes, you have the right to do so as a private individual. However, it would not be appropriate or necessary to make reference to your status as a Council employee. In doing so, it may be a actual or perceived attempt to use your position with Council to influence a decision.





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