

EMPLOYEE CODE OF CONDUCT

Policy Type:	Human Resources Policy
Reference Number:	HR021
Responsible Department:	Business Support and Improvement
Responsible Officer:	Manager People and Culture
Related Policies and Procedures:	<ul style="list-style-type: none"> • Workplace Respect Policy • Counselling and Discipline Policy • Complaint Handling Procedure • Social Media Policy for Staff
Date Adopted	8 February 2022
Last review date	27 June 2023
Next review date	2 years from review
ECM Doc set I.D.	7961593

1. PREAMBLE

- 1.1. The purpose of the Code of Conduct for Employees Policy (**Policy**) is to provide clear expectations to all Employees the standards of conduct that are required.
- 1.2. Employees must comply with the provisions of this Policy in carrying out their functions as public officials. It is the personal responsibility of Employees to ensure that they are familiar with, and comply with, the standards in the Policy and Councils Values at all times.
- 1.3. This Policy does not intend to prescribe every requirement of employees, or present all the details of the policies that affect an employee's conduct. Instead, it provides the minimum standards of behaviour expected of employees in order to ensure that employees are aware of the ethical issues, governance issues, and legislative requirements that may affect their conduct and behaviour at work. It is also up to employees to seek further information when they need further clarity of standards or procedures, or if they are unclear on any area of conduct.
- 1.4. This Policy is developed and to be read in conjunction with the Council's Values (as detailed in this Policy) and the *Local Government Act 1999 (SA)* (**the Act**).
- 1.5. This Policy does not exclude the operation of the *Fair Work Act 1994*, the rights of employees and their Unions to pursue industrial claims, or any relevant Awards or Enterprise Agreements made under the *Fair Work Act 1994*. This Policy does not affect the jurisdiction of the South Australian Employment Tribunal (SAET).

2. SCOPE

- 2.1. This Policy applies to all Employees, including Executives, Managers, Team Leaders, casual employees, students, contractors, subcontractors and consultants, and any person who is working for the Council on a temporary basis.
- 2.2. Volunteers and Elected Members are excluded from the Policy as there is a alternate Code of Conduct that relates directly to them.
- 2.3. This Policy applies to all employees at all times when representing The City of Unley, regardless of whether it is during or outside of work hours, within or outside of the workplace. This includes, for example, at conferences, training events, business trips, and attending work-related social events. This Policy also applies to all employees at all times when using City of Unley email and internet facilities.
- 2.4. The Chief Executive Officer must act in accordance with the provisions specific to their position within the *Local Government Act 1999* at all times.

3. DEFINITIONS

Conflict of Interest	Defined by the Local Government Act. For employees: <i>“An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary (financial) benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment”.</i>
Council	The City of Unley as an employer
Secondary Employment	Where the employee holds other paid employment in addition to their City of Unley role. This also includes when the employee works in their own or family business.
Values	The City of Unley Values guide the behaviours and decision making of our employees and leaders. They are: Pursue Excellence Achieve Together Demonstrate Integrity Customer First Be Progressive Behaviours that support the values are listed in Appendix C

4. PRINCIPLES

- 4.1. Employees have a commitment to serve the best interest of the people within the Unley Community and to discharge their duties conscientiously and to the best of their ability.
- 4.2. Employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to the organisation.
- 4.3. Employees will respect the law, and the resolutions made by the elected member body of the City of Unley.
- 4.4. The Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.
- 4.5. Employees will make reasonable endeavours to ensure that they have such current knowledge of both statutory requirements and best practices relevant to their position as is drawn to their attention by the organisation.
- 4.6. Employees will use all endeavours to promote a positive image of the City of Unley.
- 4.7. The City of Unley is committed to upholding the principles of transparency and accountability in its management and administrative practices. It encourages the making of disclosures in accordance with the *Public Interest Disclosure Act 2018 (SA)* to reveal public interest information at the earliest reasonable opportunity.

5. CONDUCT

- 5.1. In line with the Principles described in this Policy, the following behaviour is considered essential to upholding the principles of good governance in the City of Unley.
- 5.2. A failure to comply with any of these behaviours can constitute a ground for disciplinary action against the employee, up to and including dismissal.
- 5.3. Employees must also comply with all relevant statutory requirements within the *Local Government Act 1999*, the *Work Health and Safety Act 2012* and other Acts. A failure to comply with these statutes, as identified within this Part, can also constitute a ground for disciplinary action against the employee, up to and including dismissal.
- 5.4. Employees will:

General behaviour

- 5.4.1. Behave in a manner that is consistent with the City of Unley's values
- 5.4.2. Act honestly in the performance of official duties at all times, as required by Section 109(1) of the *Local Government Act 1999*.
- 5.4.3. Act with reasonable care and diligence in the performance of official duties, as required by Section 109(2) of the *Local Government Act 1999*.
- 5.4.4. Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people. Ensure behaviour is not intimidating, harassing, derogatory or threatening.
- 5.4.5. Follow any lawful directions given by a person authorised to do so. Seek clarification when in doubt, and particularly in circumstances where you believe that a direction given to you may be unlawful or unethical, or contradicts the City of Unley's Values;
- 5.4.6. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

Responsibilities as an employee of the City of Unley

- 5.4.7. Comply with all relevant policies, procedures, codes, resolutions and professional standards relevant to their particular role.
- 5.4.8. Ensure that where a conflict arises, whether it is with another employee, an Elected Member, a customer, or a member of the public, seek to resolve the conflict or disagreement in a way that is respectful of the other person and of their point of view, so as to obtain a constructive resolution of the conflict or disagreement, in line with the organisation's Values.
- 5.4.9. Deal with information received in their capacity as a City of Unley employee in a responsible manner.
- 5.4.10. Endeavour to provide accurate information to the organisation and to the public at all times.
- 5.4.11. 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.
- 5.4.12. Keep confidential information that the organisation or the Chief Executive Officer of the City of Unley has ordered be kept confidential, including information that is considered by the Council or the Chief Executive Officer in confidence, subject to the *Ombudsman Act 1972* and the *Independent Commissioner Against Corruption Act 2012*.
- 5.4.13. Ensure your delegations and powers of authority are only used in line with your duties, and not for improper purposes.
- 5.4.14. Ensure proper use of information, including confidential information, acquired by virtue of their position.
- 5.4.15. Ensure that any secondary employment outside the organisation has been given prior consent from the Chief Executive Officer and ensure that the outside work does not conflict with, or adversely affect, the performance of official Council duties.
- 5.4.16. Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 5.4.17. Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 5.4.18. Only make public comment in relation to their duties when specifically authorised to do so, and restrict such comment to factual information and professional advice.
- 5.4.19. Carry out the roles, responsibilities and personal attributes as outlined with the position description
- 5.4.20. Be accountable for quality of their own performance, development and attitude in the workplace and while undertaking role
- 5.4.21. Consider performance feedback and adjust to meet expectations

Relationships with Council

- 5.4.22. Not make any public criticism of a personal nature of fellow employees or Elected Members.
- 5.4.23. Not make any defamatory, inflammatory, misleading or negative comments regarding other City of Unley employees or Elected Members via social media or any other means.
- 5.4.24. Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, as required by the *Work Health and Safety*

Act 2012.

- 5.4.25. Direct any allegations of breaches of the Code of Conduct for Elected Members to the Chief Executive Officer or nominated delegate/s.

Use of Council Resources

- 5.4.26. Manage and use all forms of the City of Unley resources, property, plant, equipment, computing resources and information systems, in an effective, prudent and accountable way.
- 5.4.27. For the purposes of this policy, the City of Unley resources include the time and effort of employees' (including the employee himself/herself).
- 5.4.28. Ensure that employees' own time and that of others is used responsibly and always in the City of Unley's best interest.
- 5.4.29. Ensure that the City of Unley resources are only used for work-related purposes, or for the purposes of carrying out authorised functions, and not for personal use, unless required by law or authorised to do so;
- 5.4.30. Ensure that any excess the organisation's materials or resources are returned or appropriately stored for Council's future use;

Register of Interests

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

Conflicts of Interest

- 5.4.32. Disclose all conflicts of interest and comply with the relevant conflict of interest provisions pursuant to section 120 of the Act (and as amended from time to time), which is attached as Appendix B of this Policy; and
- 5.4.33. Discuss with their Manager if any doubt or uncertainty exists as to whether they have a conflict of interest.

Gifts and Benefits

Clause 119A of the Local Government Act sets out the obligations for Employees in relation to Gifts and Benefits. A copy of this clause is provided as an attachment to this Policy.

For the purposes of this clause the gazetted amount for declaration of gift is \$50.00

6. COMPLAINTS

Any person may make a complaint about another employee under this Policy.

Complaints about an employee's behaviour that is alleged to have breached this Policy should be brought to the attention of the Chief Executive Officer, or delegate or Manager People and Culture.

Complaints about the Chief Executive Officer's behaviour that is alleged to have breached the Policy should be brought to the attention of the Council's Mayor.

A complaint may be investigated and resolved according to the endorsed Complaint Handling Procedure.

In considering the lodgement of a complaint against an employee for a breach of this Policy, Public Officers should be mindful of the obligations outlined in the *Office of Public Integrity – Directions and Guidelines*.

Nothing in this Policy in any way reduces the rights of an employee or duties of an employer under the *Fair Work Act 1994*, other legislation, an award, an industrial agreement or contract of employment.

7. BREACHES OF THIS POLICY

- 7.1. A breach of this Policy may lead to disciplinary action in accordance with the Council's disciplinary procedure and the relevant provisions of the applicable enterprise agreement. Disciplinary action may include the termination of an employee's employment.
- 7.2. Suspected breaches of this Policy will be considered on a case by case basis and investigated by an internal or external investigator, when necessary. The Council reserves its right to appoint an external investigator.
- 7.3. General Managers, Managers, Team Leaders, and People and Culture officers may address an employee's inappropriate conduct and behaviour through informal means, where appropriate, to immediately address the behaviour in a constructive manner before the matter is escalated in accordance with the Council's disciplinary procedure. This will be at the discretion of Council and subject to the severity of any breaches of this Policy.

8. LEGISLATION AND REFERENCES

Local Government Act 1999 (SA)

Fair Work Act 1994

Independent Commission Against Corruption Act 2012

Office of Public Integrity – Directions and Guidelines

Ombudsman Act 1972

Work Health and Safety Act 2012

Criminal Law Consolidation Act 1935 (SA)

Public Interest Disclosure Act 2018 (SA)

9. APPROVAL

Revised Policy approved at Council Meeting held on 24 July 2023. Resolution No. C1089/23



Chief Executive Officer

Date: ___/___/___

APPENDIX A – Local government Act 1999

119A—Register of gifts and benefits

- (1) 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.
- (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- (3) The Minister must consult with the LGA before publishing a notice under subsection (2).
- (4) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this section are included in the register.
- (5) A register maintained under this section—
 - (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and
 - (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- (6) For the purposes of this section, a gift or benefit received by a designated person or entity in relation to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) For the purposes of this section—
 - (a) 2 or more separate gifts or benefits received by an employee or a designated person or entity in relation to the employee from the same person during a financial year are to be treated as 1 gift or benefit (as the case requires) received by the employee; and
 - (b) 2 or more separate transactions to which an employee or a designated person or entity in relation to the employee is a party with the same person during a financial year under which the employee or the designated person has had the use of property of the other person (whether or not being the same property) during a financial year are to be treated as 1 transaction under which the employee has had the use of property of the other person during the financial year.

Appendix B – LOCAL GOVERNMENT ACT 1999

120—Conflict of interest

- (1) The chief executive officer of a council who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—
 - (a) must disclose the interest to the council; and
 - (b) must not, unless the council otherwise determines during a council meeting that is open to the public, act in relation to the matter.
- (2) An employee of a council (other than the chief executive officer) who has an interest in a matter in relation to which he or she is 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, unless the chief executive officer otherwise determines, act in relation to the matter.
- (3) It is a defence to a charge for an offence against subsection (1) or (2) to prove that the defendant was, at the time of the alleged offence, unaware of the interest.
- (4) If an employee is entitled to act in relation to a matter by virtue of subsection (2)(b) and the employee is providing advice or making recommendations to the council or a council committee on the matter, the employee must also disclose the relevant interest to the council or council committee.
- (5) An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.
- (6) A person is closely associated with an employee of a council—
 - (a) if that person is a body corporate of which the employee is a director or a member of the governing body; or
 - (b) if that person is a proprietary company in which the employee is a shareholder; or
 - (i) a family company of the employee (within the meaning of Schedule 3); or
 - (ii) a family trust of the employee (within the meaning of Schedule 3); or
 - (c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the employee is a trustee; or
 - (d) if that person is a partner of the employee; or
 - (e) if that person is the employer or an employee of the employee; or
 - (f) if that person is a person with whom the employee has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the employee would be entitled to receive a fee, commission or other reward; or
 - (g) if that person is a relative of the employee
- (7) However, an employee, or a person closely associated with an employee, will not be regarded as having an interest in a matter—

- (a) by virtue only of the fact that the employee or person—
 - (i) is a ratepayer, elector or resident in the area of the council; or
 - (ii) is a member of a non-profit association, other than where the employee or person is a member of the governing body of the association or organisation; or
 - (b) in a prescribed circumstance.
- (8) In this section—
- employee** of a council includes—
- (a) a consultant engaged by the council; and
 - (b) a person working for the council on a temporary basis;
- non-profit association** means a body (whether corporate or unincorporate)—
- (a) that does not have as its principal object or one of its principal objects the carrying on of a trade or the making of a profit; and
 - (b) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members,
- and includes the LGA.
- (9) For the purposes of subsection (6)(e) and (f), employment with the council is to be disregarded.

Appendix C - City of Unley Values

	Behaviours that support the values
PURSUE EXCELLENCE	<ul style="list-style-type: none"> ✓ Creatively solve problems ✓ Take on challenging goals ✓ Understand how you contribute to our vision ✓ Grow, learn and continuously improve ✓ Deliver quality work and always aim for outstanding results
ACHIEVE TOGETHER	<ul style="list-style-type: none"> ✓ Build on our strengths ✓ Collaborate across the organisation ✓ Celebrate our achievements ✓ Be responsive to others' priorities and needs ✓ Engage with each other to find effective solutions together
DEMONSTRATE INTEGRITY	<ul style="list-style-type: none"> ✓ Do what you say you will do ✓ Address behaviour that is inconsistent with our Values ✓ Act with transparency, honesty and respect ✓ Take responsibility for our actions ✓ Embrace diversity, encourage inclusion and promote belonging
COMMUNITY FOCUSED	<ul style="list-style-type: none"> ✓ Demonstrate a can-do attitude ✓ Effectively communicate and consult with all stakeholders ✓ Be open, positive and friendly ✓ Respond promptly and deliver on promises ✓ Show pride in each other, our organisation and community
BE PROGRESSIVE	<ul style="list-style-type: none"> ✓ Bounce ideas off others ✓ Generate creative and innovative thinking ✓ Experiment with new approaches ✓ Challenge the status quo and embrace change ✓ Overcome challenges to achieve outcomes