

GOVERNANCE

G 1.15 Code of Conduct – Employees, Volunteers, Contractors and Agency Staff

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	N/A
<i>Resolution Date</i>	Approved by CEO on 29/12/2021
<i>Next Scheduled Review</i>	2023
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Local Government Act 1995-s5.103 (codes of Conduct)</i> <i>Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021</i>

OBJECTIVE

The Chief Executive Officer is required under the provisions of the *Local Government Act 1995 s5.51A* to prepare and implement a code of conduct.

SCOPE

All employees, Volunteers, Contractors and Agency Staff.

POLICY

1.1 Conflicts of Interest

Conflicts of interest may arise when your personal relationships, participation in external activities or an interest in another venture could influence or be seen to influence your business decisions while employed, volunteering or undertaking contract work at the Shire.

You must avoid all actual or perceived conflicts of interest where possible.

It is imperative that as an employee, volunteer or contractor you:

- Do not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first disclosing the conflict of interest. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be diligently avoided

- Disclose any actual or perceived conflicts of interest before dealing with relatives or friends when participating in recruitment or discretionary functions, as well as disqualifying yourself from dealing with those persons
- Conduct yourself in an apolitical manner and refrain from political activities which could cast doubt on your neutrality and impartiality in acting in your professional capacity.

1.2 Financial Responsibility

All employees, volunteers and contractors will apply the principles of disclosure of financial interest as contained within the Local Government Act 1995.

Employees who have been delegated a power or duty, have been nominated as 'senior designated employees' or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Local Government Act 1995.

Employees who handle public monies or manage finances as part of their duties must act with diligence and integrity. Employees who spend money on behalf of the Shire must retain a record of all receipts and documents as proof of the expenditure. They must also comply with all Shire policies and audit directives regarding the Shire's finances.

1.3 Disclosure of Interest

To protect the integrity of the Shire all employees must be impartial and apolitical.

Employees should remain uninvolved in politics, and decisions must not be inappropriately influenced by political or other considerations. The use of Shire resources or property to support political activities is prohibited and current Shire employees must not campaign in a Shire of Northam election.

All decisions should be impartial and made in accordance with statutory obligations and policy considerations.

The process for declaring any interest at a Council or Committee meeting is set out as follows, and in accordance with the Local Government (Administration) Regulations 1996.

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| <p>(a) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:</p> <ol style="list-style-type: none"> in a written notice given to the CEO before the meeting; or at the meeting immediately before the matter is discussed. |
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| <p>(b) An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:</p> |
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<ul style="list-style-type: none"> i. in a written notice given to the CEO before the meeting; or ii. at the time the advice is given.
(c) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.
<p>(d) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not know and could not reasonably be expected to know:</p> <ul style="list-style-type: none"> i. that they had an interest in the matter; or ii. that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
<p>(e) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:</p> <ul style="list-style-type: none"> i. before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and ii. at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
<p>(f) If:</p> <ul style="list-style-type: none"> i. to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or ii. a disclosure is made as described in item (e)(ii) at a meeting; or iii. to comply with a requirement made under item (f)(ii), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

2. Personal Benefit

2.1 Use of Confidential Information

Staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 Intellectual Property

The title to intellectual property in all duties relating to contracts of employment will be assigned to the Shire of Northam upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

Staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4 Gifts & Hospitality

The Shire discourages employees, volunteers and contractors from accepting gifts and hospitality. You should never allow gifts or hospitality (offered or received) to influence business decisions or to be seen to be influencing decisions.

Employees, volunteers and contractors of the Shire must not receive prohibited gifts or hospitality from any persons associated with the Shire.

<p>ACCEPTABLE GIFTS AND HOSPITALITY</p> <p>\$49 and under</p>	<p>Can be accepted without reporting it.</p> <p>Carefully consider the appropriateness of accepting any gifts, regardless of the value.</p>	<p>Once the acceptance of a gift has been disclosed, it will be recorded in the Shire's Record Keeping System and will be used as required by law and for reporting purposes, and will be retained and disposed of in accordance with the Shire's Recordkeeping Plan.</p> <p>If you are ever unsure if it is appropriate to accept a gift, it's important you seek clarification prior to accepting the gift or hospitality.</p>
<p>NOTIFIABLE GIFTS AND HOSPITALITY</p> <p>\$50 - \$299</p> <p>Multiple gifts from the same person/body within a 12 month period which total between \$50 and \$299.</p>	<p>Employees are required to notify the CEO via the Executive Assistant-CEO within 10 days of accepting the gift, using the gift disclosure form.</p>	
<p>PROHIBITED GIFTS AND HOSPITALITY</p> <p>Over \$300</p> <p>Multiple gifts from the same person/ body within a 12 month period which total over and \$300.</p>	<p>Cannot be accepted.</p>	

3. Conduct of Staff

3.1 Personal Behaviour

Staff will:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- (b) perform their duties impartially and in the best interests of the local government uninfluenced by fear or favour;
- (c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the local government and the community;
- (d) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
- (e) always act in accordance with their obligation of fidelity to the local government; and
- (f) At all times observe the corporate values of the organisation around conducting themselves in a safe, open, accountable and respectful manner.
- (g) As an employee, volunteer or contractor you must not engage in commentary of any kind relating to the Shire, its Council Members or Employees on social media.
- (h) As an employee, volunteer or contractor you must not speak on behalf of the Shire of Northam unless this authority has been specifically delegated. Refer to Council Policy G 1.10 Communications and Social Media Policy.

3.2 Honesty and Integrity

Staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other staff member.
- (c) be open and honest in their official dealing with each other.

3.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the local government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the local government.
- (b) Staff will at all times exercise reasonable care and diligence in the performance of their duties.
- (c) Staff will be as informed as possible about the functions of Council, and treat all members of the community honestly and fairly.

3.4 Compliance with Lawful Orders

- (a) Staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the supervisor of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Staff will give effect to the lawful policies of the local government, whether or not they agree with or approve of them.

3.5 Administrative and Management Practices

Staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

3.6 Corporate Obligations

- (a) Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

- (b) Communication and Public Relations

- (i) All aspects of communication by staff (including verbal, written or personal), involving local government's activities should reflect the status and objectives of that local government. Communications should be accurate, polite and professional.
- (ii) As a representative of the community, staff are to adequately communicate the attitudes and decisions of Council. In doing so staff should ensure:

- respect for the decision making processes of Council which are based on a decision of the majority of Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of Council;
- information concerning adopted policies, procedures and decisions of Council is conveyed accurately.

3.7 Record-keeping and use of information

The Shire's procedures limit access to and the use of information held by the Shire, and require that each employee take measures to protect that information from unauthorised access or use.

Staff will:

- (i) Not access or use information that is not required for their role;
- (ii) Record actions and reasons for decisions to ensure transparency;
- (iii) Ensure the secure storage of sensitive or confidential information;
- (iv) Not destroy records without authorisation; and
- (v) Comply with the Shire's record keeping plan, associated processes and the State Records Act 2000.

3.8 Fraud, Corruption and Misconduct

The Shire considers fraud, corruption and misconduct to be serious matters. Such behaviours are unacceptable and the Shire adopts a zero tolerance approach towards such behaviour. All allegations of corrupt conduct will be investigated and may result in disciplinary action including possible dismissal.

Staff will:

- (i) Not engage in fraud, criminal or corrupt conduct;
- (ii) Report any unethical, fraudulent, dishonest, illegal or corrupt behaviour;
- (iii) Report any breaches of the Code; and
- (iv) Commit to supporting a strong culture and sound governance to prevent, detect and respond to fraud and misconduct.

3.9 Relationships between Council Members and Staff

Teamwork will only occur if staff have a mutual respect and cooperate with each other and with Councillors to achieve Council's corporate goals and implement Council strategies.

To achieve that position staff need to:

- accept that their role is a management or administrative one;
- acknowledge that unless in a management or supervisory position, they have no capacity to individually direct other members of staff to carry out particular functions;
- refrain from publicly criticising councillors or other staff in a way that casts aspersions on their professional competence and credibility.

3.10 Appointment to Committees

As part of their role staff are often asked to represent Council on external organisations. It is important that staff:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

3.11 Work Health and Safety

The Shire has a duty of care to ensure a safe and healthy work environment for its employees, volunteers, contractors and visitors.

To ensure we have a healthy and safe work environment for all, you need to:

- Cooperate with all work health and safety policies and procedures of the Shire.
- Take all reasonable care to protect your own health and safety.
- Ensure your personal actions do not impact on the health and safety of others.
- Participate in all work health and safety training.

Be fit to perform the inherent requirements of your role at all times.

4. Dealing with Council Property

4.1 Use of Local Government Resources

Staff will:

- (a) be scrupulously honest in their use of the local government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the local government resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the local government's resources (including the services of other Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

- (d) All network equipment, email and internet accounts maintained in the Shire of Northam's computing systems are the sole property of the Shire of Northam. The Shire records all internet usage and has the right to monitor the email account or internet browser of any user for legitimate business reasons including compliance with this policy, compliance with any applicable laws and where there is reasonable suspicion of activities that may not conform to this policy.

Council staff are permitted minimal additional personal use of the Shire of Northam provided information technology equipment. This personal use shall not result in loss of employee productivity, interference with official duties or incur other than minimal additional expense to the Shire. Examples of minimal additional personal use include making a few photocopies, using a computer printer to print a few pages of material, making occasional brief personal phone calls, infrequently sending personal email messages or limited use of the internet for personal reasons.

Council staff who are provided with mobile phones, tablets or laptops are granted the same minimal additional personal use, unless they receive written approval from the Chief Executive Officer for the minimal use to be granted to full private use. In the case of the Chief Executive Officer written approval will be provided by the Shire President.

In all cases use must be reasonable as this use is a privilege, not a right.

The following uses of the Shire of Northam's computing or communication resources are prohibited:

- To store, transmit, publish, communicate, display, distribute or post material that is defamatory, offensive, abusive, indecent, menacing, unwanted or otherwise unlawful or unauthorised or that violates any law
- To visit websites containing objectionable or criminal material
- To use internet enabled activities such as gambling, conducting a business or conducting illegal activities
- To knowingly transmit a computer virus or other malicious computer program
- To disclose private or confidential information of another
- The uploading or downloading of commercial software, games, music videos, or other intellectual property in violation of its copyright

Non-compliance with this code may result in removal or legal action.

4.2 Travelling and Sustenance Expenses

Staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the

local government in accordance with local government policy and the provision of the *Local Government Act 1995*.

4.3 Further Information

Further information regarding this Code of Conduct can be obtained from the Human Resources Department.

Employee Acceptance

Employee Name: _____

Signature: _____

Date: _____