



# Employee Code of Conduct Policy

## Purpose

The Local Government Act 2020 requires Baw Baw Shire Council (Council) to maintain a current Code of Conduct Policy (the Code) that governs the conduct of its employees. The Code provides guidance to employees on acceptable conduct, and assists the organisation in identifying and managing inappropriate or unsatisfactory conduct and behaviour.

This Code aims to provide information to assist in understanding Council's cultural commitments and the standards of behaviour that apply to all Council employees. These are the commitments and standards upon which the Council's reputation has been built and will continue to be based. Adherence to Council's cultural commitments is fundamental to further building on the partnership and trust between the Council and its community.

Employees found to have breached this policy can face disciplinary action in accordance with Council's Performance and Behaviour Management Policy.

If an employee is unsure of any part of this policy and how it applies to them, they should discuss this with their direct supervisor, or a member of the People and Culture team.

## Definitions

Child	A person less than 18 years of age.
Council	Baw Baw Shire Council.
Employee	Any person directly employed by the Council to perform the duties of a position. This includes casual, full time, part-time, contracted, agency and fixed-term employees.
Councillor	A duly elected member of the Council.
Contractor	A person, company or consultant that is not employed by Council that has entered into a paid contract to perform work on behalf of Council. A contractor has an Australian Business Number (ABN) and is registered with the Australian Taxation Office (ATO) and conforms to the ATO definition of a contractor.
Volunteer	A person registered with the Council that performs unpaid and clearly defined work on behalf of Council.

## Scope

This policy applies to all employees of Council when they are working or representing Council, attending a training and development opportunity, are present at a Council workplace or it would be reasonable to assume that they are representing the organisation.

Contractors and volunteers are expected to behave in a manner that is consistent with this policy. If a contractor or volunteer acts in a manner inconsistent with this policy then depending on the severity of the issue, this can result in corrective actions being taken which may include termination of the contract or volunteering arrangement.

## Legislative context

Baw Baw Shire Council Enterprise Agreement  
Emergency Management Act 2013 (Vic)  
Child Wellbeing and Safety Act 2005 (Vic)  
Fair Work Act 2009 (Cth)  
Equal Opportunity Act 2010 (Vic)  
Local Government Act 2020 (Vic)

## Related policies and documents

Acceptable Use of Information Communication Technology  
Child Safety Policy  
Conflict of Interest Guide for Staff  
Corporate Service Standards  
Corporate Uniform Policy  
Councillor Staff Interaction Policy  
Employee Departure Policy  
Environment and Climate Change Strategy  
Equal Opportunity Policy  
Fraud Policy  
Gifts and Entertainment Register  
Leave Policy  
Municipal Emergency Management Plan  
ThinkSAFE Occupational Health and Safety Policy  
Performance and Behaviour Management Policy  
Procurement Policy  
Travel Policy

## Policy principles

This policy establishes a minimum standard of behaviour that applies to employees during working hours or when they might reasonably be perceived to be representing Council outside of working hours. The Code is a tool that aims to positively shape the culture of Council.

This policy seeks to provide guidance and to help employees deal with ethical dilemmas they may face. In many instances other Council policies will provide detailed guidelines for particular circumstances, however, both this document and the policies referred to in it do not cover every situation.

Council's Commitment to Culture is embedded within this policy and it is the responsibility of all people representing Council to maintain those commitments. If it is believed that an employee, contractor or volunteer is breaching this policy then it should be discussed, without risk of reprisal, with the concerned employee's direct supervisor or a member of the People and Culture team.

## Commitment to Culture

We will strive to be:

**Optimistic** - about our organisation's future and our ability to deliver quality services and projects to benefit our community.

**Pragmatic** - by resolving issues and making the best possible use of our time, effort and resources.

**Respectful** - of ourselves, our Council and of the diverse views and perspectives of our community.

**Supportive** - by valuing our team members, empowering them to be successful in their roles and investing in their growth and development.

**Authentic** - by undertaking our work in an open, honest and transparent manner.

**Resilient** - in adapting with courage and agility to challenges and change within the Organisation, and our community.

## Policy detail

The content of this policy, listed in alphabetical order, reiterates Council's commitment to culture, ensuring that employees remain respectful of one another, and members of the community, whilst valuing the diverse views and perspectives that all people have.

The Code does not cover all situations or eventualities and employees should seek advice from their direct supervisor if they are in any doubt. Adhering to the behaviours and standards set out in this Code, will enhance the working environment for all, and strengthen relationships with each other and with the community.

### **Attendance**

Employees have an obligation to follow their employment contract, enterprise agreement, policies, and directions from their supervisor on attending work and taking leave. This includes, not being absent without authority, correctly observing time in lieu requirements and appropriately recording attendance and leave periods.

Employees are required to be punctual and reliable in their attendance. In the event of an absence from work, employees must promptly notify the supervisor, and complete the necessary leave form upon their return. More information on leave is contained in Council's Enterprise Agreement and Leave Policy.

Additionally, Council has a responsibility to provide and maintain a working environment that is safe and without risks to health. For this reason employees are not permitted to attend Council offices/sites after hours unless undertaking functions of their role as directed or if prior notification and endorsement has been provided by an employee's direct supervisor.

### **Child safety**

Council has zero tolerance for child abuse and recognise the legal and moral responsibilities in keeping children safe from harm and promoting their best interests. Council will create environments where all children have a voice and are listened to, their views are respected and they contribute to how we plan for, design and develop services and activities.

All employees, volunteers and contractors have a legal obligation to report suspected cases of child abuse to the police.

Working with and caring for children brings additional responsibilities for employees, contractors and volunteers of Council. All employees, contractors and volunteers are responsible for promoting and protecting the safety and well-being of children by:

- Taking all reasonable steps to ensure the safety and protection of children, including reporting any concerns where a reasonable belief is formed that a child has been abused or neglected;
- Treating children with respect and honesty;
- Setting clear professional boundaries about appropriate behaviour with children involved with the Council;

- Listening and responding appropriately to the views and concerns of children;
- Responding quickly, fairly and transparently to any serious complaints made by a child or their parent/guardian in accordance with Council policies or relevant legislation.

Employees, contractors and volunteers must not:

- Discriminate against any child because of age, gender, cultural background, religion, vulnerability or sexuality;
- Develop any 'special' relationships with children that could be seen as favouritism such as the offering of gifts or special treatment;
- Do things of a personal nature that a child can do for themselves, such as toileting or changing clothes;
- Have contact with children outside of Council's programs.

### **Communications**

Council seeks to maintain a professional image by ensuring any commentary made to the media is truthful, accurate and consistent.

The principle people authorised to make media comment are the Mayor and the Chief Executive Officer. Directors may make comment to the media on matters relating to their areas of responsibility.

To ensure consistency is maintained in the course of public speaking engagements, any invitation provided to an employee to speak for, or on behalf of Council must be approved by the relevant Director or the Chief Executive Officer and in consultation with the communications team.

### **Conflicts of interest**

When making decisions on behalf of Council, employees must declare any real or perceived conflicts of interest. Employees must not solicit, encourage or accept any form of bribe intended as an inducement for business, information, favourable treatment or any other purpose.

A conflict of interest can arise if an employee's private or personal interests (or those of relatives or friends) could affect their ability to carry out their duties and make decisions objectively within their role with Council, or if a decision made by the employee could provide that employee or any relative, friend or associate of that employee with a benefit.

If an employee believes they have a conflict of interest (whether perceived or real) they must report it to their relevant Director, Manager or supervisor in the first instance. This notification

should then be followed up in writing. Until the matter is resolved, an employee should make sure they are not part of any decision-making processes related to the matter. Employees who own shares or other interests in public or private companies should carefully assess the potential for a conflict of interest where they, their partners or other relatives involved in that company become a supplier to Council.

Failure to disclose information in accordance with Division 2 of the Local Government Act 2020 may result in a fine, or further disciplinary action in accordance with Council's Performance and Behaviour Management Policy.

To assist further in understanding the responsibilities as an employee of Council, periodic conflict of interest training will be provided. It is important to remember the onus is on the employee being alert to and promptly declaring, an actual or perceived conflict of interest to their supervisor.

For more information, please refer to the Conflict of Interest Guide for Staff and the Procurement Policy.

### **Confidentiality and Privacy**

Council collects information about individuals, commercial and business information which may be personal, private and/or sensitive. Employees should only search for information from the records management systems about matters related directly to their work. They must not use information gained at work for private purposes.

During employment at the Council employees may be exposed to information that must be treated confidentially. Employees must make all reasonable efforts to prevent the unauthorised use or disclosure of information or data relating to Council business, especially relating to, but not limited to:

- Closed sessions of Council meetings;
- Proposed developments;
- Proposed planning scheme amendments;
- Contractual matters;
- Employment matters; and
- Private customer information.

Unauthorised use or disclosure of this information may adversely affect the Council's reputation, legal obligations and future employment with Council.

Employees can ensure they are maintaining privacy and confidentiality by:

- Taking care not to discuss work matters with anyone not entitled to know such information;
- Taking responsibility to safeguard confidential files and information;
- Ensuring screens are locked when leaving their computer;
- Complying with rules about sharing, correction, storage and destruction of information; and
- Seeking advice from their supervisor when in any doubt about how to proceed.

Undisclosed voice recordings of conversations by employees of other employees is prohibited. External investigators may use recording devices as part of their investigative process but these recording devices will not be hidden and will be brought to the attention of all parties involved in the conversation.

Breaches of confidentiality and privacy will be subject to disciplinary action in accordance with Council's Performance and Behaviour Management Policy, and can be subject to a fine in accordance with Section 125 of the Local Government Act 2020.

### **Council property**

All employees share the responsibility for maintaining and protecting Council property.

In addition to land and buildings, Council property includes but is not limited to:

- Computers, mobile telephones and tablet devices;
- Office equipment and stationery;
- Consumable items;
- Intellectual property that has been created when working for Council;
- Plant & Equipment; and
- Motor vehicles.

Employees must not remove, damage or destroy any Council property unless authorised by the relevant Director, and must report any damaged or dangerous equipment in a timely manner. Additionally, employees must not use Council property for personal gain, this includes taking Council belongings offsite for personal gain.

All employees must return all Council owned property when leaving their employment with the Council. If the employee has not returned all property in their possession, Council may withhold any monies owing to the employee from the employee's salary and entitlements at termination, in accordance with the Employee Departure Policy.

### **Councillors**

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at [www.bawbawshire.vic.gov.au](http://www.bawbawshire.vic.gov.au) or contact the Governance team on 03 5624 2411.

When employees interact with Councillors, the same professional courtesy and respect with which they treat customers and colleagues should be shown.

Councillors do not have the authority to direct any employee other than the Chief Executive Officer to undertake any work objectives. Any concerns relating to contact with Councillors should be raised with the employee’s direct supervisor, the Director Strategy and Organisational Performance, or the Chief Executive Officer.

Employees should note that only the Chief Executive Officer, Directors, Executive Assistances and Communications team may be asked to provide advice directly to a Councillor. Requests for other employees to provide information to Councillors may come from either the Chief Executive Officer, a Director, or a Manager. However, all employees may provide Councillors with information and services on the same basis as they would to a customer if requested.

Employees must not, under any circumstances, approach Councillors to discuss individual or operational employee matters.

**Customer service**

Council’s Commitment to Culture outlines the obligations to delivering quality customer service to all members of the community. The statements below capture the ways in which Council will work with each other and members of the community.

Optimistic	<p>We will overcome challenges and deliver quality services.</p> <p>We will learn from our past interactions with community members and use this knowledge to help better serve them in the future.</p> <p>We will maintain an optimistic mind set when delivering our services always looking for ways to make improvements.</p>
Pragmatic	<p>We will deliver services in line with the agreed time frames that are set.</p> <p>We will use our resources to the best of our abilities, eliminating wastage and unnecessary rework where we can.</p> <p>We will regularly review the ways we work and the outcomes we achieve always looking to better ourselves and the services we deliver.</p>
Respectful	<p>We understand that through our work we will interact with a vast array of people with different views and opinions. We value this diversity and embrace the strengths that these perspectives bring to the work we do.</p> <p>We will treat all of our colleagues and customers fairly, without discrimination.</p>
Supportive	<p>We value the skills of our colleagues. We understand that we will achieve more when we work together as a team.</p> <p>We will look for opportunities to help other members of the team to grow and develop their skills and knowledge.</p>



Authentic	We will be open, honest and transparent in all our dealings with our colleagues and members of the community.
Resilient	We will adapt with courage and agility to challenges and change within the Organisation, and our community.

The Customer Service Charter provides an outline of the particular expectations of Council, and provides a benchmark on which success can be measured.

Council acknowledges that at times employee's will have difficult conversations with members of the community. During these interactions employees must act with the highest level of professionalism.

If an employee receives abusive written material or finds themselves within an abusive conversation they are encouraged to end the conversation after first requesting the other party to stop their abuse. Employees should then report this abusive interaction to their direct supervisor as soon as possible.

It is also understood that with many employees living within the municipality that there will be times when employees also become customers of the Council. In these circumstances employees should expect to be treated in a professional and courteous manner. Employees must not expect preferential treatment, nor should they seek to exert any pressure or use their influence from their position to gain preferential treatment.

If an employee is subjected to pressure from another employee to gain preferential treatment, they must report the matter (without fear of reprisal) to their Director or the Chief Executive Officer so the matter can be investigated and dealt with appropriately.

### **Emergency Management**

Employees may be asked to assist with emergency related functions if the Municipal Emergency Management Plan is enacted. Under the Emergency Management Act 2013, this may include providing emergency response, relief and recovery services to the community.

Employees are expected to abide by the content of this policy and all other Council policies and procedures when undertaking duties associated with an emergency management function.

### **Environment**

All employees should consider the impact of their activities on the environment and on the community. Things to consider in relation to the environment include the way in which waste is generated and disposed of; the use and storage of chemicals, and all other resources used. All

employees should make themselves familiar with Council's Environment and Climate Change Strategy.

### **Equal Opportunity**

Council is an equal opportunity employer that embraces workforce diversity, and aims to prevent and eliminate all instances of discrimination, harassment, bullying, victimisation and violence from the workplace. Council is committed to providing a safe working environment in which employees, suppliers, contractors and customers feel comfortable, secure and motivated.

Council's Equal Opportunity Policy outlines the commitment to culture, ensuring that employees remain respectful of one another and members of the community whilst valuing the diverse views and perspectives that all people have. This policy provides for the collaborative platform upon which employees feel supported and empowered within their roles allowing them to invest in their growth and development.

### **Fraud prevention**

Any attempt to steal or defraud Council by an employee is considered to be serious misconduct and will result in disciplinary action that may include termination of employment and referral to the Police for possible criminal prosecution.

Employees must maintain high standards of accountability when managing public money and property and will maintain accurate records of financial transactions. Employees are not to borrow or use Council money for private purposes.

The prevention and detection of fraud is the responsibility of every employee. All employees should be aware of their role in relation to fraud prevention, and any instances of fraud or suspected fraud must be reported to their supervisor or Director.

Employees who report such matters, or who assist in the investigation of fraud/suspected fraud will not be discriminated against. Employee responsibilities are further outlined in the Council's Fraud Policy.

### **Gifts**

Employees must not accept any gifts, prizes, entertainment or benefits, whatever the value, if there is a possibility that in doing so it may create a real or perceived conflict of interest, or if the integrity and impartiality of the employee is likely to be impugned. For example, if accepting the gift or benefit could suggest to the giver, they will receive more favourable treatment from the employee or Council in general.

Employees must ensure that their Director or the Chief Executive Officer is advised immediately if a gift, entertainment or benefit is offered or received. Unsolicited promotional materials of little or nominal value such as pens, pencils, keyrings and diaries are not considered gifts for the purposes of this policy.

All gifts and entertainment received by an employee must be declared to the Governance Coordinator, to be included in Council's Gifts and Entertainment Register.

Further regulations relating to gifts can be found in Section 49 of the Local Government Act 2020.

### **Information Management**

Employees must capture and maintain all business records in accordance with the Acceptable Use of Information & Communication Technology (ICT) Policy, and associated procedures. This includes utilising the core electronic business systems and where electronic records are not available, hardcopy archiving policy and procedure.

Employees must not destroy or alter in an unauthorised manner business documents and records that are required to be maintained for a statutory period, nor may any records be falsified or tampered with. Employees must ensure all business information is available within the centralised electronic information management systems.

### **Performance**

Council is committed to having employees develop and advance professionally in a manner consistent with their abilities. Council expects that decisions regarding the management of employees will be made fairly and will be carried out with discretion, compassion and respect for the privacy of the people concerned.

Employees shall promptly comply with all lawful directions that may be given by their supervisor or any person having the authority to give directions. Any employee who has doubt as to the lawfulness of such directions shall refer the matter to their Director or to the Chief Executive Officer.

Where employee conduct or performance issues are identified, these will be dealt with in accordance with the Council's Performance and Behaviour Management Policy.

### **Personal appearance**

Council aims to portray a professional image in all of its dealings with the community and visitors.

Whilst working for Council, employee dress and appearance will be neat, clean, appropriate to the duty being undertaken and will be consistent with the general expectations of the community. A uniform must be worn where one is provided, and all employees are required to wear a name badge when representing the Council. Guidelines for appropriate attire are outlined in the Council's Corporate Uniform Policy.

Employees are expected to maintain a high level of personal hygiene.

Protective clothing, footwear and equipment should be used where applicable and OHS requirements adhered to at all times. Where specific work instructions exist in your area, these should be followed.

### **Personal conduct**

Council acknowledges the rights of employees to be actively involved in the community. Employees should not let their activities outside of work detract from their job, damage the reputation of the Council or damage the working relationships the employee has.

If an employee is involved in a community group the following guidelines are to be followed:

- Declare the involvement with the community group to the supervisor in the first instance. The supervisor may decide to declare this to the relevant Director if a possible conflict of interest could occur;
- Omit one's self from the decision making processes within the Council that relate to that community group;
- Do not place one's self in a position of conflict with the Council when acting on behalf of the group;
- Exercise judgement on all matters relating to employment and community group interactions.

Council understands that employees have the right to contribute to public discussions on community and social issues in a private capacity or on social media platforms. In doing so, employees are required to:

- Take reasonable steps to ensure that any comment made will be understood as representing their own personal views and not those of Council;
- Maintain the confidentiality of information employees have access to as an employee.
- Not compromise the ability to perform the duties of their role in an independent, unbiased manner;
- Adhere to this policy and other policies and procedures of Council, namely the Equal Opportunity policy;

- Comply with relevant laws and regulations;
- Behave respectfully towards others.

### **Secondary employment**

Council employees may only undertake secondary employment, with an employer outside of Council, where they can demonstrate that doing so does not conflict with the business of Council.

Employees must show that this additional work:

- Is kept separate from Council work;
- Does not lead to a conflict of interest;
- Does not affect Council time or resources;
- Does not interfere with an employee's ability to do their Council work; and
- Is consistent with OHS requirements.

For the above reasons, all secondary employment must be declared in writing and subject to the approval of the relevant Director.

### **Workplace Health and Safety**

All employees share the responsibility of ensuring that colleagues and customers are safe and without risk of injury as far as is reasonably practicable.

Employees must:

- Comply with Council's Workplace Health and Safety policies, procedures and practices;
- Observe safe work processes in accordance with relevant procedures, training and instruction given; and
- Report hazards and the risks associated with any workplace activities.

Smoking is not permitted within Council workplaces, Council plant, vehicles, buildings, in close proximity to the entrance to any Council building, or within the premises of any customer/client of Council services.

Employees must present in a fit condition to undertake their duties without risk to their own safety, the safety of other employees and the general public. An employee's fitness for work may be impaired by a variety of factors including the adverse effects of medical conditions, level of physical fitness, fatigue, stress, or the use of alcohol and other drugs. Working under the influence of alcohol or drugs is prohibited in the workplace and may result in summary dismissal.

Employees that present to work in an unfit condition can face disciplinary action as breach of this policy in accordance with the Performance and Behaviour Management Policy.

Employees must not consume alcohol anywhere in the workplace other than at a Council function or other special event which must be authorised by a Director or the Chief Executive Officer.

It is vital that all employees read, and become familiar with Council's ThinkSAFE Framework in particular the Occupational Health and Safety Policy, and comply with all requirements and expectations.

### **Breaches of the Code**

A breach of this policy can damage personal, business, public and work relationships and reputations, and have serious consequences for individuals.

Suspected breaches will be dealt with in line with the Performance and Behaviour Management Policy, employees can face disciplinary action and termination of their employment if breaches of the Code are proven.

In some cases the breach may constitute a criminal offence or breach of other legislation and be prosecuted by an external authority such as Victoria Police, IBAC (Independent Broad-based Anti-corruption Committee) or Worksafe.

Approval date	14 June 2023
Approval authority	Executive
Effective from	14 June 2023
Review term	Annual or Council term
Next review date	14 June 2024
Responsible position	Manager People and Culture
Responsible Director	Director Strategy and Organisational Performance
Version	3

*Please note; this policy will be reviewed in accordance with the Local Government Act 2020 implementation requirements.*