

Employee Code of Conduct



Approved By:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2023
Applicable to:	All Wellington Shire Council employees, volunteers, contractors, and work experience students on placement.
Responsible Officer:	Manager People & Capability
Statutory Reference:	<i>Local Government Act 2020</i> <i>Local Government Act 1989</i>

1. OVERVIEW

The Wellington Shire Council Employee Code of Conduct sets out the minimum standards of behaviour expected of all employees. It has been developed to reflect Council's statutory obligations and our vision and our corporate values. It is a condition of employment or engagement that this Code is complied with and that all employees will read and become familiar with its contents. Wellington Shire is committed to respecting and supporting each other, and by always doing the right thing for our customers and communities.

The Employee Code of Conduct applies to all full-time, part-time, temporary and casual employees and extends to volunteers, work experience students and graduates on placement.

All employees, in particular those with supervisory responsibilities, are expected to model, promote and enforce the Employee Code of Conduct at all times.

2. OUR VALUES

Our corporate values underpin how we work together and support each other at Wellington as we strive to deliver excellent outcomes for our community.

Cooperation: Working together, teamwork, collaboration and being solution oriented.

Integrity: Acting with respect, honesty, reliability, trust, tolerance and understanding.

Balance: Demonstrating fairness, equity and flexibility. Consider work-life balance and balancing community needs against resources.

Professionalism: Personal development and meaningful work, being competent, innovative and courageous, focus on excellence and continuous improvement.

Sustainability: Going above and beyond to demonstrate commitment to leading sustainable practices and encouraging and supporting others to do the same.

3. GENERAL EMPLOYEE CONDUCT

By consistently applying these standards of behaviour professionally and respectfully at all times, we aim to improve the community's trust in us and our confidence in each other.

Employee conduct is guided by both legislation and the principals and behaviours described below.

3.1 Employee Responsibilities

Section 95 of the *Local Government Act 1989* requires that Council employees, in the course of their employment, must:

- (a) Act impartially.
- (b) Act with integrity including avoiding real or apparent conflicts of interest.
- (c) Accept accountability for results.
- (d) Provide a responsive service.

3.2 Employees with Supervisory Responsibilities

In addition to the above requirements, employees with supervisory and management responsibilities must:

- a) Lead by example by modelling our values and performance expectations, as outlined in the Employee Code of Conduct;
- b) Recognise that leadership is about positive influence, inspiring and empowering others;
- c) Provide a safe encouraging and supportive work environment that recognises and values diversity, abilities, and contributions;
- d) Give employees a clear sense of direction and purpose, set realistic goals timelines and workloads and provide adequate resources and appropriate information to complete work;
- e) Trust their employees to manage their work autonomously but also provide them with support where needed;
- f) Address any performance issues promptly, directly and confidentially with the employee concerned;
- g) Lead and manage team performance, provide regular feedback, and apply discipline procedures fairly and consistently (when required);
- h) Understand and respond to legitimate concerns of their employees, and encourage work arrangements that enable their employees to achieve a work-life balance;
- i) Not request any employee under their supervision to carry out any unlawful action, including non-compliance with WHS regulations;
- j) Promote high levels of customer service;
- k) Manage budget expenditure responsibly and within approved delegations.

3.3 Personal Conduct

All Wellington Shire Council employees are required to model behaviour based on Council's values and always act in an ethical manner. All employees at Wellington Shire Council including contractors and temporary staff must abide by the below expected behaviours:

- a) Employees are to consistently perform duties professionally with skill, care and diligence using delegated authority fairly and within any prescribed legal obligations.

- b) Employees must promptly comply with any reasonable lawful directions that may be given by a supervisor or any person having authority to give those directions. This includes co-operating with organisational activities that are directed at improving work methods or procedures.
- c) Employees must also respect the lawful opinions and beliefs of others and your right to practice such beliefs.
- d) Employees will work co-operatively with their colleagues and other public-sector body employees. They will support and learn from them and accept differences in personal style.
- e) All employees provide other Council employees with support and guidance.
- f) Employees will always treat others fairly and with courtesy and respect.
- g) Employees should always behave in a professional manner that will foster the trust, confidence, and goodwill in both your colleagues and the community.
- h) All employees are expected to present professionally, be punctual to work and meetings, and perform duties effectively and in a manner that promotes a productive and harmonious work environment.
- i) All employees, contractors and agency staff must treat customers, colleagues, suppliers and contractors in a professional, respectful, conscientious, transparent and ethical manner, always acting in the best interest of Council.
- j) Employees should be mindful that they are representing Council's position at all times and should ensure that they refrain from public disclosure of their personal opinion in regards to Council business.
- k) All employees must behave appropriately and professionally in meetings, listen to the opinion of others and behave with courtesy and respect.

3.4 Respectful workplace behaviour

Wellington Shire Council is committed to providing a positive workplace where everyone is treated with respect.

That means we all need to:

- Treat customers, members of the community, colleagues and others with dignity, courtesy, and respect;
- Do the right thing, be fair and honest;
- Listen, learn, and respond appropriately to the views and concerns of others;
- Consider how everything we say and do might impact others.

Creating an inclusive workplace and looking after the health and wellbeing of our employees is of great importance. This means it is not acceptable for us to engage in the following types of behaviours in our workplace.

3.4.1 Bullying, harassment, discrimination, and workplace violence

Council is committed to proactively preventing and tackling bullying, harassment, discrimination and violence in the workplace. To contribute to building a harmonious and tolerant workplace that is free from intimidation, discrimination, bullying, violence and harassment, all employees need to be aware of Council's *Discrimination and Harassment Prevention Policy* and *Bullying and Harassment Policy*.

3.4.2 Sexual Harassment

Wellington Shire Council is committed to providing a safe, flexible and respectful environment for employees and Councillors that is free from all forms of sexual harassment. Sexual harassment will



not be tolerated under any circumstances, all employees need to be aware of Council's *Sexual Harassment policy*.

3.4.3 Family violence

Wellington Shire Council is committed to the prevention of family violence and strives to support any employee suffering from family violence, all employees need to be aware of Council's *Family Violence policy*.

3.4.5 Victimisation

Victimisation means treating someone negatively because they have made or being involved in a complaint. At Wellington Shire Council we encourage employees to say something when a situation isn't right, and victimisation is not acceptable. It is not acceptable to disadvantage someone because they have raised concerns or have asked questions about their job or pay, or because they plan to or are taking leave of using other entitlements.

3.4.6 Reporting inappropriate workplace behaviour

At Wellington Shire Council we encourage our employees to speak up if something is not right. Unwelcome behaviours such as those listed above are not only unacceptable in our workplace and may also be against the law. If you believe that this is happening to you (whether by another employee, manager, customer, or anybody else in our workplace), or if you think this is happening to someone else, there are informal and formal ways to properly address this.

Options include:

- Speaking to the person in question if you feel comfortable and safe doing so.
- Speaking to your supervisor, manager, or Human Resources.
- Contacting the Manager People and Capability.

3.5 Drug and Alcohol Usage in the Workplace

Wellington Shire Council is committed to the wellbeing of its employees, contractors, volunteers, and customers. Council has a duty of care to ensure that alcohol and/or drugs do not jeopardise the health, wellbeing and safety of any employees and every employee has a duty of care to minimise risks to themselves and their colleagues. Council aims to foster an attitude amongst employees that work under the influence of alcohol and/or drugs is unacceptable.

Employees should not report for work, at any time, if the level of alcohol in their blood is in excess of the legal blood alcohol concentration (BAC) limit or if they are under the influence of, or affected by, illicit drugs or substances. Employees must not bring alcoholic beverages into, or consume alcoholic beverages in Council workplaces, unless authorised by the relevant General Manager or Chief Executive Officer.

Wellington Shire Council does not and will not condone the use, sale, or possession of any illegal or prohibited substance at the workplace or at any work-related activity or event. Council operates a 'For Cause' drug and alcohol testing program for suspected use of alcohol and illicit drugs in line with the *Prevention of Alcohol and Drug Use in the Workplace Policy*.

3.6 Child Safe Standards

Wellington Shire Council takes a proactive approach towards child safety and a zero-tolerance position towards child abuse. As an organisation, Council is committed to achieving compliance with criminal law reform, legislated reporting requirements and the implementation of mandatory child safety standards to enable an informed, transparent, safe and accountable organisation.

Employees must comply with the Child Safe Policy, the Code of Conduct and associated reporting requirements. Any breach of the Child Safe Policy and/or the Code of Conduct by an employee will be considered serious misconduct and action will be taken in accordance with Council's disciplinary and termination procedures.

3.7 Workplace Health and Safety

Employees must ensure they are fit for duty (not under the influence or effected by any drugs or alcohol - refer *4.5 Drug and Alcohol Usage in the Workplace*) and consider their own safety and the safety of those around them while at work.

This includes:

- Following health and safety policies, guidelines and procedures;
- Using protective clothing or equipment provided at all required times;
- Identifying hazards and risks to your personal health and safety;
- Participate in rehabilitation and return to work programs as required;
- Immediately reporting any injury, near miss, damaged equipment or any other hazard observed; and
- Comply with Wellington Shire Council's Occupational Health and Safety Policy.

3.8 Smoking

In line with Victorian tobacco laws, smoking is not permitted in Council building, workplaces, vehicles, and areas designated as non-smoking.

3.9 Working with Councillors

Wellington Shire Council is committed to developing and maintaining strong working relationships with its elected representatives, while also maintaining the integrity of the decision making process.

The Chief Executive Officer (CEO) is responsible for the management of employees and Councillors should not be directly instructing council employees to perform duties. If employees are approached by a Councillor in this way, they must refer the request to their Manager/Supervisor. Similarly, employees are not permitted to request information from Councillors in relation to council business unless authorised by their respective General Manager.

4. USE AND PRESERVATION OF ASSETS

Employees are required to use a range of assets to perform their duties including Council vehicles, equipment, machinery, stationery, and other resources and must not misuse, or allow others to misuse, these in any way. This includes ensuring that they are secure against theft, properly stored and maintained.

Council assets and other resources must only be used for official Council business, unless written authorisation has been obtained from an employee's Manager/Supervisor.

Disciplinary action will be taken against an employee who steals, misappropriates, or converts Council, community, or customer assets for private use.

Upon termination of employment, all employees must return all Council property to their respective Manager/Supervisor in good repair.

4.1 Council Fleet Vehicles

All employees using Council vehicles, must:

- Hold a current driver's license for that type and class of vehicle;
- Carry their driver's license with them at all times when driving a Council vehicle; and
- Follow all relevant legislation and regulations.

(Refer to *9.0. Disclosure of Criminal Offences* for information relating to loss of driver's license).

Employees are not permitted to drive Council vehicles on a Learners Permit (with the exception of full private use vehicles). (Refer to *9.0 Disclosure of Criminal Offences and Loss of Qualifications and/or Licenses* for information relating to loss of driver's license).

5. ACCESS TO AND DISCLOSURE OF INFORMATION - PRIVACY

In the course of their work, Council employees may have access to commercial and personal information about members of the Wellington Shire community, businesses, other employees and the wider public. It is essential, therefore, that any information accessed by employees, is used only for the purpose of performing their relevant workplace duties.

5.1 Intellectual Property

Any material, work, concepts, designs or systems produced by an employee in order to perform their duties remain the property of Council for it to use at its discretion.

5.2 Statements on behalf of Council

Employees are not permitted to make official comments on behalf of Council. The Council's spokesperson on policy matters is the Mayor and on executive matters, the CEO by delegation.

No interviews, photographs, discussion or liaison with the press, radio or television should be undertaken by any employee without prior approval of the CEO or delegate.

5.3 Social Media

Authorisation must always be sought from the Coordinator Media and Public Relations before establishing a social media account for your Wellington Shire Council department/unit to communicate with the public.

When using social media in relation to Council business Councillors, employees, contractors and Councillors are expected to:

- Seek prior authorisation from the Media & Public Relations Unit;
- Adhere to Wellington Shire Council Social Media Policy;
- Behave with caution, courtesy, honesty and respect;
- Comply with relevant laws and regulations;
- Reinforce the integrity, reputation and values of Wellington Shire Council;
- Forward any important social media activity to the communications and Media unit for follow up:); and
- Direct stakeholders to official communication channels to make a request or complaint

When using social media in their private time and via their private accounts, employees, contractors and Councillors should not:

- Publish any information on behalf of Wellington Shire Council;
- Make any reference to Wellington Shire Council, its Councillors, employees, policies and services, suppliers, other stakeholders or council related issues;
- Upload photographs of themselves or their colleagues where they are easily identifiable as a Council employee (for example, wearing a Council uniform, driving a Council vehicle) acting in an unprofessional or illegal manner;
- Speak negatively about Wellington Shire Council, or share, comment on or 'like' anything that might damage the Council's reputation, brand or commercial interests, including posts that are incorrect or misleading;
- Use social media to bully, intimidate or harass current employees, contractors or stakeholders of Council; and
- Rely on privacy settings, thinking your comments and/or photos are private.

All employees need to be aware of Council's *Social Media Policy*.



6. CONFLICT OF INTEREST (DIRECT OR INDIRECT, REAL OR PERCEIVED)

Conflicts of interest exist when it is likely that you could be influenced, or it could be perceived that you are influenced by a personal interest when carrying out public duty. Conflicts of interest can lead to bias in decision making which may constitute corrupt conduct.

Members of the public need to be confident that decisions made by Council employees are free of any conflict of interest.

In addition to the relevant sections of the Local Government Act 2020, Council requires all employees to disclose any Conflicts of Interest, direct or indirect, real or perceived.

A Conflict of Interest may occur when an employee has a personal or private interest that might compromise their objectivity to perform their duties on behalf of Council by acting in the public interest. It is the responsibility of the employee to disclose if they have a conflict of interest to their manager/supervisor or General Manager immediately and may be asked to step aside from the decision-making process. A conflict of interest exists even if no improper act results from it.

6.1 Failure to Disclose Interests or Associations

Failure to disclose an interest, either direct, indirect or perceived, may result in disciplinary action. This includes managers/supervisors who fail to act if they have knowledge of a breach.

Failure to disclose any current association with a group or individual that is incompatible with the role of Council in acknowledging the law or may have an adverse effect on the organisation and its reputation. Council employees are required to disclose known declarable associations, or associations they reasonably suspect to be declarable. This includes any associations with persons, a group, event or organisation that is declarable under the *Declarable Associations Policy*.

6.2 Improper or Undue Influence

Employees must not influence any person, or allow themselves to be influenced, in any improper way to obtain any advantages or favours for themselves or any other person or group because of their position as an employee of Council.

All decisions made by Council employees, including selection, appointment or promotion of employees, the purchasing of goods or services or the enforcement of legislation and/or regulations must be fair, transparent and in the best interests of Wellington Shire Council.

7. ACCEPTANCE OF GIFTS AND HOSPITALITY

It is not acceptable in any circumstances for an employee to accept a gift or hospitality when it is given as a bribe for favourable service or outcomes. Employees must never accept cash or cheques, regardless of their value, or receive payments, loans or discounts for the purchase, hire or use of property or services for private purposes.

There may however, be circumstances where it is acceptable for an employee to accept or give a gift or hospitality, but it must be done according to the following guideline.

In general gifts are acceptable when:

- (a) The gift is of token value and estimated to be less than \$50;
- (b) It is customary of the culture to bestow or exchange gifts as thanks for hospitality; or
- (c) Gifts are presented by a visiting official and duly authorised by the governing body.

In general, hospitality is acceptable when:

- (a) Hospitality is provision of travel, accommodation, entertainment, food or beverages;

- (b) An employee may accept hospitality of the kinds listed above if they notify, where possible, their Manager/Supervisor before they attend;
- (c) Attendance as a Council representative of the organisation at promotional events; or
- (d) Attendance as a representative of the Council, for example, as a contract or event manager.

All gifts and acts of hospitality must be declared on the Council Gift Register. Information about declaring a gift can be obtained on the Intranet, from the Governance Officer and in the Council Policy *Acceptance and Declaration of Gifts and Hospitality*.

Employees should not encourage others to give gifts as an appreciation for duties they have performed.

8. DISCLOSURE OF CRIMINAL OFFENCES AND LOSS OF QUALIFICATIONS AND/OR LICENSES

Employees during the term of their employment must advise their manager/supervisor if they are convicted of a criminal offence that has the potential to affect their ability to meet the inherent requirements of their position. All disclosures will be assessed on an individual basis and will be dealt with confidentially

Where an ongoing risk is identified, employees may be required to complete ongoing National Police Record Clearance and/or a Working with Children Check at designated intervals during the course of their future employment.

Employees during the term of their employment must immediately notify their manager/supervisor if their qualification(s), professional accreditation(s), license(s), registration(s) or permit(s) are revoked or have expired.

9. FAIRNESS, EQUITY, DIVERSITY AND INCLUSION

Wellington Shire Council believes in inclusivity, diversity, fairness, and equity. This means that ideas, aspirations and needs of all our people are considered and valued in our workplace. Wellington Shire Council is committed to access and equity for all its employees. This includes providing equal access to job's and development opportunities, an ensuring there is no discrimination or harassment in the workplace.

Wellington Shire Council supports flexible and accessible working arrangements for all.

This includes people with a disability, Aboriginal and Torres Strait Islanders, culturally, religiously, and linguistically diverse people, young people, older people, women and people who identity as gay, lesbian, bisexual, transgender, intersex and queer.

Employees must treat others fairly and with respect for diversity. This extends to the way that Council employees treat customers, contractors, representatives, and volunteers during the undertaking of their duties.

Wellington Shire Council has policies and processes in place to ensure that employees are aware of both employer and employee obligations in relation to the *Equal Opportunity Act 1995* and the *Human Rights & Equal Opportunity Commission Act 1986*.

10. EMPLOYMENT OUTSIDE OF COUNCIL

Council employees can engage in other employment or unpaid work where this work does not conflict or interfere with their role as a Wellington Shire Council employee.



Other employment includes a second job, conducting a business or contract work. Examples of unpaid work include volunteering or sitting on a board.

Employment or business operations outside of Council must not;

- (a) Impede with their Council work or be undertaken while on Council duty;
- (b) Involve confidential information or resources obtained through their work with the Council; or
- (c) Discredit or disadvantage the Council or interfere with Council's transparent business practices.

If an employee wishes to undertake paid work whilst accessing Long Service Leave entitlements, they must first seek approval from their respective General Manager.

Where a Senior Officer wishes to engage in any paid outside employment, the terms of Section 97C of the *Local Government Act 1989* must be complied with.

11. BREACHES OF THE EMPLOYEE CODE OF CONDUCT

Breaches of the Employee Code of Conduct have the potential to damage business, public and work relationships and disciplinary action will therefore be initiated with an employee who is found guilty of a breach.

If a breach is suspected, it must be reported to the respective Manager/Supervisor in the first instance. If an employee is reluctant to report the breach they may report it directly to the Protected Disclosure Officer as per Council's *Protected Disclosure Guidelines* located on the Internet and confidentiality will be maintained.

11.1 Misconduct or unsatisfactory behaviour

Unsatisfactory behaviour relates to the employees conduct or attitude. Unacceptable behaviour or misconduct can be, but is not limited to:

- Failing to follow established organisational policies, procedures, and standards. (Can relate to behaviour and performance.)
- Absenteeism, repetitive lateness or unauthorised absence.
- Unsatisfactory behaviour – evidenced by abusive language/behaviour, deception, or acts of bullying or harassment.
- Not following appropriate instructions from managers/supervisors.
- Failing to work cooperatively with colleagues and managers.

11.2 Serious misconduct

Serious misconduct is conduct that is wilful or deliberate and that is inconsistent with the continuation of the employment contract. It is also conduct that causes serious and imminent risk to the health and safety of a person or to the reputation, viability, or profitability of Wellington Shire Council.

Serious misconduct may result in summary dismissal. This occurs when a serious breach of organisation policy, procedure or other form of unacceptable behaviour has been identified and confirmed.

Serious misconduct can be, but is not limited to:

- Failing to follow a reasonable and lawful direction
- Theft
- Fraud and dishonesty
- Disorderly or indecent conduct
- Assault
- Drug or Alcohol use (intoxication or impairment at work)

- Deliberate misuse of Council Property or Equipment
- Serious and deliberate breach of Council Policy and procedures
- Misuse of work email/internet/social media
- Acting unsafely
- Serious cases of bullying, harassment, or discrimination (including sexual harassment).

12 ENVIRONMENTAL CONSIDERATIONS

All representatives of Council have the responsibility for considering the environmental and sustainability impacts of their activities. Employees should consider the environmental impact of their actions on recycling (including paper, plastic, soft plastic, food waste, batteries and e-waste), water and electricity efficiency/usage.

Wellington Shire Council is committed to reducing its environmental impact wherever possible, so it is suggested that employees minimise waste and maximise efficiency in all aspects of Council activities.

POLICIES AND RELATED DOCUMENTS

- a) Discrimination and Harassment Prevention Policy (Council Policy)
- b) Bullying and Harassment Policy (Employee Policy)
- c) Employee Engagement Policy (Employee Policy)
- d) Equal Opportunity Policy (Council Policy)
- e) Child Safe Policy (Council Policy)
- f) Acceptance and Declaration of Gifts and Hospitality Policy (Council Policy)
- g) Social Media Policy (Employee Policy)
- h) Prevention of Drug and Alcohol Usage in the Workplace (Employee Policy)
- i) Declarable Associations Policy (Council Policy)
- j) Sexual Harassment Policy (Employee Policy)

Human Rights Charter

The Victorian Charter of Human Rights and Responsibilities 2006 (“the Charter”) contains an agreed set of human rights, freedoms and responsibilities protected by law. The Charter aims to ensure government bodies, public bodies, local Councils and public servants observe certain rights when creating laws, setting policies and providing services.

The Charter requires Councils and their employees to act compatibly with human rights and to consider human rights when making decisions. Employees involved in policy development should familiarise themselves with the Charter.

Approved



David Morcom
Chief Executive Officer
 December 2021