



Code of Ethics Employees

January 2013



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PART A - CODE OF ETHICS

1. PURPOSE

The Code of Ethics (The Code) outlines the City of Bayswater's expectations in relation to the standards of ethical and professional behaviour required of Employees. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages transparency and accountability in the City.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and *Local Government (Rules of Conduct) Regulations 2007*, which incorporates four (4) fundamental aims to result in:-

- (a) better decision-making by local governments;
- (b) greater community participation in the decisions and affairs of local governments;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

The accompanying Guidelines support the Code by providing practical assistance for Employees to comply with these requirements.

2. GUIDING PRINCIPLES

The City of Bayswater's Strategic Plan '*The Future of Our City 2011 to 2015*' outlines the Vision, Commitment and Goals of the City encompassing:

- Our Community – providing a sense of wellbeing and belonging for our community
- Our Natural Environment – protecting and enhancing the natural environment
- Our Built Environment – providing an attractive, liveable and sustainable City
- The Local Economy – building a strong and diverse local economy
- Leadership and Governance – providing prudent leadership and good governance

In addition, this Code incorporates the behavioural expectations and requirements detailed in Rules of Code for Elected Members as prescribed in the *Local Government (Rules of Conduct) Regulations 2007*.

3. APPLICATION

This Code applies to all Employees of the City of Bayswater. It applies regardless of the:

- (a) nature or level of employment; or
- (b) employment status eg ongoing, casual, traineeship or apprentice.

4. ETHICAL CONDUCT

It is expected that all City of Bayswater Employees will demonstrate and uphold the highest standards of ethical behaviour and conduct.

When performing their duties a City Employee must:

- (a) Act with honesty and integrity, and with reasonable care, diligence and skill;
- (b) Treat members of the public and other Employees with respect, courtesy and sensitivity to their rights, duties and aspirations;
- (c) Not unlawfully coerce or harass a member of the public or another Employee, whether sexually or otherwise;
- (d) Act lawfully, complying with relevant legislation and policies; basing decisions on merit, and on relevant and factually correct information, and complying with any reasonable direction given by a person having the authority to make that direction;
- (e) Be open and accountable to the public and, if having an interest that could conflict, or appear to conflict, with the proper performance of duties, disclose this to the Chief Executive Officer and take reasonable action to avoid the conflict as soon as it comes to the notice of the Employee;
- (f) Not take advantage, or seek to take, improper advantage of his or her position to obtain a benefit for themselves or any other person;
- (g) Not make improper use of the property and resources of the City, or waste or make extravagant use of this property or resources;
- (h) Avoid damage to the reputation of the City of Bayswater;
- (i) Report to the Chief Executive Officer, or appropriate authority, any corrupt or fraudulent conduct, or possible maladministration; and
- (j) Not be impaired by mind affecting substances.

5. RESPONSIBILITY TO DISCLOSE OR REPORT

5.1 Criminal Offences

An Employee must notify the Chief Executive Officer in writing of:

- (a) being charged with a criminal offence if there are reasonable grounds for believing the interests of the City may be adversely affected, and/or
- (b) being convicted of a criminal offence - within seven calendar days of the conviction or finding.

5.2 Reporting Unethical Behaviour

Employees will bring to the notice of the Chief Executive Officer any workplace behaviour that a reasonable person would suspect violates any law, or represents corrupt conduct, mis-management of public resources, or is a danger to public health or safety, or amounts to misconduct.

Misconduct of a criminal or serious nature which could result in disciplinary action against an Employee can be reported under the Public Interest Disclosure (PID) Act. Further information on making disclosures under PID is available on the City of Bayswater website.

5.3 Conflicts Of Interest

Employees will advise the Chief Executive Officer through completion of the Officer's Declaration of Interest Form, of any (potential) conflicts of interest. This includes:

- (a) lodging written notice describing an intention to undertake a dealing in land within the municipality, or which may otherwise be in conflict with the City's functions (other than purchasing the principal place of residence);
- (b) disclosing any (potential) conflict with a regulatory process;
- (c) disclosing any (potential) conflict with any procurement process; and
- (d) disclosing any (potential) conflict with a recruitment process.

5.4 Financial Interest

Employees will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.

5.5 Disclosure of Interest

- (a) In addition to disclosure of financial interests Employees, including persons under a contract for services:
 - attending a Council or Committee meeting; or
 - giving advice to a Council or Committee meeting;are required to disclose any interest they have in a matter to be discussed at the meeting that could, or could reasonably be perceived, to adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (b) Where an interest must be disclosed under (a) above, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, or in a written notice to the Chief Executive Officer before the meeting, and is to be recorded in the minutes of the meeting.

It is a requirement for all Employees to submit an annual Disclosure of Interest Return where they are involved in activities that may influence or determine the outcome of a procurement decision.

5.6 Drugs/Alcohol

Employees have a duty to report immediately if they are aware that a person may be under the influence of alcohol and/or illicit drugs, or if they have knowledge that activities involving the dealing of drugs are occurring in the workplace.

5.7 Loss of Licence

Employees will immediately notify their supervisor of any loss of a licence or other mandatory requirement for the performance of their duties, for example loss of a drivers licence.

6. INTERACTIONS WITH ELECTED MEMBERS

6.1 Relationships between Employees and Elected Members

When dealing with the public, Employees will speak of Elected Members to the public with respect, and will not become involved in conversations where an Elected Member is being spoken of by others in a manner which is discourteous or derogatory.

Employees will not engage in conversations in the work place about Elected Members which are derogatory, offensive, or demean the position of the Councillor or the individual.

Employees will engage effectively with Elected Members demonstrating respect, courtesy for the Office that Elected Members hold, and demonstrate a willingness to work cooperatively to achieve the City's corporate goals and implement the Council's strategies.

6.2 Access to Information

Employees will ensure that Elected Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as Elected Members.

It is possible that Elected Members may approach Employees directly for information. Any such requests should be referred to the relevant Director, or to the Chief Executive Officer, for response in accordance with Bayswater Policy No EO-P21 Elected Members – Access to Civic Centre and Requests/Contact with City Employees.

7. BREACHES

If an Employee breaches this Code of Ethics, they may be subject to disciplinary action. In more serious cases, criminal prosecution may apply as well, for example where an Employee dishonestly takes or retains the City's property or resources.

8. FURTHER SOURCES OF INFORMATION

- Local Government Act 1995
- Local Government (Rules of Conduct) Regulations 2007
- Equal Employment Opportunity Act 1984
- City of Bayswater Collective Agreement Inside Workforce
- City of Bayswater Enterprise Agreement Outside Workforce
- Code of Practice Violence, Aggression and Harassment at Work 2010 (WA)
- Occupational Safety and Health Act 2004
- Corruption and Crime Commission Act 2003
- Working with Children (Criminal Record Checking) Act 2004
- Public Interest Disclosure Act 2003

CITY POLICIES AND PRACTICES

- Occupational Safety and Health Policy
- City's Drugs and Alcohol Policy

- Procurement Policy
- Management Practice Secondary Employment
- Management Practice Acceptable Computer Use

9. QUERIES

If an Employee is in doubt regarding appropriate conduct or breaches, they should approach their Manager, Director, or Manager Human Resources for information and guidance.

PART B - GUIDELINES FOR CONDUCT AND ETHICAL BEHAVIOURS

Part B provides guidance to assist all Employees to understand their responsibilities in relation to demonstrating appropriate conduct and ethical behaviours.

10. PERSONAL BEHAVIOUR

10.1 Accountability

Employees:

- (a) have a duty of care to ensure they understand and are fully aware of, properly administer and comply with, all laws, policies, administrative and management practices relevant to the performance of their duties;
- (b) have an unequivocal obligation to always act both within the letter, and the spirit, of the law;
- (c) must not exceed the power or authority of their position;
- (d) must act in good faith (i.e. honestly, for the proper purpose) in the interests of the City and the community, and in accordance with their obligation of fidelity to the City; and
- (e) maintain full and accurate records in the performance of their duties.

Employees will comply with any lawful order given by any person having authority to make or give such an order. Any doubts as to the propriety of any such order is to be taken up with the manager/supervisor of the person who gave the order and, if resolution can not be achieved, with the relevant Director or the Chief Executive Officer.

10.2 Impartiality and Integrity

Employees will, regardless of personal beliefs and preferences, or personal relationships with others, perform their duties impartially, act objectively and in the best interests of the City, without bias, favouritism or self-interest, uninfluenced by fear or favour.

Employees will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards,
- (b) be open and transparent when making decision or providing advice with actions able to bear public scrutiny, and
- (c) be frank and honest in their official dealing with each other.

10.3 Appearance/ Attire

Employees are expected to present with neat and responsible dress standards at all times. Managers have the responsibility to raise the issue of dress standards with individual Employees if required.

Inside Employees who are in direct contact with the community are to wear the corporate uniform, incorporating the corporate logo, unless specifically exempted by the Chief Executive Officer. Any such Employee presenting at the workplace not wearing the

uniform will be asked to leave the workplace and to not return until they are wearing the appropriate uniform. Any absence for this purpose will not be paid.

For any Employee undertaking a role requiring personal protective equipment (PPE), and where such equipment is issued, the Employee must wear full required PPE for the required activity. This includes following any direction by the relevant supervisor regarding the wearing of PPE. As not wearing appropriate PPE presents a possible occupational safety and health risk, failure to comply with the requirement to wear PPE will result in disciplinary action.

10.4 Alcohol and Drugs

Employees are to report for duty 'fit for work' which includes not being under the influence of alcohol and/or other drugs while at the workplace and/or performing work. To maintain a safe workplace, no machinery is to be operated or used by anyone who is under the influence of alcohol or illicit drugs.

If an Employee is aware, or has a reason to believe, that their use of a legal drug may affect their ability to perform their job in a safe manner, this is to be immediately reported to the relevant supervisor.

Where the organisation has formed a reasonable suspicion that a person may be under the influence of alcohol or other drugs, and unfit for work, the Employee may be stood down on personal leave from work immediately while the matter is investigated.

The use, or being found under the influence, of alcohol or illegal drugs may result in discipline action, which may include termination of employment.

Further information can be found in the City's Drugs and Alcohol Policy.

11. PROFESSIONAL BEHAVIOUR IN THE WORKPLACE

11.1 Performance of Duties

While on duty, Employees will give their whole time and attention to the City's business and ensure that their work is carried out efficiently, economically and effectively. High standard of work reflects favourably both on them and on the City of Bayswater.

11.2 Occupational Health and Safety

All Employees are to familiarise themselves and adhere to the Occupational Safety and Health policy, and associated requirements. Employees shall report immediately to a supervisor or manager, accidents at the workplaces that can cause injury to Employees and/or damage to the Employer's vehicles, buildings and other property.

11.3 Official and Confidential Information

The City holds records and information, often sensitive, on topics such as planning, commercial activities or personal records. Information obtained through work may not be disclosed without lawful authority. Information may be disclosed with proper authority, or when required by law, or when giving evidence in court.

Employees are not to 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. Due discretion shall be exercised by all those who have access to confidential or sensitive information.

If leaving the City, the rules regarding release of confidential information continues to apply.

11.4 Communication and Public Relations

All aspects of communication by Employees (including verbal, written or personal), involving City's activities should reflect the status and objectives of the City. All communications must be accurate, polite, impartial and professional.

11.5 Purchasing and Tendering

Procurements with the private sector should be governed by the principles of competitive tendering and contracting processes. If an Employee believes there is a real, or a perceived, conflict of interest, they must disclose this interest. This may occur, for example, where an Employee directly or indirectly holds a financial interest with an individual or firm that is supplying, or may supply, goods or services to the City. The Corruption and Crime Commission checklist is available to assist officers in determining if a conflict of interest is likely to exist.

Failure to advise of a conflict of interest may be considered corruption. An interaction between an Employee and a supplier or contractor may be considered corrupt if it results in an actual or intended benefit to the Employee by way of cash payments or gifts. This includes 'in kind' incentives by way of work carried out by the supplier or contract, as an inducement to supply the contract. This behaviour will result in disciplinary action.

Further information can be obtained in the City's Procurement Policy (FS-P19).

12. BEHAVIOUR TOWARD OTHERS

12.1 Courtesy to Others

Employees must treat other Employees with courtesy, respect and sensitivity to their rights and aspirations. Employees must not display or distribute materials, or use language that may cause offence. Colleagues should be provided opportunity to express their opinions and views on work issues.

Employees will not make an allegation which is improper or derogatory (unless true and in public interest) and will 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.

12.2 Discrimination and Harassment

Employees must avoid discrimination in relationships with others, or when making staffing decisions. This includes actions that could be discriminatory in relation to race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

Employees must not harass other workers. Harassment involves offensive, belittling or threatening behaviour that may be directed at an individual or a group of Employees. Bullying is an element of harassment and is unacceptable in any relationship and in any situation. More information on bullying and harassment is available in the *WA Code of Practice on Violence, Aggression and Bullying at Work 2010*.

12.3 Improper/Undue Influence

Employees will not take advantage of their position to improperly influence Elected Members or other Employees 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.

13. CONFLICT OF INTEREST

13.1 Conflict of Interest

Employees must ensure that there is no actual (or perceived) conflict of interest between their personal interests or financial interests (including the interests of their immediate family), and the impartial fulfilment of their professional duties. This includes Employees who exercise recruitment or other discretionary functions, who must disclose any (potential) conflict before dealing with relatives or close friends.

This does not necessarily mean that there cannot be any personal or financial interests in a matter that the City is dealing with, but the interest must be declared to the Chief Executive Officer, through completion of the Officer's Declaration of Interest Form. The Chief Executive Office will decide if further action is necessary, for example requiring the Employee to disqualify themselves from further dealing or from the decision making process.

13.2 Gifts

An Employee accepting a gift from a person who could influence them places the Employee and the City in a difficult position. Even the appearance of influence may damage the reputation of the Employee and the City, reducing the public trust and the City's integrity.

An Employee is prohibited from using their position to obtain personal benefits, so the basic rule is for an Employee not to accept gifts without the approval from the relevant Director. This would include sponsored travel and hospitality, or gifts to an Employee's immediate family.

The City will maintain a Register of Gifts. This register will detail:

- (a) the names of the persons who gave and received the gift;
- (b) the date of receipt of the gift;
- (c) a description, and the estimated value of the gift; and
- (d) the relationship between the Employee and the person giving the gift.

The above does not apply to gifts received from a relative (as defined in Section 5.74(1) of the *Local Government Act*).

Further information is contained in the City of Bayswater Code of Conduct for Elected Members and Employees October 2007.

14. USE OF LOCAL GOVERNMENT RESOURCES

14.1 Using City Resources

Employees will:

- (a) be scrupulously honest in their use of the City's resources;
- (b) avoid improper use or permit their misuse (or the appearance of misuse) by any other person or body;
- (c) use the City resources entrusted to them effectively and economically in the course of their duties, avoiding waste and extravagance; and
- (d) not use the City's resources (including the services of City Employees) 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.

14.2 Use of the Internet and Email

Employees must ensure that the use of the internet and email does not breach those elements of the code relating to acting with honesty, not making improper use of City resources, treating others with courtesy and respect, and prohibiting behaviour harassing others.

Employees must not use the Internet to access or display offensive or inappropriate material, which not only includes pornographic or violent materials, but also those which may make other Employees uncomfortable. Emails should not be used to send offensive material or to abuse or harass other Employees or members of the public.

Additionally Employees should avoid media streaming, or downloading large amounts of material such as music or videos.

Further information is available in the Management Practice Acceptable Computer Use (HR-P11).

14.3 Claiming Expenses

Employees will only claim for reimbursement of expenses directly related to activities associated with performance of their duties, delivery of services, policies or business of the City in accordance with City of Bayswater practices and the provisions of the *Local Government Act*.

15. BEHAVIOUR OUTSIDE THE WORKPLACE

15.1 Behaviour Outside Working Hours

Generally behaviour outside hours is considered private and not a concern of the City. However there are some instances in which an Employee must take due care. Behaviour outside work hours has the potential to affect community perceptions of the integrity and professionalism of the City, particularly if there is an obvious link between the Employee and the City. Examples include inappropriate behaviour where an Employee is wearing a uniform identifying the City of Bayswater, or where the individual clearly identifies themselves as a City of Bayswater Employee.

This requirement can also encompass behaviour on-line, for example where inappropriate comments in social media regarding the organisation are sufficiently demonstrating a

connection to the City as the Employer that may then constitute a valid reason for misconduct action to be taken.

15.2 Political Activity and Public Comment

Employees should be careful about maintaining a balance between the right to make public comment and the loyalty that the City should be able to expect. It is inappropriate to:

- (a) make a statement in a personal capacity which could reasonably be taken as an official comment;
- (b) make a comment which could undermine public confidence in the City; or
- (c) participate in any partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

15.3 Secondary Employment

Employees should seek permission from the Chief Executive Officer before undertaking work outside the City. Elements to be considered are possible interference with the completion of normal duties, and where there is any possibility of conflict of interest.

If it is proposed that the private work would be with (or for) any person or body with an interest in a proposed or current contract with the City of Bayswater, the Employee must not engage in private work without first making disclosure to, and seeking permission of, the Chief Executive Officer. 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 scrupulously avoided.

City resources must not be used to conduct a business or to undertake other outside work.

16. REVIEW

This Code will be reviewed at least every three years.

ENDORSED SMG	<u>24/01/2013</u> DATE
APPROVED	
Doug Pearson _____ A/Chief Executive Officer	25/01/2013 DATE
REVIEW DATE	24/01/2016 DATE



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