

<b>Title</b>	<b>Staff Code of Conduct</b>
<b>Description</b>	A policy to set out set out Yarra Council's expectations of staff at all levels in performing duties or acting on behalf of council. It sets a consistent approach to, and common understanding of, the behaviours, standards, values, and ethics required in all work activities.
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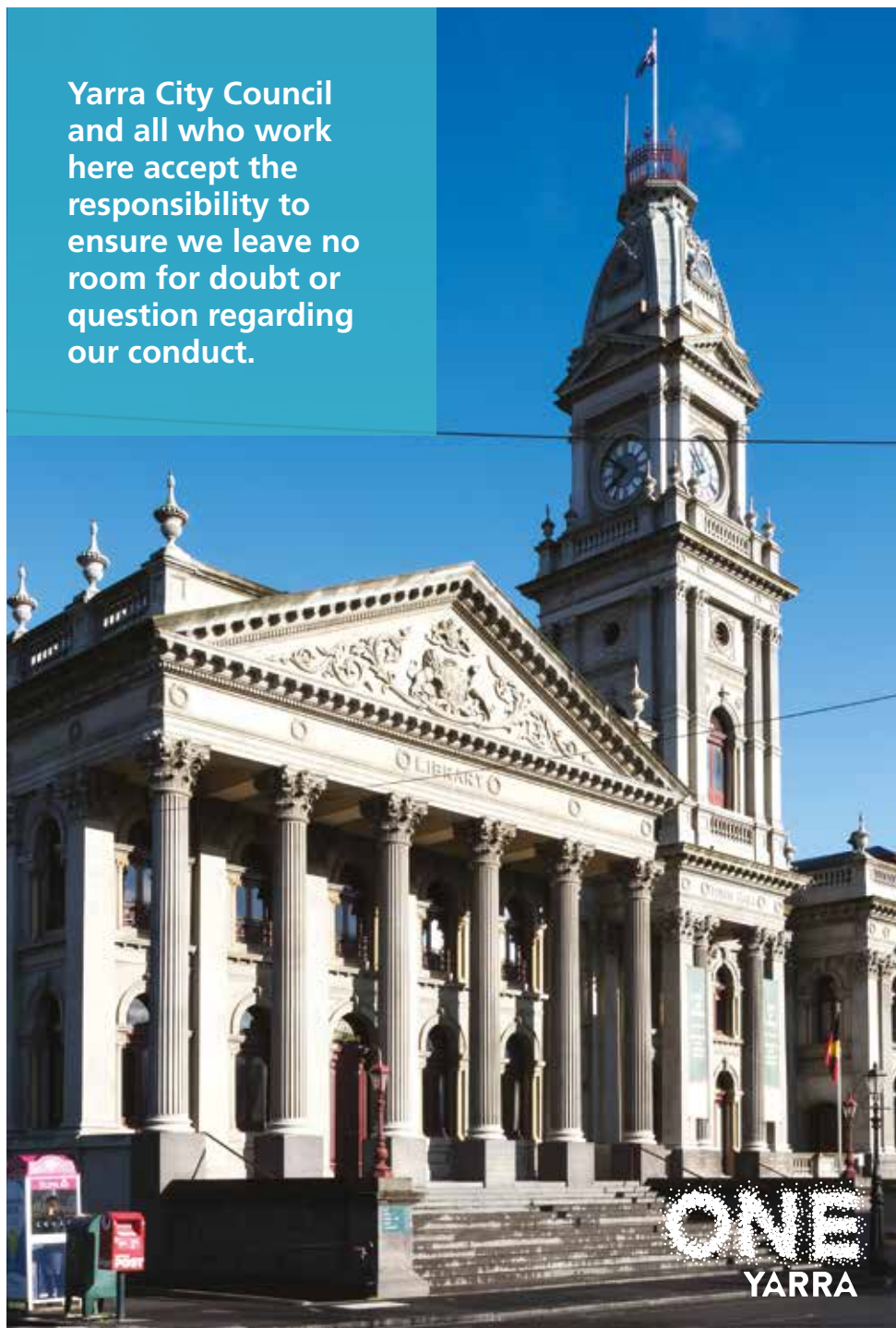


ONE  
YARRA

**Staff Code of Conduct**  
February 2017



Yarra City Council  
and all who work  
here accept the  
responsibility to  
ensure we leave no  
room for doubt or  
question regarding  
our conduct.



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## 1. INTRODUCTION

We recognise that as public officers it is important we act in a manner which reflects the principles and obligations set out in the *Local Government Act 1989* ('the Act'). The community and residents are directly affected by council decisions and activities in a wide range of domains.

Section 95AA of the Act requires that the Chief Executive Officer develop and implement a Code of Conduct for Council employees and provide all employees with access to the Code of Conduct.

Further, Section 95 of the Act states that employees must, in the course of their employment:

- act impartially and with integrity, including avoiding conflicts of interests
- accept accountability for results
- provide responsive service.

In addition, there are standards of conduct that the community and our colleagues expect of us all.

We are fortunate to work for an organisation which has earned the trust and confidence of the community.<sup>1</sup> Our reputation influences how our community feels about our services, and how ratepayers, residents and visitors perceive us. Conducting ourselves with integrity is critical to building and maintaining trust and confidence in us and our organisation.

Council has developed this code as a statement of commitment to how we will conduct ourselves and our business, and how we will work with the public, our clients and colleagues.

<sup>1</sup>2015 Annual Customer Satisfaction Survey (Metropolis Research), November 2015.

## 2. PURPOSE

The purpose of the Code of Conduct is to set out Yarra Council's expectations of staff at all levels in performing duties or acting on behalf of council. It sets a consistent approach to, and common understanding of, the behaviours, standards, values, and ethics required in all work activities.

In addition, everyone should be aware that breaches of this code may lead to disciplinary action including termination of employment with Council.

It would be impractical for this code to describe every requirement of employees or present all the details of the policies that affect their conduct. Instead, it has been written to make employees aware of the range of ethical issues and legislation that affects their behaviour at work and to point to where they can find out more detailed information about procedures or policy. It is also up to employees to seek information when they need to clarify any area of conduct.



### 3. SCOPE

The Code of Conduct applies to all Council employees and representatives including:

- full-time, part-time and casual employees
- permanent and temporary employees, including work experience or graduates performing work for Council
- temporary and casual individuals engaged through an agency
- staff on exchange.

Additionally this code applies to contractors, volunteers and external parties when they work for and represent Council.



## 4. YARRA'S VALUES

### Yarra City Council – Organisational Values

Overall organisational performance and Councils' reputation on every level is influenced by the values operating in our workplace.

For this reason any breach of the following values will be assessed as a breach of this Code of Conduct.

### VALUES STATEMENT

We aim to achieve the greatest outcomes for the community through delivering our Council Plan and working with, and for, all in Yarra. Our values guide our conduct and working relationships with colleagues and the community.

**RESPECT**

Understanding.  
Empathy.  
Courtesy.

- We celebrate diversity and value different opinions, views and working styles.
- We seek to understand expectations and differing needs, then respond appropriately.
- We promote a safe, inclusive and empowering work environment.
- We are accepting of other people's differences and treat them with dignity.
- We demonstrate empathy and a commitment to social justice.
- We talk to people about decisions that will affect them as early as possible.

**INTEGRITY**

Honesty.  
Fairness.  
Transparency.

- We communicate clearly and apply policies and procedures with discretion, judgement and sensitivity for equitable outcomes.
- We put the organisation's benefit before our own.
- We say what we mean and we do what we say.
- We take personal responsibility for the reputation of Yarra City Council.
- We foster open and honest communication.
- We are culturally aware and reflect this awareness through decisions that are considered, consultative and respectful.
- We speak up in support of our values.

**ACCOUNTABILITY**

Ownership.  
Leadership.  
Initiative.

- We take responsibility for our actions and welcome feedback.
- We follow through on obligations and commitments promptly, and willingly achieve agreed goals and standards.
- We take ownership of the impact of our actions both positive and negative, and learn from our mistakes.
- We act and respond proactively to ensure our team and organisational goals are met.

**TEAMWORK**

Support.  
Collaboration.  
Encouragement.

- We acknowledge we are one organisation in which every person plays an important role.
- We build positive working relationships across all teams and groups and in our interactions with the wider community.
- We engage our colleagues, value their experiences and share our resources.
- We celebrate each other's successes.
- We are flexible between individual and team needs and organisational priorities.
- We strive to bring out the best in others.
- We care about the wellbeing of our team members and peers.
- We collaborate with others to achieve joint outcomes.
- We share knowledge, ideas and expertise.

**INNOVATION**

Lead.  
Learn.  
Improve.

- We tackle challenges and try new things.
- We strive for a learning culture, we embrace change and are not hampered by fear.
- We learn from our actions and experiences. We seek and provide feedback.
- We further develop our knowledge and skills.
- We foster a culture of continuous improvement.
- We challenge the status quo and seek new ways to better our work practices.
- We analyse trends and keep abreast of relevant policy agendas to maximise opportunities.
- We create space for ourselves, and others, to think creatively and look beyond the obvious.
- We recognise and reward creative thinking.

**SUSTAINABILITY**

Environmental.  
Economic.  
Social.  
Cultural.

- Our long-term vision guides our investment in the future, to promote the health and resilience of our organisation and our community.
- We are sensitive to the interconnected needs of our community and environment.
- We act to build a resourceful, resilient and sustainable community.
- In our decision making and our actions, we minimise negative impacts and maximise positive contributions.
- We work to conserve the resources of the organisation and the municipality.

Every employee can have confidence that no one is exempt and all are answerable to our values and this Code of Conduct.

We acknowledge the importance of leaving no room for doubt or question regarding our conduct.

As employees of Yarra City Council, we are committed to adhering to our organisational values and the requirements of this Code of Conduct.

#### 5. RELATED LEGISLATION/STANDARDS/CODES OF PRACTICE

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This code refers to the following legislation:

- Local Government Act 1989 (Vic)
- Occupational Health and Safety Act 2004 (Vic)
- Equal Opportunity Act 1995 (Vic)
- Human Rights and Equal Opportunity Act 1986 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Freedom of Information Act 1982 (Vic)
- Fair Work Act 2009 (Cth)
- Yarra City Council Enterprise Agreement 2013–2017



## 6. DEFINITIONS

### Code of Conduct

Principles, values, standards or rules of behaviour that guide the decisions, procedures and systems of an organisation in a way that (a) contributes to the welfare of its key stakeholders and (b) respects the rights of all constituents affected by its operations.

### Direct manager

Includes team leaders, supervisors, coordinators, managers, unit managers, assistant managers, directors or the chief executive.

### Staff

Council staff include the Chief Executive Officer (CEO), senior officers, senior executive officers, directors, managers, full-time, part-time and casual staff employed by the CEO to enable Council's (or the CEO's) functions to be performed. For the purposes of this code, staff also includes work experience students, graduate placements, agency staff, representatives, agents and partner organisations, contractors working in house and other third parties. For the purposes of this code, employees and staff are considered the same thing.

### Workplace

Is any place where a person attends for the purpose of carrying out any function in relation to their employment or engagement with Council. It also includes any work-related conferences, work functions or business trips.

### Chief Executive Officer

The person appointed by Council to be its Chief Executive Officer or any person acting in that position.

### Councillor

A person who holds the office of Councillor as defined in the Act.

### Pecuniary interest

An interest consisting of, given or exacted in money or monetary payments.

### Indirect pecuniary interest

An interest which results from a domestic partner, spouse or associate having a financial or monetary interest in a contract or matter relating to an employee or Councillor.

### Interest

Receiving (or having a reasonable expectation of receiving) a direct or indirect pecuniary or non-pecuniary benefit.

### The Act

The Local Government Act 1989 and any supplementary amendments or inclusions to the Act.



**Misconduct or unsatisfactory behaviour**

Unsatisfactory behaviour relates to the employee's conduct and attitude. Unacceptable behaviour or misconduct can be, but is not limited to:

- failing to follow established organisational policies, procedures and standards (can relate to both 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 supervisors/managers
- failing to work cooperatively with colleagues and managers.

**Serious misconduct**

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 and alcohol use
- 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 harassment or discrimination.

## 7. RESPONSIBILITIES

### As staff we must:

- Serve people courteously, fairly and effectively.
- Exhibit the highest standards of professional behaviour, including working conscientiously and competently in a polite and helpful manner.
- Follow through on obligations to individuals and the community, and keep them informed of progress.
- Act with good judgement and the required knowledge of the regulations and legislation that affect Council's activities.
- Perform our duties in a principled way and with a sense of responsibility for the results of our actions.
- Comply with the provisions and purpose of the Local Government Act 1989.
- Advise our direct manager, Equal Employment Opportunity (EEO) contact officer or People and Culture if we witness, or are aware of, breaches of any laws or acts of serious misconduct.
  - o Where a breach of the laws or an act of serious misconduct are proven and it is also proven that other staff were aware but did not properly advise one of the above management representatives within a reasonable timeframe, these staff will be considered as being in breach of this code and dealt with according to the Staff Disciplinary Policy and Procedure.

- Follow any lawful directions given by a person authorised to do so. If a direction is unclear we will ask for more information in order to fulfil our duties. If we believe the direction could be unlawful or unethical or contradict the organisation's values, then we should ask a more senior manager for guidance.
- Avoid the appearance of improper conduct or poor performance of duties at public functions when we are representing Council. The way we behave at public functions reflects on the Council.
  - o Employees should not consume excessive alcohol or attend unsuitable entertainment when representing Council.
  - o At events or promotional functions hosted by other organisations, employees should make sure their conduct adds to the good reputation of the organisation.
- Complete e-learning or alternative on all of the legislated requirements contained within this code within three months of commencing of employment and every two years thereafter.

**Direct managers must:**

- Promote best practice in leadership and management, and prioritise employee performance management.
- Foster a culture that drives innovation, improves productivity and recognises and rewards excellent outcomes.
- Apply empathetic people management skills to bring out the best in employees and prioritise their wellbeing.
- Educate employees about diversity's role in strengthening our workplaces and communities.
- Promote respect for the impact of decisions on the lives of employees and the community.
- Understand any legislation and statutory requirements that relate to their duties.
- Only direct staff in a manner that complies with relevant legislation.
- Make sure their advice and decisions are based on sound information and formed in a principled and honest manner.
- Ensure that the teams they are responsible for are clear about what is required of them and that they have the information and training needed to perform their duties in accordance with legislation and regulations.
- Understand that although direct managers may delegate tasks and duties to other employees, they are still responsible for the quality of work and the productive use of employees' time.

## 8. WORKING WITH CHILDREN – CHILD SAFETY AND WELLBEING

- Implement policies and decisions in an impartial manner and consider whether their decisions are in accordance with the provisions and purpose of the legislation that relates to their functions and this code.
- Conduct themselves as an example of ethical practice and principled actions.

As staff at Yarra City Council, we are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.

All staff are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- adhering to Yarra City Council Child Safe Policy at all times
- taking all reasonable steps to protect children from abuse
- treating everyone with respect
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)

- promoting the safety, participation and empowerment of children with disabilities (for example, during personal care activities)
- ensuring as far as practicable that adults are not left alone with a child
- reporting any allegations of child abuse to management and ensuring any allegation is reported to the police or child protection
- reporting any child safety concerns to management
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them

**Staff and volunteers must not:**

- develop any 'special' relationships with children that could be seen as favouritism (for example, offering gifts or special treatment specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example, inappropriate sitting on laps. Sitting on laps could be appropriate sometimes, for example while reading a storybook to a small child in an open plan area)
- put children at risk of abuse (for example, by locking doors)
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children

- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, because of their culture, race, ethnicity, disability or any other protected attribute
- have contact with a child or their family outside of our organisation without our child safety officer's knowledge and/or consent (for example, babysitting). Accidental contact, such as seeing people in the street, is acceptable
- have any online contact with a child or their family (unless necessary, for example providing families with newsletters)
- ignore or disregard any suspected or disclosed child abuse.



## 9. OCCUPATIONAL HEALTH AND SAFETY/DUTY OF CARE

Council, in accordance with the Occupational Health and Safety Act 2004 (Vic) ('the OHS Act'), is committed to providing and maintaining a safe and healthy work environment wherever reasonably practicable for employees, contractors and visitors at all Council workplaces.

Staff at all levels have legal responsibilities under the OHS Act. In particular, direct managers are responsible for providing and ensuring a safe workplace. Staff at all levels must always consider their own safety and the safety of others whilst at work.

We are all responsible for:

- following safety policies, guidelines and procedures
- reporting any unsafe work practices or environments
- following all reasonable directions on safety
- using any protective clothing or other personal protective equipment provided.

Council has developed and documented policies, procedures and instructions in relation to a wide number of OHS matters, including WorkCover, rehabilitation, specific hazard identification, risk assessment, risk control and accident reporting.

**As staff of Yarra City Council we will diligently adhere to all OHS policies, procedures or instructions written or otherwise, and note that breaches may constitute misconduct.**

These policies and procedures are available on the intranet. For further information or assistance please contact your manager or the OHS Unit in People and Culture for further information.

## 10. ANTI-BULLYING

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Not all behaviour that makes a person feel upset or undervalued at work is classified as workplace bullying.

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers.

A single incident of unreasonable behaviour is not considered to be workplace bullying, however it may have the potential to escalate and should not be ignored.

Reasonable management action taken in a reasonable way is not considered workplace bullying.

It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

Examples of reasonable management action can include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours where the requirements are reasonable
- transferring a worker for operational reasons
- deciding not to select a worker for promotion where a reasonable process is followed
- informing a worker of their unsatisfactory work performance
- informing a worker of their unreasonable or inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- taking disciplinary action including suspension or termination of employment.

## 10.1 ANTI-BULLYING POLICY

Council is committed to providing a workplace free from bullying and harassment, and has developed the Anti-Bullying Policy to ensure this is achieved. This policy further details physical, verbal and non-verbal bullying behaviours, occupational violence, sources of occupational violence and what you should do if you believe bullying is occurring.

**As staff of Yarra City Council we will diligently adhere to the Anti-Bullying Policy, procedures or instructions written or otherwise, and note that breaches may constitute misconduct.**

These policies and procedures are available on the intranet. All employees are required to comply with the Anti-Bullying Policy. For further information please contact People and Culture.

## 11. EQUAL OPPORTUNITY

The Yarra City Council is committed to access and equity for all its employees. This includes providing equal access to jobs and development opportunities, and ensuring there is no discrimination or harassment in the workplace.

It is against the law to discriminate or harass anyone because of their age, carer status, disability, industrial activity, marital status, parental status, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, gender identity or sexual orientation, the need to breast feed or personal association with someone who has (or is assumed to have) one of these characteristics. These characteristics are personal characteristics protected by law.

### Direct discrimination

Direct discrimination is when a person treats, or proposes to treat, someone unfavourably because of a personal characteristic protected by law. Direct discrimination often happens because people make unfair assumptions about what people with certain personal characteristics can and cannot do.

An example of direct discrimination is refusing to employ someone on the basis of their age.

### Indirect discrimination

Indirect discrimination occurs when an unreasonable condition is imposed that disadvantages a person with a personal characteristic protected by law. Indirect discrimination happens when a workplace policy, practice or behaviour seems to treat all workers the same way, but it actually unfairly disadvantages someone because of a personal characteristic protected by law.

An example of indirect discrimination is requiring all employees to attend a morning meeting each week at 7am. This may appear to treat everyone equally however, it may disadvantage employees with family or caring responsibilities. If the requirement is not reasonable, this is indirect discrimination.

We recognise that our staff and their work suffer if they feel someone is treating them unfairly, discriminating against or harassing them.

**As staff at Yarra City Council we are all required to acknowledge and support the above principles to ensure everyone at Yarra can work in an environment that is free from discrimination and harassment where there is:**

- recognition and acceptance of equal opportunity
- a safe and respectful working environment
- a fair process for dealing with complaints.

Council's Equal Opportunity Policy and Equal Employment and Anti-Discrimination Policy are available on the intranet. All employees are required to comply with these policies. For further information please contact Employee Relations in People and Culture.

## 12. GOVERNANCE

### Good governance

Good governance is about the processes for making and implementing decisions. It's not necessarily about making 'correct' decisions, but about the best possible process for making those decisions. Good decision-making processes, and therefore good governance, share several characteristics. All have a positive effect on various aspects of local government including consultation policies and practices, meeting procedures, service quality protocols, Councillor and officer conduct, role clarification and good working relationships.

The primary role of Council is, under the direction of the elected Councillors, to govern the municipality in accordance with a range of local, state and federal legislation. Council has developed a set of policies and procedures to assist staff and Councillors in achieving good governance and carrying out day-to-day duties in accordance with legislation and policies. These include, but are not limited to:

- Fitness for Work Policy
- Fraud and Corruption Control Policy
- Corporate Records Management Policy
- Local Government Privacy Guideline
- Staff Gifts, Hospitality Disclosure Policy.

This Code of Conduct should be read in conjunction with all Yarra City Council policies as located on the intranet in the Policy Management Framework.

## 12.1 PRIVACY/ CONFIDENTIALITY

As staff of Yarra City Council we are required to adhere to the privacy commitments stated in Council's Privacy Policy and Health Records Policy, the Privacy Act 2000, and Health Records Act 2001.

This includes:

- not using or disclosing private information about Council or any person you have come in contact with as a result of your job
- not using or disclosing any private information that either yourself or Council has collected
- preventing the use or disclosure of any such confidential information
- returning all confidential information belonging to Council if you leave the organisation.

Requests for access to health information, information not publicly available or information containing references to third parties must be processed under the Freedom of Information Act 1982. Any questions or requests are to be referred to the Group Manager – CEO's Office.

## 12.2 WORKING WITH COUNCILLORS

The Local Government Act 1989 provides for Council to appoint and direct the Chief Executive Officer, who in turn is responsible for the organisation. Councillors may not direct members of staff to perform duties or undertake specific actions. Any Councillor requests should be directed through your director or executive or the formal Mayor and Councillor request process.



### 13. CONFLICT OF INTEREST

Staff may have private interests that conflict or may be perceived to conflict with the interests of Council. These interests must be declared. Conflict of interest provisions can be complex and you are encouraged to seek advice from your manager or governance if you have any questions.

Under the Act, a member of council staff has a conflict of interest in respect of a 'matter' if he or she has a direct interest or an indirect interest in the matter.

A 'matter' means a matter with which a member of council staff is concerned and that will require a power to be exercised, or a duty or function to be performed, or a decision to be made.

#### **Direct interest in a matter**

A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This includes where there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms or that the residential amenity of the person will be directly affected, if the matter is decided in a particular way.

#### **Indirect interest in a matter**

Indirect interests fall within the following five classes.

- **An indirect interest by close association**  
A person has an indirect interest by close association in a matter if:
  - o a family member of the person has a direct interest or an indirect interest in a matter
  - o a relative of the person has a direct interest in a matter
  - o a member of the person's household has a direct interest in a matter.
- **An indirect financial interest**  
A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter. This includes:
  - o if the person has a beneficial interest in shares of a company or other body that has a direct interest in the matter (except if a person, and family members of the person, hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10,000 and the total value of issued shares of the company or body exceeds \$10 million, the person's indirect financial interest is not a conflict of interest)
  - o if the person is owed money from another person and that other person has a direct interest in the matter (except if the other person is an authorised deposit-taking institution)

- **An indirect interest because of conflicting duties**

A person has an indirect interest in a matter because of a conflicting duty if the person:

- o is a manager or a member of a governing body of a company or body that has a direct interest in a matter
- o is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter
- o is a trustee for a person who has a direct interest in a matter.

A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in the points above and, in that position or role, dealt with the matter.

Whether or not your duties relate to the matter in question does not alter the situation. Your duties may not relate in any way to the particular matter, but just the fact that you have duties to the relevant person or organisation creates a situation of conflicting duty.

- **An indirect interest because of receipt of an applicable gift**

An 'applicable gift' means one or more gifts (including hospitality) with a total value of \$200 or more, received from a person or persons specified below, in the five years preceding the decision or the exercise of the power, duty or function.

A person has an indirect interest in a matter if the person has received an applicable gift, directly or indirectly, from:

- a person who has a direct interest in the matter
- a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter
- a person who gives the applicable gift to the person on behalf of a person, company or body that has a direct interest in the matter.

The only exemption to the above relates to receiving hospitality from not-for-profit organisations. Council employees do not have a conflict of interest if they only accepted reasonable hospitality provided to them by a not-for-profit organisation at a function or event that they attended in an official capacity.

A 'not-for-profit' organisation means a body or organisation that:

- operates exclusively for charitable, civil or other social purposes
- does not share or allocate the funds or profits of the body or organisation with the owners, shareholders or executives of the body or organisation.

Staff are advised to check with their direct manager before accepting hospitality from any organisation.

### An indirect interest as a consequence of becoming an interested party

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.

When considering whether you have a conflict of interest, the question to ask is whether an outside observer would consider the interest could affect the ability of the person having to deal with the matter impartially.



### Disclosure requirements

As staff of Yarra City Council we must notify our direct manager if we consider that we have an interest or there is the possibility of one arising, in relation to a matter that is in conflict with our public duty. We will do this as soon as the interest or potential interest is identified.

Direct managers will then determine whether the interest or the circumstances of the person could be perceived as compromising their capacity to carry out their duties.

Once the direct manager has determined whether there is an interest, they may:

- reorganise the duties of the person so as to remove them from participation in the matter leading to the interest
- put in place a process which will ensure that the person will perform their duties impartially and notify the person of this and make a record of the declaration of the interest
- require the employee to cease the activity that gives rise to the conflict.

If the direct manager considers the interest would interfere with the performance of the employee's duties, then the manager must take steps to make sure the person with the interest is not part of any discussions or deliberations in relation to the matter.

**Council staff with a delegated power, duty or function**

An employee that has a direct or indirect interest in a matter in which they have a delegated power, duty or function of the Council under the Act or another act, must not exercise the power or discharge the duty or function. In addition to notifying their manager of the conflict, all employees in this category must also disclose the class and nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest.

**Employees and persons providing advice**

Employees and persons engaged under a contract to provide advice or a report to a meeting of a council or a special committee, who have a direct or indirect interest in a matter to which the advice or report relates, must disclose the class of interest when providing the advice or report and before the advice or report is considered by the council or the committee.

**Failure to disclose interests**

Failure to disclose interests will be considered a breach of this code. Depending on the nature of the breach, sanctions will vary from counselling, use of disciplinary procedures, suspension, civil action or reporting of actions to enforcement authorities. This applies to employees and includes a direct manager's failure to act if they have the knowledge.

**Additional disclosure requirements for senior officers**

In addition to the disclosure requirements above, the Act requires senior officers (any employee whose total remuneration is greater than \$120,000 per annum) to declare interests within 30 days of being employed or becoming a senior officer. These employees must complete a register of interests: primary return, which can be requested from the governance team.

Following receipt of the primary return the senior officer must complete, within 40 days of 30 June and 31 December each year, a register of interests: ordinary return.

**Gifts, favours and hospitality**

All staff are required to make themselves aware of, and comply with, the requirements of the Governance – Staff Gifts, Hospitality Disclosure Policy.

The Governance – Staff Gifts, Hospitality Disclosure Policy must be read in conjunction with this code and any breaches of the policy will be treated as such.

#### 14. OFFICIAL INFORMATION

By virtue of their duties, Yarra staff frequently access, otherwise deal with, and/or are aware of, information about issues, facts and circumstances that they know, or where a reasonable person in the circumstances would know, needs to be treated as confidential.

Yarra staff will not access or attempt to access official information other than in connection with the performance by them of their duties and/or as authorised.

Yarra staff will not disclose official information acquired through the course of their employment other than is required by law or where appropriately authorised in the agency concerned.

Yarra staff will not misuse information gained in their official capacity, including, but not limited to:

- purchasing shares or other property on the basis of confidential information about the affairs of a business or of a proposed government action
- seeking to use information for personal benefit or gain or for the personal benefit or gain of another.

Yarra staff will maintain the integrity and security of official information for which they are responsible. Staff will also ensure that the privacy of individuals is maintained and will only release information in accordance with relevant legislation, industrial instruments, policy or lawful and reasonable direction.

#### 15. OUTSIDE EMPLOYMENT

Yarra staff must not engage in employment or other remunerative activity outside of their Yarra employment where the activity conflicts with, or has the potential to conflict with, their role as a Yarra staff member, or if the performance of such outside employment or activity might affect their capacity to perform their Yarra duties.

Yarra staff will obtain written permission from the CEO or delegate before engaging in any outside employment or remunerative activity (including any employment, work or service for which payment is made by way of pay, salary, honorarium, commission, fee, allowance or other reward).

In general, it is not necessary for staff to obtain permission to involve themselves in or undertake voluntary or unpaid activities or paid recreational activities (for example, sport coaching) unless there is an actual or potential conflict of interest between such activity and their duties and/or role as a Yarra staff member.

Yarra staff who leave Yarra to work with a non-government employer will avoid situations which would result in an unfair advantage for their new employer. This holds particularly in the case where the employer is bidding for a local government contract or is competing for a grant or similar disbursement of public moneys.



## 16. CRIMINAL OFFENCES

If a staff member is charged with a criminal offence they must advise their manager at the earliest possible opportunity (or if their manager is not available, someone in People and Culture) about the details of the charge. The manager, in consultation with People and Culture, will review any connection between the alleged offending conduct and the staff member duties, role, position or status.

## 17. SOCIAL MEDIA

Access to social media at work is provided to assist staff in their work (for example, research, monitoring issues, marketing and promotion). While a “reasonable” amount of personal use of social media is permitted at work (such as in break times), it should not be excessive and should not interfere with a staff member’s work.

The Social Media Policy and the Code of Conduct apply to staff when they are interacting with social media at work and at home.

Staff must take care that their personal use of social media does not in any way damage the reputation of Council or breach any part of our Social Media Policy or this code. Staff should familiarise themselves with the Social Media Policy, which is available on the intranet. Staff without access to the intranet can get copies of these policies from their managers.

## 18. INFORMATION MANAGEMENT

The storage of information and the means for moving information as well as the treatment of information, must meet the highest standards of probity.

As employees our handling of information carries with it a responsibility to be diligent in the appropriate security and handling of information.

## 18.1 RECORDS

Council is required under the Public Records Act 1973 to manage the records it produces and receives in line with standards set by the Public Records Office of Victoria (PROV). To comply with these standards, the Council has established a corporate records management program to manage both paper and electronic records. TRIM is the primary electronic document and records management system for managing both physical and electronic records across Council. There are also other record keeping systems where Council records are stored and managed for various business functions.

**As staff of Yarra City Council we must ensure that the records we create and receive, which document Council business decisions and activities, are stored within TRIM or where applicable, another record keeping system.**

Council records can only be legally disposed of under one of three processes as defined under the PROV disposal standard:

1. Destruction of records under the principle of Normal Administrative Practice (NAP).
2. Destruction of records covered by a Retention and Disposal Authority (RDA).
3. Specific authorisation to destroy records not covered by NAP or an existing RDA.

Any queries about the management or disposal of records should be made to Corporate Records.

## 18.2 TECHNOLOGY

Council has a User Security Policy (including email and internet terms and conditions of use) to assist you when using email and the internet. Council requires all staff who have access to Council's IS network to act in a responsible and ethical manner and to adhere to the terms and conditions laid out in this policy which includes information about:

- processing and storing corporate knowledge and memory
- handling Council information
- access and using Council information
- ethical conduct in relation to using the system
- protection of confidentiality
- use of passwords
- instructions for use of the IT equipment, including designated drives
- internet browsing limitations
- use of the email system.

Council has legal ownership of the contents of all files stored on the organisation's network, as well as all messages transmitted via these systems. You should know and understand that management reserves the right to:

- examine electronic mail, personal file directories, hard disk drive files, and other information stored on Council's IS network
- monitor and read messages sent over Council's email systems
- take action in the case of any breaches of policy.

## 19. GENERAL WORKPLACE STANDARDS

The way we present and conduct ourselves is a significant factor in how we are perceived by those external and internal to Council. We all have an important role to play in making sure Council is viewed as a professional, mature and contemporary organisation. Our appearance, public image, presentation and integrity must always beyond reproach.

### 19.1. REPORTING UNETHICAL BEHAVIOUR

Yarra staff will report to their direct manager workplace behaviour that a reasonable person would suspect violates any law, is a danger to public health or safety or to the environment, or amounts to misconduct. This obligation does not derogate from the obligations on Yarra staff under the directions and guidelines issued by the Independent Broad-based Anti-Corruption Commission (IBAC).

Yarra staff who are potential witnesses, or are otherwise capable of assisting, will actively cooperate and assist with any investigation into the suspected or alleged conduct of another Yarra employee that, if proven, would amount to misconduct (including corruption and maladministration as defined in the Independent Broad-based Anti-Corruption Act 2011) and any other processes relating to the management of such suspected or alleged conduct. This obligation does not impact upon the right against self-incrimination of employees suspected of committing or alleged to have committed misconduct.

### 19.2. PUBLIC IMAGE AND APPEARANCE

While at work or on Council business, we are required to look professional, be tidy in our appearance, wear clothing, footwear and apparel that is neat, clean, practical and appropriate, and be professional in everything we do. This also applies to when we are present as a member of staff at any event held on Council premises.

Some examples of an inappropriate public image or appearance might include, but are not limited, to the following:

- presenting to work visibly hungover and smelling of alcohol
- engaging in aggressive behaviour on the road to or from work (including road rage) while being identifiable as a member of staff
- inappropriate attire. Casual Friday is not exempt. The "smart casual" standard is what is expected on such days. Thongs, sandals, sporting or board shorts and singlets are not professional or appropriate workplace attire. If you are in any doubt dress up, not down, and check with your direct manager.



### 19.3. APPROPRIATE USE OF COUNCIL RESOURCES

Resources must be used efficiently when planning or delivering projects and business activities.

Council encourages staff to:

- think imaginatively about alternatives
- seek suppliers whose practices are also sustainable
- use and maintain existing assets and resources with care.

Assets must be used effectively and stored securely so that they perform well over a reasonable life span.

**As staff of Yarra City Council we acknowledge that Council will take action against any employee who steals, misappropriates, or converts Council, community or customer assets to private use.**

Direct managers must ensure that there are suitable practices in place for the use of assets, so that, where it is appropriate, employees should obtain authorisation to use them. They should also ensure that assets and equipment are secure and well maintained.

The Council's assets and resources are there for Council purposes. They may be used for private purposes only if they are supplied as part of a contract of employment (such as a mobile telephone or personal computer) or if a direct manager authorises the use and payment is made.

- Irrespective of your assessment of the significance, always check with your direct manager about vehicle use that is not clearly for Council work purposes.
- Actively avoid excessive personal or private use of a Council phone.
- Do not allow access of friends or family to Council sites, equipment or information for private use.

Direct managers may delegate day-to-day administration for the use of equipment to other employees but they are still responsible for Council assets as recorded in Council's asset register.

If an asset is damaged, the manager named as responsible in the asset register should be notified so that they can arrange for its repair or replacement. Some kinds of damage may be subject to an insurance claim and in this case the manager should inform Risk, Audit and Procurement as soon as possible. If an asset is lost, the manager must notify the Manager, Engineering and Asset Management who will look for it or notify Risk, Audit and Procurement of its loss.

Some examples of inappropriate use of Council resources might include but are not limited to the following:

- using your 'commuter use' work vehicle for private uses other than on the way home or to work
- downloading or streaming of music and or movies for private use using your work PC, laptop or mobile phone
- using Council equipment or material to help on a project at home or at a friend or family members house for example, driveway ash felting, handyman tasks.

## 20. PERSONAL CONDUCT

Our image in the workplace and in public is important. All employees are expected to present professionally and be punctual to work and meetings, and perform our duties effectively and in a manner that promotes a productive and harmonious work environment.

As staff of Yarra City Council we must act:

- honestly in the performance of official duties at all times
- with reasonable care and diligence in the performance of official duties
- in a professional manner at all times in the performance of official duties
- in a way that generates trust and confidence in the Council from our colleagues and the public
- in a reasonable, just, respectful and non-discriminatory way when dealing with all people
- in a way that ensure that personal interests, including financial interests, do not influence or interfere with the performance of our role
- to know who our customers are, understand their needs, and take their views into account
- to recognise and value internal and external customers equally
- to go the extra mile in order to deliver the best outcomes
- to provide honest and objective advice and carefully implement direction without undue delay
- to encourage people from other teams and organisations to work with us to achieve the best possible outcomes

- to embrace responsibility and deliver on commitments to colleagues and leaders
- to identify and understand the situation, feelings, and motives of our associates
- to appreciate openly that people have different backgrounds, circumstances, needs, and capabilities
- to listen considerately to colleagues, customers, clients, stakeholders, and partners.

Some examples of inappropriate personal conduct might include (but are not limited to) the following and therefore we must not:

- discriminate in any way shape or form
- ignore potential bias in decision making
- inappropriately comment on a person's appearance
- display mockery, derision, scorn, scoffing, contempt, jeering, sneering, teasing, taunts or sarcasm
- refuse to follow a lawful and reasonable direction from a supervisor or direct manager
- use a process or procedure as an excuse for stalling or handballing an issue
- provide lower standards of service to customers who are employed at Yarra
- refuse to listen to, or act upon, complaints about poor service
- accept underperformance, or tolerate, and thereby promote, bad attitudes
- accept ineffective practices when outcomes could clearly be improved
- tolerate a difference between what is said and what is done among colleagues or leaders

## 21. COMPLYING WITH THE CODE

- tolerate or fail to report unethical behaviour or misconduct
- ignore the evidence, or manipulate it, to justify a pre-determined decision
- Take a “one size fits all” approach to working with people.

In the case where someone does not comply with this code and related documents, or if their behaviour is deemed improper or unsatisfactory, a process will be initiated in accordance with Council’s Disciplinary Policy.

Depending on the nature and impact of the breach, remedies may include informal or formal counselling, the provision of additional support, internal investigation, formal written or verbal warnings, suspension or termination of employment with Council.

In the case of contractors, volunteers or other representatives, breaches will be dealt with under the terms and conditions set out in their contract of engagement.

## 22. ACCESS TO THE CODE

It is important that all staff receive comprehensive education about the Code of Conduct and can easily access the code.

### 22.1. ACCESSIBILITY AND WRITING A CODE OF CONDUCT

The Act requires that codes of conduct be developed and accessible to staff and states that codes should be “drafted in positive terms using a personal tone and plain English”. The Victorian Ombudsman in 2008 urged “that each council provide a clear statement, in simple language, of the obligations of officers”.

### 22.2. ACCESSIBILITY AND CURRENCY – INTERNET AND INTRANET

The most recent version of this code will be available on the intranet. Hard copies of the code will be made available for staff who do not work at computer work stations.

#### Further Information

For further information about the Code of Conduct contact People and Culture.

## YARRA CITY COUNCIL DIVERSITY AND INCLUSION STATEMENT

Yarra City 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 identify as gay, lesbian, bisexual, transgender, intersex and queer.

We draw pride and strength from our diversity, remain open to new approaches and actively foster an inclusive workplace that celebrates the contribution made by all our people.



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