



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

Code of Conduct for Employees Policy

Document Control

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1. Origin / Authority

Wujal Wujal Aboriginal Shire Council

2. Purpose and Scope

As employees of a public organisation, Wujal Wujal Aboriginal Shire Council (Council) and our behaviour frequently comes under close scrutiny, meaning that Council employees must all behave ethically and with integrity, consistent with laws made by both the State and Commonwealth Governments. In addition, we are bound by:

- (a) ethical principles in the *Public Sector Ethics Act 1994*;
- (b) local government principles in the *Local Government Act 2009*; and
- (c) sound contracting principles in the *Local Government Act 2009*.

A Code of Conduct is a set of standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgement while at work.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us. Nothing in this Code interferes with your rights as a private citizen or a resident.

The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations it does not cover. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your colleagues, your supervisor/manager and by Council.

A 'Guide for ethical decision-making' is included in the Code to help you in situations not covered by this Code of Conduct.

3. Policy Statements

Ethics Principals

The four Ethics Principles, as established in the *Public Sector Ethics Act 1994*, are fundamental to good public administration, guide our behaviour as public officials and form the basis of this Code of Conduct. These principals are:

- Principle 1: Integrity and impartiality
- Principle 2: Promoting the public good
- Principle 3: Commitment to the system of government
- Principle 4: Accountability and transparency

The *Local Government Act 2009* sets out the way in which a local government is constituted and the nature and extent of its responsibilities and powers.

The *Local Government Act 2009* requires that a council's actions are consistent with the following local government principles:

- (a) transparent and effective processes, and decision-making in the public interest
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services
- (c) democratic representation, social inclusion and meaningful community engagement
- (d) good governance of, and by, local government and
- (e) ethical and legal behaviour of councillors and local government employees

3.1 Principal 1 - Integrity and Impartiality

3.1.1 Ethic Value

In recognition that working for Council involves public trust, employees are expected to promote public confidence in the integrity of Council and:

- (a) are committed to the highest ethical standards; and
- (b) accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and
- (c) show respect towards all persons, including employees, clients and the general public; and
- (d) acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and
- (e) are committed to honest, fair and respectful engagement with the community.

3.1.2 Standard of Conduct

a) Behaviour towards each other

We must all treat others with trust, respect, honesty, fairness, sensitivity, and dignity.

Council values diversity and expects all employees to accommodate and respect different opinions and perspectives, and to manage interpersonal disagreements in a rational manner. Employees must not behave towards any other person in a way that could be perceived as disrespectful, rude, intimidating, overbearing, or harassing. This includes use of inappropriate language, spreading gossip or rumours about others and sending emails which contain inappropriate material.

Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work co-operatively with fellow employees and actively and willingly take part in team activities.

Working with others means that employees must be conscious of their behaviour and how it impacts on others.

Conversation amongst employees that is negative and critical of the actions or decisions of Council is not acceptable. A condition of an employee's appointment is that they accept the decisions of the elected Council and carry out its wishes to the best of their ability. Negativity is detrimental to performance and can have a negative effect on others.

b) Conflict of Interest

When making decisions, employees must declare any conflicts of interest that could affect their objectivity in carrying out their duties. A conflict of interest involves a conflict between an employee's official duties and responsibilities in serving the public interest and their private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends.

If employees believe or are in any doubt that they have a conflict of interest, whether real, potential, or perceived, they must report this in writing to their manager promptly who will provide further direction on how to resolve the matter giving rise to the conflict of interest.

Until the matter is resolved, employees must make sure they are not part of any decision-making processes related to the matter.

If employees feel they have a conflict between professional and corporate values, they should also discuss it with their manager.

c) Influences on Decision Making

Employees should make decisions and make recommendations in an impartial manner with the prime aim of promoting the public interest and achieving best value for money. Employees must be seen to act impartially, as even the appearance of bias may damage Council's reputation and its ability to act effectively within the local community.

Employees must not knowingly provide false or misleading statements or assessments of the merits or performance of a person or organisation.

Employees must not influence any person in an improper way to try to obtain any advantages or favours.

Employees must not deliberately mislead decision-makers by providing them with false, biased, incomplete, or inaccurate information.

All decisions employees make must be, and be seen to be, fair and transparent. This can be achieved by:

- following Council's procedures, policies, and processes
- keeping clear, accurate and complete records
- recording how and why decisions were made and
- saving records on Councils record management system in accordance with the established process

Employees must not in any way misrepresent their qualifications, experience, expertise, or authority, which includes during a recruitment process.

A guide to ethical decision-making is contained in section 6 and should be used to guide decision making.

(i) Accepting gifts and benefits

Employees must not ask for a personal payment, gift, or other benefit for doing something as a Council employee.

Employees can accept gifts or benefits in certain circumstances; however, they must not accept any gifts or benefits if there is a possibility that in doing so, they could create a real or perceived conflict of interest.

Employees cannot accept cash or any item that is readily convertible to cash.

Employees are required to formally declare any gifts and benefits they receive to their manager, no matter what the value or nature of the gift or benefit is. These should be declared on the register of gifts and benefits in accordance with Council policy.

Your manager can advise you about the receipt of gifts, gratuities and benefits and advise on the requirements of Council policy.

(ii) Employment outside Council (including operating a personal business or hobbies/pastimes with a relationship with Council business)

Generally, employees can undertake a second job, operate a business, or be involved in commercial interests outside their role with Council (secondary employment) provided:

- that no conflict of interest or potential conflict of interest exists between private employment and official duties; and
- that the private employment has no negative effect on the performance of official duties.

Employees must seek written approval from the Chief Executive Officer before commencing any secondary employment not associated with Council duties. Approval will not be unreasonably withheld.

In considering requests to undertake secondary employment, a balance must be sought between the legitimate interests of Council to protect its integrity and the rights of Council employees to lead their private lives free from unnecessary intrusion by the Council.

Approval for secondary employment will be given provided it: -

- does not provide any commercial advantage from information obtained during employment with the Council;
- does not create a real or perceived conflict of interest;
- has no effect on the performance of official duties, including effects from a safety/fatigue management perspective and possible increased risk of an illness or injury;
- does not use Council resources; and
- is not likely to bring Council's reputation into disrepute.

If employees undertake voluntary work or a hobby, they must ensure that these activities also meet the above requirements. If employees are unsure, they must discuss the matter with their manager.

d) **Public comments on Council business**

Employees are not to make public comment about Council business without prior approval of Council or in accordance with the specific requirements of their position at Council.

If employees are asked to comment on any Council matter by the media or external organisations, they should refer the agency to their manager or the Chief Executive Officer. Employees should seek formal approval before any comment is made.

This requirement may potentially include comments made and information shared by employees in personal activities such as when using personal social media.

e) **External activities**

Employees are not to take part in political affairs while on duty. The use of Council's computer systems, communications devices, internet, or email, for political messages, making public comment or circulating defamatory or disparaging remarks against individuals or groups is not permitted.

Employees are free to engage in party-political, professional, interest group, charity activities, or alike, outside of work hours. Employees must make sure that their participation in such activities does not cause a conflict of interest, and that it does not restrict or impact on the performance of their duties with Council.

If employees comment publicly about such activities, they must make it clear that the comment is their opinion as a member of those organisations.

Employees must not give their unauthorised opinion as a Council employee.

Employees must not place negative or disparaging posts or make political comments on Council's official social media channels. Employees should not make public comment on personal social media such as Facebook or Twitter regarding Council business, employees, or events.

Employees must not use their role in Council, Council information, or information gained during their duties, to advance their position or standing within an external organisation, nor for the benefit or promotion of an external organisation. Employees must not provide Council information to members of other groups or related persons, except where this information is publicly available.

Employees are the face of Council in the community. If employees identify themselves or can be identified as a Council employee, their out-of-work behaviour and personal opinions are likely to come under public scrutiny. When using social media outside of work hours, assume that material posted online can be made public at any time and may be permanent. Be aware that posts and photos may be shared by others in ways beyond their control and may reach unintended audiences. Even when material is posted anonymously or on private social media, employees must continue to uphold this Code of Conduct.

f) Speaking out in public on personal views

The rights of employees to free speech are acknowledged. Where an employee wishes to speak out in public on a matter and the Council has a different view it should be made clear that it is the employee's personal views that are being expressed and not those of Council. Any views expressed should not disparage of Council officers or representatives or the activities of the Council.

It is also important that in presenting personal views, employees do not use information gained in their role at Council or misuse information that is confidential and has not been released to the public.

Employees must not contribute to public comment on Council policy or administration unless:

- providing the information or making the comment is part of, or consistent with, the
- employee's duties or has been appropriately authorised; and
- the facts concerning the matter are not misrepresented; and
- they have proper approval from Council to make the comments.

Unauthorised release of any non-public Council information may be an offence and breach of Council policy.

Employees must recognise that taking part in a public discussion about Council policy or administration in a private capacity may be speaking from a privileged position and representative of Council.

Any Officer approached to comment on Council business should decline to comment and refer the matter to their manager or the Chief Executive Officer.

g) Confidentiality of information

Employees must preserve the confidentiality of Council's information.

If an employee is unclear about whether information is confidential or not, the employee should seek advice from their manager.

Information held by the Council must not be released to any person without the written approval of a Senior Manager or the Chief Executive Officer.

Unauthorised release of any non-public Council information is a breach of Council policy and may be an offence at law.

Employees who leave Council are obliged to respect the confidentiality of non-public Council information which they are aware of because of their employment with Council.

h) **Identifying and promoting the public interest**

When making decisions or recommendations, employees should consider the interests of all parties impacted.

When preparing reports, all facts and issues must be outlined in an objective manner so that Council can make the best decisions in an informed and appropriate manner.

Decisions and recommendations should promote the best interest of the wider community.

i) **Non-discriminatory workplace**

Council is committed to workplace equity, free from unlawful discrimination.

Employees of Council are responsible to ensure that discrimination is not part of our workplace practices.

Should employees witness discriminatory behaviour, they have an obligation to report this to their manager. If their manager is involved in the discriminatory behaviour, they should report the matter to another senior officer.

All employees must also comply with the Anti-Discrimination, Workplace Bullying and Harassment Policy.

j) **Workplace Harassment**

Council is also committed to the prevention of any form of harassment in the workplace/or associated with work activities, including at social functions. Employees are expected to proactively contribute to building a workplace that is free from harassment and respect the rights of fellow employees.

All employees must also comply with the Anti-Discrimination, Workplace Bullying and Harassment Policy.

3.2 Principle 2 - Promoting the Public Good

3.2.1 Ethics Value

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and public officials:

- a) accept and value their duty to be responsive to both the requirements of government and to the public interest; and
- b) accept and value their duty to engage the community in developing and effecting official public sector priorities, policies, and decisions; and
- c) accept and value their duty to manage public resources effectively, efficiently, and economically; and
- d) value and seek to achieve excellence in service delivery; and
- e) value and seek to achieve enhanced integration of services to better service clients.

3.2.2 Standard of Conduct

a) **Using Council assets**

Council's assets include property (physical and intellectual property), plant, equipment, information technology assets and systems, ID and access cards, goods, products, and valuables (this includes surplus material, waste material, and off-cuts). All employees share the responsibility for looking after Council assets.

Employees who oversee assets must take good care of them while they are in their possession or use, ensure they are used economically and efficiently and within their design capabilities and purpose. It is an offence to allow the unlawful destruction, damage or misuse of Council property or assets.

Employees must make sure assets in their control are secured against theft and properly stored, maintained and repaired.

Employees must abide by Council's security procedures and rules for accessing Council's assets and not allow anyone else unauthorised access to Council assets.

Employees must ensure that they use Council assets only for official Council business, unless written approval has been granted by their manager.

If employees use a Council vehicle, they must not use it for private or non-official purposes, unless those circumstances are specifically allowed by Council or prior written approval from the CEO.

When employees leave Council, they must return any Council assets they have on loan and all work-related documents.

b) Information Technology and Information Systems

Any file stored on, or information accessed using Council's information technology assets, is discoverable by Council. All devices (including personal devices) or systems connected to Council's corporate information technology network may be subject to scrutiny.

1. Employees can use Council's information technology assets for:

- accessing data, information, websites, etc. for official purposes and as necessary where it supports or informs the work they do
- limited personal use in accordance with the Council policy procedure, providing they comply with Council's rules and guidelines about acceptable use of information technology. Limited personal use means use that is infrequent and brief, and is performed during non-paid time, that is, before and after work and during lunch breaks

2. Employees can use Council's telephones, messaging systems or computer systems for:

- limited private purposes that they cannot reasonably do outside working hours. This must be done in an appropriate manner and within the scope of this Code of Conduct and other Council policy.

3. Employees must not use Council's information technology assets to:

- store large quantities of personal data or photos or non-work documents
- download, stream or store music, movies, video clips, pictures, or other material not associated with their work
- make unauthorised copies of software, music, videos, games, etc
- introduce, download or use unauthorised software
- connect any personal information technology device to Council's corporate information technology network, e.g., iPods, cameras, USB thumb drives, and mobile phones, without prior approval from Council; and/or
- access or circulate inappropriate material.

4. Employees must not download or store Council's electronic files in an unauthorised location

- e.g., on a home computer, personal USB memory stick or a personal information technology device.

5. Security Requirements:

- Employees must adhere to Council's security requirements and not attempt to bypass or modify any restriction or security measure put in place by Council or third parties.

c) **Public money**

Employees must maintain high standards of accountability if they collect and use public money.

Employees are not to borrow or use Council money for private purposes. This also applies to items such as corporate credit cards, vouchers, or taxi charge dockets.

d) **Intellectual property**

Employees must obtain written approval before arranging to publish or disclose any articles or materials they produced as part of their official duties. Any original work, invention, or product they contributed to in association with their work remains Council property.

Employees must not publish or disclose any matters relating to Council's intellectual property without appropriate authority.

Employees must respect the copyrights, trademarks and patents of suppliers and customers of Council. This requires that employees do not reproduce or quote suppliers' material unless they are authorised to do so.

Employees must not store or copy audio, video or image files, printed media, and software on Council assets without an appropriate license or approval. Where this is unclear, employees must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of their official duties.

This does not stop employees from sharing with other organisations information relating to their official duties. If information is shared, employees must make sure that this does not breach the confidentiality of Council information, its employees or its clients, or compromise Council's intellectual property rights.

Employees must also respect the intellectual property rights of individuals and organisations outside Council. For example, they must not copy, quote, or reproduce their work unless they have been given permission to do so. Where reference to the work of others is made it must cite or acknowledge the source.

Employees must not infringe Copyright Law, including the intellectual property, of any individual or organisation. For example, employees must not store or copy audio, video or image files, printed media and software without appropriate license or approval on Council assets.

e) **Personal Presentation**

Employees are expected to present a professional image always. Integral to promoting this image is the personal presentation of Council employees.

Council employees are employed in a diverse range of occupations and dress standards will reflect the requirements of work areas.

Council understands that the work undertaken by some employees may result in their clothing becoming stained. That said, employees must present for work each day in a clean and tidy manner and not wear clothing which others might find offensive.

Employees must wear personal protective clothing and equipment where required.

Should employees find themselves in a public place, and still in uniform when off duty, they must be aware that they may be perceived by others as continuing to represent Council and must act accordingly. Any corporate uniform supplied must be worn in accordance with Council's uniform policy.

If the employee is unable to wear required PPE for any reason, they must advise their supervisor immediately.

f) Concern for the environment

Council has legal responsibilities to protect and manage the environment. Council is also committed to lead the community by example by ensuring that all services and activities are conducted in an environmentally sustainable and responsible manner.

Employees must not carry out any activity that causes, or is likely to cause, environmental harm. Employees must take all reasonable and practical measures to prevent or minimise environmental harm. Employees who become aware that environmental harm has been caused or has been threatened by someone else's act or omission must immediately advise their manager.

We all share the responsibility to achieve Council's commitment to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land, and noise pollution. This includes individual responsibility for our own actions in how we dispose of waste and use and store chemicals, efficiently use energy and reduce waste, and applying high standards for environmental protection.

3.3 Principle 3 - Commitment to the system of government

3.3.1 Ethics Value

In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and public officials:

- (i) accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government; and
- (ii) are committed to effecting official public sector priorities, policies, and decisions professionally and impartially; and
- (iii) accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

These requirements do not limit the responsibility of a public service agency, public sector entity or public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy or is a customary feature of the work of the agency, entity or official.

3.3.2 Standards of Conduct

a) Acting within the law

Employees of Council are expected to comply with legislation applicable to the completion of their work, local laws, industrial instruments, Council policies, procedures, guidelines, directives, and this code of conduct.

Employees have the right and responsibility to respectfully question how work is done, particularly if they think there is an imminent risk to their safety and the safety of others, or there is a better way of doing something, or if they think that a direction may be in breach of the law. When they have recorded their suggestion or concern, they are required to work as directed by their immediate supervisor or manager. Should a matter not be resolved within the workgroup, it should be immediately referred to a higher level of management.

Employees charged with having committed any indictable offence, are subject to an indictable offence conviction, or are subject to a summary conviction, must immediately report the circumstances to their manager, which may include the details of the offence, charge and/or conviction.

b) Act in accordance with delegations and authority

Prior to exercising any power or authority, employees must ensure there exists an appropriate delegation and regulatory ability for them to take that action.

1. Raising Concerns

Employees have the right to comment on or raise concerns with their manager about Council policies, practices, or priorities where these impact on their employment. Employees must do this in a respectful, reasonable, and constructive way and take responsibility for how their comments and views are expressed. Employees should raise their concerns initially with their direct manager, in accordance with the relevant policy or procedure.

Employees must accept that Council has the right to determine its policies, practices, and priorities and that they must comply with all reasonable and lawful directions, whether they personally agree with a given policy direction or not.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with the Council's disciplinary processes.

2. Privacy

Council maintains information about individuals, businesses and commercial issues which is private and sensitive, and which could harm a person's interest if released. Employees should only access personal information and records they require to perform their official Council duties.

Employees must ensure that the collection, storage, and use of personal information is done so in accordance with the Privacy Principles outlined pursuant to the Information Privacy Act 2009.

As a general rule employees can maintain privacy by:

- not discussing work matters with persons not entitled to know such information;
- taking responsibility to safeguard confidential files and information;
- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected; and
- ensuring that they comply with Right to Information legislation and other relevant policy, in relation to maintaining privacy of personal information.

It may be appropriate to share information based on an employee's personal and professional experience. However, in sharing their experiences, employees must ensure that where personal information is involved, they don't breach Council's privacy obligations. Employees may breach this obligation even if comments are made or personal information other than their own is shared in their personal life, including via social media outlets such as 'Facebook' or 'Twitter'.

3. Appropriate relationships with Councillors

Communication between Councillors and employees must be in accordance with Council policy.

Where required employees must give Councillors advice within the scope of Council policy that is appropriate, thorough, responsive, and unbiased so that Councillors can appropriately carry out their community responsibilities. If employees are unsure on how to respond to a Councillor, they should discuss this with their manager.

Councillors may seek advice directly from the Chief Executive Officer or officers delegated by the Chief Executive Officer.

Employees should always seek advice from their manager if they have any concerns about what they are being asked to do.

Employees must not approach Councillors with queries relating to employment matters. Employees should approach their manager about any employment matter or in accordance with relevant policy.

Employees may communicate directly with Councillors on any issue affecting them as a private citizen outside of normal working hours. Employees should be clear about the difference between their actions as a private citizen and that of a Council employee.

If employees believe there is conflict between a request from an elected official and Council policies, they should refer this to their manager for advice.

4. Public comments on Council business

Should employees be asked to comment on any Council matter from any source external to Council, including the media or press, they should first obtain the approval of their manager or CEO.

3.4 Principle 4 - Accountability and Transparency

3.4.1 Ethics Value

In recognition that public trust in public office requires high standards of public administration, public service agencies, public sector entities and public officials:

- a) are committed to exercising proper diligence, care and attention
- b) are committed to using public resources in an effective and accountable way
- c) are committed to managing information as openly as practicable within the legal framework
- d) value and seek to achieve high standards of public administration
- e) value and seek to innovate and continuously improve performance and
- f) value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials

3.4.1 Standards of Conduct

a) Diligence, care and attention

Council conducts its business with integrity, honesty, and fairness, and to achieve the highest standards in service delivery. Employees contribute to this by carrying out their duties honestly, responsibly, in a conscientious manner, and to the best of their ability. This includes:

- giving priority to official duties over personal activities during work time
- helping Council achieve its mission and goals by acting to improve systems and practices
- conducting themselves in a way so others gain confidence and trust in the way Council does business and within the law, Council policy and procedures and standards
- not allowing their conduct to distract or prevent others from working
- not exposing Council to a judgment for damages against it, because of their negligence or breach of any law or ordinance
- ensuring that they carry out their work diligently, accurately, and to the required performance standards and timeframes
- proactively seeking assistance if they are experiencing difficulties with their work; and
- ensuring their personal conduct does not reflect adversely on Council's reputation.

Employees who are responsible for managing or supervising others must also ensure that:

- they model the values and principles outlined in this Code, and ensure that employees within their area of responsibility understand and comply with the Code
- they do not come under a financial obligation to any employee they supervise or manage
- their work and the work of those they supervise contributes to the achievement of Council's goals
- employee performance is monitored, and individuals are given constructive and regular feedback on their performance in line with procedures
- workloads are fairly distributed
- resourcing for a work team is neither excessive nor inadequate for the job
- employees who collect, handle or disburse public money are properly supervised
- employee work times, overtime, allowances and absences are correctly recorded on timesheets and pay summary reports, and time is accurately costed
- they do not exercise their delegations until they have considered all the necessary information and they are satisfied that all legislative or procedural requirements are met and
- appropriate action is taken if breaches of this Code occur.

b) Attendance at and absence from duty

Employees are expected to comply with Council policy relating to attendance and absence at work and leave. This includes notifying their manager of any unscheduled absences prior to the beginning of their shift (where practicable), not being absent without approval, and accurately and truthfully recording work and leave periods. Absence without approval and without reasonable excuse can create concerns for employee safety and impact productivity and efficiency of Council operations.

c) Comply with reasonable instructions

Employees are expected to comply with all reasonable and lawful directions within their skill and capability. Employees must comply with the requirements of this Code of Conduct, legislation and other guidelines about conduct which may be embodied in a variety of Council policies and procedures.

d) Continuing development

Employees are expected to maintain and strive towards continuous improvement in their work performance and in delivery of customer service. Employees have a continuing responsibility to maintain and enhance their skills and expertise and keep up to date with the knowledge required to undertake their duties.

Council will assist employees by providing equitable access to training and development opportunities.

Should employees require any authorisations, qualifications or licenses to perform their role, they should ensure that these are current before undertaking work relating to these requirements. If all authorisations, qualifications, and licenses required to perform their role are not current, employees must advise their manager of this immediately.

Employees must not undertake work for which they do not hold legally required licences and authorisations to perform.

Where an employee has failed to maintain authorisations, qualifications or licenses to perform their role, Council may take action to terminate their employment on the basis that the employee no longer possesses the ability to perform the inherent requirements of their role.

e) **Workplace health and safety**

Employees must comply with the requirements of Councils workplace health and safety system, including relevant policies, and take all reasonable steps to ensure the safety, health, and welfare of themselves, as well as that of others in the workplace. Employees also have a duty of care to both fellow employees and members of the public. This duty of care extends to both psychological and physical health and wellbeing.

Employees must report any workplace injury, illness, incident, hazard or risk to their supervisor or safety representative.

The workplace must be drug and alcohol free if Council is to maintain the trust and confidence of customers and the health and safety of all employees. The use of drugs or alcohol adversely affects productivity, judgment, attendance, and on-the-job safety.

The use of or being impacted by illegal substances or alcohol during work time is not permitted.

Some prescription and over the counter medication can also affect work performance. Employees must use these in accordance with directions given and disclose to Council the use of any medications which may impair their ability to safely perform their duties.

Employees must abide by any Drug and Alcohol Policy and be aware of their responsibilities.

Employees and Council have a duty of care to ensure that work is performed safely and where there are concerns should proactively act to minimise the risk of injury or an accident.

Council is committed to a smoke free workplace with smoking prohibited in the workplace and in Council vehicles.

Employees must support employee participation on Workplace Rehabilitation Programs and must not act in a discriminatory or harassing way to employees involved in return-to-work programmes. Employees participating in a Workplace Rehabilitation Program must comply with all reasonable and lawful directions, including providing access to relevant medical information, participation in medical assessments, following workplace modification plans etc.

All employees must follow Council work, health safety systems and policies and:

- identify hazards and manage risks to health and safety
- perform all work safely and follow safe work practices
- use personal protective equipment if required
- report any incidents or hazards immediately and support investigations; and
- take corrective action to 'make safe' and implement improvements.

f) **Breaches of the Code of Conduct**

A breach of the Code damages business, public and work relationships. Any act or lack of action that contravenes the Code is a breach of your obligations as a Council employee.

Suspected breaches will be treated individually, and all relevant circumstances will be considered. Suspected breaches will be treated in line with the relevant policies and procedures and in accordance with procedural fairness/natural justice.

Where Council becomes aware of corrupt or suspected corrupt conduct, as defined under the *Crime and Corruption Act 2001*, Council has an obligation to report such conduct to the Crime and Misconduct Commission. Examples of corrupt conduct may include, but are not limited to, theft of Council property or a customer's property; accepting a bribe; fraud; assault of a co-worker or customer; failure to follow procurement of financial policies and delegations etc.

Employees may be suspended on full pay:

- if the Chief Executive Officer has a reasonable suspicion that the employee will be subject to disciplinary action
- while an investigation is progressed and/or
- while charges are determined by the relevant court

Any subsequent disciplinary action will be in accordance with the Performance, Misconduct, and Disciplinary Procedures Policy.

g) **If employees have a concern**

The *Public Interest Disclosure Act 2010* and the *Public Sector Ethics Act 1994*, along with this Code of Conduct, aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct.

If employees have a concern, or suspect a breach of the Code of Conduct, involving a Council employee, they are to report the breach to their manager. In certain circumstances, the *Public Interest Disclosure Act 2010* gives employees the right and the protection to report issues using:

- internal channels (e.g. team leader, supervisor, manager, Chief Executive Officer); or
- external channels (e.g. Crime and Corruption Commission, Anti-Discrimination Commission, Queensland Ombudsman).

3.5 Guide to Ethical Decision Making

The following guide is designed to help employees reach an ethical decision based on the relevant facts and circumstances of a situation.

3.5.1 Step 1: Assess the situation

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against Council policy?
- Is it in line with the Code's principles?
- What principles does it relate to? Why?
- Who is affected? What rights do they have?
- What are your obligations or responsibilities?

3.5.2 Step 2: Look at the situation from Council's viewpoint

- As a public official, what should you do?
- What are the relevant laws, rules, and guidelines?
- Who else should you consult?

3.5.3 Step 3: How would others see your actions?

- Would a reasonable person think you used your powers or position improperly?
- Would the public see your action or decision as honest and impartial?
- Do you face a conflict of interests?

3.5.4 Step 4: Consider the options.

- Ask your supervisor, manager, or any person who can give sound, relevant advice.
- What options and consequences are consistent with Council's Values, the four Principles and your obligations?
- What are the costs and long-term consequences?
- How would the public view each option? Step 5: Choose your course of action
- Make sure your actions are:
 - within your power to take, legal and in line with legislation, policy and this Code of Conduct;
 - fair and able to be justified to your manager and the public;
 - documented so a statement of reasons can be supplied; and
 - consistent with Council's mission, goals and values backed by advice from Council specialists, if this is appropriate.

4. Application

The Code of Conduct applies to all Council employees.

For the purposes of this document any reference to employees is taken to include a reference to all persons performing work in a Council workplace including, directly employed members of Council, contractors, consultants, labour hire workers, employees of other organisations who are working at Council workplaces, work experience students and volunteers.

5. Associated Policies

- | | |
|--|--|
| • Attendance and Absenteeism Policy | • Receipt of Benefits, Gifts and Prizes Policy |
| • Complaints Management Policy | • Social Media Policy |
| • Conflict of Interest Policy | • Staff Uniform Policy |
| • Equitable Access Policy | • Training and Development Policy |
| • Drug and Alcohol Policy | • Travel and Accommodation Policy |
| • ICT Acceptable Use Policy | • Vehicle Use Policy |
| • Internet Email and Computer Use Policy | • Workplace Health and Safety Policy |
| • Leave Policy | |

6. Relevant Legislation

- | | |
|-------------------------------------|---------------------------------------|
| • Industrial Relations Act 2016 | • Public Interest Disclosure Act 2010 |
| • Work Health and Safety Act 2011 | • Public Sector Ethics Act 1994 |
| • Local Government Act 2009 | • Crime and Corruption Act 2001 |
| • Local Government Regulations 2012 | |

7. Review

Council will formally review this policy every two years.



Kiley Hanslow

Chief executive Officer

Wujal Wujal Aboriginal Shire Council