

### Code of Conduct

#### Introduction

#### 1. Purpose

The purpose of the *Code of Conduct (Code)* is to set out the minimum expectations of Council employees at all levels. The *Code* provides clarity of responsibilities and ensures a consistent approach to behaviours, standards and values when performing duties on behalf of Council. The *Code* aims to:

- Support ethical, transparent, and professional decision-making informed by equity, inclusion, human rights and wellbeing considerations, values, and practices at all levels.
- Meet compliance requirements with relevant laws, regulations, policies, and procedures.
- Help define accountability and levels of responsibility within Council.
- Meet the requirements under section 49 of the Local Government Act 2020
   (Act) which states the Chief Executive Officer is required to implement a
   Code of Conduct for Council employees, specifically:
  - a) A gift policy that contains a requirement for Council employees to disclose all gifts above a specified level; and provisions for disclosed gifts to be recorded in a gift register.
  - b) A code of conduct for Council employees-procedures for dealing with alleged and actual breaches of conflict of interest under this *Act*; and
  - c) Provisions for the Chief Executive Officer to take disciplinary action against a Council employee found to have breached this code.

We endeavour to create a work environment where all employees, contractors, and volunteers from diverse backgrounds (including Aboriginal and Torres Strait Islander People, disability, sexual orientation, gender identity, sex, religion, cultural or linguistic background, socio-economic status or age) feel supported, respected and valued in their roles.

The *Code* has been written to make employees aware of the range of issues and legislative requirements required of employees in relation to their behaviour at work, and to specify where relevant information, procedures or policies can be found. The *Code* and other listed policies are available for employees on the Darebin City Council intranet.

#### 2. Scope

This Code applies to all Council employees and others including:

- full-time, part-time, and casual employees.
- permanent and temporary employees, work experience students, interns and volunteers performing work for Council.
- consultants, contractors, and agency staff engaged to work on Council premises; and
- employees on secondment to, or from other organisations.



For the purpose, of this *Code* 'employees' includes all groups listed above.

The Code applies in the workplace as defined. Workplace means a place of employment, where an employee performs tasks, jobs and/or projects on behalf of Council. It includes working from home and any work-related context when an employee is representing Council, including, but not limited to, conferences, work functions, team lunches and social gatherings, end of year parties, business trips or when using social media platforms. This *Code* applies at any time whereby a person's (covered under this *Code*) behaviour impacts Council's reputation or represents a risk to Council See 'Workplace' under definitions.

#### 3. Roles & Responsibilities

The *Code* sets out the minimum standards of behaviour expected of all employees. All employees should:

- · Read it.
- Understand it.
- Follow it.

Darebin City Council has proudly established and retained a culture of integrity and professional behaviour. Therefore, it's the responsibility of employees at all levels to embody Council's *Values*, adhere to the *Code* and to speak up if they are unsure or observe something that does not align with Council's *Code of Conduct* or *Values*.

While the Code sets out minimum expectations, it's not designed to cover every issue, law and policy that applies to Council. The Code intends to provide guidance to employees on navigating situations whether they are outlined in the *Code* or not.

#### 4. Administrative Updates

From time-to-time circumstances may arise leading to the need for minor administrative changes to this document. Where an update does not materially alter the intent of the document, such changes may be made at the discretion of the Chief Executive Officer.

## Organisational Values

Council's organisational values enable and support the effective design and application of this policy by guiding employees in the course of their work.

We Make a Difference: We are driven by our desire to make a difference for the people we serve. Our work is purposeful and creates a positive impact for the community. We are proud to work here. Our work matters

We are Accountable: We are empowered to own and take responsibility for our actions. We follow through on our commitments We have Integrity: We act with integrity and transparency in conversations and decision-making. Through open and clear communication, we build trust. We're honest. We walk the talk.

We show Respect: We are diverse, inclusive, respectful and caring. We encourage everyone to have a voice and we listen to each other. We recognise one another's contributions



and deliver on our promises. We make it happen.

We are Collaborative: We are united by a common purpose to serve the community. We work together, connecting within our teams and across the organisation. We are inclusive and collaborative. We are one. and treat people fairly. We look after each other.

We are Creative: We are bold, courageous and innovative. We try new things, experiment and continuously improve. We are openminded, creative and forward-thinking. We are leaders.

#### Professionalism, Ethics & Integrity

#### 5. Communications on Behalf of Council

As a representative of Council, you do not have the authority to make public comment on the operations or decisions of Council without approval. Employees must avoid criticising Councillors, and other employees, at all times. If you have been approached for public comment, you must immediately notify the Manager Governance and Communications, and your Manager.

#### 6. Interacting with Customers & the Community

When interacting with customers, you are expected to deliver a high level of customer service by listening attentively and providing timely service. Where you are unable to assist with a request, you should refer customers to the relevant person for assistance.

Where a customer is placing employees in an unsafe working environment, Council supports employees to de-escalate, disengage and report the incident in line with Council's policies and processes.

#### 7. Employees engaging with Council as a Rate Payer

When employees interact with Council as a rate payer, it is expected that your behaviour will be aligned with this *Code*. Where employees wish to raise concerns as a ratepayer about Council issues or about a Councillor, you may raise the matter respectfully with your Manager, or General Manager. Employees are not to raise issues of concern directly with a Councillor, unless delegated to do so.

#### 8. Disclosure of Criminal Offences

You must advise your Manager immediately if you are charged with a criminal offence that could reasonably be seen to affect your ability to meet the inherent requirements of your position, cause reputational damage to Council, render you unsuitable to work with vulnerable people, or be in conflict with the Council *Values*.

#### 9. General Workplace Standards & Personal Conduct

In line with Council's Values, you are responsible for:



- Behaving in ways that respect colleagues and community, their dignity and human rights and uphold Council's reputation and its purpose as outlined in the Council Plan and other strategic documents.
- Modeling Council's values and the principles outlined in this Code to your team, colleagues, customers, and community members in your everyday work.
- Conducting your work relationships respectfully and not misusing your position, privilege, or status for personal gain.
- Taking responsibility for your own behaviour, actions, decisions, and results in the workplace.
- Taking accountability for individual contribution towards the delivery of services.
- Working collaboratively with leaders to comply with OH&S legislative requirements.
- Providing responsive, value-for-money, accessible, equitable, inclusive and good quality outcomes for customers and the community.

#### 10. Information Technology

Equipment including laptops, tablets, mobile phones, email and internet facilities and software are provided for you to perform your role. This equipment and software are for business use, with private use kept to a minimum, providing it is reasonable, appropriate, lawful and is consistent with Council's IT policies.

#### 11.Integrity

At Council, we prioritise integrity, fairness and accountability in decision making taking equity, inclusion, human rights, and wellbeing into consideration.

Therefore, employees are responsible for:

- acting independently, professionally and in the best interests of Council.
- maintaining the highest standards of financial probity.
- conducting work relationships professionally and impartially and not misusing position, influence, privilege, or status for personal or group gain.
- engaging with subject matter experts and external consultants in a respectful and professional manner.
- disclosing and avoiding any real or perceived conflicts of interest.
- reflecting on our Council values when making decisions as a team or as individuals and ensuring decision making is fair, transparent, and nonbiased, upholding the principles and practices of equity, inclusion, human rights and wellbeing.

#### 12. Lawful Directions

You must comply with any lawful and reasonable instructions provided to you by your direct line Manager. If the request is unclear or seems contradictory to



the *Code*, you should seek clarification from your Manager, General Manager, or your People & Culture Business Partner.

During working hours, full consideration and effort should be applied to work duties.

#### 13.Inherent Requirements

You are expected to be able to perform the inherent requirements of your position in line with your position description. If Council has reasonable concern that you are unable to perform the inherent requirements of your position, Council may seek medical advice. This may include directing you to attend and complete an independent medical assessment. Reasonable Adjustments will be considered in line with the relevant legislation.

You must immediately notify your Manager of any loss, suspension, or change to a registration, accreditation or other qualification that may be perceived to affect your ability to perform your duties. This includes (but is not limited to):

- Working with Children Check
- Driver's licence (including where an interlock is fitted).

#### 14. Personal Presentation

At Council, employees must dress for work in clothing that is in good condition, clean and appropriate to your role and work environment. Dress standards should always follow occupational health and safety requirements (i.e., appropriate clothing and footwear).

Where an employee is provided a corporate uniform, they must ensure that the appearance of the uniform is neat and tidy and worn in the correct manner.

#### 15. Information Privacy, Confidentiality & Record Keeping

The *Privacy and Data Protection Act 2014* (PDPA) is a Victorian law that protects how personal information is handled. Council has an obligation to confidentially collect, store, use and access sensitive and confidential information. All employees are expected to comply with the objectives and obligations prescribed in the PDPA, legislative requirements and Council policies when dealing with personal and confidential information.

In line with Council's *Acceptable Use Policy*, employees must be aware of their responsibility for the use of Council equipment, email, internet, and data security.

It is a legislative requirement and obligation of all employees to respect the privacy of customers and community members, employees, contractors, consultants and volunteers by maintaining confidentiality both during and after employment with Council. Disclosures of confidential information can only be made when required by law or when disclosure is in the interests of public safety.



#### 16. Social Media

Whether using social media in a professional or personal capacity, employees must not do anything that might present a risk or cause reputational damage to Council. In line with Council's *Social Media Policy*, employees must ensure that personal comments made on any social media platform do not compromise their ability to perform their role, Council's reputation and adheres to Council's *Code and Values*.

Employees must not use social media that is contrary to their duties under the Occupational Health and Safety Act (Vic) 2004, and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety.

#### 17. Use of Council Resources

You are responsible for the appropriate use of, and caring for, Council property and resources. This includes, but is not limited to:

- Workplace Intellectual Property.
- · Motor vehicles.
- Equipment (such as mowers and computers).
- Furniture and white goods.
- · Budget and expenditure.
- Internet, email and software.
- Council issued corporate uniform.

Employees must report damaged or dangerous equipment to their Manager immediately. Council's property should not be given away, borrowed, destroyed or thrown away unless prior approval is provided.

We are all responsible for thinking sustainably when using Council resources.

#### 18. Working with Elected Councillors

A Councillor's role is one of civic leadership; they do not have the authority to direct employees to carry out any functions. Councillors will usually make enquiries through the Chief Executive Officer, General Managers or Department Managers.

Employees must not accept instructions or directions from Councillors unless directed by the Chief Executive Officer or a General Manager. Speak to your Manager or member of Governance if you are unsure about an interaction with a Councillor/s.

#### **Conflicts of Interest**

#### 19. Conflict of Interest

Acting with integrity and transparency means managing conflicts of interest and not placing yourself in situations that put (or appear to put) your personal interests before those of Council. It's an employee's responsibility to identify and disclose conflicts of interest. If unsure about a possible conflict of interest, seek guidance from a Manager or a People & Culture Business Partner.



- A conflict of interest exists if an employee is doing something or providing advice about something (a matter) in which they have a direct or indirect interest. A conflict of interest can exist even if no improper action results from it.
- A general conflict of interest in a matter is where an impartial, fairminded person would consider that the employee's private interests could result in that person acting in a manner that is contrary to their public duty;
- A material conflict of interest is when an employee would gain a benefit or suffer a loss depending on the outcome of the matter.
- A **direct interest** is an interest that directly applies to a person. For example; an employee that owns a property.
- An indirect interest is an interest that applies to a family member, relative or household member of the employee. For example: a spouse is a director of a company.

#### 20. Disclosing a Conflict of Interest

Council employees are required by law to disclose conflicts of interest when they:

- a. Exercise delegations
- b. Are a member of a relevant committee
- c. Provide advice to Council
- d. Are involved in recruitment

Failure to disclose a conflict of interest is a breach of the *Local Government Act* 2020.

The Disclosure of Conflict of Interest Council Officer form or the Conflict of Interest – Recruitment Disclosure Form, is to be used to disclose any conflict of interest between their duties and responsibilities associated with their position with Council and their personal interests.

#### 21. Potential Conflicts of Interest

Employees are expected to demonstrate integrity and transparency when disclosing and avoiding conflicts of interest. This includes when:

- o Receiving or being offered gifts and hospitality by third parties;
- Providing advice to Council;
- Undertaking volunteer activities, secondary employment, conducting independent consultancy or contracting services;
- Undertaking recruitment activities;
- o Working for other organisations (including community groups); and
- Cooperating with Council initiated investigations, enquiries and audits.

#### Gifts and Hospitality

The acceptance of gifts and hospitality can create an indirect conflict of interest.

Employees are required to ensure the decisions they make are impartial and cannot be seen to have been influenced by any gifts or hospitality offered by



other businesses, individuals or organisations. Employees must not under any circumstances:

- a. ask for a gift or hospitality;
- b. accept money or items which can be converted into cash (e.g., shares);
- c. accept a gift with a value of more than \$50 (significant gift);
- d. accept a gift or hospitality from a person or organisation seeking a decision and/or approval from Council;
- e. accept a gift or hospitality from a person or organisation that has an actual or potential commercial relationship with Council;
- f. accept a gift or hospitality which could create a culture of entitlement; or
- g. accept a gift or hospitality that would create a potential or actual conflict of interest.

An employee who accepts a gift or offers of hospitality, must be aware that they could be in breach of the *Local Government Act 2020*.

Any gifts offered\* (including refused gifts or gifts of a token value and/or under \$50) must be disclosed to their General Manager or Chief Executive Officer via the **Darebin Gifts Registration Form – Employees.** Offers of hospitality (excluding events and/or functions attended in an official capacity) must be disclosed using this form.

\* Employees in Community Culture and Events should also refer to the department business rules.

#### Recruitment & Selection

Employees who are participating in an employment decision-making process (including recruitment, promotions, contractors) and have a personal interest in the process, must declare any interest in accordance with the *Recruitment and Selection and Policy* and withdraw from the process.

#### Outside Employment & Unpaid Work

Council employees are not prohibited from taking on paid or unpaid work external to Council, ensuring that:

- There is no perceived or actual conflict of interest.
- It does not impact your ability to perform your role effectively at Council.
- There is no risk to your health, safety and wellbeing.

Prior to engaging in outside employment, you must obtain approval from your Department Manager in consultation with People & Culture.

#### Relatives & Friends

Employees must not engage with relatives or close friends on regulatory, inspectorial, contracting, recruitment or other such matters without disclosing to a Manager. Always exclude yourself from a situation with relatives and friends.

#### **Respect for Others**

#### 22. Discrimination, Bullying, Harassment & Violent Behaviour

Council is committed to protecting the health, safety, human rights, and wellbeing of all employees. Council and employees will, as far as is reasonably



practicable, provide a safe workplace that is free from discrimination, bullying, harassment, victimisation and violent behaviour.

- Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by law (i.e., race, disability, age, sex, sexuality, gender identity, intersex). Discrimination can also occur when an unreasonable requirement, condition or practice is imposed that disadvantages people with a protected attribute.
- Bullying is the repeated, unreasonable behaviour directed toward an individual or group of individuals that creates a risk to health and safety.
- Harassment occurs when someone engages in conduct that would make a reasonable person feel offended, humiliated, or intimidated because of their age, race, religion, sex, or other attribute specified under anti-discrimination legislation.
- Victimisation is when employees are treated in a detrimental way because they made a complaint, or they intended to make a complaint, in relation to prohibited behaviour. Victimisation also includes detrimental treatment towards witnesses or potential witnesses to the alleged behaviour.
- Violent Behaviour is any behaviour that causes another person any
  injury to the body that interferes with their health or comfort, or that
  places them in fear of being injured. The injury can include physical
  pain or bruising and/or psychological.

Darebin City Council has zero tolerance for discrimination, bullying, harassment or violent behaviour. Allegations of discrimination, bullying harassment and/or violent behaviour will be treated seriously and managed in accordance with Council's policies and procedures.

#### 23. Sexual Harassment

Council is committed to providing a safe workplace for all employees that is free of sexual harassment. Sexual harassment is considered any unwelcome behaviour or conduct of a sexual nature that makes a person feel offended, humiliated, or intimidated. It's unacceptable, unlawful and in some cases, is also a criminal offence.

Employees must act in accordance with the *Equal Opportunity Policy* at all times.

#### 24. Equal Opportunity & Human Rights

Council is proud of the diversity of its workforce and recognises the strengths this provides in meeting the needs of our community. Council is committed to providing a workplace where employees are safe, valued, respected and free from all forms of discrimination, harassment, bullying, occupational violence and victimisation. To support this, employees are expected to:

 Understand cultural safety and respect for Traditional custodians and Aboriginal employees and community members, as per the Aboriginal Cultural protocols and Statement of Commitment 2019;



- Comply with our *Equal Opportunity Policy*, treating others with respect and not engaging in behaviour that may constitute discrimination, harassment or bullying;
- Protect the human rights of colleagues, residents and visitors to Council
  in accordance with the Charter of Human Rights and Responsibilities
  Act (the Charter); and
- Through the Gender Equality Action Plan, and any associated policies, promote, encourage and facilitate the actions toward achievement of gender equality.

#### 25. Working with Children - Child Safety and Wellbeing

Council is a Child Safe Organisation and adheres to the Victorian Child Safe Standards and related legislation. Safeguarding children and young people is a shared responsibility for all employees regardless of role. Employees are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- Conducting work according to the requirements of the Safeguarding Children Policy, the Safeguarding Children Code of Conduct and other relevant policies and procedures;
- Taking all reasonable steps to protect children and young people from abuse and reporting any child safety concerns;
- Listening and responding to the views and concerns of children;
- Promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children (for example, by never questioning a child's self-identification);
- Promoting the cultural safety, participation and empowerment of children and young people with culturally and or linguistically diverse backgrounds (for example, by having a zero tolerance of unlawful 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;
- Ensuring physical contact with children and young people is appropriate and based on the needs of the child or young person; and
- Informing the child or young person of their rights and encourage them have their say.

Allegations of abuse will be treated in line with child protection legislation, regulations and guidelines and in accordance with policy and procedures.

#### 26. Reporting Unethical Behaviour

All employees are responsible for the timely reporting of wrongdoing (such as fraud, corruption, misuse of position) and any incident that may be covered by the Victorian Government Reportable Conduct Scheme. If you observe unethical behaviour, you have an obligation to report these observations to your Manager, or the People & Culture Department.



If you reasonably believe fraud or corruption is occurring (you don't need evidence, just a reasonable belief) please speak to Council's Public Interest Disclosure Officer.

# Health, Safety & Wellbeing

#### 27. Health, Safety & Wellbeing

Council has a legal obligation to exercise a duty of care to all employees and members of the public. To enable Council to provide a physically, culturally and psychologically safe working environment, employees are accountable for:

- Reporting of hazards, near misses, incidents and injuries in a timely manner;
- · Actively monitoring and managing risk;
- Taking responsibility for your own health and safety and the health and safety of others including psychological safety;
- Not engaging in bullying or violent behaviour;
- Complying with Council's OHS policy, procedures, work instructions and safe systems of work;
- Ensuring your fitness for work;
- Adhering to any required uniform policies and procedures, including wearing appropriate personal protective equipment (PPE); and
- Protecting others by being fully vaccinated against Covid-19, in accordance with the Staff Covid-19 Vaccination Policy and Transmissible & Infectious Disease Policy.

Council's *OHS Strategy*, policies and procedures are available on the intranet or by speaking to a member of the Safety & Wellbeing Team.

#### 28. Drug, Alcohol & Fitness for work

Drug and alcohol use may impede the performance of duties and a create risk to the health and safety of employees, volunteers, contractors and the public. Employees must:

- Not work if capacity is limited by the influence of drugs or alcohol;
- Notify your Manager if you are taking prescription medication that may affect your work performance or endanger the safety of yourself or others; and
- Disclose an illness or injury that impacts your ability to safely perform your role.

#### 29. Smoking and Vaping

Council is committed to providing smoke-free environments. Areas where smoking or vaping is not acceptable include Council motor vehicles, buildings, offices, no smoking/vaping areas within 4 metres of building entrances, air intakes and vents. Smoking/vaping is not permitted in client homes where council services are provided.

Employees must act in accordance with the *Smoke Free Workplace Policy* at all times.



# Definitions and Abbreviations

Code means Code of Conduct

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

**Councillor** means a person who holds the office of Councillor as defined by the *Local Government Act 2020* 

**Employee/s** for the purpose of this document, 'employees' includes all groups listed below:

- permanent and temporary employees (full-time and part-time) and casual employees. It also includes work experience students, interns and volunteers performing work for Council.
- consultants, contractors, and agency staff engaged to work on Council premises.
- employees on secondment to or from other organisations.

**Manager** includes anyone with responsibility for employees, this includes team leaders, supervisors, coordinators, managers, general managers, and the CEO.

**Workplace** means a place of employment, where an employee performs tasks, jobs and/or projects on behalf of Council. It includes working from home and any work-related context when an employee is representing Council, including, but not limited to, conferences, work functions, team lunches and social gatherings, end of year parties, business trips or when using social media platforms.

#### **Breach of Code**

All Council employees and representatives have an obligation to ensure that the *Code*, Council policies and relevant legislation are not breached. Alleged breaches of this *Code* must be reported to the relevant Manager, or the People and Culture Department.

Where a breach does occur, the breach will be managed in accordance with Council's *Disciplinary Procedure* and *Grievance & Investigation Procedure* where relevant. Unlawful actions may also lead to criminal charges or civil action.

Contractors, contracted providers, and others in breach of this Code will be managed according to the terms and conditions set out in their contract or by their employer.

#### **GOVERNANCE**

Parent Strategy/ Plan	Workforce Plan
Related Documents	This policy should be read in conjunction with Council's:  • Darebin City Council Enterprise Agreement 2018 - 2022  • Acceptable Use Policy  • Complaints Handling Policy



	<ul> <li>Disciplinary Procedure</li> <li>Equal Opportunity Policy</li> <li>Family Violence Policy</li> <li>Flexible Working Policy</li> <li>Fraud Prevention and Control Policy</li> <li>Gifts and Hospitality Policy</li> <li>Performance Planning and Review Policy</li> <li>Public Interest Disclosure Policy</li> <li>Recruitment and Selection Policy</li> <li>Reasonable Adjustments Policy</li> <li>Safeguarding Children Policy</li> <li>Social Media Policy</li> <li>Staff Covid-19 Vaccination Policy</li> <li>Smoke/Vaping Free Workplace Policy</li> <li>Transmissible &amp; Infectious Disease Policy</li> <li>Volunteer Policy</li> </ul> These can be accessed via Council's intranet page
Supporting	<ul> <li>Aboriginal Cultural Protocols Guide</li> <li>Community Culture and Events Department Business Rules</li> </ul>
Procedures and Guidelines	Conflict of Interest Guidelines
Ouldennes	<ul> <li>Disciplinary Procedure</li> <li>Grievance and Investigation Procedure</li> </ul>
	Safeguarding Children Code of Conduct
	<ul> <li>Towards Equality Framework 2019-2029</li> <li>Gender Equality Action Plan</li> </ul>
	Disability Access and Inclusion in Darebin 2021 - 2026
Legislation/	Federal Legislation
Regulation	<ul> <li>Fair Work Act 2009</li> <li>Age Discrimination Act 2004</li> <li>Disability Discrimination Act 1992</li> <li>Human Rights and Equal Opportunity Commission Act 1986</li> <li>Racial Discrimination Act 1975</li> <li>Sex Discrimination Act 1984 and Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013</li> </ul>
	State Legislation
	<ul> <li>Child Wellbeing and Safety (Child Safe Standards) Act 2015</li> <li>Disability Act 2006</li> <li>Equal Opportunity Act 2010</li> <li>Gender Equality Act 2020</li> <li>Health Records Act 2001</li> <li>Local Government Act 2020</li> <li>Occupational Health &amp; Safety Act 2004</li> <li>Privacy and Data Protection Act 2014</li> <li>Public Interest Disclosures Act 2012</li> <li>Racial and Religious Tolerance Act 2001</li> <li>Victorian Charter of Human Rights and Responsibilities Act 2006</li> <li>Workplace Injury Rehabilitation and Compensation Act 2013</li> </ul>



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