



EMP52

Employee Code of Conduct

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Variation to this Document

This document may be cancelled or varied from time to time at the discretion of the Chief Executive Officer. All Shire employees will be notified of any variation to this document by the normal correspondence method.

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1 INTRODUCTION

The Shire of Ashburton's (the Shire's) code of conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The *Local Government Act 1995* (the Act) requires us by law to have an employee Code of Conduct and expects all employees will abide by the Code.

Often, expected workplace behaviour is not clear.

This Code provides clarity between acceptable and unacceptable workplace behaviour and guides our behaviour by clarifying situations where the ethical aspect of public duty may not always be clear, by providing additional guidance.

Our Code may not cover all situations, so when uncertain, we ask you reach out to your manager or other support, as outlined in this document.

The Code is complementary to the principles adopted in the Act and associated regulations, which incorporate four fundamental aims:

- better decision-making by local governments,
- greater community participation in the decisions and affairs of local governments,
- greater accountability of local governments to their communities, and
- more efficient and effective local government.

1.1 Statutory Environment

The Code addresses the requirement in section 5.51A of the Act for the Chief Executive Officer to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act, associated regulations and Shire policies and directives. Employees should ensure they are aware of their statutory responsibilities under this and other legislation.

1.2 Scope

This Code covers any person employed by or working on behalf of the Shire, engaged by the Shire under a contract for services and any person performing work for or with the Shire in any capacity. This includes all permanent, casual, or temporary Shire employees, directors, contractors and consultants, agency staff and volunteers. This Code applies while on the Shire's premises or while engaged in Local Government or work-related

activities. This Code also applies to the Chief Executive Officer, with exception of Clause 3.12 of this Code (Gifts), which does not apply to the Chief Executive Officer.

2 VISION, STRATEGIC GOALS AND VALUES

2.1 Our Vision

Our vision is to embrace our unique Pilbara environment and lifestyle through the development of vibrant, connected, and active communities who have access to quality services, exceptional amenities, and economic vitality.

2.2 Our Strategic Goals

Our strategic goals support us in serving our diverse communities and include:

- Vibrant and active communities
- Economic prosperity
- Unique heritage and environment
- Quality services and infrastructure
- Inspiring governance

2.3 Our Culture and Values

The Shire's organisational culture represents its core beliefs and practices. Underpinning our culture are the Shire values. These values guide our workplace behaviour and decision-making every day. Our expectation is every employee will be an advocate for, and actively role model, each of our values:

1. Respect
2. Openness
3. Teamwork
4. Leadership
5. Excellence
6. Health and wellbeing

We have a responsibility to perform and deliver our work in a sustainable and responsible manner. So, when employees choose to work with us, they accept to adhere to our values and accept the decisions we make as an organisation.

Our values form the basis of everything we do. Together with our Code of Conduct, our Shire policies, directives, and procedures as well as our values collectively set our expected workplace behaviour and decision making. Together, these documents provide a roadmap which illustrates standards of behaviour expected at the Shire. It is therefore an expectation all Shire employees will always uphold these values.

3 CODE OF CONDUCT

3.1 Role of Employees

The role of employees in Local Government is determined by the functions of the Chief Executive Officer as set out in section 5.41 of the *Local Government Act 1995*.

5.41. Functions of Chief Executive Officer

The Chief Executive Officer's functions are to:

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day-to-day operations of the local government;*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) speak on behalf of the local government if the mayor or president agrees;*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the Chief Executive Officer.*

3.2 Principles Affecting Employment by the Shire

The principles set out in section 5.40 of the *Local Government Act 1995* apply to the employment of all Shire employees:

5.40. Principles affecting employment by local governments.

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity;*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;*
- (c) employees are to be treated fairly and consistently;*
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the Equal Opportunity Act 1984 or on any other ground;*
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) such other principles, not inconsistent with this Division, as may be prescribed.*

3.3 Personal Behaviour

Employees will:

- Act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies, directives, and procedures of the organisation,
- Perform their duties impartially and in the best interests of the organisation, uninfluenced by fear or favour,
- Act in good faith (i.e., honestly, for the proper purpose, and without exceeding their powers) in the interests of the organisation and the community,
- Spread no rumours, participate in gossip, or make allegations which are improper, false, or derogatory,
- Refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment,
- Always act in the best interest of the Shire by complying with Shire investigations,
- Never use information obtained in the course of their employment to the detriment of the organisation, and
- Observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards.

3.4 Our Responsibilities

Employees will:

- Apply consistent standards of ethical behaviour,
- Always follow the law,
- Abide by our policies, directives, and procedures,
- Live our values every day and act as role model to internal and external stakeholders,
- Speak up when you see inappropriate behaviour or when you know something is wrong,
- Not participate, stay silent or condone any form of counter-productive behaviour which breaches our code,
- Ask for help if things are not clear or if guidance is required, and
- Complete all mandatory training.

Managers will:

- Lead by example by demonstrating Shire values every day,
- Create a safe and inclusive culture, free from fear and retaliation,
- Take any concern relating to this Code seriously and manage concerns in a timely and appropriate manner,
- Talk about our Code and Shire expectations to your employees and use every opportunity as an education moment,
- Take accountability for the decisions you make and ensure your decisions align with our values,
- Be supportive and an advocate of the decisions made by Council and the Executive Leadership Team,
- Take corrective and preventative actions when something is reported and support workplace investigations, and

- Complete all mandatory training.

Together, we have a shared responsibility to create a safe, healthy, and inclusive work environment, by holding each other accountable and by caring for our team members.

3.5 Performance of Duties

While on duty, employees will give their whole time and attention to the organisations' business and ensure their work is carried out professionally, efficiently, economically, and effectively, and their standard of work and the way their work is delivered reflects favourably both on them and on the Shire.

We foster a team culture where all employees are required to have a flexible approach to their work, including undertaking work duties which may fall outside the requirements of their role. All employees must therefore comply with reasonable and lawful directions.

3.6 Compliance

Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including, although not limited to their direct manager, a director or the Chief Executive Officer.

Employees will ensure compliance with proper and reasonable administrative practices and adhere to all lawful decisions, policies, and directives, whether they agree with or approve of them.

3.7 Health and Safety

The Shire has a duty of care to ensure a safe environment for all employees. Health and safety include both physical and mental health. It is everyone's responsibility to take care of their own health by following all Shire policies, directives, and procedures. Always wear protective clothing, if and where required, and never put yourself or anyone else in harm's way. Ensure you are trained in the use of machinery or tools related to your role and report hazard and incidents in a timely and appropriate manner and in line with Shire policies, directives, and procedures.

Follow relevant Shire health and safety procedures to ensure timely management action. Employee health information should be managed in a sensitive, confidential, and appropriate manner and by relevant stakeholders only.

The Shire Employee Assistance Provider (EAP) is available to all employees and their immediate family members. This service is available 24/7 and the contact information is available from your manager or the human resources team.

3.8 Diversity and Inclusion

Our workplace is made up of diverse professionals coming together to provide services and support to a diverse community. The Shire has a safe, diverse, and inclusive culture where employees treat each other with respect, courtesy and professionalism, and refrain from behaviour which constitutes discrimination, bullying or harassment.

In celebrating our unique differences, we foster a culture of belonging, where everyone feels safe to bring their best selves to work every day. The Shire therefore has a “zero” tolerance to any form of discrimination, bullying or harassment in the workplace. Employees must be aware of, and comply with their obligations under relevant law and the Shire’s policies, directives and procedures regarding workplace behaviour and occupational safety and health, including, although not limited to:

- EMP43 Discrimination, Harassment and Bullying Directive
- EMP43 Discrimination, Harassment and Bullying Procedure
- EMP46 Equal Employment Opportunity (EEO) Directive
- EMP16 Grievance Investigation and Resolution Directive
- EMP16 Grievance Investigation and Resolution Procedure
- Shire values.

Employee behaviour should consistently reflect the Shire’s values and contribute towards creating and maintaining a safe, healthy, and respectful workplace.

3.9 Professional Development

The Shire has a blended learning framework in place, which allows you to develop your professional skills. While your manager will discuss professional development opportunities and options with you during your annual performance review process, we ask you drive your development by being proactive and having constructive development conversations with your manager.

3.10 Recognition of Employees’ Service

In line with Shire reward and recognition practices, the Shire recognises an employee’s length of service by offering a monetary award. Payments are made in line with the *Local Government Act 1995*.

3.11 Dress Code

All Shire employees must ensure their dress code is conducive to a professional business working environment. Appropriate corporate uniform must be worn by employees as outlined in the relevant directive.

3.12 Gifts

Our community expects all Shire employees to always act with integrity. It is for this reason employees must not accept a prohibited gift from an associated person under any circumstance.

Employees may be able to accept a gift if it is not a prohibited gift. The Shire asks all employees to carefully consider the appropriateness of accepting any gifts. For a gift worth less than \$50, such as a keyring, pen or chocolates, there is no requirement for this to be reported. For a gift worth between \$50 and \$300, employees are required to notify the Chief Executive Officer of the details of the gift within 10 days of the acceptance of the gift.

An employee who accepts a reportable gift from an associated person is to notify the Chief Executive Officer in accordance with notification requirements and within 10 days of accepting the gift.

The notification of the acceptance of a reportable gift must be in writing and include –

- the name of the person who gave the gift,
- the date on which the gift was accepted,
- a description, and the estimated value, of the gift,
- the nature of the relationship between the person who is an employee and the person who gave the gift,
- if the gift is one of two or more accepted from the same person within a period of one year –
 - a description,
 - the estimated value,
 - the date of acceptance, and
 - of each other gift accepted within the one-year period.

The Chief Executive Officer will maintain a register of reportable gifts and record in it details of notifications given to comply with the notification requirements.

As soon as practicable, after a person ceases to be an employee, the Chief Executive Officer will remove from the register all records relating to the person. The removed records will be retained for a period of at least five (5) years.

This clause does not apply to the Chief Executive Officer. All staff are to read and adhere to the relevant policy and / or directive.

3.13 Information and Communication Technology

Most employees have a Shire network account. When we log into the Shire’s network, we agree to Shire information and communication technology policies, directives, and procedures. Appropriate care should be taken when in possession of a Shire computer, laptop and / or mobile device to ensure appropriate access and to prevent any unnecessary risk, including viruses, malicious emails, theft and loss. The relevant directive should be adhered to at all times.

3.14 Secondary Employment

An employee must not engage in secondary employment (including paid and unpaid work) without receiving prior written approval from the Chief Executive Officer. Secondary employment will not be approved where the employee works in a similar role and using their same skillset as in their principal role with the Shire. It is important to note, where secondary employment has been approved by the Chief Executive Officer, all employees will be fit for work, when presenting to work in their substantive role. Not declaring secondary employment, is a breach of this code.

3.15 Intellectual Property

For this document, Intellectual Property (IP) includes all present and future inventions, improvements, branding, designs, processes, concepts, ideas, information, data, formulae, programs, and strategies.

All IP shall remain the sole property of the organisation, unless otherwise agreed by a separate contract.

3.16 Confidentiality

Our stakeholders trust we will manage their information with the right level of care, discretion, and sensitivity. Employees must not use or disclose confidential information unless the use or disclosure is:

- Required by law, or
- Agreed to by the Chief Executive Officer.

Employees will only use relevant confidential information for the purpose of performing their duty, as outlined in their position description, or as directed by the Chief Executive Officer. All Shire employees are required to always maintain confidentiality. Confidential information should therefore never be divulged or used inappropriately to gain direct or indirect advantage, financial or otherwise for employees or any other person or body. All employees must always conduct themselves in a professional manner and any inappropriate use of information or abuse of position will constitute a breach.

Confidential information includes, although is not limited to any personal information as defined in the *Privacy Act 1988 (Cth.)* or information in respect of the organisation and information which is not in the public domain, as well as information brought to your notice in the course of your work with the Shire, including, although not limited to:

- Employee information, including, although not limited to remuneration and benefits,
- Customer information,
- Financial information,
- Commercial information,
- Contract terms and conditions, and
- Other information which has been disclosed in confidence.

3.17 Record Keeping

Shire employees are required to manage information in accordance with legislation (Western Australian *State Records Act 2000*) and in keeping with their role. Employees should always take care to protect the unauthorised use or access of Shire information and only access information required by their position or as requested by the Chief Executive Officer. Employees will ensure complete and accurate local government records are created and maintained in accordance with the Shire's recordkeeping practice.

3.18 Our Community

Employees will treat all members of the community with respect, courtesy, and professionalism.

All Shire customer services must be delivered in accordance with relevant policies, directives, and procedures, and any issues must be resolved professionally, promptly, fairly, and equitably.

Customer service extends to both internal and external stakeholders and include our work colleagues. We must be mindful of how we treat each other every day, be it by phone, in person or by email, irrespective of our cultural differences.

3.19 Internal and External Communication

All aspects of communication by employees (including verbal, written and electronic), involving the Shire's activities should reflect our Shire values and adherence to this Code. In addition, to ensure consistency, our Shire brand should always align with our Shire brand guidelines and templates.

All communication, whether internal or external, should always be accurate, polite, and professional.

3.20 Comments on Social Media

Personal communications and statements made privately in conversation, written, recorded, emailed, or posted in personal social media, have the potential to be made public, whether intended or not.

Employees must not, unless undertaking a duty in accordance with their employment, if so, instructed, disclose information, make comments, or engage in communication activities about, or on behalf of, the Shire, its Council Members, employees, volunteers, or contractors, which are reasonably likely to undermine public confidence or cause detriment to the Council.

Social and all other media comments relating to any Shire activity, plan or views are prohibited. Employees who are contacted by the media, must direct the enquiry to the Shire's Media and Communications Manager. All staff are to read and adhere to the Communications and Media Policy.

3.21 Interaction with children

A child refers to a person under the age of 18 years of age. The Shire commits to appropriate and safe interaction with all children of all ages by appropriate and respectful behaviour.

Where the Shire determines a position to be the holder of a Working with Children (WWC) check, a WWC must be obtained (or applied for) prior to commencement with the Shire. Any allegation of child abuse will be taken very seriously and will be reported to the relevant authorities immediately.

3.22 Conflict of Interest and Improper or Undue Influence of Position

Employees will ensure there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

Employees are engaged to meet community expectations and therefore, employees will not engage in private work with, or for any person or body, with an interest in a proposed or current contract with the Shire, without first disclosing the interest to the Chief Executive Officer. Any appearance of private dealings could conflict with performance of duties and must be avoided at all costs.

Employees will lodge a written notice with the Chief Executive Officer describing an intention to undertake a dealing in land which is within the district of the Shire, or which may otherwise conflict with the Shire's functions (other than purchasing their principal place of residence).

Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the Chief Executive Officer and Human Resources Department before dealing with relatives or friends and will disqualify themselves from the assessment and selection process.

Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. Shire employees must not campaign in a Shire of Ashburton election.

Employees will not take advantage of their position to improperly influence Council Members or employees in the performance of their duties or functions, to gain undue or improper (direct or indirect) advantage or gain for themselves, or for any other person, or body.

Employees must not take advantage of their position to improperly influence any other person to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves, or for any other person or body.

Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the Shire or any other person. Decisions involving procurement contracts, appointments or tenders should be impartial and made in accordance with statutory obligations and relevant policy and directive considerations. Employees are required by the Act and Regulations to disclose interests potentially affecting their impartiality.

All decision making should primarily be based on facts and merit and be transparent, fair, and equitable.

3.23 Disclosure of Financial Interests

All employees will apply the principles of disclosure of financial interest as contained within the Act. Employees who have been delegated a power or duty, have been nominated as 'designated employees' or provide advice or reports to Council or Committees, must ensure they are aware of, and comply with, their statutory obligations under the Act.

3.24 Shire Resources

Shire resources is role specific and enable our employees to ensure the effective execution of their position at the Shire.

Employees will:

- be honest in their use of Shire resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body,
- use Shire resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies, directives, and procedures, and
- not use Shire resources (including the services of employees) for private purposes (other than when supplied as part of a Shire approved contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

3.25 Use of Shire Finances

Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire's finances.

Employees will use Shire finances within the scope of their authority only, as defined in FIN22 Procurement Directive. Employees must follow Local Government (Financial Management) regulations 1996 and Shire purchasing policy and procedures, established by the Chief Executive Officer in accordance with regulation 5 of the Local Government (Financial Management) regulations 1996, including their financial authority to ensure individual financial authority levels are not exceeded.

Employees will act with care, skill, diligence, honesty, and integrity when using local government finances and ensure the Shire's finances are appropriately documented in accordance with the relevant policy, directives, and procedure, including the Shire's recordkeeping plan.

3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

No one has the authority to ask an employee to breach this Code. Employees must report suspected unethical, fraudulent, dishonest, illegal, or corrupt behaviour to their manager, or the Chief Executive Officer in accordance with the Shire's Public Interest Disclosure Directive.

In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the Chief Executive Officer suspects on reasonable grounds the alleged behaviour may constitute misconduct as defined in this Act, the Chief Executive Officer will notify:

- the Corruption and Crime Commission, in the case of serious misconduct; or
- the Public Sector Commissioner, in the case of minor misconduct.

Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.

Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal, or corrupt behaviour, using the Shire's Public Interest Disclosure Procedures as published on the Shire's website.

Suspected unethical, fraudulent, dishonest, illegal, or corrupt behaviour will be dealt with in accordance with the appropriate Shire policies, directives, and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body. Malicious complaints will not be tolerated and may be subject to Shire disciplinary procedures.

3.27 Lodging a Formal Complaint

All employees have the right to lodge a formal complaint if they believe there to be a breach of policy or directive. Complaints are to be documented in writing on the Code of Conduct Complaint Form, by the person alleging the breach. You can request a copy of this form from your manager or our human resources team. Where a written complaint is made against an employee, it must be submitted to human resources. The Shire has a responsibility and duty of care to act, should the Shire become aware of any breach of policy or directive.

4 CONSEQUENCES OF BREACHING OUR CODE

Procedural fairness will be adhered to for any breach of our Code. Suspected breaches of the Code will be dealt with in accordance with relevant Shire policies, directives, and procedures, depending on the nature of the suspected breach.

Employees may be performance managed up to and including termination of employment if they breach this Code or any of its related policies or directives.

Where a complainant has been found to have deliberately made as a vexatious or malicious complaint then the complainant may also be subject to disciplinary action up to, and including, termination of employment.

5 DEFINITIONS

Associated Person	Means a person who: (a) is undertaking or seeking to undertake an activity involving a local government discretion; or (b) it is reasonable to believe, is intending to undertake an activity involving a local government discretion.
Employee	For this document, an employee could be a person employed by the Shire for wages and salary, a contractor or sub-contractor, a volunteer worker, those engaged under a contract for services and any person performing for or with the Shire in any capacity.
Detriment	Means violence, injury, punishment, damage, loss, or disadvantage.
Gift	Means a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or (b) a travel contribution.
Intellectual Property (IP)	For this document, intellectual property (IP) includes all present and future inventions, improvements, branding,

	designs, processes, concepts, ideas, information, data, formulae, programs, and strategies.
Local Government Discretion	Means an activity (a) which cannot be undertaken without authorisation from the local government; or (b) by way of a commercial dealing with the local government.
Local Government Property	Means anything, whether land or not, which belongs to, or is vested in, or under the care, control, or management of, the local government [Section 1.4 of the Local Government Act 1995]
Shire Resources	Including, although not limited to local government property and services provided or paid for by the Shire and issued to employees as a work-related tool.

I acknowledge that I have read the Shire of Ashburton Code of Conduct.

Name: _____

Date: _____

Signature: _____