



Employee Code of Conduct

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Introduction

- 1.1 This Code of Conduct serves to guide the actions of our employees consistent with the City of Cockburn (the City) values.
- 1.2 The Code is complementary to the principles adopted in the Local Government Act 1995 (the Act) and its Regulations, which incorporates these fundamental aims:
 - better decision-making by Council
 - greater community participation in the decisions and affairs of Council
 - greater accountability of Council to the community and
 - more efficient and effective local government.
- 1.3 The requirements of the Code apply to employees in the daily performance of their work duties. However, employees need to be aware that inappropriate or improper conduct outside of the work environment or outside of normal working hours may still be regarded as misconduct.
- 1.4 Employees have the same rights as all other citizens. However, as they are also public officials, they have a responsibility to conduct themselves in a manner that will not negatively impact upon their ability to perform their work, or undermine public confidence in the City.
- 1.5 All Employees are required to be aware of, and conduct their activities in accordance with this Code, all supporting policies and applicable laws and regulations. We must operate to the highest of the standards required by these various authorities, and always have due regard to legislative requirements.
- 1.6 All employees should be aware of the role of the Council, the CEO and that of the Employee.

1.1 Role of the Council

1. In accordance with applicable legislation, the role of the Council is to:
 - a. direct and uphold the affairs of the Council
 - b. be responsible for the performance of Council's functions
 - c. to oversee the allocation of Council's finances and resources
 - d. to determine policies
 - e. administer the City in the best interest of its community
 - f. provide open, responsive and accountable government

2. The Council will undertake its duties honestly, fairly, impartially and responsibly to the best of its ability, promoting justice, respect and care for the community.

1.2 Role of the CEO

1. Advise Council in relation to the functions of the City under the Act and other written laws
2. ensure that advice and information is available to the Council so that informed decisions can be made
3. implement Council decisions
4. manage the day to day operations of the City
5. liaise with the Mayor on the City's affairs and the performance of the Councils functions
6. speak on behalf of the City if the Mayor agrees
7. be responsible for the employment, management, direction and dismissal of employees (subject to Council agreeing or rejecting the appointment or dismissal of Senior Employees)
8. ensure that records and documents of the City are properly kept for the purposes of the Act and other relevant legislation
9. perform any other function specified or delegated by the Council or imposed under the Act or any other relevant legislation as a function to be performed by the CEO.

1.3 Role of Employees

- 1) Undertake the administrative and operational functions of Council:
- 2) administer policies and directives
- 3) provide professional advice and expertise
- 4) provide objective, reliable and high quality written reports containing sufficient information to assist Elected Members, committee members and senior officers to make informed decisions
- 5) Employees will at all times:
 - (i) accept and respect the rights and obligations vested in Elected Members
 - (ii) conduct themselves professionally in all dealings with Elected Members
 - (iii) ensure that all issues are addressed with the highest level of proficiency to the City
 - (iv) ensure that they operate within the limitations of the delegations and authorities vested in them

- (v) refrain from criticising an Elected Member, committee member or other officer/s in a manner that may discredit that Elected Member, committee member or officer's professional competence and reputation; and conduct themselves in an honest, ethical and professional manner.

NOTE: The Code is independent from the requirements of the provisions of Regulation 34B and 34C of the Local Government (Administration) Amendment Regulations, 2007.

1.4 Conflict of Interest

A conflict of interest involves a conflict between our duty, as City Employees, to serve the public interest and our personal interests. The conflict may arise from a range of factors including our personal relationships, our employment outside of the City, our membership of special interest groups, or our ownership of shares, companies, or property. As City employees we may also experience conflicts of interest between our public service ethics and our personal beliefs or opinions.

Having a conflict of interest is not unusual and it is not wrongdoing in itself. However failing to disclose and manage the conflict appropriately is likely to be wrongdoing. As City employees we are committed to demonstrating our impartiality and integrity in fulfilling our responsibilities and as such we will:

- 1) always disclose a personal interest that could, now or in the future, be seen as influencing the performance of our duties
- 2) actively participate in developing and implementing resolution strategies for any conflict of interest
- 3) ensure that any conflict of interest is resolved in the public interest.

Employees shall not engage in private work with or for any employer or body with an interest in a proposed or current contract with the Local Government. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties, must be scrupulously avoided.

Employees who exercise a recruitment function shall make disclosure before dealing with relatives, close friends or acquaintances and shall disqualify themselves from dealing with those Employees.

An Employee who has an interest in any matter to be discussed in a Council or Committee meeting attended by the Employee is to disclose the nature of the interest.

1.5 Use of information

Employees shall not use confidential information to gain improper advantage for themselves or for any other employee or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any employee or organisation. Employees shall, at all times:

- a. treat official information with care and use it only for the purpose for which it was collected or authorized
- b. store official information securely, and limit access to those employees requiring it for legitimate purposes
- c. not use confidential or privileged information to further personal interests
- d. continue to respect the confidentiality of official information when we leave public service employment
- e. only use information they create, receive or have access to during their employment for the purposes of carrying out their role and providing the services for which they have been employed.

In practice this means employees only disclose official information or documents as required by law or where proper authorisation is given and do not misuse official information or documents for personal or commercial gain for themselves and/or others.

1.6 Workplace behavior and personal conduct

We have a responsibility to always conduct and present ourselves in a professional manner, and demonstrate respect for all Employees, clients or members of the public. We will:

- a. treat co-workers, clients and members of the public with courtesy and respect, be appropriate in our relationships with them, and recognise that others have the right to hold views which may differ from our own
- b. ensure our conduct reflects our commitment to a workplace that is inclusive and free from harassment, bullying or discrimination
- c. ensure our fitness for duty, and the safety, health and welfare of ourselves and others in the workplace, whether co-workers or clients
- d. ensure our private conduct maintains the integrity of the City and our ability to perform our duties
- e. comply with legislative and/or policy obligations to report Employee criminal charges and convictions.
- f. make no allegations which are unfounded, improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable Employee unwarranted offence.

- g. adhere to neat, responsible and culturally sensitive dress standards at all times, ensure acceptable personal hygiene and will dress in a manner appropriate to his or her position in particular when attending meetings or representing the City in an official capacity.

1.7 Contribute to public discussion in an appropriate manner

Commenting on City policy is a matter for the Mayor and delegated Officers, not Employees. Unless prior authorisation has been given, Employees will not comment to the media or on social media on City policy or Council decisions. Where providing factual information to the public on City policy or on Council decisions is a part of Employee official duties and responsibilities, Employees:

- a. will ensure that information is appropriately authorised, and
- b. properly represent the City policy and administration in its intended manner and spirit.

Like any other citizen, Employees have the right to contribute to public discussions on community and social issues in our private capacity. In doing so, we will:

- a. take reasonable steps to ensure that any comment we make will be understood as representing our Personal views, not those of the City
- b. maintain the confidentiality of information we have access to due to our roles, that is not publicly available
- c. be aware that Personal comments about a public issue may compromise our capacity to perform the duties of our role in an independent, unbiased manner.

1.8 Financial Integrity and Responsibility

All City Employees are expected to act responsibly and exercise sound judgment with respect to matters involving City finances. If, in the course of your duties, you spend money or distribute anything else of value, enter into contracts, or maintain financial records on behalf of the City, with respect to such duties you must keep accurate and complete records, submit accurate and complete reports as required, and comply with the City's system of internal controls, including controls relating to the proper review, approval, and execution of contracts.

1.9 Ensure appropriate use of official resources, public property and facilities

We are accountable for all resources that we use in the course of our duties.
We will:

- a. be economical, and avoid waste and extravagance in the use of public resources for proper purposes
- b. use any public resource in accordance with official policies
- c. purchase, manage and care for public resources in accordance with policies
- d. responsibly utilise corporate knowledge and intellectual property as public resources.

1.10 Gifts

Employees shall refrain from accepting a gift from a person who:

- a. is undertaking or seeking to undertake an activity involving a local government decision
- b. it is reasonable to believe is intending to undertake an activity involving a local government decision.

An Employee who accepts a notifiable gift from a person who:

- a. is undertaking or seeking to undertake an activity involving a local government decision
- b. it is reasonable to believe is intending to undertake an activity involving a local government decision

is to notify the CEO, in accordance with Clause (3) below and within 10 days of accepting the gift.

Notification of the acceptance of a Notifiable Gift is to be in done online – refer to the Gifts Declaration page on the Staff Intranet under ‘City Governance – Gift Declaration’ and include:

- a. the name of the person who gave the gift
- b. the date on which the gift was accepted
- c. a description, and the estimated value, of the gift
- d. the nature of the relationship between the employee and the person who gave the gift
- e. if the gift is a notifiable gift
 - a. a description; and
 - b. the estimated value; and
 - c. the date of acceptance, of each other gift accepted within the 6 month period.
- f. The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under Clause (2).

1.11 Social Media

Social media consists of tools such as websites and applications that allow users to create and share content and to participate in social networking. Social media may include:

- a. social networks, such as Yammer, Facebook and LinkedIn
- b. media sharing networks, such as Snapchat, Instagram, Soundcloud and YouTube
- c. bookmarking and content curation networks, such as Pinterest
- d. corporate networks, such as SharePoint, and Skype
- e. blogging networks, such as WordPress or newshub
- f. micro-blogging networks, such as Twitter and Tumblr
- g. discussion forums, such as speechbubble and Whirlpool
- h. wikis, such as Wikipedia
- i. online gaming networks, such as World of Warcraft and Second Life
- j. sharing economy websites, such as Gumtree and Uber.

Only authorised employees may engage in social media on behalf of the City including announcements, responses and comment.

Employees have the right to participate in public and political debate. But in some cases, their responsibilities may limit their ability to participate fully in public discussions, including on social media.

We respect the right of employees to participate in public and political debate in their private lives. In doing so, employees must behave in a way that does not call into question their capacity to act apolitically and impartially in their work.

It is also important that employees do not risk the City's reputation with comments they make online. Employees can generally make public comment in a personal or private capacity if the comment is lawful and a reasonable person couldn't perceive it to be:

- a. made on behalf of the City
- b. affecting their ability to fulfil their duties in an impartial manner
- c. so harsh or extreme in its criticism or endorsement of the City, Council, the Government, a Member of Parliament from any political party, or their respective policies, that they are no longer able to work professionally, efficiently or impartially
- d. damaging to the integrity or reputation of the City
- e. such a negative view of the City that it questions the ability of the Employee to continue to work for the City
- f. a gratuitous Personal attack that connects them to the City
- g. compromising public confidence in the City.

When using social media, it is not acceptable at any time to:

- a. post comments or images that are obscene, offensive, threatening, harassing or discriminatory in relation to work, another Employee, a stakeholder or the City even if the City is not specifically mentioned. The nature and/or context of the post, or the publically available details of the employee posting the comment, may, by reasonable inference, identify the Council, other Employees of the City
- b. create a social media page to protest policies that employees are responsible for implementing or promoting
- c. comment on policy matters that the City is involved with
- d. post inappropriate images that reference or involve the City in some way. This could be photos taken of employees engaging in misconduct that breaches the City's Values or the Code, or otherwise damages our reputation
- e. release sensitive, Personal or confidential information without proper authority
- f. use an official work email address, or anything else that connects them to the City, when making public comment
- g. use external social media tools for business related internal communications, this excludes corporate networks such as Webex, Beekeeper or Skype.

No Employee may create a social media account on behalf of the City without written permission from the Manager Corporate Communications.

Employee must direct all media enquires to the Media Office.

1.12 Compliance with lawful reasonable directions

Employees must comply with any lawful and reasonable direction given by any Employee having authority to make or give such direction, with any doubts as to the propriety of any such direction being taken up with the manager of the Employee who gave the direction and, if a resolution cannot be achieved, with relevant Director.

Employees must give effect to the lawful policies of the City, whether or not they agree with or approve of them.

Employees are expected to question, review and revise work practices and procedures to account for the organisation's statutory compliance. Regardless of 'instruction', statutory requirements are the principal power.

Employees must ensure they are aware of and comply with all City policies and procedures, including but not limited to those related to health and safety, equal opportunity, workplace behaviour, and information and knowledge management

1.13 Maintain appropriate relationships with Council and Elected Members

Employees shall act and be seen to act:

- a. co-operatively with Council's Elected Members through appropriately defined communication channels
- b. as being frank and honest in their official dealings with Elected Members.

An Employee who has an interest in any matter to be discussed in a Council or Committee meeting attended by the Employee is to disclose the nature of the interest:

- a. in a written notice given to the CEO before the meeting
- b. at the meeting immediately before the matter is discussed.

An Employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the Employee is to disclose the nature of any interest the Employee has in the matter:

- a. in a written notice given to the CEO before the meeting
- b. at the time the advice is given.

This Code exempts an Employee from a requirement to disclose the nature of an interest if:

- a. the Employee's failure to disclose occurs because the Employee did not know he or she had an interest in the matter
- b. the Employee's failure to disclose occurs because the Employee did not know the matter in which he or she had an interest would be discussed at the meeting and the Employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

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

Employees are often asked to represent the Council on external organisations. Such positions should only be accepted within time and other constraints which do not adversely reflect on Council's commitment to that organisation and in doing so, employees should fairly represent the Council's position to the best of their abilities as it is understood by them at that time.

All aspects of communication by employees (verbal or written) involving Council activities should reflect the status and objectives of Council and should be accurate, polite and professional.

Employees shall respond to any requests or enquiries by Elected Members, in accordance with policy and procedures unless, at the direction of the CEO, Director or Executive Manager, there is justification for prioritising the request. Employees shall advise Elected Members in accordance with policy and procedure as soon as possible of the progress, outcome or information related to the Elected Members request or enquiry.

Employees shall only attend meetings arranged and attended by Elected Members, to meet proponents or ratepayers concerning any application, proposal or issue, at the direction of the CEO, Director, or Executive Manager to whom any initial approach by an Elected Member shall be referred. Employees presence at such meetings will be in an advisory capacity only and shall be withdrawn in circumstances where advocacy on behalf of the ratepayers/proponents is demonstrated by Elected Members.

Employees shall report to the CEO, Director, or Executive Manager any approaches by Elected Members who contact them on any issue in which the Elected Member has an obligation to declare an interest or if the approach is made in a manner which is directive, demanding or otherwise attempting to influence the Employee in either providing information to which the Member is not entitled, or to prepare a report or recommendation to Council in a particular way, to further the interests of the Member or any other third party.

Employees, with Director, or Executive Manager approval, shall accommodate all reasonable requests from Elected Members to meet with them to discuss Council related matters in order to assist the Member(s) to fulfil their duties.

1.14 Reporting Violations

City of Cockburn recognises that workers' performance may be negatively affected where they are aggrieved or feel that they have not been treated fairly in the workplace. The City is committed to providing a workplace that is free from victimisation and values fairness, safety and equality by providing all employees with the right to access this grievance procedure where they have a legitimate personal grievance related to the workplace.

To achieve this purpose, the City of Cockburn encourages employees to raise grievances where they arise in line with the Grievance Procedure. The City of Cockburn will deal with any complaints received in a prompt, sensitive, impartial, confidential and supportive way to seek a resolution and to prevent future conflict.

Employees who learn about or suspect a violation of this code, another City policy, or any law, shall promptly report it to the relevant Manager, another Manager, Human Resources or Governance. Employees uncomfortable making such a report, may do so anonymously.

In cases in which an Employee reports a suspected violation of policy or law in good faith and is not engaged in the reported conduct, the City will attempt to keep its discussions and actions confidential to the greatest extent possible and in compliance with applicable laws and regulations governing privacy. The City will not respond negatively against anyone making a good-faith report of a potential violation.

The City knows it takes courage for Employees to come forward and share their concerns. The City will not respond negatively or permit retaliation against anyone who raises questions or concerns about City activities or who makes a good faith report about possible misconduct or legal violations to us or a government authority or assists in an investigation of misconduct or legal violation. Regardless of who the Employee contacts, the Employee can be confident that they are doing the right thing and that the concerns will be handled promptly and appropriately. The City will investigate reports of misconduct thoroughly, disclosing information only to those who need it to resolve the issue

The City will take care to determine whether a claim is frivolous or vexatious, and deal with such cases quickly, firmly and fairly. Frivolous claims are those that are 'obviously unsustainable'. Vexatious claims are those that are brought for a 'collateral purpose, as a means of obtaining some advantage for which the proceedings were not designed'. Bringing a vexatious complaint against an Employee may, itself, constitute unacceptable behaviour. However, the City will take great care when dismissing a claim on these grounds, undertaking at least sufficient inquiries to establish that the complaint is either frivolous or vexatious.

- a. "Frivolous" has been defined as meaning 'insupportable in law'; 'disclosing no cause of action'; or 'groundless'
- b. A complaint is vexatious rather than frivolous if it has been brought maliciously rather than in good faith. However, the complaint must also be unmeritorious for it to be vexatious, and it may be difficult to establish the motives of the complainant.

1.15 Definitions

"activity involving a local government discretion" means an activity:

- (a) that cannot be undertaken without an authorisation from the local

- government
- (b) by way of a commercial dealing with the local government.

"gift" has the meaning given to that term in section 5.57 of the Act except that it does not include:

- (a) a gift from a relative as defined in section 5.74(1)
- (b) a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training

"notifiable gift" means:

- (a) a gift worth between \$50 and \$300
- (b) a gift that is one of 2 or more gifts given to the Employee by the same Employee within a period of 6 months that are in total worth between \$50 and \$300

"prohibited gift" means:

- (a) a gift worth \$300 or more
- (b) a gift that is one of 2 or more gifts given to the Employee by the same Employee within a period of 6 months that are in total worth \$300 or more.

"interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the Employee having the interest and includes an interest arising from kinship, friendship or membership of an association.

Contact Us

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