



Employee Code of Conduct

MARCH 2021

Acknowledgement of Country

The Mayor, Councillors and staff of the City of Cockburn acknowledge the Whadjuk Nyungar people of Beiliar boodja as the traditional custodians of this land. We pay our respect to the Elders, past, present and emerging.

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1. 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 established in accordance with Section 5.51A of the *Local Government Act 1995* (the Act) and Part 4A of the *Local Government (Administration) Regulations, 1996*, (the Regulations) which incorporates these fundamental aims:
- Disclosing defined conflicts of interest;
 - Use of the City’s information and resources;
 - Acceptable standards of behaviour;
 - Provisions about prescribed gifts (except the CEO who is bound by the provisions of Section 5.87B of the Local Government Act 1995); and
 - Reporting and managing suspected breaches of the Code.
- 1.3 The requirements of the Code apply to employees (except the CEO in relation to Part 10 “Gifts”) 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 As employees 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 Employees are required to be aware of and conduct their activities in accordance with this Code, all supporting policies and applicable laws and regulations. Employees must operate to the highest of the standards required and always have due regard to legislative requirements.
- 1.6 This Code is complementary to the requirements of the Regulations to the extent that where any inconsistencies may occur, the provisions of the Regulations prevail.
- 1.7 Employees should be aware of the following roles, as outlined in Parts 2 and 3 below, when performing their own duties.

2. Role of the CEO

- 2.1 Advise Council in relation to the functions of the City under the Local Government Act and other written laws;
- 2.2 Ensure that advice and information is available to the Council so that informed decisions can be made;

- 2.3 Implement Council decisions;
- 2.4 Manage the day to day operations of the City;
- 2.5 Liaise with the Mayor on the City's affairs and the performance of the City's functions;
- 2.6 Speak on behalf of the City if the Mayor agrees;
- 2.7 Be responsible for the employment, management, direction and dismissal of employees (subject to Council agreeing or rejecting the appointment or dismissal of designated Senior Employees);
- 2.8 Ensure that records and documents of the City are properly kept for the purposes of the Act and other relevant legislation; and
- 2.9 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.

3. Role of Employees

- 3.1 Undertake the administrative and operational functions of the City;
- 3.2 administer policies and other directives of Council;
- 3.3 provide professional advice and expertise, as required;
- 3.4 provide objective, reliable and high quality written reports containing sufficient information to assist Elected Members, committee members and senior officers to make informed decisions; and
- 3.5
 - (i) accept and respect the rights and obligations vested in Elected Members;
 - (ii) conduct themselves professionally in any 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
 - (vi) conduct themselves in an honest, ethical and professional manner.

4. Conflict of Interest

In this section:

Interest means

- (a) An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) Includes an interest arising from kinship, friendship or membership of an association.

A conflict of interest involves a conflict between the duty of Employees to serve the public interest and the personal interests of Employees.

Employees may also experience conflicts of interest between public service ethics and personal beliefs or opinions.

Failing to disclose and manage the conflict appropriately is likely to be wrongdoing. Employees are required to commit to demonstrating impartiality and integrity in fulfilling their responsibilities and as such will:

- 4.1 always disclose any personal interests that are, or could be, seen as influencing the performance of their duties;
- 4.2 actively participate in resolution strategies for any conflict of interest; and
- 4.3 ensure that any conflict of interest is resolved in the public interest.

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

Employees who exercise a recruitment function shall make disclosure before dealing with relatives, close friends or well-known acquaintances and shall disqualify themselves from dealing with any recruitment process related to those persons.

An Employee who has an interest in a 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, or
- b. at a meeting immediately before the matter is discussed

An Employee who has given, or will give, written 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, or
- b. at the time the advice is given

Where an Employee discloses an interest in a written notice given to the CEO before a meeting, then

- a. before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting, and
- b. at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

This Code excuses 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, or
- 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 the matter.

All disclosures of interest made in accordance with this Code must be recorded in the minutes of the meeting, as applicable.

5. Use and storage of information

Employees shall not use confidential or official 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:

- 5.1 treat official information with care and use it only for the purpose for which it was collected or authorised;
- 5.2 store official information securely in the City's electronic document and records management system (ECM);
- 5.3 not use confidential or privileged information to further personal interests;
- 5.4 continue to retain the confidentiality of City owned information after leaving the City's employment; and
- 5.5 only use information created, received or accessed 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.

6. Workplace behaviour and personal conduct

Employees have a responsibility to always conduct and present themselves in a professional manner and demonstrate respect for other Employees, customers or members of the public.

Employees will:

- 6.1 treat co-workers (including those from other local governments), customers and members of the public with courtesy and respect, be appropriate in relationships with them and recognise that others have the right to hold views which may differ from their own;
- 6.2 ensure their conduct reflects commitment to a workplace that is inclusive and free from harassment, bullying or discrimination;
- 6.3 ensure their fitness for duty and the safety, health and welfare of themselves and others in the workplace, whether co-workers or other parties;
- 6.4 ensure their private conduct maintains the integrity of the City and the ability to perform their duties;
- 6.5 comply with legislative and/or policy obligations and report suspected illegal activities of other Employees;
- 6.6 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 Employee unwarranted offence; and
- 6.7 adhere to neat and responsible dress standards at all times and ensure acceptable personal hygiene, in particular when representing the City in an official capacity.

7. Contribute to public discussion in an appropriate manner

Commenting on City policy is generally a matter for the Mayor, CEO or delegated officers. 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 shall:

- 7.1 ensure that information is appropriately authorised;
- 7.2 properly represent the information in its intended manner; and when contributing to public discussions on community and social issues in a private capacity.
 - 7.2.1 take reasonable steps to ensure that any comment made will be understood as representing a personal view, not that of the City;

- 7.2.2 maintain the confidentiality of information they have access to due to their role, that is otherwise not publicly available; and
- 7.2.3 be aware that personal comments about a public issue may compromise their capacity to perform the duties of their role in an independent, unbiased manner.

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 their duties, they spend money or distribute anything else of value on behalf of the City, they must keep and submit complete and accurate information as required and comply with the City's system of internal controls, including those relating to the proper review, approval and execution of contracts.

9. Ensure appropriate use of resources of the City, public property and facilities

In this section:

resources of the City includes –

City property, and
Services provided, or paid for, by the City

To ensure accountability for all resources used in the course of their duties, Employees will:

- 9.1 be economical and avoid waste and extravagance in the use of public resources for work related purposes;
- 9.2 use any public resource in accordance with official policies and procedures, where applicable;
- 9.3 purchase, manage and care for public resources in accordance with official policies and procedure, and
- 9.4 responsibly utilise corporate knowledge and intellectual property as public resources.

10. Gifts

In this section:

activity involving a local government discretion means an activity –

- a. that cannot be undertaken without an authorisation from the local government;
or
- b. by way of a commercial dealing with the local government.

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.

gift means –

- a. a conferral of a financial benefit (including a disposition of property, entertainment and meals / refreshments) made by one 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

notifiable gift, in relation to a local government employee, means –

- a. a gift worth between \$50 and \$300; or
- b. a gift that is one of two or more gifts given to the employee by the same person within a period of 6 months that are worth between \$50 and \$300

prohibited gift, in relation to a local government employee, means –

- a. a gift worth \$300 or more; or
- b. a gift that is one of two or more gifts given to the employee by the same person within a period of 1 year that are in total worth \$300 or more.

travel includes accommodation incidental to a journey

travel contribution means a financial or other contribution made by one person to travel undertaken by another person.

An Employee who accepts a notifiable gift (i.e. not a prohibited gift) from a person who:

- 10.1 is undertaking or seeking to undertake an activity involving a local government decision;-or
- 10.2 it is reasonable to believe is intending to undertake an activity involving a local government decision, is to notify the CEO, in accordance with sub – clauses 10.3 and 10.4 below and within 10 days of accepting the gift.
- 10.3 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 relevant nature of the relationship between the employee and the person who gave the gift.

- 10.4 In addition, if the gift is one of two or more notifiable gifts received from the same person or organisation within a 6 month period , the online notification must include:
- a. a description;
 - b. the estimated value; and
 - c. the date of acceptance of each other gift.

The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made above.

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:

- 11.1 social networks, such as Twitter, TikTok, Facebook and LinkedIn;
- 11.2 media sharing networks, such as Snapchat, Instagram, Soundcloud and YouTube;
- 11.3 bookmarking and content curation networks, such as Pinterest;
- 11.4 corporate networks, such as SharePoint, Yammer and Skype;
- 11.5 blogging networks, such as WordPress or Newshub;
- 11.6 micro-blogging networks, such as Twitter and Tumblr;
- 11.7 discussion forums, such as Speechbubble and Whirlpool;
- 11.8 wikis, such as Wikipedia;
- 11.9 online gaming networks, such as World of Warcraft and Second Life;
and
- 11.10 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. Notwithstanding this requirement, staff may re-share or comment on City posts so long as their comments reflect the Council's and / or the City's position.

Employees must not interact with Elected Members or candidates on their social media pages during the Caretaker Period for any elections, unless in connection with a matter to be formally considered by Council.

Employees have the right to participate in public and political debate outside of work responsibilities, so long as these matters do not relate to or impinge on the City's affairs.

In doing so, Employees must behave in a way that does not call into question their capacity to act 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:

- 11.11 made on behalf of the City;
- 11.12 affecting their ability to fulfil their duties in an impartial manner;
- 11.13 extreme in its criticism **or** endorsement of the City, Council, the Government, a Member of Parliament, or their respective policies;
- 11.14 damaging to the integrity or reputation of the City;
- 11.15 a gratuitous personal attack that connects them to the City; and
- 11.16 compromising public confidence in the City.

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

- 11.17 post comments or images that are obscene, offensive, threatening, harassing or discriminatory in relation to work, another Employee, or a stakeholder of the City (even if the City is not specifically mentioned), which may, by reasonable inference, identify the City or other Employees of the City;
- 11.18 create a social media page commenting on City policies or decisions of Council;
- 11.19 post inappropriate images that reference or involve the City, or its Employees, that breach the City's Values, this Code, or otherwise the City's reputation;
- 11.20 release sensitive, personal or confidential information without proper authority;
- 11.21 use an official work email address, or anything else that connects them to the City, when making public comment; and
- 11.22 use external social media tools for business related internal communications, excluding corporate networks, such as Webex, Microsoft Teams, Beekeeper or Skype.

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

Employees (other than the CEO) must direct all media enquiries to the Media Office.

12. Compliance with lawful reasonable directions

Employees must comply with any lawful and reasonable direction given by any Officer having authority to make or give such direction. Any doubts as to the propriety of such direction are to be taken up with the direct supervisor of the Employee who gave the direction, or the Human Resources Manager.

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 review and revise work practices and procedures to account for the organisation's statutory compliance, where necessary.

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 knowledge management (record keeping).

13. Maintain appropriate relationships with Elected Members

Employees shall act and be seen to act:

13.1 co-operatively with Elected Members, where relevant, through appropriately defined communication channels; and

13.2 as being honest in their official dealings with Elected Members, where relevant.

Employees shall not use 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 for themselves or for any other Employee or person.

If asked to represent the Council on external organisations, employees should only accept such positions within time and other constraints which do not adversely reflect on their role with the City of Cockburn, as it is understood by them at that time.

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

Employees shall respond to any requests or enquiries by Elected Members, in accordance with established policy and procedures unless, at the direction of the CEO, or Executive Committee (ExCo) Member, there is justification for prioritising the request.

Employees shall advise Elected Members in accordance with established 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, 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, or Executive Committee (ExCo) member 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 may not be 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.

Subject to the above conditions, Employees, shall only accommodate requests from Elected Members to meet with them to discuss Council related matters, in order to assist the Member to fulfil their duties.

14. Grievance Procedure

The City is committed to providing all Employees with the right to access the City's grievance procedure where they have a legitimate personal grievance related to the workplace.

To achieve this purpose, the City encourages Employees to raise grievances where they arise in line with the Human Resources Grievance Procedure, which is located on the Staff Intranet. In accordance with the procedure, the City will deal with any complaints received in a prompt, sensitive, impartial, confidential and supportive way to seek a resolution and to prevent future conflict.

15. Reporting Violations of the Code

Employees who learn about or suspect a violation of this Code, another City policy, or suspected unethical, fraudulent, dishonest, illegal or corrupt behavior, shall promptly report it in writing to the relevant Unit (Head) Manager, Human Resources Manager or Governance Unit, as appropriate.

The person receiving the report shall discuss matter/s raised in further detail with the relevant Human Resources officer and if considered necessary, the CEO shall be advised of the matter at this stage.

While Employees making such a report may do so anonymously in the first instance, it may be necessary to identify the source of the report (by name) at a further stage of any investigation.

Alternatively, an employee may also contact the City’s Public Interest Disclosure Officer (Governance Unit) if appropriate to do so, who will deal with the matter in accordance with the relevant legislation.

Where an Employee reports a suspected violation of policy or law in good faith, the City will attempt to keep its discussions and actions confidential to the extent possible and in compliance with applicable laws and regulations governing privacy.

Regardless, the Employee can be confident that the concerns raised in any report 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 and fairly.

Frivolous claims are those that are groundless and obviously unsustainable.

Vexatious claims are those that are brought 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.

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