



**GREATER SHEPPARTON CITY COUNCIL**

# **EMPLOYEE CODE OF CONDUCT**

Adopted by ELT: 15<sup>th</sup> December 2021

Next Review: 15<sup>th</sup> December 2025



**EMPLOYEE CODE OF CONDUCT**

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## PURPOSE

Greater Shepparton City Council expects that its Employee will always display the highest standards of professional and ethical behaviours, values and personal conduct when serving the needs of the community and other stakeholders.

The Employee Code of Conduct is essential in establishing the desired culture at Council and reflects Council's current strategic priorities. It reinforces the personal responsibility of all Employee to interact in a positive, inclusive way and, in being committed to working to the standards articulated throughout the Employee Code of Conduct, contribute to making Greater Shepparton City Council an inspirational and rewarding place to work.

Council is committed to promoting and celebrating and adhering to Council's adopted values.

The Employee Code of Conduct provides a public statement on Council's social responsibilities, accountability and how Council aims to be perceived which helps to assure public trust in Council's administration and supports Council's strong community values. Compliance with the Employee Code of Conduct will foster and maintain employee, Councillor and public trust and confidence in the integrity and professionalism of the Council and its Employee.

## OBJECTIVE

The objectives of the Employee Code of Conduct are to:

- Clarify the standards of behaviour that is expected of Council employee in the performance of their duties. It gives guidance in areas where employees need to make personal and ethical decisions.
- Provide definition on how Council's values are demonstrated in the day-to-day activities of the Council. The Employee Code of Conduct outlines the expected standards of behaviour and how Council employees are to conduct their duties while representing Council and working towards achieving the goals of Council.
- Promote a culture of fair and ethical behaviour and to ensure that Council meets its obligations under relevant legislation.
- Assist the Council to safeguard public trust and confidence in the integrity and professionalism of its employees by ensuring that all employees:
  - maintain appropriate standards of conduct;
  - exhibit fairness,
  - maintain impartiality,
  - act honesty and with equity in decision making; and
  - foster and protect the reputation of Council.

All employees are expected to act with integrity, which includes being aware of and acting within the laws that apply to their conduct. All employees are expected to sign this document as a commitment to the behaviours outlined.

## SCOPE

The Employee Code of Conduct applies to all employees, including casuals, contractors, volunteers and personnel involved with Council including Council committees and those employed by Council's subsidiaries in any capacity.

This Employee Code of Conduct applies to any situation which could be identified with or reflect on the Council, including out-of-hours activities such as social functions, using Council vehicles, social media, attendance at conferences or any time when wearing a Council uniform or identification badge.

*This document does not replace, but supports, legislation, relevant professional bodies' codes of conduct or awards and policies*

**DEFINITIONS**

<b>Reference term</b>	<b>Definition</b>
Act	The Local Government Act 2020
Award/s	Victorian Local Authorities Award 2001, Nurses and Midwives (VPHSSIE) Enterprise Agreement 2016-2020.
Bribe	Money, reward or service offered to procure action, decision, or preferential treatment in favour of the giver or another person.
Confidential information	Information does not have to be specifically identified as “Confidential” before it is considered confidential. “Confidential information” includes any document marked “Confidential” or any information which an employee is told is “Confidential” or which an employee should reasonably expect to be regarded by Greater Shepparton City Council as “Confidential”.  Any confidential information regardless of the form or media that it is held in. Confidential information can include information in written, pictorial, oral, hard copy, electronic, or any other form whatsoever.
Conflict of Interest	A Council employee has a general conflict of interest (section 127 of the Act 2020) in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.  A Council employee has a material conflict of interest (section 128 of the Act 2020) in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.  Please refer to section 126 of the Act 2020 for more information with regards to this definition.
Council	"Council" has the same meaning as it has in section 3(1) of the Local Government Act 2020.  <i>“Council means a municipal council (including the Council of the City of Melbourne and the Council of the City of Geelong) whether constituted before or after the commencement of this section.”</i>
Employee	Any individual that works for GSCC such as full-time, part-time, temporary and casual employees; contractors, volunteers, and those funded by grants or other organisations.
Disciplinary action	Action by Council, to discipline an employee for unsatisfactory or unacceptable performance, behaviour and / or conduct or breach of Council policies, procedures or legislation.
Enterprise Agreement	Greater Shepparton City Council Enterprise Agreement 2020 or its successor. An enterprise agreement is a voluntary and negotiated agreement between Council employees (or their union representatives) and Council. The agreement is designed and tailored specifically for their workplace and their environment.

	<p>For the agreement to come into effect it must be approved through a ballot process by a majority of the employees who cast a valid vote.</p> <p>Enterprise agreements cannot override state laws which cover OHS, workers compensation, discrimination, child labour, equal employment opportunity and training arrangements.</p>
Ethics	<p>The guiding values, principles and standards that enable people to determine how things should be done and how they should act. Ethics refers to the judgements that people make and the process that determines those judgements. It is the process by which people make value based decisions which ultimately guides their actions and behaviours.</p>
Gifts	<p>Gifts are unsolicited and meant to convey a feeling of goodwill on behalf of the giver and where there is no expectation of favours or repayment. Some examples of these types of gifts could include:</p> <ul style="list-style-type: none"> <li>• Clothes;</li> <li>• Products; and/or</li> <li>• Tickets</li> </ul> <p>with a value of greater than \$10</p>
Hospitality	<p>Hospitality is the provision of food or beverages, travel, accommodation or entertainment offered to convey goodwill on behalf of the giver for which there is no expectation of favours or repayment. Hospitality is a form of Gift but for the purpose of this policy is dealt with separately.</p>
Mandatory reporting	<p>Mandatory reporting is a legal obligation and as such, carries a penalty if you fail to act. It is important to note that mandatory reporting legislation overrides any professional code of conduct or ethical guidelines that may apply to your particular profession.</p> <p>Mandatory reporting was introduced in 1993 with an amendment to the Children's and Young Person's Act 1989. This amendment required certain professionals to report suspected cases of child abuse to Child Protection in Victoria.</p> <p>The Children, Youth and Families Act 2005 replaced the Children's and Young Person's Act 1989, and contains current mandatory reporting legislation.</p> <p>A professional is mandated to report if he or she is one of the following:</p> <ul style="list-style-type: none"> <li>• a registered medical practitioner</li> <li>• a nurse registered under the Health Professionals Registration Act 2005</li> <li>• A person who is registered as a teacher under the Education and Training Reform Act 2006 or has been granted permission to teach under that Act</li> <li>• The principal of a government school or a non-government school within the meaning of the Education and Training Reform Act 2006</li> <li>• A member of the police force</li> </ul>

Misconduct	<p>Includes the following:</p> <ul style="list-style-type: none"> <li>• misdemeanours, including inappropriate behaviour;</li> <li>• failure to comply with organisational policies;</li> <li>• serious incompetence; and</li> <li>• failure to properly discharge responsibilities.</li> </ul>
Procedural fairness	<p>The employer's duty to treat employees fairly and give them the opportunity to correct poor performance or behaviour as well as providing an opportunity to respond and the response be considered.</p>
Serious misconduct	<p>As defined in the Fair Work Regulations (2009) and is considered to be matters of such seriousness that the employment relationship is unable to continue. Includes the following for example:</p> <ul style="list-style-type: none"> <li>• dishonesty including theft;</li> <li>• assault;</li> <li>• fraud;</li> <li>• releasing confidential information to competitors without authorisation;</li> <li>• seriously inappropriate behaviour including drunkenness, fighting, sexual harassment;</li> <li>• conduct that includes imminent and serious risk to a person's health or safety;</li> <li>• conduct that includes imminent and serious risk to the reputation, viability or profitability of the organisation;</li> <li>• serious neglect of duty;</li> <li>• gross insubordination and abuse;</li> <li>• serious and wilful disobedience; and</li> <li>• the cause of serious and imminent risk to the health and safety of a person or the reputation, viability or profitability of the business.</li> </ul>

## 1. CODE OF CONDUCT STATEMENT

In the interests of the Council, officers are to maintain the highest possible ethical standards of accountability, honesty, cooperation, tolerance and acceptance of obligations as well as rights.

The Council recognises that its employees are its greatest asset and aims to sustain the employee's culture exhibited by living its values. The Employee Code of Conduct provides a behavioural framework which conveys the obligations and standards of behaviour expected of Council Employee. It also provides guidance in resolving any ethical issues that may arise during the course of duties undertaken by Employee.

The purpose of this procedure is to set out the minimum standards for the behaviour and conduct for all employees. Overall, the Employee Code of Conduct exists to promote professionalism and excellence so that all Employee are motivated 'to do the right thing' and feel safe and respected whilst at work. In addition it also aims to provide employees with guidance and support in ethically ambiguous and challenging situations in the workplace.

The Employee Code of Conduct will be widely promoted to all employees bringing a sense of unity to the complex nature of Council in terms of its multi-functional structure and diverse cultural backgrounds of employees.

The Employee Code of Conduct is a means by which Council demonstrates its responsibility to live its values through its every day operations.

### 1.1 Directive Principles and Application

The Employee Code of Conduct recognises that all employees deserve a collegial work environment which is positive, productive, healthy and enjoyable at all times. Council is committed to supporting the ethical behaviours and values expected from employees as detailed within the Employee Code of Conduct and will apply the following fundamental principles in accordance with the Local Government Act 2020:

1. Council employees must in the course of their employment:
  - (a) act impartially;
  - (b) act with integrity including avoiding conflicts of interest;
  - (c) accept accountability for results;
  - (d) provide responsive service.
  
2. Nothing in subsection (1)(c) affects the granting of an indemnity to a Council employee in respect of any liability or limits the effect of:
  - a) any such indemnity, whether granted before or after the commencement of section 67 of the Local Government (Democratic Reform) Act 2003; or
  - b) any immunity conferred on a member of Council staff by or under any Act, whether before or after that commencement; and
  - c) The Fair Work Act 2009

### 1.2 Employee Obligations

All employees have an obligation and duty of care to:

- Comply with prevailing community standards of equity, justice, fairness and compassion in dealing with others within and beyond Council;
- Perform their duties in a responsible and professional manner, with due regard for Council policies and other legal requirements and obligations;
- Exert responsible stewardship of Council resources;
- Promote and protect Council's reputation in the wider community; and
- Act appropriately when a conflict arises between their self-interest and their duty to the Council.

### 1.3 Personal Conduct

All employees are expected to:

- Adhere to the Council values.
- Treat everyone with courtesy, respect, kindness, consideration, and sensitivity to their rights;
- Always act honestly, in good faith, and respectful of the trust placed in them;
- Respect each individual's rights to privacy and keep personal information in confidence;
- Consider the impact of their decisions and behaviour on the well-being of others;
- Refrain from acting in any way that would unfairly harm the reputation and career prospects of other employees;
- Refrain from any form of conduct, in the performance of their Council duties, which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper conduct or partial performance of their duties;
- Refrain from all forms of harassment and discrimination based on gender, race, religious belief, political affiliation, pregnancy, disability, sexual orientation or illness;
- Carry out lawful and reasonable directions given by any person having the authority to give such directions;
- Give effect to the lawful policies, decisions and practices of the Council;
- Act within the delegations assigned to the position;
- Strive to obtain value for money and avoid waste and extravagance in the use of Council resources;
- Ensure that all advice given in the performance of their official duty is accurate, impartial, complete and timely;
- Refrain from engaging in outside business or employment that may conflict with, or adversely affect, their work without firstly obtaining the approval of the CEO and or Director;
- Refrain from making comments to the media on Council related matters unless authorised to do so;
- Refrain from providing information without approval to any Councillors or member of the public;
- Refrain from allowing personal relationships to affect professional relationships; and
- Seek advice from an appropriate manager where a colleague's behaviour is perceived to be in breach of the Employee Code of Conduct, and report any suspected corrupt, criminal or unethical conduct to Manager People and Development.

### 1.4 Professional Conduct

All employees are expected to:

- Perform their duties diligently, impartially, conscientiously, with integrity, and to the best of their ability;

- Comply with health and safety requirements for themselves and others when carrying out their duties;
- Keep up to date with advances and changes in the body of knowledge and the professional and ethical standards relevant to their area of expertise;
- Strive to always achieve the highest service and professional standards;
- Comply with any relevant legislative, industrial or administrative requirements including observance and application of anti-discrimination policy;
- Comply with the principles of environmental responsibility;
- Maintain adequate documentation to support any decisions made;
- Take no improper advantage of any official information gained in the course of their employment; and
- Refrain from allowing personal political views and/or affiliations or other personal interests to influence the performance of duties or exercise of responsibilities.

### **1.5 Stewardship of Council Resources**

All employees are expected to:

- Use Council technical and physical resources properly, responsibly and for legitimate purposes only;
- Use resources in a manner that causes no harm to the community or environment;
- Strive to always obtain value for Council money spent and avoid waste and extravagance in the use of Council resources;
- Secure all Council property against theft or fraud;
- Maintain the integrity and security of all Council intellectual property; and
- Maintain the security, integrity and confidentiality of all relevant Council commercial and other information.

### **1.6 Protection and Promotion of the Council's Reputation**

All employees are expected to:

- Promote Council wherever possible in their professional dealings with others;
- Refrain from representing themselves as spokespersons, or acting for or on behalf of the Council unless authorised to do so (and when in doubt seek advice from the Marketing and Communications department); and
- Refrain from engaging in any activity that may compromise Council's integrity and reputation.

### **1.7 Adherence to Child Safe Standards**

All Council employees are responsible for promoting the safety and wellbeing of children and young people by:

- Adhering to the Child Safe Policy, and other relevant policies
- Taking all reasonable steps to protect children from abuse
- Treating everyone with respect, including listening to and valuing their ideas and opinions
- Welcoming all children and their families and carers and being inclusive

- Respecting cultural, religious and political differences and acting in a culturally sensitive way
- Modelling appropriate adult behaviour
- Listening to children and responding to them appropriately
- Reporting and acting on any breaches of this Code of Conduct, complaints or concerns
- Respecting the privacy of children and their families, and only disclosing information to people who have a need to know

Employees will not;

- Ignore or disregard any concerns, suspicions or disclosures of child abuse
- Use prejudice, oppressive behaviour or language with children
- Discriminate on the basis of age, gender, race, culture, vulnerability or sexuality
- Initiate unnecessary physical contact with children
- Develop special relationships with specific children or show favouritism through the provision of gifts or inappropriate attention
- Exchange personal contact details such as phone number, social networking site or email addresses with children
- Have unauthorised contact with children or young people online or by phone

### **1.8 Dress code**

When wearing the corporate uniform or any Council identified items, employees are representing Council and should at all times act in a professional manner that promotes a positive image of the Council. Employees are required to present a clean, neat and tidy appearance at all times. Office staff dealing with the public on behalf of the Council, other than operations staff, must wear standard professional business attire and present a professional image, appropriate to their role and their position.

In instances where appropriate personal protective clothing is issued to ensure safety as they perform any tasks on behalf of Council, employees must comply with the requirements (as per the OHS Procedure).

The following items of clothing or style of dress are not permitted in the workplace:

- socks/stockings without appropriate footwear
- casual singlets
- thongs
- bare feet
- torn/ripped clothing
- blouses/tops which expose an employee's midriff or clothing which is see-through therefore showing underwear
- clothing with inappropriate, offensive or irrelevant writing or messages.

This list is not complete but is indicative of the type and style of dress and clothing which is considered to be inappropriate in the workplace.

Some items of clothing may only be worn where it is appropriate to the type of work being undertaken, the working conditions in which employees are working, or in special circumstances which may be approved by the CEO. E.g. denim jeans

Casual clothing may be worn on allocated days where it is appropriate to do so i.e. Casual Fridays, only if it does not interfere with required corporate uniform or protective clothing.

### **1.9 Work outside of Council**

Prior to undertaking any work for an external party, employees shall seek the approval of the relevant Director.

The Director prior to approving this shall ensure that there is no conflict between the proposed employment and the employee's primary employment with Council.

Consideration will be given to whether the secondary role will, result in an increasing OH&S risk to the employee or others, increase the risk to the Council or compromise the performance of the employee's primary role.

### **1.10 Roles & Responsibilities**

It is the responsibility of the Manager People and Development to maintain the Employee Code of Conduct. The Manager People and Development is responsible for the overall administration of the Employee Code of Conduct.

All employees have the responsibility to ensure they are familiar with the Code of Conduct and seek guidance where appropriate to enable compliance.

## 2. GIFT POLICY

Council officers may be offered gifts or hospitality in a range of situations. Receipt of a gift or benefit from a person or organisation could create an expectation of favourable consideration in relation to Council matters and give rise to a conflict of interest.

This policy applies to all employees of Council and has been developed to provide guidance on the expected process with regard to the acceptance of gifts and benefits.

This will therefore minimise the potential for breaches of the Local Government Act 2020 to occur.

### 2.1 Acceptance of Gifts or Hospitality

Council is committed to being open and transparent in its operations to ensure that it minimises the risk of being placed in a compromising position that may have an adverse effect on its public endeavours and the promotion of trust within the community.

Council employees must:

- At all times be ethical, fair and honest in the conduct of official duties.
- Be aware that fraudulently receiving a “Gift” including hospitality is an offence under both common law and the Local Government Act 2020.
- Be fully accountable and responsible for their actions and ensure that the methods and processes they use to arrive at decisions are beyond reproach and can withstand audit processes and proper scrutiny.
- Not seek, solicit, or use their position with Council to obtain gifts or benefits from external organisations or individuals.
- No accept gifts or hospitality of any value from contractors/ consultants.
- Ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts or hospitality to secure or retain Council business.
- Report any incidences where a bribe and/or cash is offered.

Council employees must not solicit gifts or hospitality. Offers of money must not be accepted. The following principles apply to Council employees in relation to the acceptance of gifts or hospitality:

- In general, offers of gifts and hospitality should be politely declined.
- If a gift or hospitality cannot be declined or returned, or if refusal has the potential to damage Council's relationship, then it may be received, but must be reported immediately.
- It may be determined that the Council retain or appropriately dispose of any gift or instruct that any gift may not be received or retained either generally or from specified persons or organisations.

Council employees, in the normal course of their duties will from time to time receive invitations of hospitality to attend various functions and events. Where such hospitality is only modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations. Where practical, the relevant approval/s should be obtained prior to attendance. Examples include:

- A business meeting to discuss matters of Council interest at which a meal or refreshments are served;
- Attendance as a representative of the Council at promotional events, site inspections, meetings or activities where there is value to Council in its employee/s gaining or providing information of benefit to Council operations.

If, however, acceptance of the hospitality is likely to create the impression that an attempt is being made to compromise the impartiality of the Council employee, or could be perceived as a Conflict of Interest, then the offer of hospitality should be politely declined.

- Any hospitality estimated to be in excess of \$10 must be reported in the same manner as a gift.

Any bequests to a Council employee as a direct result of their position with Council must not be accepted. Arrangements may be made to donate the bequest to a charitable institution in the name of the person or returned to the immediate family.

Details of gifts or hospitality whose value exceeds \$10 shall be reported by the employee on the appropriate form and forwarded through their Director, to the Chief Executive Officer, (or to the Mayor if the gift is received by the Chief Executive Officer).

The Chief Executive Officer (or Mayor in the gift is received by the Chief Executive Officer) shall determine the most appropriate treatment method for the gift.

## **2.2 Gifts Register**

Completed forms are to be completed and work flowed to the Governance department, who will be responsible for maintaining a gift and benefit register.

A report on Council's Gifts Register will be presented to the Audit and Risk Management Committee on an annual basis.

This register will be made available for public inspection and contains the following information:

- Date;
- Description of the gift or hospitality;
- Estimated value;
- Recipient;
- Provider name (Individual or Company); and
- Treatment.

### 3. DEALING WITH CONFLICTS OF INTEREST

Employees should always be aware of the potential for conflict of interest and must ensure that they do not gain a personal benefit from their positions in Local Government. If an employee, or any family member (as defined in section 126 of the Local Government Act 2020) of an employee, has a personal interest in any matter, they must declare their conflict of interests and withdraw from the process of decision-making, or influencing the decision.

Employees are required to familiarise themselves with Council's Conflict of Interest Policy as amended from time to time, and adhere to the requirements set out in the policy, including declaring conflicts of interest where appropriate.

Council employees must individually take responsibility for assessing whether they have conflicts of interest in any matter relating to their formal Council roles. If the answer is yes, then they must act appropriately. This includes making a proper disclosure and not participating in the relevant decision making relating to the matter.

The Chief Executive Officer has determined that where an employee receives any gift or hospitality, accumulated to the value of \$50 from one source, during any financial year, will give rise to the employee having a conflict of interest.

Hospitality is not considered to be a gift, for conflict of interest purposes if the following two conditions are met:

- The hospitality was received at an event or function that the employee attended in an official capacity as a Council employee.
- The hospitality is reasonable. That is, a reasonable person would consider it appropriate and not excessive.

Hospitality does not constitute an applicable gift, if it is paid for by Council, or by the person receiving the hospitality.

It is important to note that the following do not constitute hospitality, and therefore is considered a receiving a gift, even if attending an event or function in an official capacity:

- Being given free tickets to a sporting or cultural event at which you are not performing any official duty; or
- Being given free membership of an organisation.

Employees are expected to notify the Team Leader Corporate Governance and Manager Corporate Governance of the existence of an actual or potential conflict of interest.

#### 3.1 Process for dealing with alleged breaches of the Conflict of Interest Policy

An employee that fails to declare a conflict of interest is potentially committing an act of misconduct. Where a breach of the Conflict of Interest Policy has been an alleged, the following process will be undertaken.

1. The CEO is to be notified of the alleged breach.
2. The CEO is to undertake an initial assessment of the allegation and provide direction for either the Manager People and Development, or the Manager Corporate Governance to undertake an investigation of the alleged breach.
3. The employee alleged to have breached Conflict of Interest Policy is to be notified and provided with an opportunity to explain their position.
4. The investigation is to assess the following:
  - a. What is the nature of the alleged conflict?
    - i. general conflict (section 127); or
    - ii. material conflict (section 128);

- b. If a conflict does exist, does the conflict fall into one of the exempt categories under section 129 of the Local Government Act 2020?
- c. Was it reasonable for the employee to be aware of the conflict?
- d. Did the employee seek any guidance or advice as to if they had a conflict of interest?
- e. What benefit arose from the conflict of interest?

Employees found to have breached the Conflict of Interest Policy will be disciplined in accordance with Council's Corporate Procedure Managing Workplace Performance and Behaviours.

## **4. COMMUNICATION WITH COUNCILLORS**

### **4.1 Interaction between Council Staff and Councillors Protocol**

A protocol has been developed to provide guidance and support for the employees of Greater Shepparton City Council (Council) and Councillors in the performance of their respective roles as established by the Local Government Act 2020 (Act).

### **4.2 Contact with Councillors**

Apart from contact required for routine administrative matters associated with the meetings of committees of which they are members, employees should not generally have a need to deal directly with Councillors.

A Councillor Portal has been established to manage Councillors Enquiries. This will ensure that a Councillor's request is promptly responded to by the appropriate Director. Directors will liaise with employees where input is required, however the correspondence with Councillors should be via the Director.

Employees are not to take direction from Councillors.

Employees need to be aware that with the exception of the Governance area, it is not appropriate for Councillors to attend employee work areas unless invited to do so by the CEO or relevant Director.

In relation to community, social and Council functions the employee's obligations allow for polite conversation with Councillors, with employees maintaining respect for the position of Councillors. Council staff must not take direction from or provide information to Councillors, and if concerned with the content of the conversation should refer the matter back to their Director as soon as possible.

Employees are to familiarise themselves with the "Interaction between Council Staff and Councillors Protocol", and follow these guidelines.

## 5. CONFIDENTIAL INFORMATION

### 5.1 Definition of confidential information

All information obtained by an employee as part of their role with the Council must remain and be treated as confidential, unless or until it has been made public or has been cleared for public release. Information should be shared with other employees on a need to know basis only.

Council holds information about a range of matters relating to Council business. To minimise risks to the Council and residents, the Council will preserve the confidentiality of Council information to the fullest extent possible. There are a number of laws which require the Council to make available information to members of the public or government bodies.

Confidential information is valuable information which belongs to the employer, even if an employee has had a significant role in finding or creating the information. This may even be the case if the employee has done so outside of normal business hours.

The following classes of information must always be treated as confidential:

- Legal advice received by Council, including the substance or effect of that legal advice, or any conclusions reached in that legal advice, or any reasoning upon which those conclusions were reached, or any course of action recommended in that legal advice;
- Information provided to council on the condition that it is kept confidential;
- Information dealing with the appointment, dismissal, discipline or appraisal of an employee;
- Information dealing with industrial matters affecting employees;
- Information associated with the preliminary budget;
- Information dealing with rating concessions for individuals;
- Information associated with contracts proposed by council;
- Information associated with starting or defending legal proceedings;
- Information dealing with the security of property;
- Information dealing with trade secrets of any person or body;
- Information considered and discussed in meetings closed to the public;
- Commercial-in-confidence information associated with any person or body;
- Names and/or address of complainants or witnesses;
- Any information designated as confidential by the Chief Executive Officer, until such time as Council has resolved that the Chief Executive Officer's confidentiality designation should be removed;
- Information gathered under the Public Health and Wellbeing Act 2008.

Council will preserve the confidentiality of confidential information as far as possible under the law. Confidential information must not be released to any person unless:

- the information relates only to that person (that is, it is solely information about the person); or
- it is information that relates only to a person, and that person has provided the council with written authority to release the information to someone else; or
- the release is necessary for the conduct of the Council's business and is in the public interest; or

- Council is obliged under law to release the information to that person; or mandatory reporting applies

This definition is not intended to limit the kinds of information which are considered Confidential Information. If a Council employee is unsure whether a document is confidential or not, the Council employee must consult with the Chief Executive Officer (or their delegate) before taking any action in relation to the documents that may result in them becoming available to a member of the public. A Council employee must not access Council information except to the extent that it is necessary to do so in order to perform their official duties.

## 5.2 Employee Obligations

All employees are under a legal duty to preserve the confidentiality of information which belongs to their employer and must comply with the Employee Code of Conduct.

These legal duties are either contained in their contract of employment but are also imposed by the operation of the law.

Furthermore, confidential information belonging to Greater Shepparton City Council will generally be subject to protection as copyright material belonging to Greater Shepparton City Council.

The key obligations of Greater Shepparton City Council employees are:

- Not, except when required in the proper performance of your duties, to disclose Greater Shepparton City Council's confidential information to any third party including any company or individual who is not a Greater Shepparton City Council employee authorised to view the confidential information;
- To only use and disclose Greater Shepparton City Council's confidential information so far as it is necessary for the proper performance of their duties;
- To do everything reasonable to ensure that Greater Shepparton City Council's confidential information is not disclosed in an unauthorised way to any third party;
- To avoid using Greater Shepparton City Council's confidential information in any way to obtain a personal benefit for them or any person who is not an employee of Greater Shepparton City Council or who is a family member or close friend (see also Greater Shepparton City Council's Conflict of Interest policy);
- To ensure that any confidential information which they deal with in their employment is kept securely at all times. Exercise care in emailing or electronically storing information;
- To avoid making unnecessary copies of information;
- When their employment ends, to return or destroy (at Greater Shepparton City Council's direction) any copies, in whatever form, of any confidential information to Greater Shepparton City Council. This includes any paper or electronic copies and any notes made from confidential information

If they are unsure about how they should handle confidential information they must seek clarification from their manager.

## 5.3 Information Disclosure

An employee's obligation to preserve the confidentiality of the information may cease to apply in certain circumstances, which are set out below. Information falling within one of these categories does not necessarily cease to be confidential information, and employees should always ensure that, where they are unsure, disclosure is authorised by their manager.

- The information comes into the public domain other than by reason of unauthorised disclosure;

- The information was in the possession of the employee from a source other than Greater Shepparton City Council, its respective related corporations or any of the directors, shareholders, officers, employees or agents of Greater Shepparton City Council or its related corporations;
- After the employee receives the information, it becomes available in the public domain by reason of a media report (except where that availability is a consequence of a breach of an employee's obligations or those of a fellow employee);
- The information is required to be disclosed by reason of any lawful requirements of any government, administrative body, authority or department;
- The information is required to be disclosed to any Court in the event of legal action.

It is also possible that Greater Shepparton City Council's interests may be so seriously damaged by the disclosure of confidential information that legal action against an employee is justified. The remedies which Greater Shepparton City Council might be able to obtain from a Court in case of a breach of confidentiality include orders to pay monetary damages or injunctions, which are orders to prevent further disclosure of the information or to prevent an employee taking advantage of an unlawful disclosure.

Please note that confidentiality obligations continue post the period of employment with Greater Shepparton City Council as outlined in the employee's employment agreement.

## **6. CONSEQUENCES OF BREACHING THE EMPLOYEE CODE OF CONDUCT**

### **6.1 Compliance with the Employee Code of Conduct**

All Council employees must comply with the Employee Code of Conduct and report any breaches to their immediate supervisor who must notify their Director and the Manager People and Development.

Employees whose conduct falls below the standards outlined in the Employee Code of Conduct will be counselled accordingly and/or disciplined in accordance with Council's Corporate Procedure Managing Workplace Performance and Behaviours.

### **6.2 Breaches of the Employee Code of Conduct**

Greater Shepparton City Council views a breach of the Employee Code of Conduct extremely seriously. Employees who breach obligations of the Employee Code of Conduct seriously undermine the trust that Greater Shepparton City Council can have that they will perform their duties properly and in Greater Shepparton City Council's best interests.

If an employee has breached this Code of Conduct, it will be managed as per Council's Corporate Procedure Managing Workplace Performance and Behaviours.

In many cases a breach of the Employee Code of Conduct will constitute grounds for immediate termination of employment. At Greater Shepparton City Council's discretion other less serious disciplinary action may be taken.

**RELATED POLICIES AND CORPORATE DOCUMENTS**

- Conflict of Interest Policy
- Procurement Policy
- Interaction between Council Staff and Councillors Protocol

**RELATED LEGISLATION**

- Local Government Act 2020
- Local Government (Governance and Integrity) Regulation 2020
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012
- Protected Disclosure Regulations 2013
- Greater Shepparton City Council Enterprise Agreement 2020 (or its successor)

**REVIEW**

This Code of Conduct will be reviewed by the Manager People and Development every four years, or as directed by the Chief Executive Officer.



22<sup>nd</sup> December 2021

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**Peter Harriott**  
**Chief Executive Officer**

**Date**

**ATTACHMENTS**

**Attachment A: Employee Code of Conduct Agreement (CM: 00000)**

**Attachment A**

**EMPLOYEE CODE OF CONDUCT AGREEMENT**

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The purpose of this Agreement is to enable a Greater Shepparton City Council Employee to:

- Understand and comply with employer expectations for professional and personal conduct in relation to the information listed within the Employee Code of Conduct;
- Recognise and understand their obligations to confidentiality;
- Understand the serious consequences of a failure to observe these obligations;
- Understand how to effectively communicate with Councillors and the correct process to follow.

I agree that I will:

- Not disclose or misuse confidential information to any persons unless I have the prior approval from the Chief Executive Officer;
- Not make improper use of confidential information. Improper use meaning:
  - To gain directly or indirectly an advantage either personally or for any other person, or
  - To cause detriment to the local governments or any other persons
- Make every effort to comply with the Employee Code of Conduct.

Every allegation of a breach of this Agreement will be investigated and conducted in accordance with Council’s Corporate Procedure Managing Workplace Performance and Behaviours.

If upon investigation it is found that this Agreement has been breached, then appropriate disciplinary action will be taken, up to and including dismissal.

I acknowledge that I have read and understand this Agreement and voluntarily accept the duties and obligations it places upon me.

Employee Name: \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**CEO:** \_\_\_\_\_

***Greater Shepparton City Council may amend and vary this agreement from time to time.***