



TAMALA PARK
REGIONAL COUNCIL

**EMPLOYEE
CODE OF CONDUCT**

December 2021

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TAMALA PARK
REGIONAL COUNCIL
Building a sustainable community

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Document Control

Date	Changes	Authorised By
25 Nov 2021	Revised whole document	CEO, J Morellini

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A MESSAGE FROM OUR CEO

The purpose of this Employee Code of Conduct is to guide the decisions, actions and behaviours of the Tamala Park Regional Council employees. Ultimately the desire is to create and foster an enjoyable and ethically responsible workplace for all.

We will aim to achieve a safe, healthy and professional workplace with good governance and leadership, in order to achieve the objectives and vision of the Tamala Park Regional Council.

The best workplaces are the ones which listen to their employees and work hard to create an environment where everyone is respected and acknowledged. Creating a good employee code of conduct hopes and aims to facilitate achieving this objective.

Jon Morellini
Chief Executive Officer

OUR VISION

“To create a sustainable urban community offering diverse housing choice, social connectivity and employment opportunities”.

OUR OBJECTIVES

To provide diverse housing options that are attractive to a wide demographic and represent best practice urban design and development.

- To demonstrate high quality stewardship in environmental management and innovation in sustainability.
- To support the development of a connected, inclusive, safe and healthy community.
- To maximise return for member Councils whilst delivering environmental, social and economic objectives.
- To provide strong leadership, good governance and responsive decision making.

Underpinning this are the values of the organisation, the way we operate our business and the way we deal with our stakeholders, community and ourselves.

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WHY DO WE NEED A CODE?

In accordance with section 5.51A(1) of the Local Government Act 1995 the CEO of every Western Australian local government is to prepare and adopt a code of conduct to be observed by employees.

Tamala Park Regional Council (TPRC) Employee Code of Conduct (the code) has been adopted for this purpose and ensures the roles and responsibilities of employees are understood and respected. This enables professional relationships to be established and maintained in the interests of providing good governance and overall integrity.

The code sets out principles and standards of behaviour employees must observe when performing their duties and is intended to promote accountable and ethical decision-making. However, the code does not establish a rule for every situation an employee may face while undertaking their duties on a daily basis.

The code must be read in conjunction with the Local Government Act 1995, the Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 and other legislation that affect employees while performing their duties and the code does not override or affect those provisions or requirements.

The Employee Code Regulations provide that a local government's Code of Conduct for employees must contain requirements pertaining to:

- Behaviour;
- Disclosure of information;
- The use of information and resources;
- Record keeping; and
- Reporting and managing misconduct.

Employees are subject to the provisions of the code upon commencement of their employment and while they remain employed by TPRC.

WHO IS COVERED UNDER THIS CODE?

Anyone who works on TPRC's behalf is covered by this Code. This includes all employees, volunteers, contractors and consultants. Service providers, representatives and agents must make sure that their employees are aware of and follow the Code when performing duties on behalf of TPRC. Elected Members have their own Code of Conduct.

OUR EXPECTATIONS

Consistent standards of ethical behaviour must be applied to meet the interests and expectations of everyone. We expect everyone working for or with TPRC to be transparent and fair in their dealings with others. TPRC does not tolerate unacceptable behaviour, including preferential treatment or bias. There are no shortcuts to upholding the highest standards of ethics, and our positive standing and reputation in the community can only be maintained if we uphold these standards at all times.

Examples in this Code may not cover all situations. Employees should use their judgement in each situation. If uncertain, employees should reach out and ask their supervisor or seek other support that is available, as outlined in this document.

Employees must report any breach or potential breach of this Code, even if they do not have all the facts. Employees are bound by the standards of ethical behaviour provided in this Code and must observe the standards of conduct outlined in the Local Government (Administration) Regulations 1996. Together, we have a shared responsibility to create a safe and healthy work environment for all, by holding each other accountable – and by caring for one another.

Note: For the purposes of this document "Community" is defined as the member Councils on behalf of the communities of all member Councils.



RESPONSIBILITIES

Employee responsibilities

- Speak up – do not ignore or condone behaviour that breaches our Code; report your concerns or suspicions immediately.
- Ask for help – if you need guidance, please reach out.
- Stay true to TPRC values – stay strong and do not be influenced by others wanting to do the wrong thing. Report poor behaviour immediately.
- Follow all TPRC policies, management practices and procedures.
- Follow the law.

Executive responsibilities

- Lead by example – model your commitment to TPRC values every day.
- Set the right culture and create a safe environment for all.
- Take any concerns relating to this Code seriously and manage concerns in a timely and appropriate manner.
- Talk about our Code – talk to your team about ethics and integrity and TPRC's expectations.
- Provide ongoing awareness and training of TPRC policies and management practices.
- Take corrective and preventative actions when something is reported and support any investigation.
- Make decisions that preserve the trust others have in us.
- Follow the law.

RESPECTING AND VALUING DIVERSITY

Diversity fosters innovation. When a diverse group of people come together, the ideas and outcomes can be exceptional. TPRC has a zero-tolerance approach to discrimination, harassment and bullying. We seek to be accepting of our differences and celebrate the uniqueness of everyone.

We foster a culture of belonging, where individuals feel safe to work collaboratively with others. We do not gossip, blame or judge, but instead speak from a place of concern, care and support.

All existing and prospective employees will be evaluated on merit and will be treated fairly and with dignity and respect. All TPRC policies, management practices and procedures support the fair treatment of employees in our workforce.

Anti-discrimination laws also help protect everyone from discrimination and harassment. It is an expectation that all employees observe the requirements of relevant legislation, including:

- Western Australia – Equal Opportunity Act 1984
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984.

We expect all employees to be inclusive, supportive, and collaborative in their interactions with one another. Employees should think about the impact their actions could have on someone, if they are not aligned to this Code. An employee who feels they are being subjected to inappropriate behaviour should refer the matter to the CEO.

HEALTH AND SAFETY

TPRC has a duty of care to ensure a safe and healthy work environment for all. Employee wellbeing is everyone's responsibility. We endeavour to create an all-inclusive culture where our people can thrive. We are committed to establishing a workplace environment that is safe and free of health risks. Workplace health and safety (WHS) includes both physical and mental health.

All employees have a duty to take care of their own health and safety and we expect them to take all relevant safety precautions in the execution of their work. This includes attending all relevant training and being fit to perform all duties in their position. Employees should always wear protective clothing and safety equipment to ensure the safety of all and report any hazards or incidents. Employees should always comply with TPRC policies, management practices and procedures and with State regulations.



DRUGS, ALCOHOL, AND OUR SMOKE-FREE ENVIRONMENT

Employee wellbeing is most important to us. We expect that everyone working for and at TPRC will be fit for work. Employees must function at acceptable levels and not be adversely affected by alcohol, drugs, or other substances in their official capacity. If employees are affected by alcohol or drugs, they should not be at work, with no exceptions. At times, employees are invited to attend events where alcohol is served. Employees must not return to work if they have consumed alcohol. If alcohol is consumed at these events, employees must conduct themselves in accordance with this Code of Conduct.

Providing a safe and healthy workplace includes providing a smoke-free environment which means all TPRC buildings, facilities and vehicles are smoke-free up to and including five metres of any entry point.

PROFESSIONAL DEVELOPMENT AND TRAVEL COSTS

TPRC is committed to the continuous development of its employees to enable everyone to perform effectively, grow skills to succeed and meet the changing needs of our organisation and community.

TPRC supports several types of formal and informal learning and development opportunities, which may include attending local, interstate or international conferences. Conferences are one of many development options and conference attendance should be fit-for-purpose and of benefit to the employee's position and our community.

TPRC's Code of Conduct applies to behaviour displayed while attending a conference on TPRC's behalf. Employees must seek attendance and cost approval from CEO before booking or attending a conference.

DRESS STANDARD

Employees must ensure they always dress appropriately for work and maintain a professional and positive public image. Employees should wear clothing that is conducive to a business working environment. Employees should use their judgement in the selection of workplace clothing and ensure that it is fit-for-purpose and non-offensive. As a general rule, if an employee needs to think about whether an item of clothing is appropriate for work or not, then it is advisable not to wear it.

TPRC has casual dress Friday, where employees who are not required to wear a uniform, can wear smart casual clothes. If employees have meetings with external stakeholders or scheduled interviews on casual Friday, then normal business attire should be worn instead.

USE OF COUNCIL ASSETS

We want everyone to be efficient and engaged in the work that they do and to enable this, we provide each employee with job-related tools. We have a responsibility to each other and to our community to ensure that we are not wasteful in the use of council resources. These resources should be used for appropriate work-related activities only and will remain the property of TPRC.

Job-related assets can include both physical and non-physical property. It may consist of the office space, facilities and buildings that we work in; the technology, such as software; hardware such as desktops, laptops, mobile phones or other devices; TPRC vehicles; and credit cards, office supplies and money. It may also include intellectual property, such as the ideas we create individually and collectively. Employees are not permitted to loan, sell or give away any council asset without appropriate authorisation.

Anyone who uses TPRC property for any purpose other than to complete their job, without the appropriate authorisation or consent, will be in breach of this Code.



INFORMATION AND TECHNOLOGY

Logging onto TPRC's IT network means that employees have agreed to the TPRC's Information and Technology Acceptable Use Policy, which applies to everyone who works at TPRC and has a network account. TPRC computers and networks should only be used for purposes that are legal and authorised. Access will be granted to approved users only. Employees' use of TPRC resources is not private, and may therefore be monitored, retained or reviewed.

Employees should ensure they read and understand the contents of the TPRC's Information and Technology Use Policy. This document clearly outlines the difference between acceptable and unacceptable telephone, internet and email usage and data access.

Our fast-changing digital world has seen new, alternative methods of communication evolve in recent times, such as social media and apps. Our community now expects TPRC to be more aware of the types of digital media available and to utilise these channels in communicating with TPRC.

SECURITY

Caring for one another is fundamental in how we work every day. Employee safety is most important to us, and so is the security of our assets and information. TPRC has security protocols in place that make it easy for employees to report any suspicious activities that could place an employee or any of our assets at risk.

Our corporate information system has levels of security designed to prevent unauthorised access. Employees should choose passwords that meet our security standards and never disclose their passwords to anyone else.

Any allegations of a breach of TPRC's security environment must be immediately reported to the CIS Service Desk via City of Stirling. Employees must always keep their building access keys in a safe place. Employees must ensure TPRC assets and information they are using or have in their possession are always secure. This is particularly relevant for portable and electronic devices, such as mobile phones and laptops.

OUTSIDE EMPLOYMENT

Employees should be able to take up paid employment or unpaid work outside TPRC if it does not conflict with, or adversely affect their duties. Sometimes however, outside employment may potentially create a conflict of interest with the employees substantive position at TPRC.

CONFIDENTIALITY AND PRIVACY

Every workplace has information that needs to be managed appropriately and with the right level of discretion and sensitivity. Our member councils and stakeholders trust that we will manage their information with a high level of care. Confidential information that may be accessed by employees includes, but is not limited to:

- Financial information
- Information about other employees
- Salary or wage information
- Information relating to members of the public and/or suppliers
- Commercial information
- Other information that has been disclosed in confidence.

TPRC employees may be privy to confidential or privileged information and we expect everyone to use this information appropriately. This information should never be divulged or used inappropriately to gain a direct or indirect advantage, financial or otherwise, for employees or any other person or body.

Care must always be exercised when collecting and managing the private information of TPRC employees, suppliers, stakeholders and members of the public. The inappropriate use of information or abuse of position constitutes a breach.

GIFTS AND HOSPITALITY

Employees of TPRC must not receive prohibited gifts from any persons associated with TPRC. 'Prohibited gifts' refers to any gift worth \$300 or more; or receiving several gifts from the same person within a 12-month period that are worth more than \$300 in total.

An 'associated person' is someone who is either undertaking, or seeking to undertake, an activity or business dealing with TPRC, or, who it is reasonable to believe is intending to undertake an activity with TPRC.

Keeping in line with TPRC Gifts, Benefits or Hospitality Policy the below gifts are classified as prohibited gifts:

- Monetary gifts of any value; and
- An individual gift from a person or organisations with a value exceeding \$300 must not be accepted.

Monetary Gift means cash, cheques, gift cards, frequent flyer points, money orders, travellers cheques and direct deposits, lottery tickets and scratchies.

Employees of TPRC may be able to accept a gift if it is not a prohibited gift. TPRC asks all employees to carefully consider the appropriateness of accepting any gifts. For a gift worth less than \$50, such as a key-ring, pen or chocolates, there is no requirement for this to be reported.

For a gift worth between \$50 and \$300, employees are required to notify the CEO of the details of the gift within 10 days of the acceptance of the gift. Details on how to report a notifiable gift, can be found on the gifts disclosure form.

Once the gift disclosure form is submitted to the CEO, it will be recorded in TPRC's Record Keeping System. This information will be used as required by law, for purposes related to the dealings between the associated person and TPRC, or purposes related to the employee only. The record will be retained and disposed of in accordance with TPRC's Record Keeping Plan.

Employees should ensure they have read and understood the contents of the Gifts, Benefits or Hospitality Policy as well as the gifts disclosure form, which outlines the requirements of employees when it comes to gifts and hospitality. This includes reference to the Local

Government Act 1995 and Regulations that clarify the requirements of employees in relation to receiving gifts and hospitality

CONFLICTS OF INTEREST

Our Member Councils expects that the TPRC's employees will perform their official duties in the best-interest and not improperly use their positions or authority for personal gain or to cause detriment to others.

A conflict of interest is a situation in which an employee also has a personal or financial interest with another party that may impact their role or decision-making ability for TPRC. Actual, potential and perceived conflicts of interest can arise from several sources, including friends, relatives, close associates, financial investments, personal circumstances and past employment.

To assist in identifying, avoiding and managing conflicts of interest, employees should ensure they have read the conflicts of interest disclosure form, which outlines the requirements of all employees when it comes to conflict of interest. This includes reference to the Local Government Act 1995 and Regulations, which clarify the requirements of employees in disclosing conflicts of interest.

MEDIA ENQUIRIES AND PROVIDING PUBLIC COMMENTS

Being a public-facing organisation, there is a need for transparency and confidentiality. The delivery of correct key messages to the media is vitally important and can only be done by the most senior spokespeople at TPRC, the Chair or the CEO. The Chair and CEO are the only two individuals authorised to address the media on behalf of TPRC, unless they have specifically delegated this authority to another employee or Elected Member. This policy covers all forms of traditional and contemporary written and online media and extends to communicating with reporters and journalists.

Employees must not engage in commentary of any kind relating to TPRC, including on social media, without prior approval by the CEO. Employees are not authorised to make public comment to the media or on social media about TPRC's activities, plans or views, without prior approval by the CEO. Employees who are contacted by the media must direct the enquiry to the CEO.



APOLITICAL AND IMPARTIAL

To preserve the integrity of Local Government, employees must make apolitical and impartial decisions. Employees should remain uninvolved in politics. Some decisions may involve having to regard factors that are political. Decisions must not be inappropriately influenced by political considerations. Decision-making should be based on the relevant facts, consideration of the merits and be open, accountable and fair.

Decisions involving contracts, appointments or tenders should be impartial and made in accordance with statutory obligations and policy considerations. Employees are required by the Act and Regulations to disclose interests potentially affecting their impartiality.

The use of TPRC resources or property to support political activities or lobbying is prohibited.

FINANCIAL RESPONSIBILITY

Employees who handle public monies or manage finances as part of their duties must act with diligence and integrity. Employees who spend money on behalf of TPRC must retain a record of all receipts and documents as proof of the expenditure. They must also comply with all TPRC policies and audit directives regarding TPRC's finances.

PURCHASING

The CEO has delegated authority to employees to purchase goods and services on behalf of TPRC. Those exercising the authority must conform to the purchasing threshold requirements detailed in the Procurement Policy and always seek best value for money from suppliers. We expect that employees will build trusted and honest relationships with suppliers and that all business conduct will be managed in a fair and equitable manner.

COMPLAINTS

What happens to complaints?

Complaints relating to a potential breach of this Code by an employee must be documented on a Code of Conduct Complaint Form and lodged in writing or by email by the person alleging the breach. This form is available on ELO. Where a written complaint is made against an employee, it must be submitted to the CEO.

BREACHES OF THE CODE

Breaches of our Code will be taken seriously. Procedural fairness will be provided during any investigation. This requires:

- An investigation into the matters in dispute
- A hearing that is appropriate to the circumstances
- The person hearing the matter to act without bias; and
- Reasons given to support a decision.

The outcome for employees may vary, depending on the findings of the investigation and may include:

- The complaint being dismissed due to lack of substance
- No action being taken as a result of a finding
- A caution being issued
- A requirement to attend formal counselling or training
- Disciplinary proceedings
- Termination of employment
- Referral to the Police
- Referral to external integrity bodies.



DECISION MAKING GUIDE

Identify and assess the situation

- What is difficult about the situation?
- What are the legal issues to be considered?
- Does the Code require you to behave in a certain way?
- Who else is involved and what effect does your behaviour have on them?

Look at the situation from TPRC's standpoint

- What are your duties and responsibilities?
- Is there a relevant guideline, determination or policy?
- Who do you need to involve?

Would your behaviour stand up to scrutiny by the public? This is sometimes called the family or newspaper test.

- What would your family or the CEO say if your actions were reported on the front page of the newspaper?
- Would others see you as using your employment and resources for public benefit?
- Do your personal interests' conflict with the public interest?

Identify and consider the options

- Do you need to seek advice?
- Is there an alternative solution and what would the result of that solution be?
- How would the public view the alternative solution?

Choose your course of action

- Your choice of action must be within the legislation, policies and guidelines.
- Your behaviour must support TPRC's aims and standards.
- You must be able to justify your course of action

FRADULENT OR CORRUPT BEHAVIOUR

- Confidence in TPRC decision making can be lost when fraudulent or corrupt behaviour occurs. To ensure against the risk of fraudulent or corrupt behaviour TPRC employees are required to:
- Not engage in any fraudulent or corrupt behaviour
- Report any information about actual or potentially fraudulent, corrupt or illegal activities to the CEO.
- Abode by local government codes, policies, management practices and procedures.

Reporting misconduct to the Corruption and Crime Commission or the Public Service Commissioner.

The CEO, being a 'Principal Officer of a Notifying Authority' (for the purposes of the Corruption and Crime Commission Act 2003) has a statutory obligation to report to the Corruption and Crime Commission any allegation of misconduct, or any situation that otherwise comes to his or her attention involving misconduct, where it is of relevance or concern to the CEO in his or her official capacity.

Any Employee, or any other person, may report directly to the Corruption and Crime Commission any matter which that person suspects on reasonable grounds may concern misconduct that has occurred, is occurring, or may occur.

Public Sector Commission (PSC)

Minor misconduct is dealt with by the Public Sector Commission. Report suspected minor misconduct online:
<https://www.wa.gov.au/organisation/public-sector-commission/report-minor-misconduct-public-officers>

Alternatively matters can be lodged by email or post by downloading the misconduct report form. http://www.wa.gov.au/sites/default/files/2020-06/misconduct_report_form.docx

PSC Contact Details:

Website: www.wa.gov.au/organisation/public-sector-commission

Email: minormisconduct@psc.wa.gov.au

Phone: 08 6552 8888

Mail: Locked Bag 3002, WEST PERTH WA 6872

Address: Dumas House, 2 Havelock Street, West Perth WA 6005

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WHISTLEBLOWER PROTECTION

Whistleblowing is the disclosure of illegal, immoral or illegitimate practices. The Corruption, Crime and Misconduct Act 2003 and Public Interest Disclosure Acts protects witnesses who voluntarily report allegations of misconduct or corrupt behaviour.

The CEO must ensure employees who report illegal or unacceptable behaviour are not compromised, disadvantaged or persecuted in any way.

EMPLOYEE SUPPORT

What support is available?

We want employees to feel safe to speak up without fear if they feel that something is not right. Employees do not need to know all of the facts to report a concern. TPRC has 'zero tolerance' to retaliation and we want to make it safe for everyone who seeks support. All concerns will be handled in a fair, timely and appropriate manner.

We understand that it takes courage to speak up, so we want to make the reporting process as easy as possible. We will support employees through the process so that they can feel comfortable during a potentially stressful time.

REFERENCES

Local Government Act 1995
Local Government (Administration) Regulations 1996
Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996
Workplace Health and Safety Act 2020
Equal Opportunity Act 1984 (WA)
Sex Discrimination Act 1984
State Records Act 2000
Freedom of Information Act 1992
Australian Human Rights Commission
Corruption, Crime and Misconduct Act 2003
City of Stirling Employee Code of Conduct 2021

CEO ENDORSEMENT

Date: 6 December 2021

REVIEW:

Annual review for format/nomenclature/titles and roles

Process review every 3 years

I hereby agree that I have read, understood and will abide by the conditions outlined in this Code of Conduct.

Signed: _____

Date: _____