



Employee Code of Conduct Policy
For Employees of the Shire of Pingelly

24 November 2020

Section One: Code of Conduct

1. Introduction

This document provides employees of the Shire of Pingelly with guidelines for acceptable standards of professional conduct and behaviour. Although this document is comprehensive in nature, it does not cover all levels of acceptable behaviour and the Shire reserves the right to make judgement on areas not covered within the document.

2. Administrative and Management Practices

Staff will ensure compliance with proper and reasonable administrative practices and conduct and professional and responsible management practices.

3. Authorising Correspondence

Officers may sign Council correspondence where the content of the correspondence is consistent with Council Policy, a specific resolution of Council, or their individual delegated authority' or where the correspondence provides technical information or advice pertaining to their individual area of responsibility and in the normal course of their duties.

All other correspondence, including that otherwise purporting to represent Council's position or views on a particular matter, committing Council to a course of action, or dealing with legal agreements or commitments, is to be forwarded to the Chief Executive Officer for review and signature.

4. Christmas / New Year Close of Council Offices

For the usual working days between Christmas and New Year, the minimum service offered to the public between the Christmas and New Year period will consist of essential services and emergency maintenance required as determined by the Executive Manager of each area.

During this time other staff normally rostered to work shall be required to use accumulated rostered days off, outstanding public holidays in lieu, other time in lieu, annual leave or leave without pay. In accordance with the Employee Collective Agreement staff must use their accrued annual leave before being eligible to leave without pay.

5. Communication and Public Relations

All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of the Shire. Communications should be accurate, polite and professional.

No employee is to provide public comment regarding an activity of the Shire unless with the express permission of the Chief Executive Officer. Public comment shall include comments to the media, newspaper, television, radio or during a public event.

6. Compliance with Lawful Orders or Directions

Staff shall ensure to comply with any lawful direction given by their Supervisors, however where an employee has any doubts regarding that order, they shall discuss the matter with their Supervisor. If the matter can't be resolved through those discussions, then it shall be dealt with in accordance with the Shire's dispute resolution process as outlined in the Employee Collective Agreement.

7. Computer and Internet Usage

The privilege of using Council supplied computing facilities is accompanied by the responsibility of exercising high standards of honesty and considerate behaviour. In particular, employees are expected to use the computing facilities primarily for Council purposes and only very incidentally for personal purposes. Employees are also expected to show consideration to others, to refrain from providing access to unauthorised users, to maintain the confidentiality of their password, to respect the privacy of all other users and to adhere to all related policies and procedures.

Computers are Council assets and must be kept both software legal and virus free. Employees are not permitted to bring software from home and load it onto Shire of Pingelly computers. All employees are required to gain the approval of their Executive Manager prior to removing any computer hardware for the workplace.

Each employee has an individual password to access the system, however all information accessed by passwords is the physical and intellectual property of Council. The contents of email communications are to be accessible at all times by Shire of Pingelly Executive Manager for any business purpose.

All electronic systems, including email and voice messages, may be subject to periodic unannounced inspections and will be treated like other shared filing systems. All system passwords (including screensaver passwords) are to be available to your Executive Manager on request. The use of passwords on documents without the knowledge of the employee's supervisor or the installation of encryption programs without gaining authorisation is strictly prohibited.

Employees are not permitted to share passwords, access a file, or retrieve any stored communication unless authorised to do so, or unless they have received prior clearance from an authorised Shire of Pingelly representative. All passwords remain the property of the Shire of Pingelly.

All electronic records produced or received by an officer in the course of public duties are deemed to be public records and therefore must be captured in the Records Management System. This must be done by either printing a hard copy and forwarding it to the Records Section or emailing the record directly to the Records Officers.

8. Confidentiality

In the course of your employment you are likely to have access to or become acquainted with confidential information in various forms. It is a condition of your employment that you undertake not to use any of this confidential information for any purpose other than for the benefit of the Shire either during or after your employment with the Council. You may not take confidential information from the office or site without the consent of your Executive Manager.

9. Conflict of Interest

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

Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to and seeking the approval of the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.

Employees who exercise recruitment or other discretionary functions will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

Staff will refrain from partisan political activities that could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti discriminatory legislation.

10. Customer Service

Every staff member at all times shall endeavour to treat every member of the public and customers with respect, courtesy and with the highest regard for customer service. Any disagreement or argument with a member of the public shall be reported to your Executive Manager at the earliest convenience.

11. Disclosure of Interest

Employees must disclose, in a written return or at the relevant meeting, the interests that might be in conflict with their public or professional duties. Whenever disclosure is required, recommended in this document, or otherwise seemingly appropriate, it will be made promptly, fully, and in writing within the register provided.

12. Displaying of Offensive Material

All employees must ensure that they do not display or distribute any material that may cause offence to another staff member including jokes that may offend a particular group, material containing nudity, sex or crude acts, logos representing an offensive meaning or gesture, tattoos that may be offensive and material that stereotypes others.

13. Drugs and Alcohol

No employee is permitted to consume drugs or alcohol whilst at work. Employees are also not permitted to present for work in an intoxicated state from drugs or alcohol.

The Shire of Pingelly reserves the right to test for drugs or alcohol if in the opinion of the Shire there is a reasonable suspicion that an employee is under the influence of drugs or alcohol. Reasonable suspicion can be warranted when an employee is:

- Found to be in possession of or taking drugs or alcohol during work hours or during a work break; or
- Not performing their duties in a usual and/or safe manner and being noticeably unfit for work duties; or
- Smelling of alcohol or any other illegal substance; or
- Involved in a major accident at work.

The Shire of Pingelly reserves the right to remove the employee from work, require them to submit an analysis test for the presence of drugs and/or alcohol to a medical practitioner.

The appropriate course of action shall be at the discretion of the Chief Executive Officer for an employee who confesses to being under the influence of drugs or alcohol, or is found to be under the influence of drugs or alcohol once a test has been conducted, and may include compulsory counselling, disciplinary action including dismissal, random or compulsory future tests or any other course of action deemed appropriate.

Any employee found to be in the possession of drugs at work or providing drugs to other people may be dismissed immediately without notice.

14. Enterprise Agreement and Awards

Please refer to the Shire of Pingelly Enterprise Agreement for details on the following issues, as they are not addressed within this Code of Conduct but apply to employee conditions:

- Allowances
- Consultative Committee
- Cultural Leave
- Dispute Resolution Procedures
- Employee Leave
- Hours of Employment
- Housing Subsidies
- Leave Without Pay
- Paid Leave for English Language Training
- Performance Appraisal and Development
- Probationary Employment
- Recognition of Cultural Diversity
- Redundancy
- Rostered Days Off
- Salaries and Wages
- Salary Sacrifice
- Termination of Employment
- Time in Lieu of Overtime
- Uniform

Please also note that the Local Government Officers (WA) Award 1999, Municipal Employees (WA) Award 1999 and Local Government Long Service Leave Regulations also contain provisions relating to employment conditions.

15. Employee Assistance Program

The Shire will engage an appropriate organisation to implement an Employee Assistance Program to provide assistance to all employees and their families on a voluntary and confidential basis.

The aim of the Employee Assistance Program is to provide access for all staff and their families to a competent external agency for assessment of, and assistance with, personal and/or work related problems. The expectation is that early identification of problems and the counselling given will improve quality of life and work performance of individuals entering the program.

The program shall extend to all staff of the Shire (at all levels) and their immediate families. It shall be provided free of charge to all employees and their family members.

16. Equal Opportunity and Harassment

The Shire of Pingelly aims to provide an environment of equal opportunity in its workplace. Council believes that equal opportunity creates a more harmonious and productive workplace, which not only benefits Council, but also the wider community.

The Shire considers it the right of every individual to carry out their job in an environment that promotes job satisfaction, maximises performance and provides economic security. Such an environment is dependent of it being free from all forms of harassment and victimisation.

Discrimination is treating someone unfairly or differently due to their race, sex, sexual preference, marital status, pregnancy, impairment, religious or political conviction, age, family responsibility or family status.

Any individual who experiences discrimination should immediately make it clear to the person(s) concerned that such behaviour is unwelcome. However, if the individual has difficulty in doing this, then assistance should be sought from the Supervisor to confront the person(s) concerned.

It is the responsibility of all staff to ensure that proper standards of conduct are upheld in the workplace. Management and staff in supervisory positions shall ensure that the work environment is free from all forms of harassment.

Employees subject to discrimination or harassment may obtain advice and assistance from the Executive Manager responsible for Human Resources or other sources.

Complaints of harassment shall be considered serious and investigated promptly and confidentially.

In accordance with the Local Government Act 1995 (as amended) the Council and Shire shall recruit in accordance with the principles of merit and quality and shall ensure that discrimination does not occur.

The equal employment opportunity goals of the Council and Shire shall be designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.

17. Workplace Bullying

The Shire of Pingelly is committed to providing a work environment that is free from hazards. Part of this commitment is to take a systematic approach in establishing safe systems of work to prevent or minimise, so far as is practicable, bullying in the workplace.

Working relationships and standards of behaviour between employees, councillors, customers and residents is important. Bullying in any form is considered inappropriate and unacceptable behaviour and will not be tolerated under any circumstances.

Workplace bullying is inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, which could reasonably be regarded as undermining the individual's right to dignity at work.

While some workplace bullying may involve verbal abuse and physical violence, bullying can also be subtle intimidation with inappropriate comments about personal appearance, constant criticisms, isolation of employees from others and unrealistic, embarrassing or degrading work demands.

There are bound to be occasional differences of opinion, conflicts and problems in working relationships – these are part of working life. Employers are entitled to make reasonable demands on employees, but when treatment of another person is unreasonable or offends them, then workplace bullying exists and should not be tolerated.

There is no set list of bullying behaviours that may occur in the workplace. However bullying may include one or a combination of the following:

- Abusive, insulting or offensive language by one or more persons to another or others;
- Behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with much yelling and screaming;
- Inappropriate comments about a person's appearance, lifestyle, or their family;
- Teasing or regularly making someone the brunt of pranks or practical jokes;
- Interfering with a person's personal effects or work equipment;
- Physical assault or threats; and
- Organisational behaviour that undermines, treats less favourable or disempowers others.

It is important to differentiate between a person's legitimate authority at work and abuse or bullying. All employers have a legal right to direct and control how work is done and supervisors have a responsibility to monitor workflow and give feedback on performance.

If an employee has obvious performance problems, these should be identified and dealt with in a constructive way that does not involve personal insults or derogatory remarks. In situations where an employee is dissatisfied with management practices, the problems should also be raised in a manner that does not involve personal abuse.

18. Financial Interest

Employees must adopt the principles of disclosure of pecuniary interest as contained within the Local Government Act.

19. Financial Procedures

The Shire of Pingelly has administrative financial procedures that all employees are required to follow. The financial procedures relating to your position will be explained during your finance induction if required. All employees shall endeavour to follow such procedures to ensure the necessary level of accountability is maintained when allocating or utilising Council's Budget.

20. Inappropriate Language

Every staff member at all times shall endeavour to refrain from using inappropriate or offensive language whether in the presence of others or not. Inappropriate or offensive language is not an efficient, professional or effective means of communication.

21. Interests Affecting Impartiality

Employees must disclose any interest in any matter to be discussed at a Council or Committee meeting that will be attended by the employee. Employees will disclose any interest in any matter to be discussed at a Council or Committee meeting in respect of which the employee has given, or will give, advice.

22. Medication

When visiting a doctor, an employee who is being prescribed a prescription drug is required to advise the doctor if they are required to operate machinery as part of their role, to ensure that the drug prescribed does not affect their ability to safely operate the machinery.

If you are required to operate machinery or drive a vehicle and in the opinion of the medical practitioner it would be unsafe for you to do so, you must advise your supervisor as soon as possible and before commencing work.

23. Mobile Phones

The Shire of Pingelly acknowledges that Council supplied mobile phones may be used from time to time for personal calls, however such usage shall be kept to a minimum. Monthly mobile phone accounts are to be distributed to the Executive Manager of the staff member responsible for the care of the mobile phone for the authorisation of the account for payment. The Officer is responsible for declaring and itemising any personal usage totalling over \$50 per bill and such amounts over this shall be repaid.

Mobile phones shall not be taken on annual leave or long service leave without the express permission of the Chief Executive Officer. The mobile phone shall be passed to the Chief Executive Officer prior to that leave being taken.

Where hands free vehicle mobile phone kits have not been fitted to a Council vehicle, officers driving that vehicle shall not use a mobile phone while the vehicle is moving.

The use of personal mobile phones is to be limited to before and after work or during breaks but may be used outside of these times for urgent matters.

24. Out of Hours Conduct

Any employee who commits a serious criminal offence may be dismissed for such actions. Serious criminal offences shall include offences such as murder, manslaughter, motor vehicle theft, rape, sexual assault, break and entering, fraud, armed hold ups, drug dealing and any other offence of a similar serious nature. The consideration of serious criminal offence will take into account the nature of the incident and the nature of the individual's position.

Employees should also act, and be seen to act, properly and in accordance with the requirements of the law and the sentiments of this Code, including not conducting themselves in a manner that in context reflects poorly or adversely upon the Shire of Pingelly.

25. Performance of Duties

While on duty, staff will give their whole time and attention to the Shire of Pingelly business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourable both on them and on the Shire of Pingelly.

Any time spent on personal business such as lengthy phone calls, internet usage, coffee breaks, smoking and/or sporting activities is required to be made up by that employee by working additional time equivalent to the time spent.

26. Personal Behaviour

All staff must:

- Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this document;
- Perform their duties impartially and in the best interests of the Shire of Pingelly uninfluenced by fear or favour;
- Act in good faith (ie honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Pingelly and the Community;
- Make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
- Always act in accordance with their obligation of fidelity to the Shire of Pingelly;
- Observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards;
- Bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other Council member or employee, relating to business of Council; and
- Be frank, respectful and honest in their official dealing with each other.

27. Personal Benefits – Gifts and Bribery

“Gift” does not include –

- (i) A gift from a relative as defined in section 5.74(1); and
- (ii) A gift as defined in regulation 30A of the Local Government (Elections) Regulations 1999;

“Token gift” means a gift of, or below, a value of \$199;

“Hospitality” means a meal or series of meals, which may include beverages with those meals, to a total of less than \$50.

Employees must not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Shire of Pingelly or their performance of any duty or work which concerns the Shire.

If any gift, reward or benefit is offered (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate register. Employees must not accept a gift from a person who is undertaking, or is likely to undertake business:

- (iii) That requires the person to obtain any authorisation from the Shire;
- (iv) By way of contract between the person and the Shire; or
- (v) By way of providing any service to the Shire.

The Chief Executive Officer will maintain a register of token gifts as reported by staff. Employees who accept a token gift or hospitality from a person must record the names of the persons who gave, and received, the token gift or hospitality, the date of receipt of the token gift or hospitality; and a description, and estimated value, of the token gift or hospitality, and forward this detail to the Chief Executive Officer for recording in the register kept for this purpose.

28. Policies and Procedures

Staff will give effect to the lawful policies of the Shire of Pingelly, whether or not they agree with or approve of them. You are required to comply with the current Shire of Pingelly Policies and Procedures as amended from time to time. Copies of the policies are available on the shared network and via request from your Supervisor. You will be advised of all the Council Policies affecting your employment upon commencement.

29. Professional Indemnity Insurance

All Shire of Pingelly employees will be provided with Professional Indemnity Insurance provided by the Shire of Pingelly. Such coverage shall be provided in accordance with the Insurance Policy terms and conditions as determined by Council.

30. Relationships between Councillors and Staff

Employees are to ensure that relationships with Councillors are kept professional and that all members of Council are treated with respect and professional courtesy.

31. Smoking in the Workplace

All staff are to ensure that they do not smoke within:

- Council buildings;
- Council vehicles during private or work usage;
- 10 metres of an entry to a Council building; and
- Any location which is clearly visible to members of the public.

Smoking whilst at work is discouraged by the Shire. Should an employee have to smoke during work hours, they shall ensure they make up such time spent smoking.

Smokers should ensure to limit the time and frequency spent smoking, ensure that cigarette butts are correctly disposed of and that the area is kept clean and tidy to reduce smells and litter.

The designated smoking areas are considered to be any area outside of those areas restricted within the clause. The Shire will not be supplying a specific smoking area.

32. Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff. Any employee who is provided or supplied with appropriate uniform or Person Protective Equipment must wear the uniform or Person Protective Equipment.

The requirement to wear a uniform may be withdrawn on free dress days as set and approved by the Chief Executive Officer.

33. Use of Confidential Information

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

34. Use of Council Vehicles

All employees shall ensure that when operating Council owned vehicles that they use the vehicle in a safe manner including using the vehicle properly to ensure that the reputation of the Shire is not adversely effected by such operation. This shall include the operating of Council owned vehicles for private usage.

It shall be the responsibility of all employees to ensure that all vehicles are maintained in an appropriate manner including regular checks of oil and water levels, notifying the Senior Mechanic when servicing is required and reporting of any damage.

35. Use of Local Government Resources

Employees will:

- Be scrupulously honest in their use of the Shire of Pingelly resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- Use the Shire of Pingelly resources entrusted to them effectively and economically in the course of their duties; and
- Not use the Shire of Pingelly resources for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

36. Workers Compensation

The Shire of Pingelly in accordance with legislation provides Workers Compensation Insurance through Local Government Insurance Services. Any employee injured at work is eligible to lodge a claim under this insurance. The acceptance of any claim shall be as determined by the insurer. Any claim refused may be appealed in the Workers Compensation Commission. If you are injured at work you must notify your supervisor immediately and if you wish to make a claim, the forms may be obtained by contacting the Executive Manager of Corporate Community Services.

37. Personal Protective Equipment

Every employee will be supplied with the necessary Personal Protective Equipment prior to commencing any duties. If personal protective equipment is not supplied then it is the employee's responsibility to ensure they obtain such equipment prior to commencing a task. It is also the responsibility of every employee to ensure that they wear the necessary level of personal protective equipment before commencing a task.

38. Protection from the Sun for Outdoor Work

Employees exposed to the sun are to take adequate precautions and protection levels recommended as follows:

- Wide brimmed sun hat;
- Sunglasses;
- Sunscreen, applied as necessary according to sunscreen instructions;
- Long sleeve, light weight shirt, sleeves are not rolled up and the shirt must have a collar; and long trousers or overalls.

39. Safety Procedures for Visitors and Contractors

All employees must ensure that any visitor or contractor who is working or visiting are made aware prior to entering a work area of any hazards or potential risks. This will ensure that people who are entering a risk area are notified of hazards and as far as reasonably possible are aware of potential problems they may encounter.

40. Breach of Policy or Conduct

All employees must comply at all times with the guidelines outlined within this document. Although this document is comprehensive it does not contain all acceptable or unacceptable forms of behaviour. It is only designed to notify employees of items specific to the Shire of Pingelly.

Any employee who is found to be in breach of conditions contained in this document may face disciplinary action depending on the severity of the breach and in accordance with standard disciplinary guidelines.

Any disciplinary action determined necessary by the Shire of Pingelly shall be at the discretion of the Chief Executive Officer. The Chief Executive Officer shall be presented with all findings of an investigation prior to making a decision and such decisions shall be applied consistently to all staff members for similar breaches.

The Chief Executive Officer shall also make a decision regarding what level of disciplinary action is necessary not only having regard to the severity of the issue but also any previous disciplinary action taken against the employee previously by the Shire.

In the case of serious misconduct the Chief Executive Officer has the ability to dismiss an employee in accordance with the relevant award with or without notice.

An employee may be suspended on full pay whilst a matter is investigated however the Shire will endeavour to ensure that in such a case, the investigation is completed within a reasonable timeframe.

Any breach or disciplinary issue which in the opinion of the Chief Executive Officer is considered as a criminal or corruptible offence must be referred to the Anti-Corruption and Crime Commission as soon as practicable after the offence. The Shire of Pingelly may also refer the matter to the Western Australian Police Force if, in the opinion of the Chief Executive Officer, the employee has committed a criminal offence.

In such a case the Shire of Pingelly is required to conduct its own investigation in the matter and if after the completion of such investigation, the employee may be disciplined by the Shire regardless of the findings or court outcome of the Police investigation or prosecution.

Any termination by the Shire of Pingelly must be justifiable and it is the obligation of the Shire to ensure that the standard industrial precedents are followed when dismissing an employee to avoid unfair dismissal applications and to provide the necessary protection to the employee.

In accordance with the dispute resolution procedure, any employee during a disciplinary process may appoint a representative or support person however the representative or support person must not interfere in the conducting of the investigation or interview process. All disciplinary action taken against an employee shall be made in writing.



41. Code of Conduct

The Shire of Pingelly Code of Conduct is to be reviewed at least annually by the Chief Executive Officer prior to the annual staff performance review cycles. It is during the annual review process that staff will be advised of any changes or amendments that have been made or are proposed. If any amendments are made a new acknowledgement statement will need to be signed by all employees acknowledging the amendments.

I _____ have read and understand the content of this document as being the Shire of Pingelly Code of Conduct for all employees to adhere to.

Signed: _____ Date: _____