



OPERATING GUIDELINE

PEOPLE AND CULTURE POLICIES AND PROCEDURES

EMPLOYEE CODE OF CONDUCT

Approved by: Council on 25th October 2011

Next Review Date: November 2014

Responsible Officer

Position: *Corporate Manager – People & Culture*

Phone:

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MESSAGE FROM THE CEO

At the Adelaide City Council we aim to maintain a culture that promotes honesty, trustworthiness, professionalism and a co-operative working environment, supporting our commitments to customers and stakeholders alike. The Employee Code of Conduct establishes the foundation for the behaviours and attitudes that will further strengthen this environment.

The Employee Code of Conduct is a public statement of the values, principles and standards of behaviour that are binding on all employees of the Adelaide City Council whether employed on an ongoing or temporary basis. It also provides a framework for us to work together towards achieving our organisational goals and objectives.

Under the Section 110 (1) of the *Local Government Act 1999* the Adelaide City Council has a statutory requirement to have a Code of Conduct. The standards outlined in this Code of Conduct are in addition to (but do not diminish) any statutory requirements of the *Local Government Act 1999* or any other relevant Act, Regulation, award, industrial agreement or contract of employment.

Peter Smith
Chief Executive Officer

1. GENERAL DUTIES

The general duty of Adelaide City Council (**ACC**) employees is to act honestly and with reasonable care and diligence in the performance and discharge of official duties. ACC employees must, at all times, behave in a way that upholds the ACC Values and the integrity and good reputation of the ACC. The general duties and responsibilities of employees of the ACC are prescribed by section 109 of the *Local Government Act 1999*.

2. COMPLYING WITH THE CODE OF CONDUCT

In accordance with Section 110(8) of the *Local Government Act 1999*, employees of the ACC must comply with this Code of Conduct.

Responsibility for implementing, promoting, supporting and complying with this Code of Conduct rests with each employee, their team leader/manager and, ultimately, with the Council's Chief Executive Officer (**CEO**).

The emphasis of this Code of Conduct is not on punishment but on the need to ensure and maintain high ethical standards and behaviours. However, breaches of this Code of Conduct may result in disciplinary action as such breaches may be **contrary to** the terms of an employee's contract of employment. Disciplinary action may range from counselling, a formal warning letter or, in more serious cases, summary dismissal.

The Code of Conduct is intended to assist employees to answer the question, when it arises, of, "what is the right thing to do?" It is not possible for this document to cover all circumstances. Therefore, employees are encouraged to seek guidance from their Team Leader/ Manager if they are uncertain of ACC's expectations in a particular situation/matter.

3. PRINCIPLES OF THE CODE OF CONDUCT

The Code of Conduct requires that an employee must, when acting in the course of ACC employment, comply with all ACC Operating Guidelines/Policies as amended from time to time (refer to Section 7 for further detail).

Employees of the ACC will also observe the following principles at all times during their employment:

Honesty, Integrity and Transparency

- behave honestly and with integrity in the course of ACC employment;
- act with reasonable care and diligence in the course of ACC employment;
- not make improper use of their duties, status, power or authority, in order to gain, or seek to gain, a benefit or advantage for themselves or for any other person;
- follow guidelines as to the appropriateness of the acceptance of gifts, benefits and gratuities;

Conflict of Interest

- disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with ACC employment;

- always advise the CEO (or their nominee) before:
 - undertaking any private work relating to current or proposed ACC projects, regardless of whether we, or anyone we may be helping, will benefit;
 - seeking to undertake extra work outside of our job or carry out business dealings that may relate to ACC activities or our job responsibilities;
 - making a work-related decision concerning either a relative or a close friend or contact;
- ensure that their participation in external activities (e.g. political parties, professional associations, interest groups or charitable activities) does not create a real or apparent conflict of interest and does not restrict the performance of ACC duties;
- take all reasonable steps to ensure that any private involvement in any activity is understood to represent an employee's personal views as a member of the public and not as an employee of Council;
- ensure employees comply with the Register of Interest requirements, where applicable, as prescribed in sections 111 – 119 of the Local Government Act 1999.

Use of Information and Resources

- maintain appropriate confidentiality about dealings that the employee has with any ACC business and not disclose such information in any way, including via online media;
- be vigilant when referencing ACC business outside of work in both personal and electronic forums, to ensure adherence with ACC Operating Guidelines/Policies and the Code of Conduct
- use ACC resources in a proper manner;
- except as required in order to lawfully perform his or her employment duties or with the CEO's express authority, not give or disclose, directly or indirectly, any information about the business of ACC or anything of which the employee has knowledge;
- acknowledge all intellectual property rights in any document, matter or thing prepared or written during the course of employment will rest with the ACC;
- keep all confidential and sensitive information confidential at all times and ensure that it is secured against theft or misuse;
- maintain the integrity and security of official documents or information in the employee's possession or to which they have access;
- when leaving the ACC, continue to respect the confidentiality of information gained during our employment;

Safe Workplace

- take reasonable care to protect their own health and safety at work and that of other people who may be affected by their actions at work;
- report and address potential workplace safety hazards;
- wear any allocated safety clothing and personal protective equipment in accordance with the established procedure;

- when acting in the course of ACC employment, to treat fellow employees, Elected Members and the public with respect and courtesy recognising the diversity of employees and the community, and without bullying, intimidation or harassment;
- when acting in the course of ACC employment, comply with all applicable Australian laws;
- comply with any lawful and reasonable direction given by someone in the ACC who has authority to give the direction;
- undertake any relevant training or development programmes as requested from time to time by ACC and always give maximum effort to meet performance standards;

Enhancing the image of the ACC

- not provide false or misleading information in response to a request for information that is made for official purposes in connection with their ACC employment;
- act in good faith and not for any improper or ulterior motive, and in the best interest of ACC at all times, including during work-related communication via online social networking sites, during and outside of working hours;
- perform their duties and responsibilities with a focus on service to the community;
- conduct themselves in a manner that generates community trust and confidence in ACC and its employees and enhances the role and image of ACC;
- adopt impartiality and social and ethical awareness in implementing Council decisions or when exercising delegated authority;
- ensure equitable access to Council services, facilities and programs;
- not publically criticise fellow employees, elected members, decisions of Council or policies, procedures and guidelines in any forum, including social networking websites; and
- dress appropriately and in a manner suited to the employee's duties.

4. MISCONDUCT AND UNACCEPTABLE BEHAVIOUR

Breaches of this Code of Conduct will be dealt with in accordance with the ACC Discipline Operating Guideline. It should be noted that this may result in serious disciplinary action, including summary dismissal.

5. REPORTING BREACHES OF THE CODE OF CONDUCT

Suspected breaches should be reported in writing to the CEO, giving sufficient details in order to identify the action that is believed to have given rise to the breach.

Any individual who alleges a breach of the Code of Conduct by another person must not be disadvantaged as a result, unless the allegation is shown to be vexatious, in which case disciplinary action may be taken in accordance with this Code or action taken under the *Whistleblowers Protection Act 1993*.

Where it is believed that the CEO has failed to comply with this Code of Conduct, the matter should be reported to the Lord Mayor, in writing.

6. COMPLAINT HANDLING PROCEDURES

Alleged breaches by staff (excluding CEO)

The CEO has responsibility for ensuring that compliance with this Code of Conduct occurs and investigating alleged breaches of this Code of Conduct.

Employees are entitled to representation in the consideration of a question of an alleged breach against them, and investigation and management of the matter will have regard to the principles of fairness, equity and natural justice.

1. The CEO will make enquiries, or delegate enquiries to be made, into alleged breaches of the Code of Conduct regarding members of staff of the Council and others engaged by the Council, and will determine how to proceed with the allegation.
2. Following the initial investigation where the CEO has determined that no further action is required, the CEO will give the complainant the reason/s in writing.
3. The initial inquiry must be conducted expeditiously and, where possible, within seven working days.
4. Where the decision is that the allegation is serious and warrants further investigation the CEO may appoint an internal and/or external investigator to conduct further investigations into an allegation.
5. The investigations into an allegation should be conducted, where possible, within four weeks of the allegation having been reported.
6. The CEO must determine what action should be taken as a result of a breach. This may include disciplinary action ranging from counselling, a formal warning letter or, in more serious cases, summary dismissal. Any disciplinary action must occur in accordance with the Disciplinary and Performance Operating Guidelines.
7. Copies of any allegation, response(s), notes of any meetings held to resolve the matter will be treated confidentially and will be placed in the 'Code of Conduct Investigations' file which are held in a secure location within the People & Culture office area.
8. The CEO will advise the complainant in writing when the investigation has been closed and confirm that appropriate action has been taken (however this will not include confidential details of any investigations).

Alleged breaches by the CEO

Council will establish a Conduct Committee that will consist of the Lord Mayor, the Deputy Lord Mayor and at least one person independent of the Council. The independent representative/s should comprise Council's nominated legal adviser or other independent person/s of appropriate standing.

The CEO is entitled to representation and the investigation and management of the matter of an alleged breach by the CEO will have regard to the principles of fairness, equity and natural justice.

Conduct Committee

1. The Conduct Committee will make enquiries into allegations of breaches of the Code of Conduct and must either:
 - determine not to make enquiries into the allegation and give the reason/s in writing;
 - make enquiries into the allegation to determine the particular factual matters; or
 - engage an independent person to make enquiries into the allegation to determine the particular factual matters.
2. The Conduct Committee will report its findings, and the reasons for these findings, in writing to the Council, the complainant and the CEO where possible, within four weeks of the allegation having been reported.
3. The Conduct Committee may recommend that ACC take disciplinary action against the CEO. Such disciplinary action may range from counselling, a formal warning letter or, in more serious cases, summary dismissal.

7. POLICIES AND OPERATING GUIDELINES RELATED TO THIS DOCUMENT.

It is each employee's responsibility to read and understand all of the ACC's Operating Guidelines. This Code of Conduct should be read in conjunction with the ACC's relevant Operating Guidelines and Policies.

Operating Guidelines which give effect to this Code of Conduct include but are not limited to those listed below.

- Alcohol and Other Drugs
- Anti-Theft and Anti-Corruption
- Complaint Handling
- Discipline
- Employee Gifts, Benefits and Hospitality
- Fair Treatment in the Workplace
- Grievance Resolution
- Grievance Procedure
- Internet Access and Usage, Use of Electronic Mail and Electronic Diary
- Occupational Health Safety and Welfare and Injury Management
- Performance Management
- Procurement Policy
- Records Management
- Smoke Free Workplace
- Telephone Usage
- Values and Behaviours
- Whistleblowers
- Workplace Bullying

Employees of the ACC must also comply with their duties and obligations under the ACC's industrial awards and enterprise agreements and should familiarise themselves with their content.

8. REVIEW OF THE CODE OF CONDUCT

This Code of Conduct will be reviewed by the Council in consultation with employees and the relevant registered industrial associations representing employees, within 12 months after each general election of the Council.

The Council may at any other time, in consultation with employees and the relevant registered industrial associations, alter its Code of Conduct, or establish a new Code of Conduct.

9. APPLICABLE LEGISLATION

City of Adelaide Act 1998 (SA)
Criminal Law Consolidation Act 1935 (SA)
Disability Discrimination Act 1992 (Cth)
Equal Opportunity Act 1984 (SA)
Fair Work Act 1994 (SA)
Freedom of Information Act 1991 (SA)
Local Government Act 1999 (SA)
Occupational Health, Safety and Welfare Act 1986 (SA)
Whistleblowers Protection Act 1993 (SA)
Workers Rehabilitation and Compensation Act 1986 (SA)

10. STATEMENT OF ADOPTION

The Code of Conduct was adopted by the Adelaide City Council on 25th October 2011.

FURTHER INFORMATION

Members of the public may inspect this Code of Conduct at the principal office of the Adelaide City Council, at 25 Pirie Street, Adelaide during normal office hours and on payment of a fee fixed by Council obtain a copy of the Code of Conduct. ***The Code of Conduct is also available on the Council Internet and Intranet sites.***