

Employee Conduct and Behaviour Policy

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Version: 2

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1. Introduction

- 1.1 Employees of Barunga West Council (the Council) are required to adhere to the standards of conduct and behaviour outlined in this Code of Conduct Policy at all times whilst carrying out their functions as public officers.
- 1.2 This Policy provides information and set boundaries for Employees in terms of appropriate and acceptable conduct and behaviour in the workplace.
- 1.3 Schedule 1 of this Policy provides a non-exhaustive list of examples for Employees regarding what the Council considers is and is not acceptable conduct and behaviour.

2. Purpose of this policy

The purpose of this Policy is to set out the Council's expectations with respect to the standards of conduct and behaviour to be followed by Employees in the exercise of their functions and duties as public officers.

3. Definitions

<i>CEO</i>	Chief Executive Officer of the Council.
<i>Confidential Information</i>	Includes: <ul style="list-style-type: none">• Any decision, document or discussion that Council has resolved to treat as confidential pursuant to section 90 of the Local Government Act 1999 (SA);• Any matter the CEO deems or has ordered to be confidential; or• Any information that an Employee should reasonably know is information that is confidential.
<i>Conflict of Interest</i>	Has the same definition as in sub-section 120(5) of the <i>Local Government Act 1999 (SA)</i> (as amended from time to time).
<i>Disciplinary Procedure</i>	Refers to the Council's Employee Disciplinary Procedure.
<i>Employee</i>	All employees (permanent, casual, full or part-time), contractors, volunteers, trainees, work experience students, consultants undertaking work for, or on behalf of, the Council or other persons employed or engaged by the Council at any of its premises.

4. Scope of this policy

- 4.1 This Policy applies to all Employees (permanent, casual, full or part-time), Contractors, Volunteers, Trainees, Work Experience Students, Consultants undertaking work for, or on behalf of, Council or other persons employed or engaged by Council at any of its premises.
- 4.2 This Policy does not apply to Council Members.

- 4.3 Where there are allegations of breaches to this Policy, the process outlined in the Employee Disciplinary Procedure will be referred to and applied.

5. General Behaviour

- 5.1 Employees must, at all times:
- 5.1.1 Act honestly in the performance of official duties at all times, as required by section 109(1) of the Local Government Act 1999 (SA).
 - 5.1.2 Act with reasonable care and diligence in the performance of official duties, as required by section 109(2) of the Local Government Act 1999 (SA).
 - 5.1.3 Discharge duties in a professional manner.
 - 5.1.4 Act in a way that generates community trust and confidence in the Council.
 - 5.1.5 Act in a reasonable, just, respectful and non-discriminatory way when dealing with other employees, third parties or members of the public.
 - 5.1.6 Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

6. Responsibilities as an Employee of Council

- 6.1 Employees must, at all times:
- 6.1.1 Comply with lawful and reasonable direction of the Council, the CEO and their immediate supervisors.
 - 6.1.2 Comply with all relevant Council policies, procedures, codes and resolutions applicable to the employee as a public officer or otherwise relevant to their particular role.
 - 6.1.3 Deal with information received in their capacity as a Council employee in a responsible manner and in accordance with other applicable policies of the Council (including but not limited to the Council's Privacy Policy).
 - 6.1.4 Endeavour to provide accurate information to the Council and to the public at all times.
 - 6.1.5 Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all relevant information has been obtained and is considered.
 - 6.1.6 Not release or divulge Confidential Information.
 - 6.1.7 Not make improper use of information, including Confidential Information, acquired by virtue of their position.

- 6.1.8 Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 6.1.9 Only make public comment in relation to their duties when specifically authorised to do so and restrict such comment to factual information and professional advice.

7. Relationships within Council

- 7.1 Employees must, at all times:
 - 7.1.1 Not make any public criticism of a personal nature of fellow Council Employees or Council Members.
 - 7.1.2 Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, as required by the Work Health and Safety Act 2012 (SA).
 - 7.1.3 Direct any allegations of breaches of this Code of Conduct for Council Members to the CEO or his/her nominated delegate/s.

8. Use of Council Resources

- 8.1 Council Employees using Council resources must do so effectively, prudently and for its intended purpose when undertaking Council work.
- 8.2 Council Employees must not use Council resources, including misuse of Council property or services, or the use of the services of Council staff, for private purposes, unless legally or properly authorised to do so.
- 8.3 Council Employees must not use public funds or resources in a manner that is irregular or unauthorised.

9. Conflicts of Interest

Employees must comply with the requirements of section 120 of the Local Government Act 1999 (SA), in relation to any actual or perceived conflicts of interest that arise in the course of their employment.

10. Breaches of the Employee Conduct and Behaviour Policy

Breaches of this Policy will be dealt with in accordance with the Council's Employee Disciplinary Procedure.

11. Legislation and Related Documents

This Policy should be read in conjunction with the following:

- *Local Government Act 1999 (SA).*
- *Public Interest Disclosure Act 2018 (SA).*
- *Fair Work Act 1994 (SA).*
- *Ombudsman Act 1972 (SA).*
- *Independent Commissioner Against Corruption Act 2012 (SA).*
- *Work Health and Safety Act 2012 (SA).*
- *Freedom of Information Act 1991 (SA).*
- *Employee Disciplinary Policy*

12. Review

This Policy shall be reviewed by Council's Chief Executive Officer every two years. Upon review, the Council will communicate the updated Policy to all relevant persons.

Date	Revision Number	Reason for Amendment
18/11/2021	01	Implementation of New Policy
31/05/2022	02	Addition of Schedule 1



Signature: _____ Date: 21/07/2022
Maree Wauchope, Chief Executive Officer

If there is a conflict between this policy and the Enterprise Bargaining Agreements for the Barunga West Council, the provisions set out in the Agreements will take precedence. If there is a conflict with local laws, then the provisions of the law in Australia will prevail.

SCHEDULE 1 – EXAMPLES (NON-EXHAUSTIVE)

Unacceptable Conduct	Acceptable Conduct
Abusive, insulting or offensive language or comments towards others (whether inside or outside the workplace)	Reasonable management action to direct and control the way work is carried out
Marginalising a worker from normal workplace activities or events	Constructive criticism delivered in a professional and courteous manner
Tampering with a worker’s personal effects and possessions	Setting reasonable performance goals, standards and deadlines
Intruding on a worker’s personal space	Rostering and allocating working hours where the requirements are reasonable
Unjustified criticism or complaints	Deciding not to select a worker for promotion where a reasonable and fair process is followed
Setting unreasonable timelines or constantly changing deadlines	Transferring a worker for operational reasons
Setting tasks that are unreasonably below or beyond a worker’s skill level	Informing a worker about unsatisfactory work performance in an honest, fair and constructive manner
Withholding information that is vital for effective work performance or knowingly sabotaging a worker’s work	Informing a worker about inappropriate behaviour or breaches of policy or procedures in an objective and confidential manner
Teasing and / or regularly making a worker the brunt of practical jokes	Implementing organisational changes or restructuring
Spreading gossip, misinformation or rumours	Undertaking workplace investigations about a worker where allegations are raised
Violent behaviour including threatening violence, retaliation, or threatening comments	Taking disciplinary action, including suspension or terminating employment