

Code of Conduct Employees

2020



City of
Fremantle



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Introduction

The City of Fremantle Code of Conduct for Employees, (the Code) has been adopted to ensure employees understand and respect their roles and responsibilities. This enables professional relationships to be established and maintained in the interests of providing good governance, overall integrity and good government for the community.

The Code sets out principles and standards of behaviour that 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 performing their role and undertaking their duties on a daily basis.

The Code should be read in conjunction with the Local Government Act 1995, the Local Government (Administration) Regulations 1996 and other legislation that affect employees while performing their role and duties and the Code does not override or affect those provisions or requirements.

The Code must contain certain matters for employees as listed in Part 9 of the Local Government (Administration) Regulations 1996. It contains the standards around personal behaviour, which if breached, may lead to reporting and action being taken under the Code. In view of this, the Code details explanatory matters around key areas of:

- professional conduct
- communication and official information
- use of city resources and information
- conflict of interest, gifts and benefits
- reporting breaches of the Code
- other statutory reporting mechanisms.

Employees of the City of Fremantle (the City) are subject to the provisions of the Code upon their acceptance of employment and while they remain employed by the City.

1. Expected Behaviour

1.1 Culture Principles

Fremantle: a destination city

A city that is clever and creative, inspiring and inclusive. A city that welcomes and celebrates all people, all cultures. A city that encourages innovation, prosperity and achievement. A compassionate city that cares for the wellbeing of our people and the environment we share. A city that thrives on diversity, that dares to be different - and delivers on its promises.

Achievement Culture: Best Choice. Best Outcome



We work together

That means that we:

Collaborate to achieve outcomes.

Are respectful when we deal with each other and value diversity.

Have productive solution orientated conversations.

Listen and check for understanding, and we show a can-do attitude to each other.



We're open to change

That means that we:

Ask open questions and explore alternatives.

Are creative when solving problems to improve things.

Accept failure and learn from it.

Encourage out of the box thinking and share constructive feedback.



We 'own' it

That means that we:

Take responsibility for our actions and are enthusiastic and willing to take on responsibilities.

Communicate our expectations clearly.

Empower our people to deliver on their promises on time.

Keep people informed on outcomes and deadlines.

We look after each other when it comes to safety.



We celebrate success

That means that we:

We prioritise customer service both internal and externally as our key measure for success.

Encourage our teammates to achieve team goals.

Recognise our team's achievements and value high performance.

Cheer when our team goes from strength to strength.

Publicly acknowledge our people's achievements.

1.2 Behavioural Principles

The following principles are to guide the behaviours of employees while performing their role at the City:

- a. Act with reasonable care and diligence.
- b. Act with honesty and integrity.
- c. Act lawfully.
- d. Avoid damage to the reputation of the City.
- e. Be open and accountable to the public.
- f. Base decisions on relevant and factually correct information.
- g. Treat others with respect and fairness.
- h. Not be impaired by mind affecting substances.

1.3 Personal Behaviour

Employees must:

- a. Act, and be seen to act, properly and in accordance with the requirements of the law and the Code.
- b. Perform their duties impartially and in the best interests of the City uninfluenced by fear or favour.
- c. Act in good faith in the interests of the City and the community.
- d. Make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- e. Always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.
- f. Act and be seen to act properly and in accordance with the law and the terms of the Code of conduct and any relevant law.
- g. Treat members of the public fairly and equitably and with due consideration for their genuine concerns and interests.

A breach of the personal behaviours stated above may lead in action being taken under the provisions of the Code (see "Reporting breaches of the Code").

2. Professional conduct

As employees, high standards of professional conduct ensure that a positive image of the City is conveyed when the City interacts with its stakeholders and the community. The conduct displayed should encourage fair, equitable and lawful operation of the City.

2.1 Honesty and integrity

- a. Employees must:
 - i. Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards.
 - ii. Be frank and honest in the employee's dealings with other employees, elected members and committee members.
 - iii. While on duty, give their time and attention to the City's business and ensure that their work is carried out efficiently and effectively, so that their standard of work reflects favourably both on them and on the City.

2.2 Fraudulent and corrupt conduct

Definitions

In this clause:

“fraud” means Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.

The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered “fraud”. (Australian Standard AS8001:2008 Fraud and Corruption Control)

- a. The City expects its employees to act in compliance with the Codes of Conduct and behave ethically and honestly when performing their functions and during their interactions with each other, the community and all stakeholders of the City. A zero tolerance attitude is taken to fraudulent or corrupt conduct which will be thoroughly investigated and the appropriate reporting, disciplinary, prosecution and recovery actions initiated.
- b. Fraud is a dishonest activity that causes actual or potential financial loss to any person or the City. Corrupt conduct is behaviour that lacks virtue or integrity, including when an employee uses or attempts to use their position for personal advantage. The Criminal Code makes it illegal for a public officer to engage in fraud and/or corruption.

2.3 Performance of duties

Employees must:

- a. Strive to ensure that their standard of work reflects favourably both on the employee and the City's business.
- b. Strive to ensure that their standard of work is in accordance with the intent of any service delivery standards set out by the City.
- c. While on duty, give their whole time and attention to City business and ensure that their work is carried out efficiently, economically and effectively.

2.4 Relationships between elected members, committee members and employees

- a. Wherever possible employees must demonstrate professionalism and cooperate with other employees, elected members and committee members to achieve the City's corporate goals and implement the City's strategies.
- b. Employees will recognise that committee members and elected member's views and opinions reflect viewpoints that should be considered in conjunction with professional opinion. Employees must therefore make every effort to assist committee members and elected members in the performance of their role, and to achieve the satisfactory resolution of issues that members may raise in the performance of their official role.
- c. Employees should refrain from publicly criticising elected members, committee members or employees in a way that casts aspersions on their professional competence and credibility.
- d. It is appropriate for elected members to direct requests for information to the CEO, Directors or Managers. Employees are justified in requesting elected members to adhere to this process.

2.5 Compliance with lawful orders and policies

- a. Employees must comply with any lawful order given by any person having authority to make or give the order, with any doubts as to the propriety of the order being taken up with the superior of the person who gave the order.
- b. Employees must give effect to the lawful policies and procedures of the City, whether or not the employee agrees with or approves of them.

2.6 Compliance with administrative procedures and management practices

Employees must comply with proper and reasonable administrative procedures practices and conduct, and professional and responsible management practices.

2.7 Dress standards

- a. Employees are required to present a professional and appropriate appearance to clients and the public, as all employees represent the City whilst at work.
- b. Employees should dress appropriately for the work tasks and requirements of their day.
- c. Employees who are required to wear a uniform will ensure the uniform is clean and well presented, and if protective clothing or equipment is provided then this must be worn.

2.8 Appointments to external boards, committees and working groups

Employees must seek approval to represent the City on external organisations, boards, committees and working groups and ensure that they:

- a. Clearly understand the basis of their appointment.
- b. Provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation.
- c. Represent the City's interests on all matters relating to that organisation, while maintaining the confidentiality requirements of the City.
- d. If the appointment to a board is not approved by and representing the City then the employee must complete a "notification of other employment application" and ensure any time spent is in their own time.

3. Communication and official information

3.1 Communication and public relations

- a. Unless otherwise authorised, statements to the media on behalf of the City are only to be made by the mayor or the CEO.
- b. All aspects of communications by employees involving the City's activities must be accurate, polite and professional and must reflect the status and objectives of the City.
- c. Employees acknowledge that the City is committed to the principle of building a sustainable and successful partnership with the community, of which community consultation is an integral component.
- d. Employees must:
 - i. Respect the decision-making processes within a local government.
 - ii. Not communicate information of a confidential nature.

4. Use of City resources

4.1 Use of resources

Employees must:

- a. Be honest in their use of the City resources and must not misuse them or permit their misuse.
- b. Not use the City resources (including the services of the City's Employees) for private purposes, unless properly authorised to do so.
- c. Ensure that all technology and support equipment provided to them by the City is utilised in accordance with the City policies.

4.2 Reimbursement of expenses

Employees must only claim or accept travel expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the City in accordance with City policies and the provisions of the Act.

5. Use of information

5.1 Use of information

Employees must not make improper use of any information acquired by the person in the performance of their functions under the *Local Government Act 1995* or any other written law.

5.2 Confidential information

During their employment and upon ceasing employment with the City, employees must not:

- a. Remove from the City's care and control the City's resources such as documents, materials, manuals or other information or equipment. These items remain the property of the City.
- b. Disclose verbally or otherwise information gained during the course of their employment by the City, other than information which is publically available.

6. Conflict of interest

6.1 Guiding principals

The nature of the City’s business means that conflict of interest can arise between an employee’s personal interests and the performance of their public or professional duties. Genuine or perceived conflicts of interests may arise from a number of sources, including friends, relatives, close associates, financial investments, past employment and the like.

A good starting point in considering conflict of interest is to consider the following principles:

Principle	Consider
Public duty versus private interests	Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?
Potentialities	Should there be benefits for me now, or in the future, that could cast doubt on my objectivity?
Perception	Are there risks associated for me/my organisation?
Proportionality	Does my involvement in the decision appear fair and reasonable in all the circumstances?
Presence of mind	What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?
Promises	Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?

6.2 Conflicts of interests

- a. Employees must, where practical, ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties for the benefit of the City.
- b. Employees must make appropriate disclosures before dealing with relatives and close friends or others where there may be perception that there is bias in the decision making.
- c. An employee who exercises a recruitment function or a function involving the exercise of discretion will make a disclosure before dealing with any relative or any friend and the employee is to disqualify himself or herself from dealing with that person to avoid the perception of bias in the decision making process.
- d. Employees 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 a disclosure in line with the adopted policy. 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.

- e. Employees must comply with the Local Government (Functions and General) Regulations 1996, in any instance where they are involved in any manner with tendering for a Council contract. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of public duties must be scrupulously avoided.
- f. Employees are required to advise their Manager if a conflict of interest is likely to occur in the performance of their duties on a specific task. Once an interest is declared, the Manager will determine if it is appropriate for the employee to continue in the role and take necessary steps to avoid a conflict of interest.
- g. Employees who have dealings with the City or have an interest, whether financial or not, in a matter before the City or a matter which they have reason to believe will be brought before the City will, in relation to that matter will:
 - i. Disclose their interests in the matter when seeking information and seek the information by written request.
 - ii. Not seek to obtain access to documents or to use the resources of the local government directly or indirectly.
 - iii. Not seek direct access to an employee dealing with the matter in a manner that would not be available to members of the public.
 - iv. Not seek to influence other employees in dealing with the matter.

6.3 Disclosure of interests affecting impartiality

- a. In this clause “interest” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the employee having the interest and includes an interest arising from kinship, friendship or membership of an association.
- b. An employee who has an interest in any matter to be discussed at a council or committee meeting attended by the employee must disclose the nature of the interest:
 - i. in a written notice given to the CEO before the meeting; or
 - ii. at the meeting immediately before the matter is discussed.
- c. An employee who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the employee must disclose the nature of any interest the employee has in the matter:
 - i. in a written notice given to the CEO before the meeting; or
 - ii. at the time the advice is given.
- d. Subclauses b and c. do not apply to closely associated persons of the employee.

- e. An employee is not required under subclauses (b) or (c) to disclose the nature of an interest if:
 - i. The employee's failure to disclose occurs because the employee did not know they had an interest in the matter.
 - ii. The employee's failure to disclose occurs because the employee did not know the matter in which they had an interest would be discussed at the meeting and the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- f. If, to comply with a requirement made under subclauses (b) or (c), an employee makes a disclosure in a written notice given to the CEO before a meeting then:
 - i. Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - ii. Immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.

6.4 Additional employment

Additional employment refers to a situation where a person works for the City but also engages in paid or unpaid work for another organisation (private or public) or voluntary work. It includes operating a private business and providing paid consultancy services as well as partnerships, board positions and directorships of companies. Employees must notify or seek approval for additional employment in line with the additional employment policy.

7. Gifts and contributions to travel

Definitions

In this clause:

"Contribution to travel" means something incidental to a journey(s) and may include the following:

- a. Airline ticket price.
- b. Visa fees.
- c. Travel insurances.
- d. Accommodation.

"gift" has the meaning given to that term in section 5.82(4) of the Act except that it does not include:

- a. a gift from a relative, a relative being defined in section 5.74(1) of the Act; or
- b. a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997; or
- c. a gift from a statutory authority, government instrumentality or non-profit association for professional training.

7.1 Accepting gifts and contributions to travel

- a. Employees must not accept any gift or combination of gifts within a 6 month period that has a value of more than \$50.
- b. Employees must not accept any contribution to travel or combination of contributions within a 6 month period that has a value of more than \$200.
- c. Written approval to accept gifts or contributions to travel outside of the requirements of the Code must be authorised in writing by the relevant Director or CEO and approvals will require the relevant notifications to be completed.

7.2 General

- a. Employees must not solicit (either directly or indirectly) any immediate or future gift, reward, donation, hospitality, contribution to travel or other benefit for themselves or for any other person or body as a result of their employment with the City.

Employees must:

- i. Always exercise sound judgment when deciding whether or not to accept a gift or other benefit.
 - ii. Never create the impression that the City or any of its officers is being influenced by any person or organisation.
 - iii. Never accept any gift of money or items easily converted to cash.
- b. Employees acknowledge that accepting gifts can undermine the City's impartiality which may affect the public's perception of the integrity and independence of the City and its employees.
 - c. Employees must take all reasonable steps to ensure that gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment are not received by their immediate family members or by any other person that may create an impression of an attempt to influence the employee's judgement. Ordinarily immediate family members include parents, spouses, de facto partners, children and siblings who are living with the employee.

8. Reporting breaches of the Code

8.1 Breaches of the Code by employees

- a. Any person who has reason to believe an employee breaches the standards of conduct set out in the Code, may refer the matter to the CEO or the Director People and Culture, who will consider the matter and deal with it in accordance with the policies, procedures or practices of the City and any applicable law concerning employees.
- b. Any person who has reason to believe the CEO breaches the standards of conduct set out in the Code, may refer the matter to the Director People and Culture, who will consider the matter and deal with it in accordance with the policies, procedures or practices of the City and any applicable law.
- c. Each report of a breach is to be dealt with quickly and fairly in accordance with the principles of procedural fairness.
- d. The CEO is to ensure that employees who report unacceptable or illegal behaviour are not in any way disadvantaged or victimised because of their actions as per the Corruption and Crime commission Act 2003.

8.2 Procedure for dealing with complaint

Where a complaint is received by the Director People and Culture the complaints policy and procedure is followed and a report on the matter will be prepared for consideration by the CEO and/or the Mayor in relation to breaches by the CEO.

9. Other Statutory Reporting Mechanisms

9.1 Corruption, Crime and Misconduct Act 2003

- a. Employees acknowledge that:
 - i. A main purpose of the Corruption, Crime and Misconduct Act 2003 is “to continuously improve the integrity of, and reduce the incidence of misconduct in, public authorities ”
 - ii. The Corruption, Crime and Misconduct Act 2003 gives the Public Sector Commissioner two main areas of responsibility:

Firstly, misconduct prevention and education functions. Relevant provisions of the Corruption, Crime and Misconduct Act 2003 gives the Commissioner a role to:

- help public authorities to prevent, and to identify and deal effectively and appropriately with misconduct, and
- collect and analyse information gathered in relation to its broader functions.

Secondly, a role to oversight minor misconduct by public officers. This includes:

- receiving and assessing notifications from principal officers in public authorities about minor misconduct allegations and minor misconduct allegation reports from persons (individuals),
 - monitoring the management of minor misconduct matters by public authorities, and
 - potentially, to investigate cases of minor misconduct by public officers.
- b. The CEO, as the “*principal officer of a notifying authority*” has a statutory obligation, under the *Corruption, Crime and Misconduct Act 2003*, to report to the Commission any matter “which that person suspects on reasonable grounds concerns or may concern minor or serious misconduct”; and
- c. It is an offence under the *Corruption, Crime and Misconduct Act 2003* to threaten, intimidate or harass or to do any act that is likely to be to the detriment of any person because the person gave evidence to, or helped, the Commission.

9.2 Public Interest Disclosure Act 2003

Employees acknowledge that:

- a. The *Public Interest Disclosure Act 2003* deals with the disclosure of public interest information.
- b. Public interest information includes information that tends to show that, in relation to its performance of a public function a public authority (including the City) is involved in (amongst other things) improper conduct or any act or omission that constitutes an offence under a written law.
- c. The *Public Information Disclosure Act 2003* provides persons who make disclosures of public interest information with certain immunities, protections and remedies, and imposes certain responsibilities.
- d. The CEO is to ensure that employees who make disclosures of public interest information are not in any way disadvantaged or victimised because of their actions.
- e. Employees encouraged to contact the City’s nominated Public Interest Disclosure Officer (PID Officer) to seek guidance on their disclosure and to lodge completed Public Interest Disclosure forms.