



CITY OF  
**S**UBIACO

**CITY OF SUBIACO**

**CODE OF CONDUCT FOR WORKERS**

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## 1. Introduction

The City of Subiaco Code of Conduct for Workers (the Code) sets out the standards of conduct and integrity required by all workers of the City of Subiaco (the City). This includes employees, volunteers and contractors, as defined on page 13 of this Code. The Code applies in work settings, and includes work related functions and activities that occur outside of business hours and outside of the City's worksites.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

- (a) better decision making by local governments;
- (b) greater community participation in the decisions and affairs of local governments;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

All workers must abide by the Code and display professional conduct at all times.

Many of the matters in the Code are detailed in legislation and City protocols. The relevant protocols referenced in this document can be found on the intranet and are embedded in our induction online training.

### 1.1 Statutory Environment

The Code addresses the requirement in section 5.51A of the Act for the Chief Executive Officer (CEO) to "prepare and implement a code of conduct to be observed by employees of the local government", and includes matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*. The Code should be read in conjunction with the Act and associated regulations, and workers should ensure that they are aware of their statutory responsibilities under this, and other legislation.

### 1.2 Application

For the purposes of the Code, the term "worker(s)" includes persons employed by the City, or engaged by the City under a contract for services (as defined on page 13 of this Code). The Code applies to all workers, including the CEO, while on the local government's premises, or while engaged in local government related activities. Clause 3.7 of this Code (Gifts) does not apply to the CEO. Section 5.87B of the Act provides for the disclosure of gifts by the CEO.

## 2. City of Subiaco Vision and Values

### 2.1 Corporate Vision

The City is an organisation that aspires to be:

*An innovative, community focused organisation, providing strong leadership to build a unique and welcoming place.*

## 2.2 Corporate Values

The values describe how workers are to behave towards each other and the community, and provide the foundation for the City's culture.

- ▶ **Teamwork** - *we work cooperatively and support one another to achieve our goals.*
- ▶ **Respect** - *we acknowledge and value the opinions and contributions of others.*
- ▶ **Integrity** - *we are committed to being ethical, honest and transparent in everything we do.*
- ▶ **Customer Service** - *we aim to deliver a high quality service that is both efficient and professional.*

## 3. Code of Conduct

### 3.1 Role of Workers

The role of workers in local government is determined by the functions of the CEO, as set out in section 5.41 of the Act.

### 3.2 Principles Affecting Employment

The principles in section 5.40 of the Act apply to the employment of the City's workers. These principles are as follows:

- “(a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Work Health and Safety Act 2020*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.”

The City, together with its workers, have a shared responsibility to create an environment that is safe, supportive and inclusive. Such an environment enables the City's workers to deliver on their role, and to provide solutions for the community.

The City is committed to creating an environment free from bullying, unlawful discrimination, harassment and victimisation.

The City selects and promotes workers on the principles of merit and equity, without nepotism or patronage.

### 3.3 Personal Behaviour

The City's workers will:

1. **Live the City values**, show teamwork, respect, integrity, and customer service.
2. **Work safely**, not exposing themselves or others to harm.
3. **Be inclusive**, not to engage in unlawful discrimination, harassment, bullying or disrespectful actions.
4. **Make decisions in accordance with the delegations and responsibilities** of their role.
5. **Be proactive**, solutions focussed, and contribute towards achieving goals.
6. **Action lawful and reasonable directions**, decisions and protocols of the City.
7. **Be professionally presented** as you represent the City. For workers in uniforms, wear uniforms and personal protective equipment (PPE) whenever prescribed in protocols and procedures.

### 3.4 Honesty and Integrity

Workers will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) be frank and honest in their official dealing with each other; and
- (c) report any dishonesty or possible dishonesty on the part of any other worker to their line manager or the CEO in accordance with this Code the City's policies.

### 3.5 Leadership Responsibilities

The City has additional expectations of its leaders – which is to live our values, and act as role models. The City's CEO, Directors, Managers, Coordinators and Supervisors are expected to show leadership in following the Code of Conduct and maintaining a culture of commitment to integrity, ethics and compliance, where we all do the right thing, and where people feel comfortable and confident in speaking up.

Our leaders are expected to:

- ▶ Understand the risks that apply in your Branch and the procedures to mitigate them.
- ▶ Ensure your local induction process includes briefing new employees on this Code of Conduct, the risks in their role, and where they can seek advice and support.
- ▶ Ensure your team members have adequate time to complete Code of Conduct and other behavioural or culture training.
- ▶ Ensure your team understand the procedures to follow to avoid any breaches of the Code of Conduct, including recording of gifts and hospitality and actual or perceived conflicts of interest.
- ▶ Report any breaches of the Code of Conduct.

<b>Relevant Documents:</b>		
<i>Location</i>	<i>Title</i>	<i>CM9 Reference</i>
City Intranet	Protocol - Workplace Behaviour	18/41276
City Intranet	Protocol - Work Health and Safety	22/8128
City Intranet	Protocol - Fitness for Work	20/42116

### 3.6 Personal and Professional Communications and Social Media

All aspects of communication (including verbal, written and electronic), involving the City's activities should reflect the values and objectives of the City. Communications should be accurate, polite and professional.

From time to time a worker may be approached by the media for comment about City activities. Only those authorised by the CEO, have approval to respond to any enquiry from the media without directing it, in the first instance, to the Manager Community and Engagement.

This includes providing "on" or "off the record" comments to the media on matters pertaining to the City and Council.

It is inappropriate to make disparaging remarks or display offensive/inappropriate images about the City and/or its workers, Councillors, contractors or consultants on any private social media sites.

Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the Corruption, Crime and Misconduct Act 2003.

<b>Relevant Documents:</b>		
<i>Location</i>	<i>Title</i>	<i>CM9 Reference</i>
City Intranet	Policy 2.2 – Media Statements	16/45328

### 3.7 Gifts

There may be circumstances when a worker is offered a 'gift' from a person external to the City. A gift includes, but is not limited to, an object, access to an event, hospitality or the provision of services.

It is never appropriate for a worker to solicit or demand a gift. Under no circumstances should a gift of money or a loan be accepted.

While a worker should avoid accepting any gift, reward or benefit if there is a perception that the purpose is to influence them in relation to the performance of their work at the City, there are clear provisions in legislation that allow the acceptance of what is referred to as 'notifiable gifts'.

In understanding the obligations of workers, it is important to differentiate between 'prohibited gifts' and 'notifiable gifts'.

For the purpose of understanding the following definitions, a 'local government discretion' means anything that cannot be undertaken without an authorisation of the City, or by way of commercial dealing with the City.

## Prohibited Gift

A 'prohibited gift' is a gift worth \$300 or more. In addition, where two or more gifts are given to a worker by the same person within a six month period, and their total worth is \$300 or more, this is also classified as a prohibited gift.

Workers are not, under any circumstances, permitted to accept a prohibited gift from an associated person, ie a person who:

- ▶ is undertaking, or seeking to undertake an activity involving a local government discretion; or
- ▶ it is reasonable to believe, is intending to undertake an activity involving a local government discretion.

## Notifiable Gift

A 'notifiable gift' is a gift worth between \$50 and up to \$300. In addition, where two or more gifts are given to a worker, by the same person, within a six month period, and their total worth is between \$50 and up to \$300, this is also classified as a notifiable gift.

A worker is permitted to accept a 'notifiable gift' from a person who:

- ▶ is undertaking or seeking to undertake an activity involving a local government discretion; or
- ▶ it is reasonable to believe, is intending to undertake an activity involving a local government discretion;

provided they notify the CEO in writing, within ten (10) days of accepting the gift.

In notifying the CEO the worker must provide the following information:

- (a) the name of the person who gave the gift;
- (b) the date on which the gift was accepted;
- (c) a description and estimated value of the gift;
- (d) the nature of the relationship between the person who is a worker and the person who gave the gift; and
- (e) if the gift is one of two or more gifts received from the same person within a six month period, and within the prescribed amount of \$50 and up to \$300, then a description, estimated value, and date of acceptance of each gift is required.

If the gift has a value of \$50 or less it is considered to be exempt for the purposes of this section. As a consequence, such a gift does not have to be reported and may be accepted.

An employee who accepts a gift from an associated person must disclose details of the gift using the Gift Disclosure Form available on the intranet or in CM9 (Form F/963; Folder A/3627).

The City must record and store copies of submitted gift disclosure forms under this Code in its Electronic Document Records Management System and in a register.

### 3.8 Secondary Employment

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval from the CEO. Employees can undertake paid or unpaid work, including volunteer and board positions, outside of their role at the City if there is no conflict of interest and their duties with the City are not adversely affected. Employees should also ensure they are maintaining their work health and safety responsibilities when considering undertaking outside employment.

Relevant Document:		
<u>Location</u>	<u>Title</u>	<u>CM9 Reference</u>
City Intranet	Protocol - Secondary Employment	(18/41546)

### 3.9 Conflict of Interest

A conflict of interest arises where there is an actual, perceived or potential personal interest in a matter sufficient to influence, or appear to influence, objectivity when doing their work or making decisions.

Workers must be impartial when performing their duties. Having a conflict of interest needs to be managed in the interest of the City rather than the interests of the individual. If a worker is unsure of whether a conflict of interest exists, they should discuss it with their Supervisor as soon as they become aware that it may be an issue.

A conflict situation may change over time and may need ongoing monitoring. Any worker who has a material personal interest in an issue they are dealing with must advise his or her Supervisor, in writing, of the interest.

Any future dealings on the matter by the worker concerned, must only be in accordance with their Supervisor's direction. Where a worker seeks information from the City that is publicly available, the worker must access that information through the public channel available to all people and not through avenues available because of his/her employment with the City.

Conflicts affecting financial and impartiality interests are the subject of strict statutory controls and penalties. Certain categories of workers, in particular those with delegated authority or who are members of committees with delegated authority, are required to lodge annual or primary returns. In addition, Council or the CEO has discretion, in the interests of openness and accountability, to require other categories of workers to lodge annual or primary returns.

Workers must write to the CEO describing an intention to undertake a dealing in land which is within the district of the City, or which may otherwise be in conflict with the local government's functions (other than purchasing the principal place of residence).

Workers who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest before dealing with relatives or friends and will disqualify themselves from dealing with those persons.

Workers will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.



### 3.10 Disclosure of Financial Interests

- (a) All Workers must apply the principles of disclosure of financial interest as contained within the Act.
- (b) Workers who have been delegated a power or duty, have been nominated as 'designated workers', or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Act.

### 3.11 Disclosure of Interests Relating to Impartiality

- (a) In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.
- (b) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to 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 is required to 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) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.
- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not know and could not reasonably be expected to know:
  - (i) that they had an interest in the matter; or
  - (ii) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- (f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), 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) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
- (g) If:
  - (i) to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or
  - (ii) a disclosure is made as described in item (e)(ii) at a meeting; or
  - (iii) to comply with a requirement made under item (f)(ii), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

### 3.12 Use and Disclosure of Information

Actions and decisions are to be recorded to assist transparency. Any records that are created or received must be managed with care and in accordance with the State Records Act 2000 (WA). Public records cannot be falsified, destroyed, altered, back dated or damaged.

A worker cannot record a conversation, either visually or using a listening device, with another worker, Councillor, contractor or consultant without their knowledge and consent (either implied or overt). If a worker does record a conversation without the consent of the other party to the conversation then they can be subject to disciplinary action up to and including dismissal.

An exception is where the recording is reasonably necessary for the protection of the lawful interests of a party to the conversation, such as where a worker is being harassed, bullied or discriminated against.

The privacy of workers is respected and information contained on their personal files must be kept in strict confidence. Any worker may view their own employee file under supervision.

Workers must not access, use or disclose information held by the City, except as directly required for, and in the course of, the performance of their duties.

Workers must not access, use or disclose information to gain improper advantage for themselves, or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the City.

Due discretion must be exercised by all workers who have access to confidential, private or sensitive information.

Nothing in this section prevents an employee from disclosing information if the disclosure:

- (i) is authorised by the CEO or the CEO's delegate; or
- (ii) is permitted or required by law.

### 3.13 Improper or Undue Influence

- (a) Workers will not take advantage of their position to improperly influence Council Members, Committee Members or workers in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.
- (b) Workers must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.
- (c) Workers must not take advantage of their position to improperly disadvantage or cause detriment to the local government or any other person.

### 3.14 Use of City of Subiaco's Resources

In this clause, the City's resources includes local government property and services provided or paid for by the City. Local government property, has the meaning given to it in section 1.4 of the Act.

Workers must:

- (a) be honest in the use of City resources (which includes local government property and services provided or paid for by the City), and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use City resources entrusted to them effectively and economically in the course of their duties, and in accordance with relevant policies and procedures; and
- (c) not use City resources (including the services of workers) 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 CEO).

### 3.15 Use of City of Subiaco Finances

- (a) Workers are expected to act responsibly and exercise sound judgment with respect to matters involving City finances.
- (b) Workers will use City finances only within the scope of their authority, as defined in the **Delegated Authority**.
- (c) Workers with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (d) Workers exercising purchasing authority will comply with the City's Procurement Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- (e) Workers will act with care, skill, diligence, honesty and integrity when using local government finances.
- (f) Workers will ensure that any use of City finances is appropriately documented in accordance with the relevant policy and procedure.

#### Relevant Documents:

<u>Location</u>	<u>Title</u>	<u>CM9 Reference</u>
City Website	Register of Delegations and Authorisations - Council to CEO	(22/23778)
City Intranet	Register of Delegations and Authorisations - CEO to Officers	(22/34599)
City Intranet	City of Subiaco Procurement Policy	(15/19476)

### 3.16 Reporting of Suspected Breaches of the Code of Conduct

The City takes any alleged breaches of the Code seriously, and encourages any person who has reasonable grounds to believe a worker of the City has committed a breach of this Code, to report it to their Supervisor, Manager, People and Organisational Development, or any Executive Leadership Team member.

### *Corruption, Crime and Misconduct Act 2003 (WA)*

Corruption and misconduct generally occurs when a public officer abuses authority for personal gain, cause detriment to another person, or acts contrary to the public interest. Corrupt behaviour presents in many forms in the workplace, such as:

- ▶ Abuse of public office.
- ▶ Blackmail.
- ▶ Bribery, including bribery in relation to an election.
- ▶ Deliberately releasing confidential information.
- ▶ Extortion.
- ▶ Obtaining or offering a secret commission.
- ▶ Fraud or stealing.
- ▶ Forgery.
- ▶ Perverting the course of justice.
- ▶ An offence relating to an electoral donation.
- ▶ Loss of revenue of the state by tax evasion.
- ▶ Falsification of statements or records.
- ▶ Unlawful use of computer systems.

**Serious misconduct** is conduct by a public officer who:

- ▶ acts corruptly or in the course of their duties; or
- ▶ corruptly takes advantage of their office or employment to obtain a benefit or to cause a detriment to any person; or
- ▶ acts in the course of their duties or while deliberately creating the appearance of acting in the course of their duties, commits an offence punishable by two or more years imprisonment.

**Minor misconduct** is conduct by a public officer that:

- ▶ adversely affects the honest or impartial performance of the functions of a public authority or public officer, or
- ▶ involves the performance of functions in a manner that is not honest or impartial; or
- ▶ involves a breach of the trust placed in the public officer; or
- ▶ involves the misuse of information or material that is in connection with their functions as a public officer, and
- ▶ constitutes a disciplinary offence providing reasonable grounds for termination of a person's office or employment.

### *Public Interest Disclosure Act 2003 (WA)*

The *Public Interest Disclosure Act 2003 (WA)*, (ie the “*Whistle-Blower Act*”) allows people to make disclosures about wrongdoing in public authorities, which includes the State public sector, local governments, government trading enterprises, public universities, and some government boards and committees (public authorities), and protects them when they do.

Public interest information relates, but is not limited to:

- ▶ improper conduct;
- ▶ an offence under State law;
- ▶ substantial unauthorised or irregular use of public resources;
- ▶ substantial mismanagement of public resources; or
- ▶ substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment.

The Act provides people who make disclosures of public interest information with certain immunities, protections and remedies, as well as imposes certain responsibilities. The City does not tolerate any of its workers taking reprisal action against anyone who makes or proposes to make a public interest disclosure. The City will take all reasonable steps to protect employees from any detrimental action in reprisal for the making of a public interest disclosure.

### 3.17 Handling of Suspected Breaches of the Code of Conduct

Suspected breaches of the Code will be dealt with in accordance with the relevant City of Subiaco policies and procedures, depending on the nature of the suspected breach and where relevant, in accordance with the lawful directions of the appropriate statutory body.

- (a) Workers may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their supervisor, Manager, the CEO, or the Public Interest Disclosure Officer (Manager People and Organisational Development and Manager Governance Services).
- (b) In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
  - (i) the Corruption and Crime Commission, in the case of serious misconduct; or
  - (ii) the Public Sector Commissioner, in the case of minor misconduct.
- (c) Workers, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- (d) Workers, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the City of Subiaco’s Public Interest Disclosure Procedures, published on the City’s website.

Relevant Documents:		
<i>Location</i>	<i>Title</i>	<i>CM9 Reference</i>
City Intranet	Public Complaints Guidelines	16/70325
City Intranet	Public Interest Disclosure Protocol	08/10662
City Intranet	Grievance Protocol	18/41304
City Intranet	Workplace Behaviour Protocol	18/41276

## 4. Definition of “Worker”

Part 1, section 1.4 of the Act defines an employee as “a person employed by a local government under section 5.36”. For the purposes of this Code, the term “worker(s)” means an employee of the City, as defined by the Act, and includes “worker(s)”, as defined by the *Work Health and Safety Act 2020*, which states as follows:

### “7. Meaning of worker

- (1) A person is a **worker** if the person carries out work in any capacity for a person conducting a business or undertaking, including work as —
  - (a) an employee; or
  - (b) a contractor or subcontractor; or
  - (c) an employee of a contractor or subcontractor; or

- (d) an employee of a labour hire company who has been assigned to work in the person’s business or undertaking; or
  - (e) an outworker; or
  - (f) an apprentice or trainee; or
  - (g) a student gaining work experience; or
  - (h) a volunteer; or
  - (i) a person of a prescribed class.
- (2) For the purposes of this Act, a police officer is —
- (a) a worker of WA Police; and
  - (b) at work throughout the time when the officer is on duty or lawfully performing the functions of a police officer, but not otherwise.
- (3) The person conducting the business or undertaking is also a **worker** if the person is an individual who carries out work in that business or undertaking.”

<b>DOCUMENT CONTROL</b>	
<b>Responsible Directorate</b>	Corporate Services
<b>Responsible Branch</b>	People and Organisational Development
<b>Responsible Officer</b>	Manager People and Organisational Development
<b>Affected Branches</b>	All Branches
<b>ELT Endorsement</b>	6 July 2022
<b>Reviewed/Modified</b>	May 2022
<b>CEO AUTHORISATION</b>	 Colin Cameron <b>CHIEF EXECUTIVE OFFICER</b>