

## 1. PURPOSE

The Code of Conduct for Employees and other Workers Policy specifies how Southern Midlands Council's Employees and other Workers should conduct the business of Council

## 2. OBJECTIVE

The aims of this Policy are to:

- (a) Ensure that Employees and other Workers understand their obligations and do not engage in Infringing Workplace Behaviour;
- (b) Provide a framework for Employees and other Workers to make decisions and engage in behaviours that are ethical and appropriate for Council and Employees/other Workers;
- (c) Reflect Council's commitment to the highest standards of honesty and integrity in meeting the needs of Council and the community we serve;
- (d) Outline the standards of conduct or behaviour expected at all times relevant to work and responsibilities;
- (e) Operate with the Applicable Laws and Council's policies and procedures; and
- (f) Recognise that Employees and other Workers are ultimately responsible for their own behaviour.

## 3. SCOPE

This Policy covers and applies to Employees and other Workers in relation to:

- (i) Behaviour at the Workplace;
- (ii) The performance of work for or in connection with Council; and
- (iii) Conduct outside the Workplace or working hours if the acts or omissions:
  - (a) Are likely to cause serious damage to the relationship between Council, Employees or other persons at the workplace; or
  - (b) Are incompatible with Employee's/Workers duty to Council; or
  - (c) Damage or are likely to damage Council's interest or reputation.

This policy does not cover or apply to a Councillor.

## 4. DEFINITIONS

### Applicable Laws

All laws in connection with the carrying out of work or the Workplace including"

- *Age Discrimination Act 2004* (Cth)
- *Anti-Discrimination Act 1998* (TAS)
- *Australian Human Rights Commission Act 1986* (Cth)



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- *Disability Discrimination Act 1992* (Cth)
- *Fair Work Act 2009* (Cth)
- *Local Government Act 1993* (TAS)
- *Racial Discrimination Act 1975* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Work Health & Safety Act 2012* (TAS)
- *Workers Rehabilitation & Compensation Act 1988* (TAS)

### **Confidential Information**

Any information, with the exception of information in the public domain other than as a result of a breach by the Employee and/or Worker disclosed, or communicated to the Employee and/or other Worker by, or on behalf of Council that:-

- (a) Is marked or designated as 'Confidential'
- (b) Would at law be considered secret or 'confidential information of Council';
- (c) That the Employee/Worker might reasonably expect Council to regard as confidential; or
- (d) Which comes into the Employee's/other Worker's possession, or is learnt, accessed or generated by the Employee/other Worker, in the course of the Employee/other Worker's employment or engagement, whether or not the information was originally supplied by the Council; and
  - (i) relates to Council dealings, customer or client lists, financial position and arrangements, funding, transactions, general affairs, contracts entered into, program planning and consultant's advice, promotional information, planning information, equipment and techniques, used or any of the above matters for Council's business;
  - (ii) Without limiting the generality of the above relates to internal Council management, the structure of Council, information about Employees/other Workers, Policies, marketing programs, strategies, plans, investments or aspects of its future operations; or
  - (iii) Relates to internal Council management, the structure of the business of Council, Council personnel, marketing programs, strategies, plans, investments or aspects of its future operations.

### **Conflict of Interest**

An actual, potential or perceived conflict between duties or work or services provided to Council and private interests of an Employee and/or other Worker, in which the Employee and/or other Worker has private 'interests' which could improperly influence the performance of work, duties or services provided to Council by that Worker.

Without limiting the generality of the above, includes any 'interests' identified in the *Local Government Act 1993* (TAS).

### **Council Property**

Any real or tangible property (e.g. cash, motor vehicles, plant and equipment); and any intangible property (e.g. intellectual property and goodwill) owned by Council or in Council's possession or control.



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### **Councillor**

An elected member of Council known as a Councillor or otherwise meeting the definition of a 'councillor' as defined under section 3 of the *Local Government Act 1993* (TAS).

### **Employee**

A person who carries out work for Council as an employee of Council.

### **General Manager**

The General Manager of Council as appointed under section 61 of the *Local Government Act 1993* (TAS).

### **Infringing Workplace Behaviour**

Any act or emission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

### **Manager/Supervisor**

A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate

### **Nominated Council Delegate**

Deputy General Manager

### **Other Persons at the Workplace**

Any persons at the Workplace who is not a Worker including visitor and ratepayers.

### **Privileged Information**

Any information which is subject to legal professional privilege

### **Sensitive Information**

Personal information or an opinion relating to personal information about individuals:

- (a) Racial or ethnic origin; or
- (b) Political opinions; or
- (c) Membership of a political association; or
- (d) Religious beliefs or affiliations; or
- (e) Philosophical beliefs; or
- (f) Membership of a professional or trade association; or
- (g) Membership of a trade union; or
- (h) Sexual preferences or practices; or
- (i) Criminal record; and
- (j) Health information about an individual

### **Other Worker**

A person who carries out work in any capacity for Council, including work as:

- (a) a contractor or subcontractor;
- (b) an employee of a contractor or subcontractor;

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- (c) an employee of a labour hire company who has been assigned to work at Council;
- (d) an outworker;
- (e) an apprentice or trainee;
- (f) a student gaining work experience;
- (g) a volunteer; or
- (i) a person of a prescribed class;

But does not include a Councillor.

### **Workplace**

A place where work is carried out for Council.

### **Training**

Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.

## **5. REQUIREMENTS**

- (a) Employees and other Workers must comply with this Policy;
- (b) If Employees and/or other Workers are unsure as to compliance then consider:
  - (i) Discussions with other Workers or Managers/Supervisors at the workplace to get an objective viewpoint.
  - (ii) What you would do if it was your money, time or equipment;
  - (iii) Being on the receiving end of your decision or action;
  - (iv) Whether you could adequately defend your actions to your immediate Manager/Supervisor;
  - (v) The potential consequences of your behaviours or decisions for other Workers, your family, Council's ratepayers and wider community including whether you would feel comfortable with it reported in the media; and
  - (vi) Who will benefit? Will it be fair to Council, the parties involved and yourself. If Employees and/or other Workers still have doubts about the correct thing to do, refer the matter to the General Manager for advice.
- (c) Managers/supervisors are required to reasonably promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

## **6. POLICY**

### **6.1 Acting with Honesty and Integrity**

Acting with honesty and integrity will maintain the respect and confidence in Council. To demonstrate honesty and integrity Employees and other Workers will:

- (a) Treat Employees, other Workers and Other Persons at the Workplace with honesty, respect and courtesy;

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- (b) Not take improper advantage of their position in order to obtain a benefit for others or themselves
  
- (c) Report dishonest, unethical, fraudulent or corrupt behaviour or maladministration by Workers or Other Persons at the Workplace;
  
- (d) Not seek or accept any type of unauthorised compensation, fee/payment (ie monetary or non-monetary), commission or gratuity from a third part in connection with the operations of Council;
  
- (e) Not offer or accept any gift, hospitality, or other financial/non-financial benefit without the prior written approval of the Nominated Council Delegate;
  
- (f) Not make or take any bribes, kickbacks, inducements or other illegal payments of any kind for the benefit of any person or party in connection with obtaining orders or favourable treatment or for any other purpose in connection with the operations of Council;
  
- (g) Report in writing to the Nominated Council Delegate with full details of any gifts, hospitality, or other financial/non-financial benefit received by Employees or other Worker; and
  
- (h) Encourage and support good faith reporting of breaches of this Policy without retribution.

## **6.2 Acting with Professionalism**

Professionalism is conduct that fosters and preserves reputations as individuals and that of Council. To demonstrate professionalism Employees and other Workers will:

- (a) Not engage in or tolerate Infringing Workplace Behaviour;
  
- (b) Support and not publicly criticise, decisions of Council;
  
- (c) Not undermine or bring Council's integrity or reputation into disrepute;
  
- (d) Work co-operatively as a team and treat Employees, other Workers and other Persons at the Workplace with respect and dignity;
  
- (e) Exercise diligence, best endeavours and sound judgment when carrying out their duties or providing services;
  
- (f) Maintain a professional relationship with third parties when engaged as a Worker;
  
- (g) Provide levels of service that they competent and authorised to provide;
  
- (h) Not make unauthorised statements or commitments on behalf of the Council.

### **6.3 Acting in Accordance with the Law and Policies and Procedures**

Employees and other Workers should act in the spirit and intent of the Applicable Laws governing Council's activities and strive to be familiar with and comply with all relevant laws, policies and procedures. To demonstrate this commitment Employees and other Workers will:

- (a) Respect and abide by all Applicable Laws, Policies and Procedures;
- (b) Comply with all lawful and reasonable directs from authorised persons;
- (c) Only act within their authority;
- (d) Protect Council property, in particular, take care to avoid or minimise the possibility of theft or misuse of Council Property;
- (e) Only use Council property for Council purposes and in accordance with appropriate authorisations;
- (f) Not use Council property for private purposes unless authorised by their Manager/Supervisor; and
- (g) Comply with delegations, and other authorisations as directed.

### **6.4 Declaring and Avoiding Conflicts of Interest**

Conflict of Interests can jeopardise confidence in Council. To demonstrate declaration and avoidance Employees and other Workers will:

- (a) Not take on Personal business or financial or private interests that compete or conflict with Council's interests;
- (b) Inform their Manager/Supervisor as soon as they become aware of possible Conflicts of Interest involving themselves or others and provide all reasonable information about the possible Conflict of Interest and comply with any directions;
- (c) Reasonably seek approval before taking up other employment or engagements outside of their position with Council;
- (d) Declare any Conflict of Interest that could occur through share-holdings, ownership of real estate or being the trustee of beneficiary of a trust;

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- (e) Not use or take advantage of any Council Property or Information belonging to Council for personal benefit or for the benefit of any other person;
- (f) Not engage directly or indirectly in any outside business activity involving commercial contact with Council or work for the benefit of Council commercial customers, suppliers or competitors without the prior written consent of the Nominated Council Delegate; and
- (g) Disclose ownership of shares in a listed entity which deals with or competes with Council to the Nominated Council Delegate.

### **6.5 Respect Privacy and do not Misuse Information**

To demonstrate respect for privacy and proper use of information Employees and other Workers will:

- (a) Not disclose Confidential Information to any person or entity without the prior written consent of the Nominated Council Delegate;
- (b) Not disclose to any person or entity without the prior written consent of the Nominated Council Delegate or improperly use specific information referred to in s338A and 339 of the *Local Government Act 1993* (TAS).
- (c) Disclose if required by Applicable Laws, Confidential Information (but no more than is necessary to discharge their legal obligations), to the relevant authority in a manner that is accurate and truthful. Before such disclosures are made, and if permitted by Applicable Laws, Employees and other Workers acting as Council's representatives must advise, to the extent permitted by Applicable Law, the Nominated Council Delegate about the pending disclosure;
- (d) Not use Confidential Information for the purpose of directly or indirectly obtaining personal gain or another benefit.
- (e) Only access Confidential Information for authorised work-related tasks;
- (f) Disclose to their Manager/Supervisor situations that may create a Conflict of Interest before a conflict arises, or if one does occur, immediately on becoming aware;
- (g) Not encourage others to disclose Confidential Information or Sensitive Information or Privileged Information.
- (h) Ensure the secure collection, storage and disposal of Confidential Information and Sensitive Information regardless of its medium; and
- (i) Comply with Applicable Laws regarding declaration of any pecuniary interest they or a close associate of theirs may have regarding any matter in which they provide advice to Council, make a decision or determination or make a recommendation to Council about.



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## **6.6 Strive to be Good Citizens and Achieve Community Respect**

Council is committed to service excellence and aims to maintain public confidence and respect. Employees and other Workers will:

- (a) Be aware that the choices they make in business activities may impact on other Employees, other Workers and Other Persons at the Workplace, the community and the environment and must take this into account when making decisions,
- (b) Commit to taking reasonable care to avoid acts and omissions that may adversely affect themselves, Employees, Workers and Other Persons at the Workplace,
- (c) Aim to be socially, financially and environmentally responsible in the use of Council resources;
- (d) Work together to achieve Council's goals and visions;
- (e) Perform their duties to the best of their ability and ensure work is carried out efficiently and effectively;
- (f) Commit to equality and diversity;
- (g) Strive to make a positive contribution to Council, Employees, Workers and Other Persons at the Workplace, and the community;
- (h) Consider the broader impact of their decisions on stakeholders and the community; and
- (i) Report any corrupt or fraudulent conduct or any maladministration.

## **6.7 Obligations after leaving Council**

- (a) Prior to ceasing work for Council, Employees and other Workers must return all Council equipment, property and documentation provided or obtained as part of their work. This includes, but is not limited to, instruction manuals, identification cards, procurement cards, keys, vehicles, mobile phones, other communication devices, personal protective equipment, all tools, computer software and hardware;
- (b) If an Employee or other Worker ceases working for Council they must not disclose any confidential information provided to them.
- (c) Employees must repay any outstanding debts owed to Council prior to ceasing work for Council. Council reserves the right to deduce any monies owed from the Employee's final pay.

## **6.8 Reporting of Breaches**





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Employees and other Workers must reasonably report breaches of Infringing Workplace behaviour as follows:

For breaches by:

- (a) An Employee (other than the General Manager) or other Worker, the report must go to the reporting person's applicable Manager; and/or
- (b) The General Manager the report must go to the Mayor (of if unavailable to the next appropriately delegated Councillor) and
- (c) As otherwise required or permitted by Applicable Laws.

## **6.9 Breaches of Policy**

Employee or other Workers who engage in Infringing Workplace Behaviour may be subject to appropriate disciplinary action in accordance with the Disciplinary Policy and Procedure. Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:

- (a) Exposing individuals to legal proceedings; and
- (b) Making Council vicariously liable for the conduct of others.

## **7. LEGISLATION**

*Work Health and Safety Act 2012 (TAS)*  
*Work Health and Safety Regulations 2012 (TAS)*  
*Fair Work Act 2009 (CTH)*  
*Anti-Discrimination Act 1998 (TAS)*  
*Sex Discrimination Act 1984 (CTH)*

## **8. RELATED DOCUMENTS**

Disciplinary Policy and Procedure  
Complaints & Grievances Policy and Procedure  
Respect in the Workplace Policy  
Fraud Control and Corrupt Conduct Prevention Policy and Procedure

## **9. DOCUMENT ADMINISTRATION**

This Instruction is a managed document and is to be reviewed every three (3) years or as directed by the General Manager.

This document is Version 2 effective January 2023. The document is maintained by the General Manager's Unit of Southern Midlands Council.