

Employee Code of Conduct

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Introduction

Maribyrnong City Council has a Code of Conduct for employees to ensure that Council is represented in a professional and ethical manner whilst providing services to the Community.

Purpose

It is important that everyone who works for Maribyrnong City Council knows and understands our required standards of conduct, behaviour and decision making. Employees are also expected to comply with all laws, regulations and policies that impose other responsibilities and obligations associated with employment, and these may change from time to time.

Scope

This code of conduct applies to all employees, volunteers, contractors, agency staff and work experience students within the Maribyrnong City Council.

The standards in this code are in addition to any legal requirements outlined in the relevant employment Awards, Council's Enterprise Agreement, Council policies and procedures and any principles set out in the Local Government Act 2020 with respect to Council employees.

The code of conduct does not cover or list every situation or circumstance that may arise. If you are uncertain about your role, responsibility, conduct or behaviour surrounding a particular circumstance not covered within the code of conduct, please contact your immediate Manager/Supervisor or the People and Capability Department for further clarification.

A separate code of conduct is applicable for Councillors as elected representatives.

Responsibilities

It is the responsibility of all employees to understand and uphold the standards and principles prescribed in this Code and all relevant Maribyrnong City Council policies. Our duty also extends to supporting others to do the same, continually observe the Code, and report any known or suspected breaches of which we may become aware. Members of Councils leadership team which includes Team Leaders, Coordinators, Senior Coordinators, Managers, Directors and the Chief Executive Officer are responsible for overseeing behaviours in the workplace and taking action to address behaviours that deviate from the Employee Code of Conduct, Council Policies and Procedures or other legislative requirement. Behaviours that breach the spirit or the stated requirements of the Code may result in disciplinary action, up to and including termination of employment/engagement.

Policy

We aim to ensure and encourage a positive, efficient, effective and collaborative workplace. We want to foster an environment where employees contribute to the community, are aligned to the organisational direction, engaged around our purpose, know what is expected, are safe and treated respectfully and fairly.

This can only be achieved when each of us is accountable, both individually and collectively, for the way in which we conduct ourselves in the workplace and how we interact with each other. It is important to note the Code of Conduct may also have application beyond the physical workplace. The Employee Code of Conduct is an integral part of the way we work every day. The code outlines our work standards as well as the laws and regulations that govern our work. You must be familiar with the Code, and act in accordance with its requirements.

It is impossible for the Code to list every circumstance that may arise; however, we trust that you will understand and abide by the intent of the Code. It provides a foundation for honest and ethical work practices and supports an environment where employees demonstrate integrity and professionalism; where we prioritise our community in all that we do; where we can plan and deliver the best possible services, projects and outcomes to meet community needs; and where the community trusts us and has confidence in us and our work - individually and collectively. The Code also incorporates our values:

Respect

This includes the promotion of: inclusiveness, empathy, communication, good will.

Courage

This includes the promotion of: innovation, considered risk, creativity, problem solving, initiative, accountability, responsibility.

Integrity

This includes the promotion of: honesty, loyalty, ethical behaviour, trustworthiness.

General Conduct

Officer decisions and recommendations are made in accordance with Council's policies and guidelines and are provided on an informed, impartial and professional opinion. All employees of Maribyrnong City Council are required to act in a fair, honest and professional manner according to the laws that govern the Council. In addition, employees are required to:

- Give proper consideration to legal requirements and of this code of conduct.
- Not participate in any activities that are defined as improper conduct, corrupt conduct or detrimental action in accordance with Public Interest Disclosures Act 2012 and report any improper conduct in accordance with the Public Interest Disclosure Procedure 2020. *Refer to the Public Interest Disclosure Procedure, Fraud and Corruption Control Policy and Procedure.*
- Be reasonable, just and non-discriminatory in their behaviour in all aspects in carrying out their roles and responsibilities.
- Act in good faith and not for an improper or ulterior motive.
- Immediately advise their supervisor if they have been convicted or found guilty of a criminal offence which may impact on the requirements of the position for which they have been employed.
- Immediately advise their supervisor if their qualification(s), professional accreditation(s), licence(s), registration(s) or permit(s) that is relevant to the performance of their duties is revoked
- Reflect positive behaviour that maintains and enhances the image of the Council.

- Be impartial when implementing Council initiatives or when exercising delegated authority.
- All Council employees are required to act with reasonable care and diligence in performing their duties and functions. This includes:
- Working in accordance with Council policies, decisions and practices in a professional manner.
- Maintain and improve effectiveness and efficiency of service delivery and activities for which employees are responsible.
- Ensuring the appropriate and responsible use of Council resources.

Attendance

Maribyrnong City Council requires all employees to be punctual and attend work as required by their terms of engagement or employment with individual breaks taken in accordance with their respective work or engagement arrangements. Unless it is an emergency, employees shall not be absent during their normal working hours without prior approval.

At all times when an employee is unavoidably absent from work due to sickness or any other reason, they must notify their manager promptly before their normal starting time and indicate the type of leave being taken and their likely date of return to work.

Maribyrnong City Council is committed to providing a flexible workplace culture. All flexible work arrangements must be managed in line with the Flexible Work Arrangement Guidelines.

Refer to the Flexible Work Arrangement Guidelines

Compliance with the Law

We are subject to laws and regulations in all the locations within which we operate and commit to informing and educating employees of their obligations in a timely manner.

As an employee of Maribyrnong City Council, you are expected, as a condition of your engagement with Council, to understand the legislation applicable to you in undertaking your duties with, or for, Maribyrnong City Council.

Employees are required to abide by Maribyrnong City Council policies and procedures, instructions and/or lawful directions that relate to their work at, or with, Maribyrnong City Council.

Corrupt Conduct

Employees must not engage in any corrupt conduct.

Corrupt conduct includes any dishonest or improper use by an employee of their position. This may involve an employee:

- Misusing information or material acquired in the course of their duties.
- Taking dishonest or improper action contrary to the best interests of Council.
- Using Council equipment or resources for personal gain.

- Taking dishonest or improper action, direct or indirect, to influence another employee when carrying out their functions, in order to extract a favour or achieve personal gain or advantage.
- Abusing a position to achieve personal gain or advantage.

Refer to Fraud and Corruption Control Policy and Procedures.

Councillor and Employee Relationships

The Chief Executive Officer is responsible for the day to day management of the organisation. This includes the performance and direction of all employees through the organisation's management structures. The Local Government Act prohibits Councillors from instructing employees in their duties.

When employees associate or work with Councillors, they are required to conduct themselves in a professional manner at all times, exercising appropriate boundaries and apolitical or neutral behaviours. Councillors should be treated with respect and courtesy.

Employees are not to take directions regarding their duties or the performance of particular functions from Councillors. Employees approached to do so should refer the request to their Manager or Director for advice and direction.

Employees must ensure that all communication with Councillors is consistent with the processes set out in the Councillor and Staff Interaction Protocol.

The Governance and Commercial Services and People and Capability Departments must be advised and consulted in the event of an employee deciding to stand as a candidate in a Maribyrnong City Council election or another Council or another level of government.

The Departments will work with the employee to put in place appropriate arrangements to manage potential conflicts of interest.

Unauthorised communication with Councillors arising as a result of a direct approach from an employee to a Councillor will be considered a breach of the Code of Conduct. *Refer to Councillor and Staff Interaction Protocol.*

Dress and Appearance

Employees are expected to present themselves in a neat, tidy and clean manner, relative to their role and the duties they perform. Appropriate attire and presentation, whether occupationally appropriate, office or outdoor-based includes the requirement for a high standard of personal hygiene and grooming.

Where a uniform is provided, it must be worn in accordance with Council requirements. Employees are expected to conduct themselves in a responsible and professional manner at all times, and when wearing a uniform to and from work. Where personal protective or safety equipment is supplied or required it must be kept in a clean and functional condition and worn, as applicable.

Dress that appears scruffy, dirty, revealing or unprofessional will not be accepted. Council reserves the right to send an employee home to change when their clothing or appearance is considered to be unacceptable. In such circumstances the employee will be required to make up any time lost due to the need to return home and change. Repeated instances may result in disciplinary action being taken. Appropriate dress is equally important when working remotely and participating in online meetings.

On designated or agreed casual clothes days appropriate casual clothing may be worn. However on those days when the employee has meetings or other duties that require a more professional standard of attire, discretion and good judgement should be exercised.

Dress standards should never compromise appropriate safety standards, and for this reason any attire that provides an increased risk of injury is not acceptable (e.g. thongs when the work normally requires protective footwear).

Personal Conduct

Employees must ensure their personal conduct is consistent with the terms of the Code of Conduct and in accordance with legal requirements and Council policies and procedures at all times. Employees are expected to work in accordance with Maribyrnong City Council's Vision and values in the provision of a fully productive day's work each working day.

Employees are required to perform their duties in a professional, responsible, conscientious and ethical manner and to act in the best interests of Council. They are expected to act honestly in all of their duties. When dealing with other employees, customers, suppliers and contractors, employees are expected to be courteous, respectful and patient.

Employees are to refrain from any conduct, which may cause unwarranted offence or embarrassment and are not to make any untrue or improper allegations. Physical or verbal abuse or harassment of a colleague or other individual/ group is unacceptable and will be dealt with through the disciplinary process.

Employees are not permitted to possess or use unauthorised weapons of any sort while undertaking their duties.

Employees are not permitted to sleep while on duty.

Notification of Offences

If an employee is charged with an offence that may be punishable by imprisonment or may affect their ability to perform their work if found guilty, they must notify their manager immediately.

Examples (not an exhaustive list):

- Drink driving charges where driving a Council vehicle is required as part of the job.

- Loss of driving licence where driving a Council vehicle is required as part of the job.
- Charges that might result in a Working with Children Check being suspended or revoked.
- Charges that might result in a Police Check needing to be reviewed.
- Charges that might bring Council into disrepute or reflect badly on Council.
- Charges that may cause risk to Council or its' employees.

Alcohol, Drugs and Smoking

Employees must not present themselves for work, at a Council workplace or work-related event or function, either in work hours (onsite or working remotely) or out of work hours in an intoxicated state.

Employees who are or who appear to be adversely affected and / or impaired by the consumption of alcohol or illicit, prescription or non - prescription drugs, will be required to leave (or cease work if working from home) and may be subject to disciplinary action and / or a range of other consequences or actions.

Where particular and specific laws and requirements pertain to certain jobs, for example in the instance of operating a heavy vehicle a zero-blood alcohol concentration applies, these laws and requirements must be strictly adhered to at all times.

If an employee is on medication that affects their ability to perform their duties a medical certificate should be produced from a qualified medical practitioner.

The medical certificate should explain the employee's capacity or incapacity to perform their duties and detail any other relevant restrictions or modifications.

The reasonable and modest consumption of alcohol is allowed at work-related events, where alcohol is being officially served by the event organisers and the consumption complies with the Drug and Alcohol Policy.

Responsible senior officers must consider, manage and mitigate any applicable risks, ensure the responsible serving and consumption of alcohol and the protection of Council's assets, interests and reputation at all times.

Employees must also exercise care and judgement regarding their own and others' safety at all times.

Council is committed to providing its employees with a healthy, smoke free workplace. Smoking is not permitted within any Council owned and run buildings, doorways, grounds, vehicles or other controlled spaces (such as whilst attending clients or serving the public).

Employees are permitted to smoke in their own time. Time taken off work for smoke breaks should be made up on a daily basis by agreement with the relevant supervisor.
Refer to Drug and Alcohol Policy and Smoke Free Workplace Policy

Gambling

Employees must not gamble during work hours and must not use Council's internet or telephone services, including mobile phones for any gambling activity.

Equal Opportunity, Discrimination, Harassment and Bullying

All employees have a legal and moral responsibility to treat each other fairly and to refrain from harassment or discrimination of any kind. Council requires all employees to observe Victorian and Commonwealth Equal Opportunity and anti-discrimination legislation, Victorian Occupational Health and Safety legislation, and comply with Council's Respect in the Workplace Policy. In Victoria it is against the law to discriminate on a number of grounds including, but not limited to age, disability and impairment, race, sex, status as a carer, marital status, pregnancy and gender identity.

Council is committed to providing all employees with a safe and productive environment, free from discrimination, harassment, bullying and occupational violence. Employees are also expected to promote such an environment and not engage in any discriminatory, harassing or bullying practices or occupational violence.

All employees should demonstrate sensitivity to the diversity within Council and the wider community.

Council will not tolerate any form of discrimination, bullying or harassment, including sexual harassment by an employee to another employee, person or group. This includes behaviour such as racial, religious or sexual "jokes", slurs, sexual advances or comments, or any other conduct in the workplace, which may be considered by others to be intimidating or offensive.

Refer to:

- Respect in the Workplace Policy
- Equal Opportunity Act 2010
- Occupational Health and Safety Act 2004

Health, Safety and Wellbeing

Council is committed to providing and maintaining a safe and healthy workplace for all employees, contractors, volunteers and members of the public. While at work, an employee must:

- Take reasonable care for their own health and safety.
- Take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions.
- Co-operate with respect to any action taken by Council to establish and maintain health and safety systems and procedures.
- Not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health and safety.

This includes using protective equipment or clothing provided by Council at all required times and following safe work instructions and procedures. Employees should immediately notify their manager in the event of an injury, near miss, damaged equipment or other workplace hazard.

Managers and supervisors must address identified risks to health and safety as they arise.

Refer to Occupational Health and Safety Policy

Child Safe Standards

Maribyrnong City Council has zero tolerance for child abuse.

Every child and young person accessing Maribyrnong City Council services has the right to feel and be safe. Maribyrnong City Council embraces diversity and inclusion. All children and young people, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family background and social background, have equal rights to protection from abuse.

We firmly commit to the cultural safety of Aboriginal and Torres Strait Islander children and young people, as well as children and young people from culturally and/or linguistically diverse backgrounds. We also commit to the provision of a safe environment for children and young people with a disability, as well as other vulnerable groups of children and young people.

Council is committed to providing and maintaining a municipality for its children that is free from abuse and neglect by implementing *Child Safe Standards*.

Employees and volunteers must adhere to the Child Safety and Wellbeing Policy and Procedure to reinforce appropriate behaviour towards children, so they are free from abuse or neglect.

The following list outlines appropriate standards of behaviour towards children for all individuals acting for or on behalf of Council. When acting on behalf of Council, employees are required to:

- Notify Council when witnessing any form of abuse or neglect towards a child in accordance with Child Safe Policy and Procedures.
- Be vigilant, proactive and take all reasonable steps to protect children from abuse and exploitation.
- Intervene when children are engaging in inappropriate behaviour towards others, including bullying or acting in a humiliating or vilifying way.
- Use computers, mobile phones, video cameras, cameras and social media appropriately, and never to exploit or harass children or access child exploitation material through any medium.
- Where practicable and without risk to oneself, where a child is in the midst of abuse or neglect ensure as quickly as possible that the child involved is safe. Where there is risk, call the Emergency Services on 000.
- Respect the privacy of children and their families and only disclose information to people who are required to know.

- Immediately advise Council if you are charged with or convicted of a child sex offence or ineligible to work with children.

Employees are prohibited from:

- Exposing children to behaviour that is inappropriate.
- Engaging in inappropriate or unnecessary physical contact with children.
- Engaging in any form of physical violence or corporal punishment, towards a child including inappropriate rough physical play.
- Engaging in any form of behaviour that has the potential to cause a child serious emotional or psychological harm.
- Developing relationships with a child that could be considered grooming for sexual conduct.

Refer to Child Safety and Wellbeing Policy and Procedure

Privacy

Whilst working at Maribyrnong City Council, we may come across information that may be private, personal or sensitive in nature relating to the organisation's operations, (e.g. financial documents), our colleagues (e.g. employment records), our residents and members of the public (e.g. personal information and health information), suppliers or other stakeholders. People entrust us with such private and sensitive information, and it is our duty to honour this commitment.

As an employee of Maribyrnong City Council, you are expected to protect and maintain the privacy of such information by complying with relevant privacy laws.

Refer to Privacy and Data Protection Act 2014, Health Records Act 2001 and Council's Privacy Policy

Media and Public Comment

Employees are not permitted to speak with, or provide information to the media without authorisation from the Chief Executive Officer. In the absence of the Chief Executive Officer, only a Director may authorise contact with the media.

If an employee makes a comment to the media in a private capacity, the employee must ensure that their comments are not related to any Council activities and that any view expressed is clearly identified as being a personal view and not the view of the Council.

Any breach of this provision will be considered serious and wilful misconduct.

Refer to Serious or wilful misconduct on page 13 and 14

Social Media

Social media broadly refers to websites and other online means of communication that are used by people to share information and develop social and professional contacts. Examples include, but are not limited to, Twitter, Facebook, LinkedIn and Instagram.

Council prohibits employees from excessive use of social media during work hours.

Employees must ensure that it is clear that any views expressed are their own and ensure that comments made do not bring Council into disrepute. Employees must not act as spokespeople or claim to represent Council's views without the express permission of the Chief Executive Officer.

Employees must ensure they treat peers with respect in the physical workplace and online, including social media sites. Any comments made on social media whether during working hours or outside working hours, that may bring Council into disrepute, divulges confidential information, or is offensive towards other employees may result in disciplinary action.

Refer to Employee Use of Social Media Policy

Telephone, Email and Internet Use

Council telephones, email and internet facilities are for business use. Private use of these services must be kept to a minimum in accordance with the Council policies. Employees supplied with a mobile phone must adhere to Council's Mobile Device policy.

The use of email or other media to distribute or store offensive or inappropriate material (such as pornography, depictions of extreme violence, racial or other vilification or hatred) and access to inappropriate internet sites will not be tolerated under any circumstances.

Council policy sets out the specific conditions and protocols that apply to employees when they use computing and telecommunications services and equipment.

Refer to Mobile Device Policy and Information Technology Acceptable Usage Policy

Use of Council Equipment, Assets, Intellectual Property and Services

Employees must not deliberately misuse Council equipment, assets, intellectual property or the services of other Council employees. When using Council equipment, employees are required to follow the instructions provided in order to avoid personal injury and/or maintenance and replacement costs.

Examples of misuse include:

- Copying computer software programs regardless of whether or not the programs are protected by copyright.
- Use of Council letterhead paper or postage when corresponding on personal or other matters not directly related to the Council.
- Unauthorised use of Council's logo.
- Falsifying, manipulating or destroying business records in contravention of the Public Records Act 1973.
- Using Council equipment for personal or commercial gain. Council tools and equipment cannot be borrowed for private use.

- Employees provided with Council vehicles are required to use them in accordance with Council policies and guidelines.

Serious or Wilful Misconduct

In some cases, unacceptable behaviour or performance may constitute serious or wilful misconduct. The disciplinary action will depend on the seriousness of the breach. In these circumstances, when there has been a substantial breach of the Code of Conduct or other Council policy or procedure, action taken will be in accordance with Council's Disciplinary Policy and Procedure.

While not an exhaustive list, the following behaviours may constitute serious or wilful misconduct and may result in termination of employment:

- Not following lawful and reasonable directives.
- Serious and deliberate breach of Council policies and procedures.
- Stealing from Council, fellow employees or customers.
- Deliberately misleading or defrauding Council, fellow employees or customers.
- Possession of, or trafficking illegal drugs during working hours or undertaking any other illegal activities.
- Reporting to work under the influence of alcohol or illegal drugs.
- Consuming alcohol or illegal drugs during working hours, except where alcohol is specifically authorised for a social function by the Chief Executive Officer or Director.
- Physically striking or making threats of violence to a fellow employee, manager or customer.
- Discrimination and harassment, including sexual harassment, bullying and victimisation.
- Possession of any unauthorised weapons on Council premises or in Council vehicles.
- Deliberately damaging Council property or equipment.
- Unauthorised access to Council business information or information related to an employee.
- Unauthorised provision of Council business information or information related to an employee, to the media or any other unauthorised person or body.
- Serious and deliberate neglect in performing tasks or procedures aligned to a position, which may result in significant loss or damage to the Council or other employees.
- Deliberately carrying out duties in a manner which may cause injury to the employee, other employees or a customer.
- Being negligent and/or irresponsible in performance of duties resulting in injury or risk to health and safety of the employee, other employee or a customer and/or bring the Council into disrepute.
- Engaging in sexual activities whilst on duty or on Council premises.

- Conviction for an indictable offence where the offence is relevant to the employee's duties and/or is likely to bring Council into disrepute and/or reflect badly on Council and/ or create risk to Council or its employees.

Conflict of Interest

Private business and other employment

Employees must not engage in any private business or work in paid employment for any other organisation which conflicts with the interests of the Council, the requirements of the employee's position, or their ability to perform their duties with Council.

Any employee who engages in secondary employment or proposes to engage in secondary employment or a similar activity (including operating a business, self-employment, and consultancy) must immediately notify their Department Manager in writing of the nature of the secondary employment, business or other applicable activity.

Council reserves the right to determine whether the secondary employment, private business or other activity comprises an unacceptable risk of conflict with Council's interests and may stipulate actions to mitigate or remove the risk, up to and including requiring the cessation of the secondary employment, business or activity, due to its incompatibility with ongoing Council employment.

In considering the issue the Department Manager should consult with the People and Capability Department to determine the appropriate course of action. A record of the disclosure and the applicable decision will be held by People and Capability and on the employee's personnel file.

Conflict of Interest, including Gifts and Hospitality

A conflict of interest can occur between the duties and responsibilities that arise from employment with Council and an employee's private interests. Conflict of interest is specifically addressed in the Local Government Act 2020 and this legislation requires action to be taken by employees to avoid and / or manage conflicts.

Briefly, employees must avoid conflicts of interest and disclose actual or perceived conflicts of interest when necessary. Likewise, employees must not use their position to influence other employees to perform their duties in a way that gives personal advantage to them or to any other body or persons.

Refer to Councils Conflict of Interest and Council Staff Gifts and Hospitality Policy

Key Stakeholders

Senior Leadership Team
People and Capability Department

Related Legislation

- Local Government Act 2020
- Public Interest Disclosures Act 2012
- Victorian Child Safe Standards

Related Documents

- Child Safety and Wellbeing Policy
- Child Safety and Wellbeing Procedure
- Conflict of Interest Policy
- Council Staff Gifts and Hospitality Policy
- Councillor and Staff Interaction Protocol
- Disciplinary Policy and Procedure
- Drug and Alcohol Policy
- Employee Handbook
- Employee Use of Social Media Policy
- Flexible Work Arrangement Guidelines
- Fraud and Corruption Control Policy
- Fraud and Corruption Procedure
- Gifts and Hospitality Policy
- Grievance Procedure
- Information Technology Acceptable Usage Policy
- Mobile Device Policy
- Occupational Health and Safety Policy
- Privacy Policy
- Procurement Policy
- Public Interest Disclosure Procedure
- Respect in the Workplace Policy
- Smoke Free Workplace Policy

Review of Policy

July 2025