



# MITCHELL SHIRE COUNCIL EMPLOYEE CODE OF CONDUCT

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*Employees includes Staff, Contractors and Volunteers*

**Policy Owner**    Manager People and Culture  
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# CHIEF EXECUTIVE OFFICER'S MESSAGE.

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Mitchell Shire Council aims to maintain a culture that promotes honesty, trustworthiness, professionalism and a cooperative working environment as aligned to our One Mitchell culture - We Work as One.

This Code of Conduct helps us maintain standards and ensure that our behaviours work to enhance the profile and reputation of Council within the community.

All employees (staff, contractors and volunteers) of Mitchell Shire Council have a responsibility to comply with and to ensure that fellow employees are not in breach of this Code of Conduct.

This Code of Conduct establishes the foundation for the behaviours and attitudes that will further strengthen our commitment to the community.

If you are uncertain about what is expected of you, consult with your direct Manager or the relevant Director. If you act in good faith, and in keeping with the spirit of this Code, you can expect to be supported.

*Brett Luxford*

**CHIEF EXECUTIVE OFFICER  
MITCHELL SHIRE COUNCIL**

# WHY DO WE HAVE A CODE OF CONDUCT?

Although this Code is required by Section 95AA of the Local Government Act 1989, we also believe the adoption of a Code of Conduct represents good management practice.

Employees of Mitchell Shire Council are employed to provide services for the people of Mitchell Shire consistent with the Council's role, vision, mission and values for achieving high quality living and working environments.



# OUR COUNCIL PLAN OBJECTIVES.

## ADVOCACY

- > To relentlessly advocate for funding to benefit our community.



## COMMUNITY PARTICIPATION

- > To actively explore all opportunities for community involvement and participation in Council decisions.



## RESPONSIBLE PLANNING

- > To demand best practice outcomes when planning for future growth.



## STRONG COMMUNITIES

- > To build and nurture strong and vibrant communities where people are proud to live.



## SUPPORTING LOCAL JOBS AND QUALITY INVESTMENT

- > To identify, encourage and actively promote investment, business and tourism.



## FINANCIAL AND ORGANISATIONAL MANAGEMENT

- > To be leaders in financial and organisational management.



## CARING FOR OUR ENVIRONMENT

- > To be responsible custodians, by managing and enhancing our environment and minimising the impacts of waste, natural disasters and climate change.



# VISION, MISSION AND VALUES.

## Our vision

Together with the community, creating a sustainable future.

## Our mission

Working with our communities to build a great quality of life.

## Mitchell Shire Council

- > Is committed to providing good governance and compassionate leadership.
- > Is committed to supporting our diverse community.
- > Values community involvement and vigour, and diversity of opinion.
- > Recognises the commitment of our staff.
- > Protects and enhances our natural environment.
- > Plans for and promotes our future.
- > Promotes economic development within our municipality.

## Our values

### Working together

- > Teams work together to get the job done.
- > Leaders guide and inspire.



### Respect

- > People respect and help each other to succeed.
- > Staff are appreciated and valued.
- > Success is celebrated.



### Customer service excellence

- > Customers experience exceptional service.
- > Customers and staff are treated with dignity and respect.
- > We do what we say we're going to do.



### Accountability

- > Every person is accountable for the success of One Mitchell... It starts with me!
- > A strong sense of dedication and pride.
- > A strong sense of community and belonging.



### Continuous improvement

- > Look for ways to improve the ways we work.
- > Develop staff to be the best that we can be.



# WHO DOES THIS CODE OF CONDUCT APPLY TO?

The Code of Conduct applies to all Council employees and representatives including:

- > Full-time, part-time and casual employees
- > Permanent and temporary employees, including work experience or graduates performing work for Council
- > Temporary and casual individuals engaged through an agency
- > Staff on exchange

Additionally, this code applies to contractors, volunteers and external parties when they work for and represent Council.

If you are unsure whether or how this Code of Conduct applies to you, check with your manager or the People and Culture Department.





# WANT FURTHER DETAILS?

## Related Legislation and Policies

This code refers to the following legislation:

- > Local Government Act 1989 (Vic)
- > Occupational Health and Safety Act 2004 (Vic)
- > Equal Opportunity Act 2010
- > Disability Discrimination Act 1992
- > Racial Discrimination Act 1975
- > Australian Human Rights Commission Act 1986
- > Privacy and Data Protection Act 2014 (Vic)
- > Freedom of Information Act 1982 (Vic)
- > Fair Work Act 2009
- > Protected Disclosure Act 2012 (Vic)
- > Age Discrimination Act 2004
- > Mitchell Shire Enterprise Agreement
- > Privacy Amendment (Notifiable Data Breaches) Act 2017

Further details of expected behaviours mentioned in the Code are detailed in Council Policy, available on the Corporate Intranet.



# YOUR COMMITMENT AS A STAFF MEMBER.

An employee of Mitchell Shire Council has a unique position of trust requiring standards of behaviour that reflect the expectation of Council and the people of Mitchell Shire.

This Code of Conduct is a public declaration of the principles of good conduct and standards of behaviour that Mitchell Shire Council has decided its stakeholders could reasonably expect its employees to demonstrate in the performance of their duties and functions.

The standards in this Code of Conduct are in addition to (but do not diminish) any statutory requirements of the Local Government Act 1989 or any other relevant Act, Regulation, industrial agreement or contract of employment.

Employees of Mitchell Shire Council must recognise the requirements of this Code as the standard that will be adopted in the performance of their functions and duties. In accordance with Section 95 of the Local Government Act 1989, an employee Mitchell Shire Council must comply with the Council's Code of Conduct.



# DEFINITIONS.

<b>“Benefit”</b>	Includes: <ul style="list-style-type: none"><li>&gt; Property, advantage or service</li><li>&gt; Anything that is for a person’s good</li><li>&gt; Any gifts, gratuities, entertainment, remuneration, allowances, fees, subsidies, considerations, incentives, discounts or entry fees, memberships or loans provided under special conditions</li></ul>
<b>“Conflict of Interest”</b>	A conflict of interest exists when a reasonable person in possession of the relevant facts would conclude that the person in question has a private or personal interest sufficient to inform the objective exercise of his/her official duties.
<b>“Contractor”</b>	Has the same meaning as Employee.
<b>“Direct”</b>	An employee has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the employee would be directly altered if the matter is decided in a particular way.
<b>“Direct Manager”</b>	Employees in a position where they have staff reporting to them. This may include (but not limited to), Team Leaders, Supervisors, Coordinators, Managers, Directors or the Chief Executive Officer.
<b>“Director”</b>	Includes a person acting in the position at the time.
<b>“Indirect”</b>	An employee has an indirect interest in a matter (but not limited to) if the employee has a close association, or an indirect financial interest, or a conflicting duty, or has received an applicable gift, or become an interested party, or a residential amenity that may be altered.
<b>“Employee”</b>	This includes managers, supervisors, employees who are employed by Mitchell Shire Council. Contractors and volunteers are also expected to behave in a manner that is consistent with the principles of this Code. Therefore, reference to employee should be read to include a volunteer, a consultant/sole practitioner/contractor etc. who may be working for Council and/or based at a Council workplace.
<b>“Volunteer”</b>	Has the same meaning as Employee within this document.

# CODE OF CONDUCT PRINCIPLES.

The following six principles represent the standards of conduct and ethics that are required of all Council employees:

1. Employees must act in a fair, honest and proper manner according to the law.
2. Employees must act with reasonable care and be diligent in the performance of their duties and functions.
3. Employees must be fair and honest in all undertakings and behave in a manner that facilitates constructive communication between Council, other employees and the community.
4. Employees will adopt a team approach in an environment of mutual respect, politeness, trust, and acceptance of their different roles in achieving Council's objectives.
5. Employees will establish a working relationship with fellow employees that is non-discriminating, respects the health, safety and wellbeing of others and does not seek favourable treatment for friends or relatives.
6. Information obtained by employees during their functions and duties is to be respected and used in a careful and prudent manner.



# CODE OF CONDUCT PRINCIPLES.

## 1. Mitchell Shire Council Employees must act in a fair, honest and proper manner according to the law.

In meeting this Principle, employees will:

- > Act honestly in the performance of all official duties and in the interest of Council
- > Give proper consideration to applicable legal requirements
- > Adopt reasonable, objective and non-discriminatory behaviour in all aspects of carrying out their roles and responsibilities
- > Act in good faith and not for any improper or ulterior motive
- > Adopt a professional mature behaviour that maintains and enhances the image of the Council and will not adversely impact it
- > Follow guidelines as to the appropriateness of the acceptance of gifts and gratuities
- > Adopt impartiality and social, ethnic and cultural awareness in implementing the Council decisions or when exercising delegated authority
- > Always give maximum effort to meet performance standards
- > Be aware of, and declare any conflict or outside employment which may create tension or conflict between their public role as an employee of the council and any other private or outside business or other interest that they may have

### Practice

Your decisions as an employee of Council must be fair, consistent and equitable in relation to other employees, Councillors, the people of Mitchell Shire and other relevant stakeholders. This does not necessarily mean treating everyone in the same way, as you may need to treat people differently according to their circumstances and needs in order to give them an equal chance or a fair go in comparison to others.

This practice is particularly relevant when undertaking procurement processes; it is essential that all Procurement processes are undertaken in line with relevant legislation, guides and policy. Further information regarding Conflict of Interest can be found under legislative and policy requirements of this document under “*Statement of General Duties of Council Employees*”.

*Further reference: Fair Treatment Policy and Procurement Policy.*

# CODE OF CONDUCT PRINCIPLES.

## 2. Council employees must act with reasonable care and be diligent in the performance of their duties and functions.

In meeting this Principle, employees will:

- > Appropriately and properly use resources and information (that they are privy to), balancing and recognising economic, environmental and social factors
- > Respect decisions of Council
- > Be conscientious and responsible in the performance of their official functions and duties and in the use of Council information, equipment and facilities
- > Carry out lawful policies, decisions and practices of Council in a professional manner
- > Be aware of the effectiveness and efficiency of activities and service delivery for which they are responsible or contribute towards
- > Operate and make decisions within their authority with minimal risk to Council

### Practice

Your decisions as an employee of Council must be consistent with the duties and responsibilities of your position. You are required to perform such duties to the best of your abilities, within the structural framework of Council.



# CODE OF CONDUCT PRINCIPLES.

## 3. Council employees must be fair and honest and behave in a manner that facilitates constructive communication between Council, other employees and the community.

In meeting this Principle, employees will:

- > Be honest and deal fairly with all members of the community, contractor relationships, fellow employees and volunteers and Councillors or other parties they may interact with
- > Ensure equitable access to Council services, facilities and programs
- > Adopt courteous and sensitive behaviour that does not discriminate against people
- > Be aware of and disclose any situation that may create a tension between their public and private roles
- > Endeavour to communicate with others in a courteous and easily understood manner at all times

### Practice

When representing Council in the community and communicating with others, you should provide an accurate and fair representation of Council decisions, policies and ethical standards. You should also conduct yourself in a manner that will reflect favourably on Council and in a manner that ensures community trust and confidence in your professional capacity.

*Further reference: Customer Service Charter.*



# CODE OF CONDUCT PRINCIPLES.

## 4. Council employees will adopt a team approach in an environment of mutual respect, politeness, trust, and acceptance of their different roles in achieving Council's objectives.

In meeting this principle, employees will:

- > Adopt mature and constructive working relationships based on mutual trust, politeness and respect
- > Accept and respect the different but complementary roles of others in achieving Council's objectives
- > Observe the agreed communication processes between the Chief Executive Officer and Council, regarding personal access by employees to the councillors
- > Not misuse their position to influence other employees to gain an advantage for themselves or others
- > Respect the Councillors' roles in policy and planning and the employees' role in providing professional opinion, guidance and expertise
- > Observe Council's Fair Treatment Policy

### Practice

One Mitchell 'We Work as One' organisational culture values coordination, continuous improvement and professional development.

Employee collaboration is essential to make sure that everyone's work integrates effectively, both within each department and across the organisation.

Continuous improvement is achieved when everyone performs their duties to the best of their ability, increasing their skills through professional development and continuously looking for ways to streamline and focus their work towards achieving the Council's Plan.





# CODE OF CONDUCT PRINCIPLES.

## **5. Employees will establish a working relationship with fellow employees that is non-discriminating, respects the health, safety and wellbeing of others and does not seek favourable treatment for friends or relatives.**

In meeting this Principle, employees will:

- > Use courtesy, tact, thoughtfulness, politeness, maturity and respect towards fellow employees
- > Not harass or bully others, or create rumours
- > Recognise the right of all points of view to be heard and considered
- > Note that unlawful discrimination and discrimination of any kind is prohibited
- > Prevent preferential treatment through nepotism and patronage
- > Observe Council's Equal Opportunity Policy
- > Be required to comply with and take appropriate steps to ensure their colleagues observe occupational health and safety obligations under relevant legislation

### **Practice**

#### ***EEO and Anti-Discrimination***

Mitchell Shire Council is committed to access, safety and equity for all its employees. This includes providing equal access to jobs, development opportunities and ensuring no discrimination or harassment occurs in the workplace.

It is illegal to discriminate or harass anyone because of their age, carer status, disability, industrial activity, marital status, parental status, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, gender identity or sexual orientation, the need to breast feed or personal association with someone who has (or is assumed to have) one of these characteristics. These characteristics are personal characteristics protected by law.

You must make sure that you take all reasonable steps to avoid both direct discrimination and indirect discrimination in your treatment of employees and individuals and in the services, you provide to the people of Mitchell Shire.

- > **Direct Discrimination:** An example of direct discrimination is deciding not to employ a female employee as she may be looking to have children in the next few years and you feel this will negatively affect her ability to work
- > **Indirect Discrimination:** An example of indirect discrimination is requiring a role to have 10 years' experience as an essential criteria. Although the intention is to screen out candidates without relevant experience, it indirectly discriminates against those people with less years in the workforce, or against those with transferable skills from a different field.

# CODE OF CONDUCT PRINCIPLES.

If discrimination does occur, it will be treated an offence under the Equal Opportunity Act (2010) It may also be an offence under the Occupational Health and Safety Act 2004 and may result in serious penalties to both you and Council (as your employer).

## ***Bullying and Harassment***

Staff at Mitchell Shire have the right to feel safe and supported in the workplace and as such staff must not engage in the bullying or harassment behaviours.

Bullying in the workplace is defined as a person or group of people repeatedly acting unreasonably towards someone, where that behaviour creates a risk to health and safety.

Harassment consists of unwelcome, offensive, unsolicited, abuse, isolation, belittling or threatening behaviour directed at an individual or group and includes cyber bullying. It also includes gossiping and the spreading of rumours which undermine the well-being of both individuals and teams and creates an unhealthy and difficult atmosphere in which to work.

Mitchell Shire Council has zero tolerance to these behaviors and breaches of the Bullying and Harassment Policy will be considered serious misconduct and dealt with under the performance management disciplinary policy and procedure.

Further reference: *Prevention of Bullying, Harassment and Discrimination Policy and Procedure.*



# CODE OF CONDUCT PRINCIPLES.

## 6. Information obtained by employees in the course of their functions and duties is to be respected and used in a careful and prudent manner.

In meeting this Principle, employees will:

- > Use information obtained as a result of their role only for Council business and not for any other purpose
- > Provide information in relation to Council or Council decisions accurately and not misuse such information
- > Respect and maintain confidentiality and privacy
- > Not make comments to the media or any other entity unless requested by the Chief Executive Officer, Director or Communications Coordinator to do so

### Practice

You are expected to be scrupulous in your use of official Council information. Ensure that you know about and adhere to all confidentiality requirements. If you are unsure check with your manager or People and Culture Department.

Ensure that individuals' privacy is maintained and only release personal information in accordance with Council's Privacy Policy 2015, the Privacy Act 1988, the Health Records Act 2001, the Victorian Data and Privacy Protection Act 2014 and the Freedom of Information Act 1982. Do not make any public comments, including through social media applications and websites. Only the Chief Executive Officer and Mayor are authorised to make public comments unless delegated authority has been given to a Director and/or Manager.

Further reference: *Privacy Policy*.



# EXPECTED BEHAVIOUR OF EMPLOYEES.

## *Leading by Example*

- > Mitchell Shire Council employees model the behaviours based on the Council's values and always act in an ethical manner. Leadership is about positive influence, inspiring and empowering others
- > Providing sound advice, delivering high quality services and encouraging best practice demonstrates responsiveness
- > Being honest, using powers correctly, identifying and dealing with inappropriate conduct, avoiding conflicts of interest and developing and maintaining public trust demonstrates integrity
- > Making decisions that are free of bias, considering all relevant facts and ensuring policies and programs are implemented fairly demonstrates impartiality
- > Being transparent, responsible, using resources efficiently and inviting scrutiny demonstrates accountability
- > Treating others fairly, eliminating discrimination, harassment and bullying, and focusing on improving outcomes demonstrates respect



# EXPECTED BEHAVIOUR OF EMPLOYEES.

## *Managing Others*

- > Mitchell Shire Council managers, coordinators, team leaders and supervisors apply the Council's employment principles
- > They provide a safe, encouraging and supportive work environment that recognises and values diversity, abilities and contributions. They give their employees a clear sense of direction and purpose
- > They set realistic goals, timelines and workloads, and provide adequate resources and appropriate information to complete work. They trust their employees to manage their work autonomously but also provide them with support when needed. They address any performance issues promptly, directly and confidentially with the employee concerned
- > They treat their employees fairly and consistently when making selection decisions and allocating work. They assess performance and provide constructive feedback and development opportunities. They consult genuinely with their employees, and adhere to industrial and legal obligations
- > They understand and respond to legitimate concerns of their employees, and encourage work arrangements that enable their employees to achieve a work-life balance



# EXPECTED BEHAVIOUR OF EMPLOYEES.

## *Supporting Others*

- > Mitchell Shire Council employees work co-operatively with their colleagues and other public-sector body employees. They support and learn from them and accept differences in personal style
- > They respect, and seek when necessary, the professional opinions of colleagues in their area of competence, and acknowledge their contribution
- > All employees provide other Council employees with support and guidance



# LEGISLATIVE AND POLICY REQUIREMENTS.

## **Statement of the general duties of Council employees**

Council employees must act impartially, with integrity, avoid and declare conflict of interest, be accountable and provide responsive service and with reasonable care and diligence in the performance and discharge of official functions and duties.

These general duties are defined in Section 80 and 95 of the Local Government Act 1989, Industrial Agreements, and, together with the Mitchell Shire Council Corporate Principles, provide the framework for the ethics and standards of conduct that are expected of staff, volunteers and contractors.

## **Conflict of Interest**

A conflict of interest occurs when your personal, financial or other interest conflicts with, or could be perceived to conflict with, your performance of your Council duties.

If an employee believes they have a conflict of interest (whether perceived or real) they must report it to the Chief Executive Officer or the relevant Director. The report should then be followed up in writing. Until the matter is resolved, an employee should make sure they are not part of any decision-making processes related to the matter.

Section 80B(2) of the Local Government Act 1989 states that a member of Council staff who has a conflict of interest in a matter, either as delegated power or as a duty or function of their role must:

- > Not exercise the power or discharge the duty or function
- > Must disclose the type of interest and the nature of the interest to the CEO or relevant Director, in writing, as soon as they become aware of the conflict of interest in the matter

If an employee has a direct or indirect interest in a matter coming before Council or a special committee they are required under section 80C(2) of the Act, when providing advice or a report to a meeting of the Council or a special committee to disclose the type of interest when providing the advice or report and before the advice or report is considered.

If an employee perceives conflicted between their professional and corporate values, they should discuss this with their direct manager.

*Further reference: Section 80 Local Government Act 1989 and Conflict of Interest Policy.*

# LEGISLATIVE AND POLICY REQUIREMENTS.

## **Pecuniary Interest**

A staff member has a pecuniary interest in a matter being considered by the Council if that staff member has a reasonable likelihood of financial loss or gain resulting from any decision which the Council may make on the matter.

A staff member with a pecuniary interest in a matter which he or she is required to deal with in the course of his or her duties should declare that interest in writing to his or her Manager.

Where possible, the matter should be allocated to another member of staff. If for any reason it is not possible for the matter to be re-allocated, the staff member should declare his or her interest in any report submitted for the Council's consideration.

## **Dealings with Councillors**

In the Councillor's Code of Conduct, Councillors have acknowledged the expectation that they will seek information on strategic and service issues and information/clarification in relation to Council reports, committee reports and briefing papers from the Chief Executive or the relevant Director or other Senior Officers. "Senior Officer" in this instance refers to the relevant Manager and/or the author/presenter of a particular report.

Councillors may have some contact with other employees at an operational level including customer requests for service and in relation to Councillor support and facilities. Permission to contact an employee should be authorised through the relevant Director. Under no circumstances does a Councillor have authority to direct an employee to undertake any action or activity. If an employee has concerns or questions regarding a request from a Councillor, they should discuss this with their direct manager.

## **Technology**

Council has several User Security Policies (including email and internet terms and conditions of use) to assist you when using email and the internet. Council requires that all staff read, understand and adhere to all Information Technology policies as listed; these can be accessed through the IT page of the Intranet. Failing to comply with these policies could result in a formal investigation and/or disciplinary process occurring.

## **Intellectual Property**

Employees must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. Any original work an employee contributes to in association with their work remains Council's property. This does not stop employees from sharing information with other organisations. However, if they do, they must make sure they do not breach confidentiality of Council, or Council's clients, or compromise Council's intellectual property rights. Employees must respect the copyrights, trademarks and patents of Council's suppliers. Employees must not reproduce or quote suppliers' material without their permission.



# LEGISLATIVE AND POLICY REQUIREMENTS.

## **Social Media and Networking**

Social Media encompasses, but is not limited to, blogs bulletin boards, wikis, instant messaging, social networking sites (Facebook, LinkedIn), video sharing sites (YouTube, Vimeo). Access to social media at work is provided to assist staff in their work (for example, research, monitoring issues, marketing and promotion).

Further to this Code of Conduct, Mitchell Shire Council has a Social Media Policy which provides clarity and guidance for the appropriate use of a social media platform. This Code of Conduct and the Social Media Policy are applicable to employees in the workplace, at home, or at any time when interacting with, or representing Council, or any of its employees at any location virtual or physical. This policy should be read and understood by all employees, if they have any questions regarding it they can speak with their supervisor or the Communications and Improvement Coordinator.

Employees must take care that their personal use of social media does not in any way damage the reputation of Council or breach any part of our Social Media Policy or this code.

## **Gifts, Hospitality and Bequests**

Employees must exercise judgement in determining whether to accept any gift, benefit or hospitality that could reasonably be interpreted by others as an inducement, which might place them, or Council under an obligation to the donor.

For the purposes of this Code of Conduct, “benefit” includes but shall not be limited to:

- > Hospitality such as meals or drinks
- > Entertainment and/or tickets
- > Airfares and/or accommodation
- > Goods such as vouchers, gifts and commitment

Employees are not to solicit gifts, benefits or hospitality in connection with their Council duties. However, acceptance of a gift in appreciation of a completed service is only allowed where refusal would give offence e.g: for cultural reasons. The employee is then to report receipt of the gift to their manager and record it in the gift register. If an employee is in doubt as to the receipt of a gift, donation or hospitality, advice can be sought from the relevant Director or Chief Executive Officer or refer to the Gift Policy.

## **Personal Appearance**

An employee is expected to present in a professional standard of dress. Clothing, personal appearance and hygiene are important elements of professional presentation. An employee must ensure that their personal appearance and presentation is clean, tidy and appropriate for their work role and environment.

# LEGISLATIVE AND POLICY REQUIREMENTS.

It is unacceptable to wear inappropriate and unprofessional clothing at work at any time including casual days.

Employees who attend work wearing inappropriate attire or footwear may be asked by their Director or Manager or Supervisor to return home in their own time to change into suitable attire.

Refer to *Corporate Dress Image Policy* for further details.

## **Employment outside of Council**

Staff who perform paid work outside Council, must be sure this work:

- > Is kept separate from Council work
- > Does not lead to a conflict of interest
- > Does not affect Council time or resources
- > Does not interfere with an employee's ability to do their Council work
- > Does not hire plant and equipment to Council
- > Does not use any plant, equipment of resource that belong to Council

Employees are required to seek written approval from the Chief Executive Officer, or their delegate, prior to engaging in any work outside of Mitchell Shire Council. This approval should be sought before the work is undertaken or before entering into a contract.

## **Dealing with customer complaints**

From time to time, our customers may complain either about the service they receive or about employee performance.

The Complaints Procedure describes the actions to be followed at these times. As it is important to achieve a successful outcome for Council, the staff member and the customer, this Code of Conduct outlines the appropriate behaviours and attitudes to be shown. Council appreciates that employees will use exemplary communication skills and will support all parties to make sure that the situations are resolved wisely.

## **Child Safe Standard**

Mitchell Shire Council is committed to implementing child safe standards within our organisation. We are a Child Safe Organisation. The standards are compulsory for all organisations which may have contact with or provide services to children, and aim to drive cultural change in organisations so that protecting children from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers.

# LEGISLATIVE AND POLICY REQUIREMENTS.

This will assist organisations to:

- > support prevention of child abuse
- > mandate reporting of any abuse that does occur
- > improve responses to any allegations of child abuse

In response to the Victorian Parliament's Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, the Victorian Government has introduced the Child Safe Standards to improve the way organisations respond to child abuse that may occur or be identified within their organisation.

All staff at Mitchell Shire are responsible for the safety and wellbeing of children and are required to:

- > Adhere to relevant Child Safety Policies of Mitchell Shire
- > Take all reasonable steps to protect children from child abuse
- > Listen and responding appropriately to a child who may be sharing concerns or worries about their own or another child's safety
- > Promoting a culturally safe and sensitive environment
- > Ensuring that as far as can be practical, no adult is left alone with a child
- > Report all allegation of child abuse to manager and ensure any allegations are report to the appropriate authority
- > Report child safety concerns to management



# LEGISLATIVE AND POLICY REQUIREMENTS.

For further information regarding the 7 Child Safe organisation standards, please visit the DHS website [www.dhs.vic.gov.au](http://www.dhs.vic.gov.au).

## **Charter of Human Rights**

It is considered that this Code does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).

Mitchell Shire Council is committed to consultation and cooperation between management and employees. Council will formally involve elected employee representatives in any workplace change that may affect its employees.

### > *Understanding Human Rights*

Mitchell Shire Council employees understand human rights as these apply to their work.

### > *Making Decisions and Providing Advice Consistent with Human Rights*

Mitchell Shire Council employees ensure their own decisions, advice and policy development properly considers the human rights set out in the Charter, and respects the human rights of others.

### > *Implementing Human Rights*

Mitchell Shire Council employees deliver services and programs and act in a manner that is consistent with the Charter.

### > *Protecting Human Rights*

Mitchell Shire Council employees seek to protect the human rights of colleagues, other Council employees and members of the Shire of Mitchell community by raising concerns regarding circumstances that could breach those rights, and reporting any suspected breaches in accordance with procedures established by Council

### > *Demonstrating Commitment to Human Rights*

Human Rights – Council employees should respect and promote the human rights set out in the Charter of Human Rights and Responsibilities by:

- i. making decisions and providing advice consistent with human rights; and
- ii. actively implementing, promoting and supporting human rights.

# MISCONDUCT AND SERIOUS MISCONDUCT.

## Misconduct

Misconduct include, but is not limited to:

- > Patronage, nepotism
- > Using their position to further their own interest or interests of friends or relatives
- > Bullying, discrimination, harassment (includes cyber bullying)
- > Breaching privacy principles
- > Using their power or influence to cause injury or detriment to another person
- > Unapproved outside private work that would create a conflict of interest with their role with Council (includes a contractor that provides a service to Council)
- > Waste and misuse of Council's resources and equipment
- > Unauthorised private use of Council's resources, equipment and technology
- > Unjustified absenteeism
- > Abuse of leave provisions including approved time off
- > Behaviour which may bring Council into disrepute while representing Council.
- > Unauthorised absences from the work place
- > Incorrect action or failure to take any action that should reasonably have been taken
- > Using work time without approval to complete unapproved non-work related study or similar
- > Actions which go against Council's values



# MISCONDUCT AND SERIOUS MISCONDUCT.

## Serious Misconduct

Serious misconduct include, but is not limited to:

- > Any deliberate unsafe act which results in, or could lead to, injury to a second person or damage to Council property
- > Any criminal act committed as an employee of Council including fraud
- > Deliberate vandalism, sabotage or damage to Council property
- > Physical or verbal abuse by any employee against any fellow employee or member of the general public during the course of their lawful duties. This includes threatening behaviour or other forms of bullying and harassment towards fellow employees or members of the general public
- > Accepting commission or rewards from a person to show an advantage to that person in their business dealings with Council
- > Knowingly disclosing anything relating to the business or transactions of any person having business relations with Council so as to afford an advantage to any other person
- > Discriminating against, or giving preference to, any person wishing to make use of the services of Council
- > Drinking alcohol or being intoxicated on the job to an extent which will impair work performance and/or judgment,
- > The use of, or being under the influence of non-prescribed drugs and or alcohol while on the job which will impair work performance and/or judgment
- > Gross insubordination
- > Theft of Council property or stealing from other employees of Council

*Further reference: Disciplinary Action Policy.*

# COMPLIANCE WITH THIS CODE OF CONDUCT.

Where an employee acts in breach of this Code of Conduct, (and therefore outside the terms of their contract of employment) they may be subject to disciplinary action. Depending on severity, this action may take the form of counselling, verbal warning, a formal letter warning or termination of employment.

Further to this, dependent on the nature of the breach, the matter may be referred directly to IBAC or the relevant government body, in addition to an internal investigation and disciplinary action.



# COMPLAINTS AND INVESTIGATIONS.

Any employee, volunteer or member of the public (including Councillors) may make a complaint of breach of this Code of Conduct in writing, identifying the complainant and giving sufficient details in order to identify the action which gave rise to the complaint.

For employees against whom allegations are made (other than the Chief Executive Officer) the following will apply:

- > Questions of compliance raised by the Councillors, other staff or the community regarding the Code of Conduct will be considered by the Chief Executive Officer or their nominee
- > Employees are entitled to representation in the consideration of a question of non-compliance against them and investigation and management of the matter will have regard to the principles of fairness, equity and procedural fairness
  - Investigations undertaken regarding compliance with this Code of Conduct will be kept confidential
  - The Chief Executive Officer has responsibility for ensuring compliance with the Code of Conduct
  - Any individual who alleges a breach of the Code of Conduct by another person must not be disadvantaged because of such action
  - Penalties for inappropriate behaviour may be imposed under Council's policies, the Local Government Act and other legislation
  - Employees could face disciplinary action including dismissal or prosecution for a criminal offence
  - Questions raised and allegations made regarding non-compliance with this Code of Conduct by the Chief Executive Officer, will be dealt with accordance of Part 4, Division 4 of the Local Government Act 1989
  - The Chief Executive Officer is entitled to representation, and the investigation and management of the matter will have regard to the principles of fairness, equity and procedural fairness
  - Investigations undertaken regarding compliance with this Code of Conduct will be kept confidential
  - Any individual who alleges a breach of the Code of Conduct by the Chief Executive Officer must not be disadvantaged because of such action
  - Penalties for inappropriate behaviour may be imposed under Council's policies, the Local Government Act and other legislation
  - The Chief Executive Officer could face disciplinary action including dismissal or prosecution for a criminal offence
  - Malicious or vindictive accusations may also result in disciplinary action

In the case of contractors, volunteers or other representatives, breaches will be dealt with under the terms and conditions set out in their contract of engagement.



# PROTECTED DISCLOSURE.

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On 10 February 2013, the Whistle-blowers Protection Act 2001 was repealed and replaced with the Protected Disclosure Act 2012. This Act establishes a new scheme for protecting people who make disclosures about improper conduct in the public service.

Mitchell Shire Council is committed to the aims and objectives of the Act. As such all staff are expected to comply with the Act; Council does not tolerate improper conduct or the taking of reprisals against those who come forward to disclose such conduct or those who support them. Mitchell Shire recognises the value of transparency and accountability in our administrative and management practices, and supports the making of disclosures that reveal improper conduct, including: corrupt conduct, conduct involving a substantial mismanagement of public resources or conduct involving a substantial risk to public health, safety or the environment.

# FURTHER INFORMATION.

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Members of the public may inspect this Code of Conduct for Council employees at the principal office of Mitchell Shire Council, 113 High Street, Broadford in the Civic Centre during normal office hours, and obtain a copy.

Any enquiries in relation to this Code of Conduct should be directed to the Manager People and Culture or the Chief Executive Officer:

Mr David Turnbull  
Chief Executive Officer  
(03) 5734 6200

Ana Fraser  
Manager People and Culture  
(03) 5734 6368

# 5 STEPS IN PRACTICE.

Before considering an action that may be deemed outside this Code of Conduct, consider these 5 steps to inform your decision making:

## 1. Identify and assess the situation

- > What is difficult about the situation?
- > What are the legal issues to be considered?
- > Does this Code of Conduct require you to behave in a particular way?
- > Who else is involved and what effect does your behaviour have on them?

## 2. Look at the situation from your Council's standpoint

- > What are your duties?
- > Is there a relevant policy, procedure or protocol?
- > Who do you need to involve or consult?

## 3. Would your behaviour stand up to scrutiny by the public?

This is sometimes called the family or newspaper test.

- > What would your family or Chief Executive Officer say if your actions were reported on the front page of the newspaper or other media?
- > How others see you as using your employment and resources for the benefit or detriment of Council?
- > Do your personal interests conflict with your public duties?

## 4. Identify and consider the options

- > Do you need to seek advice from your Manager, Equal Opportunity Contact Officer, Chief Executive Officer or People and Culture?
- > Is there an alternative solution and what would the results of the alternative solution be?
- > How would your Chief Executive Officer or the public view the alternative solutions?

## 5. Choose your course of action

- > Your choice of action must be lawful and in accordance with Council's industrial agreements, policies, procedures and protocols
- > Your behaviour must support the standards of this Code of Conduct and the Corporate Principles of Mitchell Shire Council
- > You must be able to justify your course of action

# REVIEW.

This Code of Conduct will be reviewed every four years.

<b>Action</b>	<b>Decision By</b>	<b>Date</b>
Adopted	Corporate Management Group	February 2011
Reviewed	Executive Leadership Team	November 2015
Reviewed	Executive Leadership Team	April 2017
Reviewed	Executive Leadership Team	January 2018





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**CUSTOMER AND LIBRARY SERVICE CENTRES**

113 High Street, Broadford

12 Sydney Street, Kilmore

125 Anzac Ave, Seymour

12/81 High Street, Wellington Square, Wallan

