



CODE OF ETHICS AND CONDUCT

POLICY

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Table of Contents

1. Policy Statement	5
2. Who does this policy apply to?	5
3. Definitions	6
4. Ethical Framework	8
4.1. Adherence to the Commission's values	9
5. Key responsibilities	10
6. Conflicts of interest	11
7. Gifts and Benefits	11
8. Other employment	12
9. Handling information	12
9.1. Confidentiality	12
9.2. Misuse of information	12
9.3. Privacy and protecting personal information	13
9.4. Security of information	13
9.5. Records Management	13
9.6. Signatures	13
9.7. Use of information post-employment	13
10. Use of official resources	14
10.1. Private use	14
10.2. Communication devices	14
10.3. Procurement	14
10.4. Intellectual property	15
11. Participation in political or other activities	15
11.1. Contesting at an election	15
12. Public Comment	15
12.1. Public comment in their capacity as an official	16
12.2. Public comment in a private capacity	16
13. Professional behaviour	16
13.1. Workplace Health, safety and security	16
13.2. Use of alcohol, drugs and tobacco	17
13.3. Treating people with dignity and respect	17
13.4. Lobbyists	17
14. Reporting conduct	18
14.1. Reporting suspected wrongdoing	18
14.2. Reporting bankruptcy and serious criminal offences	18
14.3. Complaints and grievance management	18
15. Breaches of the Code of Conduct	18
16. Further information and resources	19

16.1. Internal Policies..... 19
16.2. Legislation 19
16.3. Other resources..... 20
16.4. Support and/or advice..... 20

1. Policy Statement

The Code of Ethics and Conduct Policy (Code of Conduct) outlines the standards and behaviour expected of staff in the Greater Sydney Commission (the Commission).

The purpose of the Code of Conduct is to:

- provide a framework for appropriate behaviour for staff interactions with colleagues, members of the public, stakeholders and each other; and
- outline the standards required to guide employees' decisions, actions and ethical behaviour in the performance of their duties.

Staff have a responsibility to:

- uphold the law;
- preserve the public interest;
- defend public value;
- implement the decisions of the Government of the day; and
- add professional quality and value to the commitments of the Government of the day.

Members of the public, stakeholders and staff have a right to be treated fairly, consistently, without discrimination, and with proper regard for their rights and obligations.

The Commission must promote confidence in the integrity of public administration and always act in the public interest.

In addition to complying with the Code of Conduct, staff must also comply with the Public Service Commission's Code of Ethics and Conduct for NSW Government Sector Employees.

2. Who does this Policy apply to?

The Code of Conduct applies to all employees including:

- permanent staff;
- temporary staff;
- casual staff;
- other Government sector employees who are on secondment or assigned to the Commission;
- contractors;
- consultants;
- volunteers; and
- employees of organisations who provide services under contract to the Commission.

For the purposes of this Policy, "staff" refers to all people to whom this Policy applies.

In this Policy, a reference to a senior executive manager means:

- Chief Executive Officer;
- Executive Director; and
- Director.

3. Definitions

<p>Bullying</p>	<p>means repeated behaviour and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health, safety or wellbeing.</p> <p><i>Note: a single incident of unreasonable behaviour is not considered to be workplace bullying; however, it may have the potential to escalate and should not be ignored.</i></p>
<p>Corrupt conduct</p>	<p>has the same meaning as in the <i>Independent Commission Against Corruption Act 1988</i> (ICAC Act) and may involve:</p> <ul style="list-style-type: none"> • any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority; • any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions; • any conduct of a public official or former public official that constitutes or involves a breach of public trust; • any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person; • any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following (for a full list refer to the ICAC Act): <ul style="list-style-type: none"> ○ official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition); ○ bribery; ○ blackmail; ○ obtaining or offering secret commissions; ○ fraud, theft, embezzlement; ○ perverting the course of justice; ○ election bribery, funding offences or fraud; ○ tax or revenue evasion; or ○ obtaining financial benefit by vice engaged in by others; ○ forgery. • any conduct of any person (whether or not a public official) that impairs, or that could impair, public confidence in public administration and which could involve any of the following: <ul style="list-style-type: none"> ○ collusive tendering; ○ fraud in relation to applications for licences, permits or other authorities under legislation designed to protect health and safety or the environment or designed to facilitate the management and commercial exploitation of resources;

	<ul style="list-style-type: none"> ○ dishonestly obtaining or assisting in obtaining, or dishonestly benefitting from, the payment or application of public funds for private advantage or the disposition of public assets for private advantage; ○ defrauding the public revenue; or ○ fraudulently obtaining or retaining employment or appointment as a public official. <p>However, in the ICAC Act, in order to be corrupt conduct, the conduct must also be a criminal offence, a disciplinary offence or reasonable grounds for dismissal, dispensing with the services of a public official or otherwise terminating the services of a public official.</p>
Discrimination	means where a person is treated unfairly because they may belong to a particular group of people or have a particular characteristic (eg gender, pregnancy, breastfeeding, race, age, marital or domestic status, sexual orientation, disability, carer's responsibility).
Ethical Framework	is contained in Part 2 of the <i>Government Sector Employment Act 2013</i> .
Fraud	means dishonest activity by any employee that causes actual or potential financial loss to the Commission or the Government, including theft of money or other property. It includes deliberate fabrication, concealment, destruction or improper use of documentation used for a normal business purpose or the improper use of other information or position.
Government official	means: <ul style="list-style-type: none"> • a Minister or Parliamentary Secretary; • an employee of a Minister or Parliamentary Secretary (including an employee in an electorate office); • the head of a Public Service agency; • a person employed in the Public Service of New South Wales, the Transport Service of New South Wales, or any other service of the Crown; • an individual who is engaged under a contract to provide services to or on behalf of the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown; or • a member (however expressed) of, or of the governing body of, a statutory body.
Harassment	in the workplace means subjecting a person to repeated behaviour that: <ul style="list-style-type: none"> • a reasonable person would consider to be offensive, humiliating, intimidating or threatening; • is unwelcome and unsolicited; or • the person considers to be offensive, intimidating, humiliating or threatening.
Lobbying	means communicating with a Government official for the purposes of representing the interest of others in relation to: <ul style="list-style-type: none"> • legislation or proposed legislation; • a government decision or proposed government decision; • a planning application; or • the exercise by a Government official of their official functions.
Lobbyists Register	means the Register of Third-Party Lobbyists, which is kept and maintained by the NSW Electoral Commission.

Lobbyist Watch List	means the list maintained by the NSW Electoral Commission that contains the names and other identifying details of any third-party or other lobbyist place there by the Electoral Commission as a result of contraventions of the Lobbyist Code of Conduct or the Act.
Maladministration	means conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
Other lobbyist	means any individual or body that lobbies a Government official other than a third-party lobbyist.
Procedural fairness	means ensuring any person whose rights, interests or legitimate expectations will be affected by a decision or finding is entitled to an adequate opportunity to be heard. Refer to the NSW Ombudsman's Fact Sheet 14 on Natural Justice/Procedural Fairness.
Public official	means: <ul style="list-style-type: none"> • the head of a Public Service agency; • a person employed in the Public Service of New South Wales, the Transport Service of New South Wales, or any other service of the Crown; • an individual who is engaged under a contract to provide services to or on behalf of the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown; or • a member (however expressed) of, or of the governing body of, a statutory body.
Repeated behaviour	means the persistent nature of the behaviour and can involve a range of behaviours over time.
Report	means the reporting of a concern or complaint, whether informally or formally made, by or about behaviour or conduct that is contrary to the Code of Conduct and/or Ethical Framework.
Serious and substantial waste	means that uneconomical, inefficient, or ineffective use of resources that could result in the loss or wastage of public resources.
Serious criminal offence	means an offence committed in NSW that is punishable by imprisonment of 12 months or more, or an offence committed elsewhere that, if it had been committed in NSW, would be an offence so punishable.
Unreasonable behaviour	means behaviour that a reasonable person in the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

4. Ethical Framework

Staff must conduct themselves in accordance with the Ethical Framework, which is contained in Part 2 of the *Government Sector Employment Act 2013*.

The objectives of the Ethical Framework are to:

- recognise the role of the government sector in preserving the public interest in defending public value and adding professional quality and value to the commitments of the Government of the day; and

- establish an ethical framework for a merit-based, apolitical and professional government sector that implements the decisions of the Government of the day.

The NSW Public Service Commission has identified four core values for the government sector and the principles that guide their implementation:

Integrity

- (a) Consider people equally without prejudice or favour.
- (b) Act professionally with honesty, consistency and impartiality.
- (c) Take responsibility for situations, showing leadership and courage.
- (d) Place the public interest over personal interest.

Trust

- (a) Appreciate difference and welcome learning from others.
- (b) Build relationships based on mutual respect.
- (c) Uphold the law, institutions of government and democratic principles.
- (d) Communicate intentions clearly and invite teamwork and collaboration.
- (e) Provide apolitical and non-partisan advice.

Service

- (a) Provide services fairly with a focus on customer needs.
- (b) Be flexible, innovative and reliable in service delivery.
- (c) Engage with the not-for-profit and business sectors to develop and implement service solutions.
- (d) Focus on quality while maximising service delivery.

Accountability

- (a) Recruit and promote staff on merit.
- (b) Take responsibility for decisions and actions.
- (c) Provide transparency to enable public scrutiny.
- (d) Observe standards for safety.
- (e) Be fiscally responsible and focus on efficient, effective and prudent use of resources.

There is no hierarchy among the core values and each is of equal importance.

4.1. Adherence to the Commission's values

In addition to the NSW Government's Ethical Framework, the Commission has established its own Values and Behaviours Framework that is aligned to the four core values. The Commission seeks to embed the following behaviours as foundations for its work:

Integrity

- Make evidence-based decisions that are transparent and accountable.
- Provide independent advice.
- Embrace and welcome collaboration.
- Persevere when we have hard problems to solve.

Trust

- Have respectful, open and honest conversations – even when they are difficult.

- Welcome and respect people who are different from us.
- Include and empower others in decision-making.
- Say what we mean and do what we say.

Service

- Welcome creative, bold and fearless thinking to secure the best possible outcomes.
- Deliver quality solutions.
- Consult and collaborate with stakeholders in a meaningful way, recognising we don't have all the answers.

Accountability

- Take responsibility for our decisions and actions.
- Open ourselves up to scrutiny.
- Take care of our own wellbeing and safety, and that of the people around us.
- Use resources responsibly and sustainably.
- Keep good records.

5. Key responsibilities

Senior executive managers and managers

A senior executive manager, or a manager responsible for supervising or managing an individual or group of staff, is responsible for:

- ensuring staff have been issued with the Commission's Code of Conduct and are aware of the NSW Public Service Commission's Ethical Framework, and understands their requirements;
- advising staff on the Commission's expected standards of behaviour;
- investigating alleged breaches of the Code of Conduct; and
- demonstrating ethical, fair and professional behaviour that is aligned with the Commission's Code of Conduct.

All staff

Staff must:

- carry out their official duties in accordance with the Government's Ethical Framework;
- treat colleagues, members of the public and stakeholders fairly, consistently and with respect;
- behave in a lawful, professional and reasonable manner and always act in the best interests of the Commission;
- comply with the Commission's policies, procedures and guidelines, as well as relevant legislative and industrial requirements that apply;
- understand the duties, responsibilities and accountabilities of their roles, and perform these safely, honestly, courteously and fairly;
- make impartial decisions that demonstrate the values of the Commission and the NSW Public Service Commission's Ethical Framework and promote confidence in the integrity of public administration;
- comply with reasonable lawful requests, directions and instructions given in the course of their duties by any person with the authority to do so;

- maintain the integrity, confidentiality and security of corporate information and not use and/or disclose corporate information for a private purpose or to obtain personal advantage;
- report ethical, dishonest or corrupt conduct; and
- not discriminate, harass, bully or engage in inappropriate workplace conduct.

6. Conflicts of interest

Staff must perform their duties impartially and in the public interest. They must avoid any actual, potential or perceived conflicts of interest.

An actual, potential or perceived conflict of interest exists when an employee could be influenced by a personal interest in the course of their official duties. This may arise through a range of personal interests or connections including family, friends and associates, or as a result of financial employment and/or community or political interests and activities.

Staff must disclose every instance of an actual, potential or reasonably perceived conflict of interest to their manager.

All staff must make a declaration of private financial, business, personal or other interests or relationships upon commencing employment with the Commission, when there is a relevant change to the person's circumstances and then on an annual basis. If a conflict is declared, staff must review their declarations and management strategies every six months. The Chief Executive Officer will make their declaration to the Secretary of the Cluster under which the Commission sits.

If staff identify a conflict of interest, staff must resolve or otherwise work with their manager to manage and document how this was achieved. Staff must comply with the methods implemented by their manager to manage the conflict. If there is a change in manager, staff must notify the new manager of the conflict and inform them of the means being used to manage it.

There is a separate Conflict of Interest process for Commissioners, Committee members and Youth Panel which is contained in the Code of Ethics and Conduct – Members of Greater Sydney Commission Policy.

7. Gifts and Benefits

Staff must never seek or accept any payment, gift, benefit, inducement, or offer of hospitality that is intended, or that could be reasonably perceived to be intended, to induce them to:

- act in a particular way, including make a particular decision; or
- fail to act in a particular circumstance; or
- deviate in any way from the proper exercise of their official duties.

The receipt of gifts, benefits or hospitality may be perceived as having the potential to compromise current and future impartial decision making.

If staff are offered a bribe (ie anything given in order to persuade staff to act improperly), staff must refuse it, indicate it is not appropriate, and immediately report the matter to their manager. Any attempt to bribe an employee, or acceptance of a bribe, is corrupt conduct and must be reported. It may also constitute a criminal offence.

Staff must declare gifts, benefits and hospitality in accordance with the Commission's Gifts, Benefits and Hospitality Policy and the Department of Planning and Environment's Procedure.

Information and guidance for Commissioners and Youth Panel is available in the Code of Ethics and Conduct – Members of Greater Sydney Commission Policy.

8. Other employment

Staff are not permitted to engage in any form of secondary or private employment without the prior written approval of the Chief Executive Officer or delegate.

When considering employment outside of their role at the Commission, staff must assess whether it may adversely affect the performance of their duties or give rise to a conflict of interest.

Staff who join the Commission and already hold other employment must seek approval to continue in the other work.

Volunteering outside of work hours does not require approval unless the involvement is likely to conflict with or affect the efficiency or performance of their official duties, or if the Commission provides any funding to the community organisation, charity or professional association concerned.

9. Handling information

9.1. Confidentiality

Staff must maintain the confidentiality of all official information and documents which are not published or normally made available to the public. Staff may only disclose information not normally provided to the public if:

- it is required as part of their duties;
- proper authority has been given for staff to do so;
- staff are required, or authorised to do so by law; or
- when called to give evidence before a court, tribunal, commission of inquiry or a Parliamentary Committee.

The Commission has procedures for dealing with the media and for the release of information under the *Government Information (Public Access) Act 2009 (NSW)* (GIPA Act). All enquiries under GIPA must be referred to the Government and Executive Services team. Enquiries from the media should be referred to the Director, Communications and Media.

9.2. Misuse of information

Staff must not make private use of official information. Misuse of official information, whether or not for monetary gain, may attract misconduct action and may be classed as corrupt conduct. Approval may be given for staff to make use of official documents in defence of defamation and associated legal actions.

Staff must not misuse their role or their access to the Commission or other Government-held information to secure future employment advantages, or to benefit any other person or organisation, including former staff.

must be careful when dealing with former staff, and make sure staff do not give them favourable treatment or access to corporate information. Staff must report any attempt by a former staff member to influence staff.

9.3. Privacy and protecting personal information

Staff must protect personal and health information in accordance with the requirements of the *Privacy and Personal Information Act 1998* and the *Health Records and Information Privacy Act 2002*. Staff should consult the Commission's Privacy Management Plan for further information.

9.4. Security of information

Staff are to ensure that any information in any form (printed or electronic) cannot be accessed by unauthorised persons and that sensitive information is only discussed with person who are authorised to have access to it.

Staff are not to access information unless it is immediately relevant to the work staff are performing. The NSW Government owns all intellectual property rights in the work of Government employees in the course of their employment. Staff must not use any material owned by the Commission other than in the course of their official duties.

Managers are responsible for ensuring that suitable arrangements are in place to maintain the security of confidential and sensitive documents, including ensuring that contractors are aware of their information security responsibilities.

9.5. Records Management

Staff are required to be aware of and comply with the *State Records Act 1998 (NSW)* and to:

- create and maintain full and accurate records of their official duties;
- capture records into the official records systems; and
- not destroy records without the appropriate authority to do so.

To promote open, accountable, fair and effective government, the GIPA Act gives members of the public a right to access government information (restricted only when there is an overriding public interest against disclosure). Any records staff create including emails, working notebooks, draft documents and database entries, may be released to the wider public. These are all classed as records and must be managed and kept accordingly.

9.6. Signatures

Staff must review carefully any document staff are asked to sign (including approving the use of their electronic signature). Staff must not sign any document which staff know is not true and correct.

Staff must only sign their own name and never permit or encourage anyone to sign a name other than their own.

Staff should only use their own name (eg when sending emails) and not give the impression that staff have the authority of another person without their permission.

9.7. Use of information post-employment

When staff cease their employment with the Commission, staff should not use or take advantage of any confidential information obtained in the course of their official duties unless it has become lawfully available.

10. Use of official resources

Staff must be economical and efficient in the use and management of public resources.

All Commission property and assets should be treated with care and staff must ensure they are secured against theft or misuse.

Further guidance is available in the Commission's Use of Official Resources – ICT policy.

10.1. Private use

Limited personal use of Commission communication devices, such as computers, printers, mobile phones or similar, by staff is permitted provided the use is infrequent, brief, involves minimal cost and does not interfere with the performance of work. Use must also comply with relevant policies such as the Commission's Use of Official Resources – ICT policy and other related IT policies, procedures and guidelines.

Official facilities and equipment may only be used for private purposes when approval has been given by the Chief Operating Officer.

Stationery, letterhead and official logos must only be used for official business. Staff must not seek to make private use of the services of other staff while on duty. If staff are asked to perform tasks in work time that are not work-related staff should refuse.

Commission facilities and equipment (including software) must not be used for private employment or for private financial gain by staff.

10.2. Communication devices

All use of the Commission's electronic communication facilities (computers or similar devices, network, software, internet, email) should be lawful, appropriate and ethical. These facilities are not to be used in any way that:

- is misleading or deceptive;
- could damage the Commission's reputation;
- could result in victimisation, harassment or vilification;
- is offensive, obscene, threatening or defamatory;
- violates Australian or State regulations – including 'computer hacking';
- is intended to have a destructive effect on storage, processing or communications network facilities.

All staff must comply with the Commission's Acceptable Use of Official Resources – ICT policy.

10.3. Procurement

The Commission's purchasing practices must be of the highest standard to achieve value for money and ensure that public money is spent appropriately. The Commission also needs to comply with specific mandatory state government policies and practices in relation to procurement and tendering.

Staff are responsible for making yourself familiar with the policy and procedures that apply to the type of procurement being undertaken on behalf of the Commission.

In any procurement process, staff must appropriately consider and deal with any actual, potential or perceived conflict of interest. If staff are a nominee to an opening or evaluation committee for procurement activity, staff must complete the conflict of interest and

confidentiality declaration required by the Department of Planning and Environment's Procurement Policy.

10.4. Intellectual property

Staff need to ensure when creating materials that the intellectual property rights of others are not infringed. Any third-party copyright or other rights information is to be recorded in the materials.

The copyright of material created by staff in the course of their work belongs to the Commission.

Staff must not use the Commission's intellectual property (including copyright) for private purposes without obtaining written permission from a senior executive manager.

11. Participation in political or other activities

Staff must ensure that their involvement in any political, community, volunteering or personal activities does not conflict with or influence their employment of their primary duty to serve the Government of the day in an impartial and objective manner.

Staff have a right to participate in political and community activities and to pursue private interests, provided that:

- their participation does not interfere with their official duties;
- their participation does not conflict with their duty as a public servant to serve the government of the day in a politically neutral manner; and
- any conflict of interest (actual, perceived or potential) that arises is dealt with in accordance with the Code of Conduct.

If there is a conflict of interest, staff may be required to cease the activity or withdraw from the area of work where the conflict of interest is occurring. In determining the conflict of interest and how it should be managed, consideration will be given to the nature of the issues, their role, the extent of their participation and their public prominence.

11.1. Contesting at an election

Special arrangements apply to staff who are contesting State or Federal elections:

- staff nominating as candidates for Federal elections must comply with section 72 of the *Government Sector Employment Act 2013 (NSW)* and resign before nomination.
- staff contesting State elections must comply with section 71 of the *Government Sector Employment Act 2013 (NSW)* and section 13b of the *Constitution Act 1902 (NSW)*. Such staff are not required to resign until declared elected but should consider appropriate leave arrangements to cover the election period.

12. Public Comment

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. This includes (but is not limited to):

- appearances before Parliamentary Committees;
- public speaking engagements;
- comments to radio, television or print reporters (including letters to the editor);
- comments in books, journals or notices;

- comments on internet sites or broadcast by electronic means; and
- profile or activities on social media, including posting, blogging, tweeting, uploading photographs, sharing, commenting, liking and retweeting on sites such as Facebook, LinkedIn and Twitter.

12.1. Public comment in their capacity as an official

Staff must not represent the Commission without being given authority to do so. The Chief Commissioner is responsible for speaking to the media on behalf of the Commission. The Chief Commissioner may authorise another Commissioner or the Chief Executive Officer of the Commission to speak to the media at any time on behalf of the Commission. Any requests for public comment should be initially directed to the Director of Communications and Media.

Where comment has been authorised to be given on behalf of the Commission, comments made must be confined to factual information. Opinions on government policies and decisions must be avoided unless required by law. Staff may only disclose information that is already in the public domain or that staff have been otherwise authorised to release.

12.2. Public comment in a private capacity

As a private individual, staff have the right to participate in public debate on political and social issues. In making public comments in a private capacity, including on social media, staff must:

- observe the restrictions on the release of official information and ensure confidentiality of the Commission and NSW Government information;
- make it clear that staff are commenting as a private individual;
- only provide their personal contact details and not those of the Commission;
- not use any logos or insignia that may give the impression of official support or endorsement of their personal comment;
- not make any comment that could compromise or be reasonably perceived as compromising their capacity to fulfil their duties in an impartial, apolitical and professional manner;
- not make any comment that could damage the reputation of or public trust in the Commission or the broader government sector; and
- comply with the Commission's policy on the Use of Official Resources - ICT including communication devices.

13. Professional behaviour

13.1. Workplace Health, safety and security

Staff are responsible for complying with statutory and other obligations to ensure healthy and safe workplaces and practices. Staff should be proactive in ensuring the workplace is safe and secure for everyone, including identifying, assessing and reporting safety risks and hazards.

All staff need to be aware of the Commission's responsibilities which are outlined in the Department of Planning and Environment's Work Health and Safety Policy.

Staff have a duty to:

- take reasonable care for the health safety and welfare of yourself and others when performing their work;
- adhere to the Commission's security and emergency procedures, including participating in evacuation drills and following the direction of floor wardens;
- report any identified risks, hazards or incidents; and
- cooperate with the Commission to ensure compliance with all relevant work, health and safety laws.

Managers and supervisors have a duty of care to maintain a safe and healthy working environment that ensures the safety and wellbeing of staff.

13.2. Use of alcohol, drugs and tobacco

Staff must, while at work or on duty, be in a fit and proper state to perform their duties, so as to not put at risk the health and safety of themselves or others. Staff are responsible for ensuring that their capacity to perform their duties is not impaired by the use of alcohol or drugs.

Staff must not have illegal drugs in their possession while at work.

Smoking is not permitted in or near the Commission's workplace.

13.3. Treating people with dignity and respect

Staff are expected to relate professionally to colleagues, stakeholders and members of the public and to act with courtesy and fairness. In dealing with others, staff should ensure that staff do not prejudice the operations, security or reputation of the Commission.

The Commission has zero tolerance for bullying, harassment, discrimination and inappropriate or unreasonable workplace conduct. All staff must abide by the Commission's Prevention of Bullying and Harassment in the Workplace Policy.

Reasonable workplace actions, including legal and reasonable performance management and directions to staff, are not bullying.

Staff should familiarise yourself with the Commission's pathways for resolving workplace problems and issues.

Deliberately submitting a workplace concern, formal grievance or allegations with false statements or for malicious, vexatious or frivolous purposes may attract misconduct action.

13.4. Lobbyists

Staff must comply with the NSW Government Lobbyist Code of Conduct, as well as the Commission's policy and procedures for contact with Third-Party Lobbyists, Lobbyists and Business Contacts.

The Commission will only engage with professional (third-party) lobbyists if they are listed on the NSW Electoral Commission's Register of Third-Party Lobbyists. Special rules apply for any meeting that takes place with any third-party or other lobbyist if they appear on the NSW Electoral Commission's Lobbyist Watch List.

For more information, see the Commission's policy on Engaging with Lobbyists and Business Contacts Policy.

14. Reporting conduct

14.1. Reporting suspected wrongdoing

Staff should report all information staff become aware of that staff honestly believe, on reasonable grounds, shows or tends to show, instances of:

- corrupt conduct
- maladministration
- serious or substantial waste of public money
- government information contravention.

A manager who receives a report that might qualify as a public interest disclosure must advise and encourage the reporter to make a report directly to, the Chief Executive Officer, Public Interest Disclosure Coordinator or any of the Public Interest Disclosure Officers. Further details can be found in the Commission's Public Interest Disclosure Policy and Procedure.

14.2. Reporting bankruptcy and serious criminal offences

Clause 9 of the *Government Sector Employment Regulation 2014* requires an employee to notify the Chief Executive Officer immediately if they are charged with or convicted of a serious criminal offence. A serious criminal offence is one that carries a penalty of 12 months or more imprisonment. A conviction or finding of guilt of a serious criminal offence constitutes misconduct under section 69 of the *Government Sector Employment Act 2013*.

In addition, if staff are charged, convicted or found guilty of any offence which may impact on their ability to undertake part or all of the inherent requirements of their role, staff must also notify their manager.

Staff may be suspended from duty until misconduct proceedings or the criminal charge has been dealt with.

If declared bankrupt or enter into an arrangement with creditors, under Clause 10 of the *Government Sector Employment Regulation 2014*, permanent and temporary employees must immediately inform the Chief Executive Officer in writing.

14.3. Complaints and grievance management

Any internal complaints or grievances should be reported directly with their manager, or Human Resources. The report will be assessed and, if necessary, investigated.

Principles of procedural fairness will be applied.

For further information on report and managing complaints and grievances, staff can refer to the Commission's Grievance Resolution Policy.

15. Breaches of the Code of Conduct

Behaviour that is contrary to this policy should be reported to their supervisor or manager (unless reporting as a public interest disclosure – see the Commission's Public Interest Disclosure Policy).

Each report will be evaluated to determine whether a formal process is required and action may be taken in relation to any conduct that contravenes the requirements of the Code of Conduct.

The matters to consider when deciding what action to take include:

- the seriousness of the breach;
- the likelihood of the breach occurring again;
- whether the employee has committed the breach more than once;
- the risk the breach poses to staff, stakeholders, and any other persons; and
- whether the breach would be serious enough to warrant action for misconduct.

The subject matter of any misconduct can also relate to an incident or conduct that happened outside of work or before the commencement of their employment. A breach of the Code of Conduct may constitute misconduct under the *Government Sector Employment Act 2013* and may result in any of the following actions:

- suspension and/or termination of employment;
- imposition of a fine;
- reducing remuneration;
- reducing classification or grade;
- assignment to a different role; or
- caution or reprimand.

16. Further information and resources

16.1. Internal Policies

- Greater Sydney Commission Grievance Resolution Policy
- Greater Sydney Commission Use of Official Resources – ICT policy
- Department of Planning and Environment Privacy Management Plan
- (Draft) Greater Sydney Commission Procurement Policy
- Greater Sydney Commission Prevention of Bullying and Harassment in the Workplace Policy
- Greater Sydney Commission Policy on Engaging with Lobbyists and Business Contacts Policy
- Greater Sydney Commission Grievance Resolution Policy
- Greater Sydney Commission Public Interest Disclosure Policy
- Department of Planning and Environment's Work Health and Safety Policy

16.2. Legislation

Commonwealth

- *Age Discrimination Act 2004*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992*
- *Fair Work Act 2009*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Workplace Gender Equality Act 2012*
- Independent Commission Against Corruption Act 1988 (ICAC Act)

NSW

- *Anti-Discrimination Act 1977*
- *Crimes Act 1900*

- *Crown Employees (Public Service Conditions of Employment) Award 2009*
- *Crown Employees (Planning Officers) 2016*
- *Government Information (Public Access) Act 2009*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Regulation 2014*
- *Industrial Relations Act 1996*
- *Public Interest Disclosures Act 1994*
- *Work Health and Safety Act 2011*
- *Government Information (Public Access) Act 2009 (NSW) (GIPA Act)*
- *Privacy and Personal Information Act 1998*
- *Health Records and Information Privacy Act 2002*
- NSW Public Service Commission's Ethical Framework
- *State Records Act 1998 (NSW)*
- *Constitution Act 1902 (NSW)*

16.3. Other resources

NSW Government Personnel Handbook

NSW Public Service Commission, *Behaving Ethically: a guide for NSW government sector employees*

Safework NSW, *Bullying Prevention Policy and Related Procedures*

Safework NSW, *The basics: Staying healthy at work*

16.4. Support and/or advice

Employee Assistance Program – (AccessEAP)

1800 818 728

info@accesseap.com.au

Safework NSW – Information, advice or assistance

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