

Melton City Council

Employee Code of Conduct

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A vibrant, safe and liveable City accessible to
all



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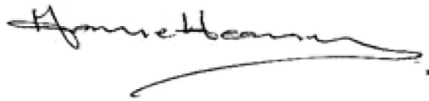
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PART 1 INTRODUCTION

The mission of Council is to nurture the aspirations of our community, promote respectful relationships and support growth through engagement, excellence, and inclusion.

This Code of Conduct supports our efforts, binding all Melton City Council employees, volunteers and contractors. While the Code is not exhaustive, it does help establish the expectations of Council, and provides a benchmark for positive and professional conduct aligned with our values.

By embracing the Code and working together in the spirit set down by our values, we can continue to build a great organisation that fully meets our responsibilities and commitments to our community.



Maurie Heaney

Acting Chief Executive Officer

PART 2 ABOUT MELTON CITY COUNCIL

2.1 MISSION

The City's mission statement acknowledges our role in planning for our future while professionally managing for our present community. Melton City Council will:

Nurture the aspirations of our community, promote respectful relationships and support growth through engagement, excellence, and inclusion.

Council is committed to providing the relevant support, services and infrastructure to meet the needs of our growing community. In doing this, Council is supporting people to fulfil their potential and aspirations in life whilst also supporting the community as a whole to be resilient.

We will continue to lead by example, being committed as an organisation to human rights, innovation and service excellence through the continued development of our staff, systems and processes. This investment will ensure we excel as a high performing organisation.

2.2 VIBRANT MELTON VALUES



We are **Vibrant MELTON**. Our values are

Motivate

We are motivated by:

- Our essential responsibility to strive and to deliver the best possible outcomes for community.
- Creativity, innovation, and co-design approaches, with people at the heart of everything we do.
- Our commitment to continuous improvement.
- Our ability to maximise our time and resources.
- The pride we take in our work and the quality of our outcomes.

Empower

We are empowered to:

- Involve others in solving problems, making decisions, and celebrate success.
- Encourage and recognise the contributions of others.
- Build capacity of staff and community.

- Take responsibility and be accountable for our decisions and actions.
- Be curious, think differently and try new things.

Lead

We lead by:

- Demonstrating our Vibrant MELTON Values.
- Embracing challenges and seeking to understand the drivers of future change.
- Encouraging creativity, innovation, design thinking and continuous improvement.
- Welcoming new ideas and ways of working from all levels of the organisation and community.

Trust

We build trust by:

- Demonstrating kindness, respecting all people and valuing differences.
- Learning from other's experiences and perspectives.
- Dealing with others fairly and equitably by actively listening and responding appropriately.
- Taking responsibility to follow through on the commitments we make.

Open

We demonstrate openness and integrity by:

- Creating an environment that fosters honest communication.
- Collaborating with community and partners to achieve outcomes.
- Developing clear plans, policies and procedures and consistently applying them.
- Being transparent, accessible and providing relevant and timely feedback.

Nurture

We nurture by:

- Supporting growth and learning to achieve organisational and community goals.
- Being responsible for the way we treat others, and the natural environment.
- Encouraging a sense of belonging by sharing knowledge and actively supporting colleagues and community.
- Enriching the wellbeing and needs of current and future communities.
- Recognising people and projects that exceed expectations, celebrating achievements individually and together.
- Supporting everyone to bring their whole selves to work.

2.3 COMMITMENT TO STAFF

Council recognises that its success depends on the skill, ability and commitment of our employees. In order to provide a rewarding and satisfying work environment for all employees, Council undertakes to:

- create an environment in which employees are treated with respect and courtesy;
- be fair and reasonable in dealing with employee concerns or issues;

- keep employees informed about Melton City Council, including regular communication on major issues or initiatives;
- regularly seek employee input and feedback on relevant programs or initiatives;
- provide adequate facilities and equipment;
- provide an environment that recognises the health and wellbeing of our employees is paramount and is free of threat of risk or injury;
- provide competitive remuneration;
- provide opportunities for professional development; and
- develop and promote a workplace culture of high performance which is empowering and provides opportunities for personal growth and development.

PART 3 EMPLOYEE CONDUCT

We expect that all Council staff, in the course of their employment, will:

- act impartially;
- act with ethically and with integrity, including avoiding real or apparent conflicts of interest;
- perform their duties to the best of their ability;
- treat other people with respect and courtesy;
- accept accountability for results; and
- provide responsive service.

3.1 LEADERSHIP

Staff with supervisory responsibilities are accountable for:

- leading by example;
- implementing the Council Plan;
- applying disciplinary procedures fairly and consistently;
- promoting high levels of customer service; and
- managing budget expenditure responsibly and within approved limits.

3.2 ATTENDANCE

Employees are expected to be punctual and regular in their attendance. Unless it is an emergency, employees should not be absent during their normal working hours without prior approval. When an employee is unavoidably absent from work, they should notify their direct Supervisor promptly, informing them of the type of leave being taken and a likely return to work date.

Refer:

Melton City Council Enterprise Agreement

3.3 COUNCILLOR AND EMPLOYEE RELATIONSHIPS

The Chief Executive Officer is responsible to the Council's elected representatives for the management and administration of Council. This includes the performance and direction of all employees through the organisation's management structures.

The *Local Government Act 2020* (s.124) precludes Councillors from instructing staff in the conduct of their duties. Employees are therefore not to take directions regarding their duties or the performance of their functions from a Councillor or any other elected representative. Employees approached in this way must refer the request to their Manager. Similarly,

employees are not to directly canvass, or lobby elected representatives on Council matters or staff issues.

Other than in the conduct of their elected roles, Councillors do not have any greater right to Council files and information than that which exist for community members. If a Councillor makes a direct approach requesting information, the request should be referred to the relevant Manager. Likewise, employees are not permitted to make a direct approach to Councillors requesting or providing any information in relation to Council business, unless specifically authorised by the relevant Manager/General Manager.

In all circumstances when staff and Councillors are engaged in communications, it is expected these communications with each other be conducted in a courteous, polite and respectful manner that is consistent with Council's Vision and Values.

3.4 CUSTOMER SERVICE

Employees are expected to deliver a high level of customer service to members of the community at all times, in a friendly, respectful, professional and courteous manner.

If an employee is unable to assist a member of the public or staff with a request, then the matter should be referred to the relevant person or department for help.

3.5 DRESS AND APPEARANCE

Employees are required to ensure their appearance is neat, clean and appropriate for their particular area of work, or when representing the Council during out of hours events. Where a uniform is provided, it must be worn in accordance with Council requirements. When wearing a uniform to and from work, staff members are expected to conduct themselves in a responsible and professional manner.

Refer:

Corporate Wardrobe and Dress Code Policy

3.6 LAWFUL AND REASONABLE DIRECTIONS

Staff are required to comply with any lawful and reasonable direction given by their Supervisor or Manager. If they have concerns about the request, they should contact the next responsible Officer in the organisational hierarchy.

3.7 PERSONAL CONDUCT

Personal conduct is to be consistent with the Code of Conduct and in accordance with the law and Council policies and procedures. Employees are expected to commit to Melton City Council's Vision and Values and provide a fully productive day's work each working day.

Employees are required to undertake their duties in a professional, responsible, conscientious and honest manner, and to act in the best interests of Council. When dealing

with fellow 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 allegations which are untrue or in bad faith. Physical or verbal abuse or harassment of any person or group of people is unacceptable.

Should personal or intimate relationships develop or exist between employees, they should be handled professionally and discreetly while at work or on Council premises. Such relationships are not to interfere with the performance and impartial fulfilment of an employee's duties, and must be reported to People & Culture if there is any risk that they may give rise to a conflict of interest (eg where a relationship is between two members of the same team, or within a reporting line). No sexual activity is permitted during hours of work on at any Council property or facility.

Employees are not permitted to possess or use unauthorised weapons of any sort while undertaking their duties or on Council premises or in Council vehicles.

Refer:

Managing Conduct Procedure and Managing Performance Procedure

Discrimination, Harassment and Bullying Policy

3.8 RESOURCES

Council resources are to be used effectively, economically and for their intended purpose. Employees are expected to minimise operating expenses wherever practicable and should make use of recycling facilities where provided.

3.9 WORK PERFORMANCE

While at work or performing Council duties, employees shall apply themselves solely to the performance of their duties and responsibilities. This includes employees permitted to work from home by prior arrangement. Employees should not use work time and facilities to undertake activities in relation to their personal, private, business or commercial interests such as sporting clubs, political organisations, hobbies and the like.

All employees are expected to meet agreed performance standards and objectives. Council's performance evaluation system, Cammstalent provides a formal platform to record agreed performance goals and measures, engage in regular feedback and guidance, provide support for knowledge and skill development, and reward for achievements. It is expected that employees will endeavour to continually improve their performance.

Refer:

Managing Performance Procedure

3.10 NOTIFICATION OF OFFENCES/REGULATORY CHECKS

Employees charged with an indictable offence or having received a legal sanction that affects their ability to perform their work must notify their Manager immediately. If you are

unsure as to whether the charge or sanction requires notification, you must notify your Manager or People & Culture.

PART 4 POLICIES AND LAWS

Employees have a principal responsibility to implement, administer and comply with Council's policies and procedures and applicable legislation. While it is acknowledged that employees' views on particular matters may sometimes differ from Council's position, such views must not interfere with the performance of an employee's duty. Specific policy documents can be accessed on the Intranet.

4.1 ALCOHOL, DRUGS AND SMOKING

Employees must not attend the workplace or perform their duties under the influence of alcohol, drugs or other substances.

Alcohol may not be consumed during working hours, unless in a reasonable business or civic context, or without the express permission of a direct supervisor.

Possession, use or trafficking of illegal drugs during working hours is not permitted. Any such breach will be immediately referred to Victoria Police and Council will take disciplinary action.

Employees who are taking prescribed drugs which may affect their performance or their capacity to safely perform their duties should inform their Manager. If you are unsure as to whether the prescribed drugs may have an impact on your role, you should seek advice from a registered medical practitioner. This is to ensure workplace safety is not jeopardised and that any performance impact is properly managed. Any information which you provide to Council in relation to prescribed medication will be handled confidentially and will only be disclosed on a need-to-know basis.

Smoking is not permitted in Council vehicles, Council buildings or in the immediate vicinity of entrances to Council buildings, unless the area is explicitly designated as a smoking zone. Staff should only smoke in their own time or during agreed breaks as set out in the Enterprise Agreement or as agreed with their Supervisor.

Refer:

Melton City Council Enterprise Agreement

4.2 CHARTER OF HUMAN RIGHTS

Employees are to respect and adhere to the [Victorian Charter of Human Rights and Responsibilities Act 2006](#). Council supports the four (4) key principles of the Charter which are Freedom, Respect, Equality and Dignity. Employees are expected to treat people in accordance with these principles. Employees must consult with their manager and the Manager Legal and Governance before making any decision which may affect another person's human rights.

4.3 MEDIA CONTACT

Only the Mayor or a person delegated by the Mayor is authorised to provide official comment to the media on behalf of the Councillors. The Chief Executive Officer is the official spokesperson for all operational matters pertaining to Melton City Council as an organisation. The Chief Executive Officer may delegate authority to a Council Officer if appropriate. All media enquiries must be referred to the Communications Unit.

Employees are not permitted to contact the media and provide information in relation to Council business. Information may only be provided by the Chief Executive Officer, a Council Officer who has been delegated specific authority to provide specific information, or the Communications Unit.

Refer:

Media Policy

4.4 EQUAL OPPORTUNITY, DISCRIMINATION AND BULLYING

Council is committed to providing all staff with a safe and productive environment, free from discrimination, harassment, bullying and occupational violence.

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

Council requires all staff to observe all relevant Victorian and Commonwealth legislation and Council's Discrimination, Harassment and Bullying Policy. All employees must demonstrate sensitivity to the diversity within Council and the wider community moreover diversity and inclusion according to Council values, is encouraged in all business and workplace practices because it will improve Council and operational decision making and culture.

Refer:

Discrimination, Harassment and Prevention of Bullying Policy

4.5 OCCUPATIONAL HEALTH AND SAFETY AND RISK MANAGEMENT

Council is committed to providing and maintaining a safe and healthy workplace for all staff, contractors, volunteers and members of the public.

The Chief Executive Officer, General Managers, Coordinators and Supervisors must ensure that their staff and others working on behalf of Council know the relevant safety standards and statutory obligations.

When at work, a staff member must:

- take reasonable care for their own health and safety, including the use of personal protective equipment (PPE);
- take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions in the workplace;

- comply with all directions and instructions from Council on safety matters, including any safety systems, policies and procedures;
- not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health and safety; and
- report any safety hazard or incident immediately to their Coordinator, Manager or OHS Representative.

Refer:

Occupational Health and Safety (OH&S) Policy

4.6 MOBILE PHONES, 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, and where applicable, in accordance with the Council's Internet, Intranet and Email Usage Policy. Employees supplied with a mobile phone must adhere to Council's *Information Technology Computer Access and Device Procedure*.

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 policies set out the specific conditions and protocols that apply to staff when they use computing and telecommunications services and equipment.

Refer:

Information Technology Computer Access and Device Procedure

4.7 SOCIAL MEDIA

For business or personal purposes, social media and digital applications can deliver a wide range of benefits.

Council's Social Media Policy applies to both work and personal use of social media, setting out the specific conditions and protocols to be observed when using online tools.

The Social Media Policy does not apply to personal use of social media where:

- the author publishes information in their personal capacity and not on behalf of, or in association with Melton City Council
- no reference is made to Melton City Council, its Councillors, staff, policies and services, suppliers, key stakeholders or Council related issues.

Any personal use of social media during work hours should be kept to a minimum and not impede or interfere with work.

Melton City Council actively monitors social media for contributions that may impact on the municipality, its operations and reputation made by staff, volunteers, contractors or members of the public.

Refer:

Social Media Policy

4.8 USE OF COUNCIL EQUIPMENT, ASSETS, INTELLECTUAL PROPERTY AND SERVICES

Employees must not misuse or make improper use of Council equipment, assets, information, intellectual property or the services of other Council employees.

When using Council equipment, employees are required to follow any applicable instructions, manuals or directions from Council, so as to avoid personal injury and material damage.

Examples of misuse of Council equipment, resources and intellectual property include:

- copying computer software programs for personal or other non-Council related use 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;
- personal phone calls of an unreasonable number and duration;
- falsifying, manipulating or destroying business records in contravention of the [Public Records Act 1973](#);
- using Council equipment or vehicles for personal or commercial gain, including borrowing for private use;
- requesting that Council staff perform personal services or works (other than through appropriate channels for making service requests through Council).

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

Refer:

Information Technology Computer Access and Device Procedure

Motor Vehicle Policy

PART 5 CONFLICT OF INTEREST

5.1 CONFLICT OF INTEREST

Employees must ensure there is no conflict or incompatibility between their personal interests, whether pecuniary (relates to money) or non-pecuniary, and the impartial fulfilment of their Council duties. Members of the public should be confident that Council employees make decisions free of any conflict of interest. This is also a matter of perception: Council employees should avoid situations where a member of the public would perceive that they have a conflict of interest.

An employee has a conflict of interest when they have a personal or private investment, connection or relationship to a matter under consideration that might compromise their ability to act in the public interest. Employees are required by law to disclose any conflicts of interest which relate to the performance of their duties, however they arise. Some particular circumstances in which conflicts of interest may arise include:

- when exercising delegated powers or statutory functions;
- when a member of a relevant committee;
- when providing advice to Council; and
- when making or participating in the making of decisions on behalf of Council.

A conflict of interest exists even if no improper act results from it.

The *Local Government Act 2020* outlines two broad categories of conflicts of interest: material conflicts, and general conflicts.

Material conflicts of interest

A material conflict of interest exists where an “affected person” stands to gain a benefit or suffer a loss, depending on the outcome of a particular matter.

An affected person includes:

- the employee;
- a member of their family (extending out to grandparents and grandchildren of the employee or their spouse, and other relatives who regularly reside with the employee);
- an organisation where the employee or their spouse (regardless of gender) is a director or on the governing body;
- another employer of the employee (unless it is a public body such as a government department, another Council, or a body established for a public purpose by law);
- the employee’s business partner or partners;
- any person or organisation for whom the employee is a consultant, contractor or agent;

- any beneficiary under a trust or an object of a discretionary trust of which the employee is a trustee; or
- any person or organisation from whom the employee has received a disclosable gift (discussed in 5.2 – Gifts (including benefits and hospitality)).

The concept of a benefit or a loss includes direct and indirect benefits or losses.

A direct benefit or loss occurs when the employee is the recipient of the benefit or suffers the loss themselves. An indirect benefit or loss occurs when the employee is affected as an indirect effect of a decision, or because of the impact on another person or organisation.

For example, if an employee's stepson infringes a local law, a decision to take or not to take enforcement action against the step-son will give rise to a direct benefit or loss to the step-son. The employee would have a material conflict of interest in relation to that decision.

A decision in relation to a planning permit for an employee's neighbour is likely to give rise to an indirect benefit or loss to the employee, in terms of their residential amenity or the parking arrangements in their street. The employee would have a material conflict of interest in relation to that decision.

General conflicts of interest

A general conflict of interest exists if an impartial, fair minded person would consider that an employee's private interests could result in that person acting in a manner contrary to their duties to Council.

A private interest can include financial interests, but also covers close friendships or personal associations with people or organisations who stand to benefit from a Council decision. For example, an employee is a member of a local football club, there may be a perception that they would have a conflict of interest in matters relating to that club or its members. It can also extend to previous employers, if the person was employed there for a number of years.

The concept of an impartial, fair minded person is intended to capture what a member of the public would think if they had all of the relevant information about the situation. For example, if an employee was required prepare a report recommending that a tender be awarded to a particular contractor, and one of the candidates in the tender had been the best man at the employee's wedding, an impartial, fair minded person might expect that the employee's friendship with the candidate might affect the performance of the employee's public duties.

Disclosing conflicts of interest

It is your responsibility to identify and disclose conflicts of interest as soon as practicable after you become aware of their existence.

If an employee has a conflict of interest they must disclose the relevant interests to their Manager or appropriate Council officer, and then step aside from the relevant decision making process or from the process being undertaken. If an employee is in doubt as to whether a conflict exists, they must raise the issue with their Manager. If the Manager and the employee are satisfied that there is no conflict of interest, or that an exemption applies, then that assessment must be documented, and if the Manager considers it appropriate, the employee may participate in the relevant process. If the Manager is uncertain, they must raise the matter with the Manager Legal and Governance.

Council officers and Council contractors are also required to disclose any direct or indirect interest they have when providing a report or advice to the Council or to a Special Committee of the Council.

Exceptions

The circumstances set out below do not constitute conflicts of interest. However, even if an employee considers that these circumstances apply, they should discuss the situation with their Manager immediately. An employee does not have a conflict of interest if:

- their interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the relevant person's actions or decisions;
- their interest is held in common with a large group of other residents or ratepayers are likely to be affected to the same extent by the decision;
- they have no knowledge of the circumstances that give rise to the conflict, and they could not reasonably be expected to know of those circumstances;
- they are Council's representative on a not-for-profit organisation, and the matter involves that organisation, as long as the employee receives no personal advantage from the organisation;
- the conflict would only arise because their family member is a member (not an office holder) of a not-for-profit organisation;
- they are a member of a not-for-profit organisation which has advocated for or expressed an opinion about a matter.

Refer:

LGV: In the Public Interest – A conflict of interest guide for councillors, delegated committee members and council staff (October 2020)

5.2 GIFTS AND HOSPITALITY

Employees must advise their Manager when they are offered, accept or refuse a disclosable gift in the course of their duties. A gift includes any good or service (other than volunteer labour) that is provided for free or for less than its normal selling price. This includes property (real or otherwise), entertainment, accommodation, travel, tickets to sporting events, corporate hospitality or meals, payments of money or the provision of financial guarantees.

Under no circumstances must cash or cash equivalent be accepted, and employees must not accept gifts or benefits where it could be perceived to influence the fair, impartial and efficient discharge of their public duty.

Where an employee accepts a gift or benefit, a *Gifts and Benefits Declaration Form* must be completed and submitted to the department Manager. The authorising General Manager must record the decision in relation to any gift or benefit exceeding \$50. All gifts and acts of hospitality, regardless of their value, must be declared.

Employees must be aware that receiving a gift (or gifts) exceeding total of \$500 in value (in the preceding five years) from a single source is known as a “disclosable gift”. A disclosable gift triggers conflict of interest provisions within the Local Government Act (see 5.1 Conflict of Interest).

If an employee receives an anonymous gift, the employee should inform their manager. If returning the gift is impossible or impracticable (due to the anonymity of the donor), the employee must donate the gift to Council as soon as practicable after receiving it.

Refer:

Gifts (including Benefits and Hospitality) Procedure

5.3 IMPROPER OR UNDUE INFLUENCE

Employees are expected to perform their duties in the best interests of Council and the municipality at all times. That means ensuring that they are not subject to undue influence from any other person – whether that person is an external person or organisation, a Councillor, or a member of Council staff.

Improper influence includes bribery, coercion, and any other practice which might induce a person to perform their duties other than in the public interest.

If an employee believes that another person is attempting to influence them in the performance of their duties, they should immediately report the incident or the circumstances to their Manager or the Manager Legal and Governance.

Employees must not attempt to use their position to improperly influence other members of staff, contractors, Councillors or members of the public in the performance of their duties or functions, in order to gain a direct or indirect advantage for themselves or any other person or body.

5.4 OTHER EMPLOYMENT OR UNPAID ACTIVITY

Employees are entitled to engage in other employment or unpaid activities which do not conflict with their Council duties. Other employment includes a second job, conducting a business, trade or profession. Unpaid activities may include activities such as volunteering or sitting on a board external to the Melton City Council.

The employment or activity the staff member is undertaking must not:

- interfere with the performance of duties while on Council duty;
- involve confidential information or resources obtained through their employment with the Council;
- discredit or disadvantage the Council; or
- interfere with Council’s transparent business practices.

If there could be an impact on Council business, or a perception of a conflict of interest, the employee must seek approval from their relevant Manager to commence or continue in the employment or unpaid activity.

5.5 CONTRACTING FOR COUNCIL SERVICES

If an employee intends to contract for a Council service, either individually or as part of a consortium, the employee must resign from Council before doing so. Current employees are not able to enter into a contract for Council services.

These requirements are critical to avoid actual or perceived conflicts of interest.

PART 6 APPROPRIATE USE OF COUNCIL INFORMATION

6.1 INFORMATION TO BE USED FOR COUNCIL PURPOSES ONLY

Employees may have access to sensitive or commercial information relating to staff members, the public or the financial operations of Council. This information is to be used or disclosed for Melton City Council purposes only and must remain secure and confidential. It is important that the community has confidence that information acquired by Council is only used or disclosed for Council purposes.

Employees must not use Council information to gain an improper advantage for themselves or any other person. Furthermore, Council information is not to be used in any way intended to cause harm or detriment to any person, group or organisation.

Where the information includes personal or sensitive information about a person (such as information about their health, ethnicity, religion, sexuality, etc), any use or disclosure of that information must be consistent with Council's Privacy Policy (see 6.3 Privacy and Data Protection).

Refer:

Privacy Policy

Confidentiality Policy

6.2 UNAUTHORISED USE OR DISCLOSURE OF COUNCIL INFORMATION

Unauthorised use or disclosure of Council information, including the misuse of intellectual property such as financial figures, contractual arrangements, buying terms, suppliers, agreements and other commercially sensitive information is prohibited.

Disclosing information revealed during discussions, Council, Committee or staff meetings, in which confidentiality might reasonably be expected, is also prohibited.

Non-compliance may result in criminal charges.

Refer:

Privacy Policy

Confidentiality Policy

6.3 PRIVACY AND DATA PROTECTION

Council has developed guidelines to ensure confidential personal information is not released. All personal information collected and stored by Melton City Council is to be handled, used and disclosed in a transparent and responsible manner in accordance with the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* and Melton City Council's Privacy Policy.

Refer:

Privacy Policy

Confidentiality Policy

HR Records Policy

6.4 RECORD KEEPING

Where appropriate, staff must record and store securely relevant actions and decisions within Council's electronic records management system.

All recorded documentation should be to a standard that withstands scrutiny in accordance with Council's guidelines, legislative requirements and timeframes.

Staff dealing with sensitive or confidential information must securely store such information in accordance with Council policy.

Refer:

Information Technology Computer Access and Device Procedure

6.5 CONFIDENTIAL INFORMATION/PROPERTY TO BE RETURNED UPON LEAVING

Upon ceasing employment with Melton City Council for any reason, an employee must return all confidential information (whether in digital or paper format) and Council property in their possession to their Manager.

PART 7 BREACHES OF THE CODE OF CONDUCT

Melton City Council is committed to the standards set out in the Code of Conduct. Each employee is personally responsible and accountable for their performance and behaviour in the workplace.

There may be instances where employees do not meet these standards or are alleged to have breached the Code of Conduct. Employees will be given the opportunity to respond to any alleged breach.

Depending on the nature of any established breach, Council may implement counselling or disciplinary processes to ensure the employee's future behaviour or performance meets the appropriate standard. Depending on the circumstances and the nature of the conduct, Council may dismiss an employee for a contravention of the Code of Conduct.

Managers are responsible for applying disciplinary procedures fairly and consistently.

Refer:

Managing Conduct Procedure

7.1 FRAUDULENT AND CORRUPT CONDUCT

Melton City Council employees must not engage in fraudulent or corrupt conduct.

Fraudulent behaviour is deliberately dishonest activity that causes actual or potential financial loss to any person, organisation or to Council, or creates an improper financial gain for any person or organisation. Corrupt conduct includes any dishonest or improper use by an employee of their position to create a personal advantage for themselves or any other person.

Fraudulent or corrupt activities may include:

- unauthorised use of Council's plant, furniture, equipment and records;
- accepting gifts from contractors, consultants or customers, without declaring on the gifts and benefits register; or
- misappropriation of Council funds.

It is the responsibility of all employees to set an example through the ethical and prudent use of Council assets and resources.

All incidents of fraud and corruption will be investigated and where appropriate reported to the appropriate body for investigation and prosecution, whether it be Victoria Police, Australian Federal Police, or the Independent Broad-based Anti-Corruption Commission. Council will seek financial recovery of losses in all cases. Civil proceedings will be initiated where appropriate.

Refer:

Fraud Control Policy, Fraud Control Procedure

Gifts (including Benefits and Hospitality) Procedure

7.2 SERIOUS MISCONDUCT

In some cases, unacceptable behaviour or performance may constitute serious misconduct. In these circumstances, when there has been a substantial breach of the Code of Conduct, employees may be subject to summary (instant) dismissal. While not an exhaustive list, the following behaviours are considered serious misconduct:

- possession, consumption or trafficking of illegal drugs during working hours or undertaking any other illegal activities;
- reporting to work under the influence of alcohol or illegal drugs;
- consuming alcohol during working hours without a reasonable civic or business context, or without permission from a direct supervisor;
- unauthorised possession of any weapons on Council premises or in Council vehicles;
- unauthorised representations to the media;
- stealing from Council, fellow employees or customers;
- deliberately misleading or defrauding Council, fellow employees or customers;
- deliberately damaging Council property or equipment;
- not following lawful and reasonable directions;
- any deliberate breach of Council policies and procedures;
- unauthorised dissemination of Council business information or personal data;
- neglect in performing tasks which may result in significant loss or damage to the Council or other employees;
- carrying out duties in a manner which may cause injury to the employee, other employees or a customer;
- physically striking or making threats of violence to a fellow employee, Councillor or member of the public;
- discrimination and harassment, including sexual harassment, bullying and victimisation;
- engaging in sexual activity on Council premises; and
- conviction for an indictable offence where the offence is relevant to the employee's duties or is likely to bring Council into disrepute.

The disciplinary action taken will depend on the seriousness of the breach and other surrounding circumstances. All disciplinary action will be taken in accordance with Enterprise Agreement provisions and Council policies and procedures.

Refer:

Melton City Council Enterprise Agreement

Managing Conduct Procedure

7.3 REPORTING BREACHES OF THE CODE OF CONDUCT

Employees, contractors and volunteers have a duty to report any apparent breach of the Code of Conduct. If the employee is reluctant to make a report about a Code of Conduct breach to their Manager, they may report the incident directly to the Protected Disclosure Coordinator. The *Public Interest Disclosures Act 2012* provides confidentiality and protection for a person who makes a disclosure against reprisals for disclosing information about improper conduct.

Refer:

Protected Disclosure Procedure

Please see your Manager or contact People and Culture for further information or clarification on any aspect of the Code of Conduct.