

A Proud Community Growing Together



Melton City Council Employee Code of Conduct

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PART 1 Introduction

The mission of Council is to support the growth, wellbeing and aspirations of our community through leadership, excellence and inclusion.

It is a very significant task, and your actions are critical to delivering on this commitment by:

- acting with honesty and integrity
- behaving with courtesy and respect
- working diligently and lawfully
- respecting the resources entrusted to you by the community.

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 appropriate behaviours.

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.

Kelvin Tori

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;

Support the growth, wellbeing and aspirations of our community through leadership, excellence and inclusion.

Council is committed to providing the relevant support and essential services that meet the challenges associated with population growth and the related needs of accessible services and infrastructure.

In undertaking this, Council is supporting the quality of life of our residents and assisting both individual needs and community aspirations. We wish to create an environment that supports local resilience and provide opportunities to meet our community's desires, hopes, goals and ambitions.

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

2.2 VALUES

Our values are an important expression of who we are as an organisation, introducing an ethical framework to the way we do business and engage with our communities.

Our values are the fundamental building blocks of our character and reputation, who we are and how we are seen by others.

Our values are:

- Continuous Improvement
- Recognition
- Accountability
- Fairness
- Teamwork.

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
- develop and promote a workplace culture of high performance which is empowering and provides opportunities for personal growth and development.

PART 3 EMPLOYEE CONDUCT

The *Local Government Act* 1989 (s.95) sets out that Council staff, in the course of their employment, must:

- act impartially
- · act with integrity, including avoiding real or apparent conflicts of interest
- · accept accountability for results
- 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
- 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* 1989 (s.76E) 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 particular 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.

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 DIRECTION

Staff are required to comply with a 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 days 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 untrue or improper allegations. Physical or verbal abuse or harassment of any person or group of people is unacceptable, and will be dealt with in accordance with Council's disciplinary procedures.

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. 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.

Refer:

Disciplinary Policy, Disciplinary 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 (PES) 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:

Performance Development Policy

Performance Development 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.

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, 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 arrive for work 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 should inform their Manager. This is to ensure workplace safety is not jeopardised and that any performance impact is properly managed.

Smoking is not permitted in Council vehicles, Council buildings or in the immediate vicinity of entrances to Council buildings, unless 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.

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 Council. 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.

Any breach of this provision will be considered serious and wilful misconduct in accordance with Part 7 of this Code of Conduct.

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 Councils Discrimination, Harassment and Bullying Policy. All employees should demonstrate sensitivity to the diversity within Council and the wider community.

Refer:

Discrimination, Harassment and 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
- cooperate with respect to any action taken by Council to establish and maintain occupational health and safety systems and procedures
- must not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health and safety

 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 Mobile Device Policy.

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

Council policies set out the specific conditions and protocols that apply to staff when they use computing and telecommunications services and equipment. The policies set out unacceptable practices which may result in disciplinary action, including possible summary dismissal.

Refer:

Internet, Intranet and Email Usage Policy
Information Technology Mobile Device Policy

4.7 SOCIAL MEDIA

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

In both instances, Council's Social Media Policy applies, setting out the specific conditions and protocols to be observed when using online tools. These include unacceptable practises which may result in disciplinary action, including possible summary dismissal.

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 the instructions to avoid personal injury and material damage.

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

- copying computer software programs regardless of whether or not the programs are protected by copyright
- use of Council letterhead, paper or postage when corresponding on personal or other matters not directly related to the Council
- unauthorised use of Council's logo
- 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 for personal or commercial gain, including borrowing for private use.

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

Refer:

Information Management Policy

Motor Vehicle Policy

Internet, Intranet and Email Usage Policy

Information Technology Mobile Device 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.

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. Situations where employees are required by law to disclose conflicts of interest include:

- when exercising delegations
- when a member of a relevant committee
- when providing advice to Council
- other disclosures (advice to staff, public enquiries, other duties as a Council officer).

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

A conflict of interest also exists where an employee has one or more of the following six types of indirect interest:

- An indirect interest because of a **close association** with a family member, relative or household member who has a direct or indirect interest.
- An **indirect financial interest**, including holding shares above a certain value in a company with a direct interest.
- Having a **conflicting duty** when you or a member of your family has a duty (or previous duty) to another person or club, committee, organisation (for example as a committee member of a club with a direct interest).
- Having received an applicable gift (a gift or gifts) received in the past five (5) years from a person or other, where the total value is at least \$500.
- Being a **party to the matter** if you or a member of your family have been a party to a civil proceedings relating to a matter.
- An indirect interest because of potential impact on your residential amenity or that
 of your family.

It is your responsibility to identify and disclose conflicts of interest. If an employee is in doubt as to whether a conflict exists, they must raise the issue with their Manager.

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.

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.

Refer:

DPCD Conflict of Interest – A guide for Council Staff (October 2011)

5.2 GIFTS AND HOSPITALITY

Employees must advise their Manager when they are offered, accept or refuse a gift in the course of their duties. A gift may constitute goods or services (including goods and services at heavy discounts), property (real or otherwise), entertainment, accommodation, travel, tickets to sporting events, corporate hospitality or meals.

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.

Employees must be aware that receiving a gift (or gifts) exceeding \$500 in value (over five years) from a single source is known as an 'applicable gift'. An applicable gift triggers conflict of interest provisions within the Local Government Act (see 5.1 Conflict of Interest) in which the employee must no longer exercise judgement or powers in relation to the donor.

All gifts and acts of hospitality, regardless of their value, must be declared.

Refer:

Gifts and Benefits Procedure

5.3 IMPROPER OR UNDUE INFLUENCE

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
- 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. Failure to do so may result in disciplinary action. The level of the disciplinary action will depend on the seriousness of the matter.

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.

5.6 RELATIVES AND CLOSE FRIENDS

A conflict of interest can arise where an employee makes or participates in decisions affecting another person with whom they have a personal relationship, such as a relative, spouse, close friend or personal associate.

Examples of such situations include the selection, appointment or promotion of staff, purchasing of goods or services and the enforcement of regulations.

In cases where a conflict may arise, employees must advise their Manager and disqualify themselves from dealing with those persons.

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 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 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.

Inappropriate use of Council information will result in disciplinary action. The level of disciplinary action will depend on the seriousness of the matter.

Refer:

Privacy Policy

Confidentiality Policy

6.2 UNAUTHORISED DISCLOSURE OF COUNCIL INFORMATION

Unauthorised 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 INFORMATION PRIVACY

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 *Information Privacy Act* 2000, the *Health Records Act* 2001 and Melton City Council's Privacy Policy.

Refer:

Privacy Policy

Confidentiality Policy

OD/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 Councils guidelines, legislative requirements and timeframes.

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

Refer:

Information Management Policy

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 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. During consequent investigation, employees will be given the opportunity to respond to any alleged breach.

Depending on the nature of any breach sustained, Council will implement counselling or disciplinary processes to ensure the employee's future behaviour or performance meets the appropriate standard.

Managers are responsible for applying disciplinary procedures fairly and consistently.

Refer:

Disciplinary Policy, Disciplinary Procedures

7.1 FRAUDULENT AND CORRUPT CONDUCT

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

Fraudulent behaviour is dishonest activity that causes actual or potential financial loss to any person, organisation or to Council. 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.

It is the responsibility of all employees to set an example through the ethical and prudent use of Council assets and resources. Employees must act with integrity at all times.

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
- misappropriation of Council funds.

All incidents of fraud and corruption will be investigated and where appropriate reported to the police for prosecution. 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 and Benefits Procedure

7.2 SERIOUS AND WILFUL MISCONDUCT

In some cases, unacceptable behaviour or performance may constitute serious or wilful 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 and wilful 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 authorised directives
- serious and deliberate breach of Council policies and procedures
- unauthorised dissemination of Council business information or personal data
- serious and deliberate neglect in performing tasks which may result in significant loss or damage to the Council or other employees
- deliberately carrying out duties in a manner which may cause injury to the employee, other employees or a customer
- being negligent or irresponsible in the performance of duties, resulting in damage to Council reputation or a breach of occupational health and safety policy
- physically striking or making threats of violence to a fellow employee, Manager or member of the public
- discrimination and harassment, including sexual harassment, bullying and victimisation
- engaging in sexual activities on Council premises
- 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. All disciplinary action will be taken in accordance with Enterprise Agreement provisions and Council policies and procedures.

Refer:

Melton City Council Enterprise Agreement
Disciplinary Policy, Disciplinary Procedures

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 *Protected Disclosure 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 (in draft)

Please see your Manager or contact the Organisational Development Unit for further information or clarification on any aspect of the Code of Conduct.

PART 8 STATEMENT OF ACKNOWLEDGEMENT

I have read and understand the Melton City Council, Employee Code of Conduct (2014).
Employees name (print):
Position:
Business Unit:
Signature:
Date:

This Code of Conduct was endorsed by the CEO and Executive Team 5 March 2014.