



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Employee Conduct Policy

Approved by:	Executive
Responsible Division:	Business Excellence - People and Culture
First Issued/Approved:	6 April 2018
Last Reviewed:	6 April 2023
Next Review Date:	6 April 2028

1. Purpose

- 1.1 City of Salisbury employees must comply with the provisions of this Policy in carrying out their functions as public officers. It is the personal responsibility of employees to ensure that they are familiar with, and comply with, the standards in the Policy at all times. All employees will complete training and education to assist them meet their responsibilities under the Employee Conduct Policy.
- 1.2 This Policy does not exclude the operation of the *Fair Work Act 1994 (SA)*, the rights of employees and their Unions to pursue industrial claims, or any relevant Awards or Enterprise Agreements made under the *Fair Work Act 1994 (SA)*. This Policy does not affect the jurisdiction of the South Australian Employment Tribunal (SAET).

2. Scope

- 2.1 This Policy applies to all employees of the City of Salisbury.

3. Legislative Requirements and Corporate Policy Context

- Work Health and Safety Act 2012 (SA)
- Work Health and Safety Regulations 2012 (SA)
- Local Government Act 1999
- Independent Commission Against Corruption Act 2012
- Public Interest Disclosure Act 2018

- Criminal Law Consolidation Act 1935

4 Principles – Overarching Statement

- 4.1 City of Salisbury employees have a commitment to serve the best interests of the people within the community and to discharge their duties conscientiously and to the best of their ability.
- 4.2 Employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to the Council.
- 4.3 Employees will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of the Council is strong.
- 4.4 Employees will respect the law, and the resolutions made by the elected member body of the Council.
- 4.5 The Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.
- 4.6 Employees will make reasonable endeavours to ensure that they have such current knowledge of both statutory requirements and best practices relevant to their position as is drawn to their attention by the City of Salisbury.
- 4.7 Employees will demonstrate the City of Salisbury ReACH values (Respectful, Accountable, Collaborative, Helpful) in line with our Vision to deliver exceptional community experiences, quality outcomes and create a great place to work.

5 Policy Statements

5.1 Conduct required of City of Salisbury employees

- 5.1.1 In line with the principles above, the following behaviour is considered essential to upholding the principles of good governance in the City of Salisbury.
- 5.1.2 Contravention of, or a failure to, comply with an integrity provision and/or behaviour standard within this policy can constitute a ground for disciplinary action against the employee, including dismissal, under the Procedures for Managing Unacceptable Performance.
- 5.1.3 Employees must also comply with all relevant statutory requirements within the *Local Government Act 1999*, the *Work Health and Safety Act (SA) 2012* and other Acts. A failure to comply with these statutes, as identified within this section, can also constitute a ground for disciplinary action against the employee, including dismissal, under the Procedures for Managing Unacceptable Performance.

5.1.4 The City of Salisbury acknowledges that Employees and contractors may be related to one another or may develop consensual intimate relationships with each other. Whilst respecting an Employee's right to privacy, the potential for conflict, or perceived conflict of interest between personal/family responsibilities and work responsibilities may arise. Whilst there is no requirement to disclose personal relationships; Employees must disclose to their manager or to People & Performance if the person declaring the potential conflict of interest reports to the person that the conflict may be related to.

Examples of potential conflict or perceived conflict of interest may include:

- 5.1.4.1 Nepotism in recruitment or favourable treatment to family members;
- 5.1.4.2 Relationships between managers and employees;
- 5.1.4.3 Competing business interests;
- 5.1.4.4 External employment;
- 5.1.4.5 Gifts and benefits (refer to the Gifts and Benefits Policy);
- 5.1.4.6 Related to clients.

Note: the examples above are not all inclusive.

5.2 Employees will:

5.2.1 Employee Integrity and Behaviour

- 5.2.1.1 Act honestly in the performance of official duties at all times, as required by Section 109(1) of the *Local Government Act 1999*.
- 5.2.1.2 Act with reasonable care, diligence and integrity in the performance of official duties, as required by Section 109(2) and (3) of the *Local Government Act 1999*.
- 5.2.1.3 Discharge duties in a professional manner.
- 5.2.1.4 Act in a way that generates community trust and confidence in the City of Salisbury.
- 5.2.1.5 Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 5.2.1.6 Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.
- 5.2.1.7 An employee of Council must comply with the integrity provisions of the *Local Government Act 1999*, relating to employees.

5.2.2 Responsibilities as a City of Salisbury Employee

- 5.2.2.1 Comply with all relevant policies, codes and resolutions of which they have been made aware, relevant to their particular role.
- 5.2.2.2 Deal with information received in their capacity as an employee in a responsible manner and only access corporate records on an "as needs basis" as required for the Employee's specific respective roles and responsibilities.
- 5.2.2.3 Endeavour to provide accurate information to the Council and to the public at all times.
- 5.2.2.4 Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct, and that all relevant information has been obtained and is considered.
- 5.2.2.5 Not release or divulge information that the City of Salisbury Council or Chief Executive Officer has ordered be kept confidential, or that the employee should reasonably know is information that is confidential, including information that is considered by the City of Salisbury or the Chief Executive Officer in confidence, or any confidentiality requirements under the *Ombudsman Act 1972* and the *Independent Commissioner Against Corruption Act 2012*.
- 5.2.2.6 Not make improper use of information, including confidential information, acquired by virtue of their position.
- 5.2.2.7 Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.

5.2.3 Relationships within the City of Salisbury

- 5.2.3.1 Not make any public criticism of a personal nature of fellow City of Salisbury employees or Council members.
- 5.2.3.2 Take reasonable care that acts or omissions do not adversely affect the health and safety of other persons, as required by the *Work Health and Safety Act (SA) 2012*.
- 5.2.3.3 Direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive Officer or nominated delegate/s.

5.2.4 Use of City of Salisbury Resources

- 5.2.4.1 Employees using City of Salisbury resources must do so effectively and prudently when undertaking their work.
- 5.2.4.2 Employees must not use City of Salisbury resources, including the services of City of Salisbury employees, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 5.2.4.3 Employees must not use public funds or resources in a manner that is irregular or unauthorised.

5.3 Register of Interests

- 5.3.1 Pursuant to section 111 of the *Local Government Act 1999*, the Chief Executive Officer and those employees of a class as declared by Council must adhere to the statutory requirements to lodge a primary return and submit an ordinary return in accordance with Sections 113, 114 and 115 of the *Local Government Act 1999*

5.4 Chief Executive Officer

- 5.4.1 The Chief Executive Officer must act in accordance with the provisions specific to their position within the *Local Government Act 1999* at all times.

5.5 Complaints

- 5.5.1 Any person may make a complaint about a City of Salisbury employee under this Policy.
- 5.5.2 Complaints about an employee's behaviour that is alleged to have breached this Policy should be brought to the attention of the Chief Executive Officer, or a delegated person.
- 5.5.3 Complaints about the Chief Executive Officer's behaviour that is alleged to have breached the Policy should be brought to the attention of the Council's Principal Member.
- 5.5.4 A complaint may be investigated and resolved according to the City of Salisbury's Managing Unacceptable Performance Procedure.
- 5.5.5 In considering the lodgement of a complaint against an employee, Public Officers should be mindful of the obligations outlined in the Independent Commissioner Against Corruption Directions and Guidelines and Ombudsman Directions and Guidelines and the *Public Interest Disclosure Act 2018* and associated policy.
- 5.5.6 Nothing in this Policy in any way derogates from the rights of an employee or duties of an employer under the *Fair Work Act 1994 (SA)*,

other legislation, an award, an industrial agreement or contract of employment.

5.6 Criminal Matters

5.6.1 The matters within this section are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Employee Conduct Policy.

5.6.2 Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct, and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of employees.

5.7 Ombudsman and Office of Public Integrity

5.7.1 Alleged breaches relating to a reasonable suspicion of corruption should be reported to the Office for Public Integrity in the first instance. A reasonable suspicion of misconduct or maladministration can be reported to the Ombudsman.

5.8 Breaches of the *Local Government Act 1999*

5.7.1 Provision of false information

Where an employee submits a return under Chapter 7 Part 4 Subdivision 2 (Register of Interests) and knowingly provides false or misleading information on a material particular (whether by reason of information included in or omitted from the return) will be guilty of an offence (Section 117 of the *Local Government Act 1999*).

5.7.2 Restrictions on Disclosure

An employee must not disclose to any other person any information furnished pursuant to Chapter 7 Part 4 Subdivision 2 (Register of Interests), unless the disclosure is necessary for the purposes of the preparation or use of the Register by the Chief Executive Officer or is made at a meeting of the Council, a Council committee or a subsidiary of the Council (Section 119(1) of the *Local Government Act 1999*).

5.7.3 Conflict of Interest

The Chief Executive Officer who has an interest in a matter in relation to which they are required or authorised to act in the course of official duties must disclose the interest to the Council and must not, unless the Council otherwise determines during a Council meeting that is open to the public,

act in relation to the matter (Section 120(1) of the *Local Government Act 1999*).

An employee of the City of Salisbury (other than the Chief Executive Officer) who has an interest in a matter in relation to which they are required or authorised to act in the course of official duties must disclose the interest to the Chief Executive Officer and must not, unless the Chief Executive Officer otherwise determines, act in relation to the matter (Section 120(2) of the *Local Government Act 1999*).

If an employee is entitled to act in relation to a matter and the employee is providing advice or making recommendations to the City of Salisbury Council or Committee on the matter, the employee must also disclose the relevant interest to the City of Salisbury Council or Committee (Section 120(4) of the *Local Government Act 1999*).

5.7.4 Breaches of other Acts

Acting in their capacity as a Public Officer, a City of Salisbury employee shall not engage in conduct, whether within, or outside the state, that constitutes corruption in public administration as defined by Section 5 of the *Independent Commissioner Against Corruption Act 2012*, including:

An offence against Part 7 Division 4 (Offences Relating to Public Officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:

- bribery or corruption of Public Officers;
- threats or reprisals against Public Officers;
- abuse of Public Office;
- demanding or requiring benefit on basis of Public Office; and
- offences relating to appointment to Public Office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*, committed by a Public Officer while acting in their capacity as a Public Officer, or by a former Public Officer and related to their former capacity as a Public Officer, or by a person before becoming a Public Officer and related to their capacity as a Public Officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence; and
- conspiring with others to affect the commission of the offence.

6. **Related Policies and Procedures**

- Procedures for Managing Unacceptable Performance
- Fair Treatment Procedures
- Employee Gifts and Benefits Policy
- Public Interest Disclosure Policy
- Information Management Policy

7. Approval and Change History

Version	Approval Date	Approval By
3	6 April 2023	Executive

8. Availability

The Policy is available to be downloaded from the City of Salisbury intranet at:

[Employee Conduct Policy](#)

9. Review

This Policy will be reviewed within 6 months after Council periodic elections (s120A Local Government Act 1999).

10. Further Information

For further information on this Procedure, please contact the People & Performance Division.