



Contractors, Consultants and Suppliers Code of Conduct

Version 3.0, 31 December 2021



City of Port Phillip

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Scope	Applies to all Council Contractors Consultants and Suppliers.
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Responsible Department	Construction, Contracts and Operations

Part 1 About Port Phillip City Council

1.1 Introduction

Port Phillip City Council (the Council) is committed to providing a structure that ensures ethical behaviours by its Contractors, Consultants and Suppliers (thereafter CCS).

This Code of Conduct (the Code) is focused on the achievement of a professional and productive work culture, characterised by the absence of any form of unlawful or inappropriate behaviour.

Breaches of the Code could jeopardise your working relationship with Council and compromise the Council Officer dealing with you.

When dealing with Council in your capacity of CCS, it is expected that you comply with the principles of the Code.

It is important that everyone engaged by Council knows about, and understands, our required standards of conduct, behaviour and decision making. The Code applies to all CCS and provides information and direction about those standards. CCS are also expected to comply with all laws, regulations and policies that impose other responsibilities and obligations associated with employment, and these may change from time to time.

We aim to ensure and encourage a positive, efficient, effective and collaborative workplace, where CCS and employees contribute to the community, are aligned to the organisational direction, engaged around our purpose, know what is expected, are safe and treated respectfully and fairly. This can only be achieved when each of us is accountable, both individually and collectively, for the way in which we conduct ourselves in the workplace and how we interact with each other. It is important to note the Code may also have application beyond the physical workplace in as much as the standards, conduct and behaviours outside of work pertain to or affect the relationship and / or Council activities in a broad sense.

It is impossible for the Code to list every circumstance that may arise; however, we trust that CCS will understand and abide by the intent of the Code. It provides a foundation for honest and ethical work practices and supports an environment where CCS demonstrate integrity and professionalism; where we prioritise our community in all that we do; where we can plan and deliver the best possible services, projects and outcomes to meet community needs; where we meet our corporate and social responsibility objectives, and where the community trusts us and has confidence in us and our work - individually and collectively.

1.2 Vision

Our organisational vision is:

To be recognised as a leading local government organisation that is agile, future ready and trusted, to leave our community and our people in a better place.

1.3 Compliance with the Code

It is the responsibility of all CCS to understand and uphold the standards and principles prescribed in this Code and all relevant Council policies. Our duty also extends to supporting others to do the same, continually observe the Code, and report any known or suspected breaches of which we may become aware. Behaviours that breach the spirit or the stated requirements of the Code of Conduct may result in serious actions in accordance with the form of engagement or under the contract.

Part 2 CCS Conduct

2.1 Compliance with the Code

As a CCS, you are expected, as a condition of your engagement with the Council, to understand the legislation applicable to you in undertaking your duties with, or for, the Council.

2.2 Compliance with the Code

CCS must not engage in any corrupt conduct. Corrupt conduct includes any dishonest or improper use by a CCS of their position. This may involve a CCS:

- a) misusing information or material acquired in the course of their duties;
- b) taking dishonest or improper action contrary to the best interests of Council;
- c) using Council equipment or resources for personal gain;
- d) taking dishonest or improper action (direct or indirect) to influence another employee when carrying out their functions, in order to extract a favour or achieve personal gain or advantage; or
- e) abusing a position to achieve personal gain or advantage.

2.3 Councillor & CCS Relationships

Unauthorised communication with Councillors arising as a result of a direct approach from a CCS to a Councillor will be considered a breach of the Code.

2.4 Dress & Appearance

CCS are expected to present themselves in a neat, tidy and clean manner, relative to their role and the duties they perform. Appropriate attire and presentation, whether occupationally appropriate, office or outdoor-based includes the requirement for a high standard of personal hygiene and grooming. Where a uniform is provided, it must be worn in accordance with Council requirements. CCS are expected to conduct themselves in a responsible and professional manner at all times,

and when wearing a uniform to and from work. Where personal protective or safety equipment is supplied or required it must be kept in a clean and functional condition and worn, as applicable.

On designated or agreed casual clothes days appropriate casual clothing may be worn. However, on those days when a CCS has meetings or other duties that require a more professional standard of attire, discretion and good judgement should be exercised. Dress standards should never compromise appropriate safety standards, and for this reason any attire that provides an increased risk of injury is not usually acceptable (eg: thongs when the work normally requires protective footwear).

2.5 Personal Conduct

CCS must ensure their personal conduct is consistent with the terms of the Code and in accordance with legal requirements and Council policies and procedures at all times. CCS are expected to work in accordance with Council's Vision and values in the provision of a fully productive day's work each working day.

CCS are required to perform their duties in a professional, responsible, conscientious and ethical manner and to act in the best interests of Council. They are expected to act honestly in all of their duties. When dealing with other employees, customers, suppliers and contractors, employees are expected to be courteous, respectful and patient.

CCS are to refrain from any conduct, which may cause unwarranted offence or embarrassment and are not to make any untrue or improper allegations. Physical or verbal abuse or harassment of a colleague or other individual/group is unacceptable.

CCS are not permitted to possess or use unauthorised weapons of any sort while undertaking their duties.

2.6 Notification of Offences

If a CCS is charged with an offence that may be punishable by imprisonment or may affect their ability to perform their work if found guilty, they must notify their contract manager immediately.

Examples: (not an exhaustive list):

- a) drink driving charges where driving a Council vehicle is required as part of the job;
- b) loss of driving licence where driving a Council vehicle is required as part of the job;
- c) charges that might result in a Working with Children Check being suspended or revoked;
- d) charges that might result in a Police Check needing to be reviewed;
- e) charges that might bring Council into disrepute or reflect badly on Council; or
- f) charges that may cause risk to Council or its' employees.

2.7 Alcohol, Drugs & Smoking

CCS must not present themselves for work, at a Council workplace or work-related event or function, either in work hours or out of work hours in an intoxicated state. CCS who are or who appear to be adversely affected and / or impaired by the consumption of alcohol or illicit, prescription or non-prescription drugs, will be deemed a breach of this code.

Where particular and specific laws and requirements pertain to certain jobs (eg: in the instance of operating a heavy vehicle a zero-blood alcohol concentration applies) these laws and requirements must be strictly adhered to at all times.

If a CCS is on medication that affects their ability to perform their duties a medical certificate should be produced from a duly qualified medical practitioner. The medical certificate should explain the employee's capacity or incapacity to perform their duties and detail any other relevant restrictions or modifications.

The reasonable and modest consumption of alcohol is allowed at work-related events, where alcohol is being officially served by the event organisers and the consumption complies with the Council's Alcohol and other Drugs Policy. Responsible senior officers must consider, manage and mitigate any applicable risks, ensure the responsible serving and consumption of alcohol and the protection of Council's assets, interests and reputation at all times. CCS must also exercise care and judgement regarding their own and others' safety at all times.

Council is committed to providing its employees and CCS with a healthy, smoke free workplace. No smoking is permitted within any Council owned and operated buildings, doorways, grounds, vehicles, work sites, or other controlled spaces (such as whilst attending clients or serving the public). CCS are permitted to smoke in their own time.

2.8 Gambling

CCS must not gamble during work hours and must not use Council's internet or telephone services, including mobile phones for any gambling activity. (This does not apply to minor or incidental internal tipping competitions like footy tipping, Melbourne Cup sweeps or Tattsлото syndicates).

2.9 Equal Opportunity, Discrimination, Harassment & Bullying

All CCS have a legal and moral responsibility to treat each other fairly and to refrain from harassment or discrimination of any kind. Council requires all CCS to observe Victorian and Commonwealth equal opportunity and anti-discrimination legislation, Victorian Occupational Health and Safety legislation, and comply with Council's Equal Opportunity, Harassment, Discrimination and Bullying Policy. In Victoria it is against the law to discriminate on a number of grounds including (but not limited to) age, disability/impairment, race, sex, status as a carer, marital status, pregnancy and gender identity.

Council is committed to providing all employees with a safe and productive environment, free from discrimination, harassment, bullying and occupational violence. CCS are also expected to promote such an environment and not engage in any discriminatory, harassing or bullying practices or occupational violence. All CCS should demonstrate sensitivity to the diversity within Council and the wider community.

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

Refer: Equal Opportunity, Discrimination, Harassment and Bullying Policy.
Equal Opportunity Act 2010.
Occupational Health and Safety Act 2004.
Gender Equality Act

2.10 Health Safety and Wellbeing

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

While at work, a CCS must:

- a) take reasonable care for their own health and safety;
- b) take reasonable care for the health and safety of persons who may be affected by the CCS's acts or omissions;
- c) co-operate with respect to any action taken by Council to establish and maintain health & safety systems and procedures; and
- d) not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health and safety.

This includes using protective equipment or clothing provided by Council at all required times and following safe work instructions and procedures.

CCS should immediately notify their contract manager in the event of an injury, near miss, damaged equipment or other workplace hazard.

Contract Managers must address identified risks to health and safety as they arise.

Refer: Health & Safety Policy.

2.11 Child Safe Standards

Council has zero tolerance for child abuse.

Every child and young person accessing City of Port Phillip has the right to feel and be safe.

This City embraces diversity and inclusion. All children and young people, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family background and social background, have equal rights to protection from abuse.

We firmly commit to the cultural safety of Aboriginal and Torres Strait Islander children and young people and children and young people from culturally and/or linguistically diverse backgrounds, and to the provision of a safe environment for children and young people with a disability, as well as other vulnerable groups of children and young people.

Council is committed to providing and maintaining a municipality for its children that is free from abuse and neglect by implementing 'Child Safe Standards'. All staff and volunteers must adhere to the 'Child Safe Policy & Reporting Procedures' to reinforce appropriate behaviour towards children so they are free from abuse or neglect. Some CCS roles at Council may require a Working With Children Certificate.

The following list outlines appropriate standards of behaviour towards children for all individuals acting for or on behalf of Council.

When acting on behalf of Council, CCS are required to:

- notify Council when witnessing any form of abuse or neglect towards a child in accordance with 'Child Safe Policy' and 'Child Safety Responding and Reporting Procedure';
- be vigilant and proactive and take all reasonable steps to protect children from abuse and exploitation;
- intervene when children are engaging in inappropriate behaviour towards others, including bullying or acting in a humiliating or vilifying way;
- use computers, mobile phones, video cameras, cameras and social media appropriately, and never to exploit or harass children or access child exploitation material through any medium;
- where practicable and without risk to oneself where a child is in the midst of abuse or neglect ensure as quickly as possible that the child involved is safe, where there is risk call the Police on 000;
- respect the privacy of children and their families and only disclose information to people who are required to know; and
- immediately advise the contract manager if you are charged with or convicted of a child sex offence or ineligible to work with children.

CCS are prohibited from:

- a) exposing children to behaviour that is inappropriate;
- b) engaging in inappropriate or unnecessary physical contact with children;
- c) engaging in any form of physical violence or corporal punishment, towards a child including inappropriate rough physical play;
- d) engaging in any form of behaviour that has the potential to cause a child serious emotional or psychological harm; and
- e) developing relationships with a child that could be considered grooming for sexual conduct.

2.12 Privacy

Whilst engaged by Council, CCS may come across information that may be private, personal or sensitive in nature relating to the organisation's operations (e.g. financial documents), our colleagues (e.g. employment records), our residents and members of the public (e.g. personal information and health information), suppliers or other stakeholders.

People entrust us with such private and sensitive information, and it is our duty to honour this commitment.

CCS are expected to protect and maintain the privacy of such information by complying with relevant privacy laws.

Refer: Privacy and Data Protection Act 2014, Health Records Act 2001, Council's 'Information Privacy Policy' and 'Health Records Policy'.

Media and Public Comment

CCS are not permitted to speak with, or provide information to, the media without authorisation from the Council's Chief Executive Officer (CEO). In the absence of the CEO only a General Manager may authorise contact with the media.

If a CCS makes a comment to the media in a private capacity, the CCS must ensure that their comments are not related to any Council activities and that any view expressed is clearly identified as being a personal view and not the view of the Council.

Any breach of this provision will be considered serious and wilful misconduct in accordance with clause 2.17 of this Code of Conduct (Serious or wilful misconduct).

2.14 Social Media

Social media broadly refers to websites and other online means of communication that are used by people to share information and develop social and professional contacts.

Examples include, but are not limited to Twitter, Facebook, LinkedIn and Instagram. Council prohibits employees from excessive use of social media during work hours.

CCS must ensure that it is clear that any views expressed are their own and/or ensure that comments made do not bring Council into disrepute. CCS must not act as spokespeople or claim to represent Council's views without the express permission of Council's Head of Communications.

CCS must ensure they treat peers with respect in the physical workplace and online, including social media sites. Any comments made on social media whether during working hours or outside working hours, that may bring Council into disrepute, divulges confidential information, or is offensive towards other employees may result in disciplinary action.

2.15 Telephone, Email & Internet Use

Council telephones, email and internet facilities are for business use. Private use of these services must be kept to a minimum in accordance with the Council policies. Any CCS supplied with a mobile phone must adhere to Council's mobile phone use guidelines.

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 policy sets out the specific conditions and protocols that apply to CCS when they use computing and telecommunications services and equipment.

Refer: User Policy - Information and Communication Technology.

2.16 Use of Council Equipment, Assets, Intellectual Property & Services

CCS must not deliberately misuse Council equipment, assets, intellectual property or the services of other Council employees. When using Council equipment, CCS are required to follow the instructions provided in order to avoid personal injury and/or maintenance and replacement costs.

Examples of misuse 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;
- falsifying, manipulating or destroying business records in contravention of the Public Records Act 1973;
- using Council equipment for personal or commercial gain. Council tools and equipment may not be borrowed for private use; and
- misuse of Council vehicles.

2.17 Serious or Wilful Misconduct

In some cases, unacceptable behaviour or performance may constitute serious or wilful misconduct. The disciplinary action will depend on the seriousness of the breach. In these circumstances, when there has been a substantial breach of the Code or other Council policies or procedures, action taken will be in accordance with Council policies and the relevant contract conditions.

While not an exhaustive list, the following behaviours may constitute serious or wilful misconduct:

- not following lawful and reasonable directives;
- serious and deliberate breach of Council policies and procedures;
- stealing from Council, fellow employees or customers'
- deliberately misleading or defrauding Council, fellow employees or customers;
- possession of, or trafficking illegal drugs during working hours or undertaking any other illegal activities;
- reporting to work under the influence of alcohol or illegal drugs;
- consuming alcohol or illegal drugs during working hours, except where alcohol is specifically authorised for a social function by the CEO or General Manager;

- physically striking or making threats of violence to a fellow employee, manager or customer;
- discrimination and harassment, including sexual harassment, bullying and victimisation;
- possession of any unauthorised weapons on Council premises or in Council vehicles;
- deliberately damaging Council property or equipment;
- unauthorised access to Council business information or information related to a staff member;
- unauthorised provision of Council business information or information related to a staff member, to the media or any other unauthorised person or body;
- serious and deliberate neglect in performing tasks or procedures aligned to a position, 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 and/or irresponsible in performance of duties resulting in injury or risk to health and safety of the employee, other employee or a customer and/or bring the Council into disrepute;
- engaging in sexual activities whilst on duty or on Council premises; and
- conviction for an indictable offence where the offence is relevant to the CCS's duties and/or is likely to bring Council into disrepute and/or reflect badly on Council and/or create risk to Council or its employees.

Part 3 Conflict of Interest

3.1 Conflict of Interest, including Gifts and Hospitality

A conflict of interest can occur between the duties and responsibilities that arise from engagement with Council and an employee's private interests. Conflict of interest is specifically addressed in the Local Government Act 2020 and this legislation requires action to be taken by CCSs to avoid and / or manage conflicts.

Briefly, CCS must avoid conflicts of interest and disclose actual or perceived conflicts of interest to the contract manager when necessary. Likewise, CCS must not use their position to influence other employees to perform their duties in a way that gives personal advantage to them or to any other body or persons.

