

CODE OF CONDUCT

FOR VICTORIAN PUBLIC
SECTOR EMPLOYEES

VPSC

Victorian Public Sector Commission



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FOR VICTORIAN PUBLIC
SECTOR EMPLOYEES

The Victorian Government has vested the Victorian Public Sector Commission with functions designed to enhance the performance of the public sector – fostering the development of an efficient, integrated and responsive public sector which is highly ethical, accountable and professional in the ways it delivers services to the Victorian community.

The key functions of the Commission are to:

- > strengthen the efficiency, effectiveness and capability of the public sector in order to meet existing and emerging needs and deliver high quality services; and
- > maintain and advocate for public sector professionalism and integrity.

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Code of Conduct for Victorian Public Sector Employees 2015

Public Administration Act 2004

Section 61

Code of Conduct Issued by the Victorian Public Sector Commissioner

I, Belinda Clark, Victorian Public Sector Commissioner, under section 61 of the *Public Administration Act 2004* (“the Act”), issue the Code of Conduct for Victorian Public Sector Employees 2015 (“2015 Code of Conduct”) as attached, in substitution of the Code of Conduct previously issued on 1 July 2007.

I determine that the 2015 Code of Conduct applies to and is binding on all public sector employees, as defined in section 4 of the Act, other than employees of a special body, or unless excluded by a specific declaration issued by the Victorian Public Sector Commissioner.

The 2015 Code of Conduct takes effect on 1 June 2015.



Belinda Clark QSO

Victorian Public Sector Commissioner

Date: 1 June 2015

Foreword

The Code of Conduct for Victorian Public Sector Employees describes the behaviours that exemplify the values contained in the *Public Administration Act 2004* (the Act). The values and this Code build on our public sector's long tradition of striving to meet the high standards the community rightly expects of it and provide the foundation of the integrity and accountability framework for all public sector employees.

Changes to the Act in 2014 provide for codes of conduct to be issued by the Victorian Public Sector Commission. In doing so, I am mindful that the public sector values on which the Code is based have not changed since first enacted in 2004 and that both the values and the previous Code are well established within the culture of many public sector organisations.

The fact that this Code is being re-issued with only minor changes shows the core behaviours it prescribes remain relevant for public sector employees in an ever changing sector. The changes are intended to clarify existing requirements, particularly in the key areas of conflicts of interest and gifts and benefits, rather than introduce new obligations.

As the public sector continues to adapt and evolve, it is essential that it retains the key attributes that have allowed it to play its critical role with the full confidence of Government and the wider community for over a century. Those key attributes are its apolitical nature, responsiveness, effectiveness and accountability; and it is precisely these things that the public sector values and this Code seek to reinforce and protect.

Victorian public sector employees work in a vast array of occupations and workplaces. It is important that the Code be expressed in a way that is relevant across this diverse environment and as a result, the Code will need to be supported by additional information and guidance at the local level. As it is not possible to provide a detailed rule for every conceivable situation, organisations ultimately must rely on the accountability of individuals for their own actions and behaviour.

I urge all public sector employees to take the opportunity to refresh their understanding of how the Code of Conduct guides their behaviour and to engage with their colleagues and managers about how they can best adhere to its requirements.

Public Sector Values

(Public Administration Act 2004, s. 7)

Responsiveness – public officials should demonstrate responsiveness by:

- (i) providing frank, impartial and timely advice to the Government; and
- (ii) providing high quality services to the Victorian community; and
- (iii) identifying and promoting best practice.

Integrity – public officials should demonstrate integrity by:

- (i) being honest, open and transparent in their dealings; and
- (ii) using powers responsibly; and
- (iii) reporting improper conduct; and
- (iv) avoiding any real or apparent conflicts of interest; and
- (v) striving to earn and sustain public trust of a high level.

Impartiality – public officials should demonstrate impartiality by:

- (i) making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest; and
- (ii) acting fairly by objectively considering all relevant facts and fair criteria; and
- (iii) implementing Government policies and programs equitably.

Accountability – public officials should demonstrate accountability by:

- (i) working to clear objectives in a transparent manner; and
- (ii) accepting responsibility for their decisions and actions; and
- (iii) seeking to achieve best use of resources; and
- (iv) submitting themselves to appropriate scrutiny.

Respect – public officials should demonstrate respect for colleagues, other public officials and members of the Victorian community by:

- (i) treating them fairly and objectively; and
- (ii) ensuring freedom from discrimination, harassment and bullying; and
- (iii) using their views to improve outcomes on an ongoing basis.

Leadership – public officials should demonstrate leadership by actively implementing, promoting and supporting these values.

Human Rights – public officials should respect and promote the human rights set out in the *Charter of Human Rights and Responsibilities* by:

- (i) making decisions and providing advice consistent with human rights; and
- (ii) actively implementing, promoting and supporting human rights.

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Introduction

1

1.1 A Binding Code of Conduct

This Code of Conduct prescribes the behaviour expected of public sector employees.

Public sector employees are required to familiarise themselves and act in accord with the Code of Conduct. The Code of Conduct is binding on those employees to whom it applies and a contravention of it may constitute misconduct.

1.2 Purpose of the Code

The purpose of the Code of Conduct is to promote adherence to the public sector values prescribed in the *Public Administration Act 2004*. Given the broad and diverse nature of public sector organisations this Code prescribes standards of required behaviour rather than detailed policies and procedures.

The heads of individual public sector bodies are to develop and implement policies and procedures tailored to their own operating environment, to support the application of the Code. Public sector employees are required to comply with these policies and procedures.

The Code is designed to help public sector employees understand the responsibilities and obligations of working in the public sector. The behaviours described in the Code are essential in our relationships with the Government, community and other public sector employees.

1.3 Pre-employment

The Code of Conduct can only bind public sector employees from the commencement of their employment. Public sector bodies need to establish policies and procedures that include provisions for dealing with false, incorrect or misleading information provided in relation to applications for employment.

1.4 Contractors and Consultants

Public sector employers are to require contractors or consultants engaged in or by their public body (including contractors or consultants engaged through an employment agency) to comply with this Code of Conduct and relevant policies and procedures, where the contractors or consultants:

- > supervise public sector employees;
- > undertake work that is of a similar nature to the work undertaken by public sector employees at a premise or location generally regarded as a public sector workplace; or
- > use or have access to public sector resources or information that are not normally accessible or available to the public.

1.5 Other Available Guidance

In addition to conduct prescribed in this Code, there may be specific issues which are covered by other legislation, an industrial agreement or award, or a policy or procedure set down by the public sector employer, or by some other relevant authority. Public sector employees who are unsure of the appropriate action to take in a particular situation should seek advice from their employer.

The Victorian Public Sector Commission issues notes to provide additional guidance on obligations under the Code. These guidance notes can be accessed on the VPSC website (www.vpsc.vic.gov.au).

1.6 Professional Codes of Conduct

Certain professions have professional codes of conduct that establish specific behaviours relevant to that profession. This Code of Conduct specifies the behaviour expected of individuals as public sector employees and should be read

in conjunction with any professional code of conduct. Relevant employees need to be aware of their professional code of conduct as well as the provisions of this Code.

Professional codes set out a range of matters relating to the profession including dealing with breaches of the professional code. A breach of a professional code may affect the capacity of a relevant employee to continue to act in that profession and may also affect the ability of that employee to undertake their duties as a public sector employee. However a breach of the public sector Code and any sanctions arising can only be determined in accordance with procedures established for this Code.

1.7 Breach of this Code

This Code is based on the Victorian public sector values and therefore relates to both performance and conduct behaviours.

Failure to behave in the ways described in the Code of Conduct may lead to action under relevant performance management or misconduct processes. These processes need to be consistent with the public sector employment principles (*Public Administration Act 2004*, s. 8), standards issued by the Victorian Public Sector Commission and any relevant industrial instruments; and communicated to all employees.

Demonstrating Responsiveness

2

Responsiveness – public officials should demonstrate responsiveness by:

- (i) providing frank, impartial and timely advice to the Government; and
- (ii) providing high quality services to the Victorian community; and
- (iii) identifying and promoting best practice.

(Public Administration Act 2004, s. 7)

2.1 Advising Government

Public sector employees serve the Government of the day and provide the same high standard of advice regardless of the party in power. Advice is provided in a frank, impartial and timely manner, and with an understanding of its implications on the broader policy direction of the Government. Public sector employees do not withhold relevant information from the Government.

2.2 Remaining Apolitical

Public sector employees conduct themselves in an apolitical manner. They implement and administer the policies and programs of the elected government. They avoid in the course of their work, any participation in activities which support a political party or independent candidates including attendance at fund raising or similar events.

During caretaker periods (which are governed by caretaker conventions relating to the period of the election campaign and sometimes the period immediately after the election) public sector employees maintain the neutrality of the public sector and comply with relevant policies and protocols issued by their employer. They do not use their position to support particular issues, parties or candidates in an election campaign.

If standing as a candidate in a State or local government election, public sector employees ensure that they balance this right against their obligations under section 95 of the Victorian Constitution and this Code. They discuss with their manager how this may relate to their public sector duties.

Public sector employees provide briefings or information to members of parliament only when authorised by the relevant minister. When providing briefings or information to

members of parliament public sector employees respect the confidentiality of ministerial and government considerations leading to a decision, and decline to provide personal views or judgements on government policy or policy options of the Victorian or other governments.

Public sector employees provide support to ministers when information is required by parliamentary committees and may appear before such committees as a representative of the minister. Information sought by parliamentary committees should be provided unless the relevant minister certifies that disclosure would be prejudicial to the public interest. Official witnesses should be co-operative and frank when giving factual information. On matters of government business, public sector employees may appear before parliamentary committees as a representative of a minister. They are not therefore expected to answer questions:

- > seeking their personal views on government policy;
- > seeking details of matters considered in relation to a ministerial or government decision or possible decision, unless those details have already been made public or the giving of evidence on them has been approved; and
- > that would require a personal judgement on the policies or policy options of the Victorian or other governments.

Public sector employees who are directed to answer a question falling within the coverage of the categories listed above, seek a deferral until they can discuss the matter with the minister or chief executive as appropriate. Alternatively, they can request that the answer to the particular question be reserved for submission in writing.

2.3 Services to the Community

Public sector employees provide services to the community in an equitable, prompt and professional manner. They act within the level of their authority and in accordance with the relevant policies.

2.4 Contributing to Improvements

Public sector employees are committed to continuous improvement and adopt a best practice approach to the performance of their work. They identify and actively promote appropriate strategies, methods and processes that lead to improved performance.

Demonstrating Integrity

3

Integrity – public officials should demonstrate integrity by:

- (i) being honest, open and transparent in their dealings; and
- (ii) using powers responsibly; and
- (iii) reporting improper conduct; and
- (iv) avoiding any real or apparent conflicts of interest; and
- (v) striving to earn and sustain public trust of a high level.

(Public Administration Act 2004, s. 7)

3.1 Honesty at Work

Public sector employees act honestly in the performance of their duties. They are open and transparent when making decisions. They give honest advice based on available facts and data. They ensure their advice is up to date.

3.2 Using Powers at Work

Public sector employees use their power in a responsible way. They do not use their power to provide a private benefit to themselves, their family, friends or associates. They exercise power in a way that is fair and reasonable,

and family or other personal relationships do not improperly influence their decisions. They respect the rights and dignity of those affected by their decisions and actions.

3.3 Financial Probity

Public sector employees observe the highest standards of integrity in financial matters and comply with the requirements of relevant financial management legislation, policies and procedures. They maintain a strict separation between work-related and personal financial matters and only use or authorise the use of public financial resources or facilities for work-related purposes.

3.4 Official Information

Public sector employees with access to official information ensure it is only used for official purposes and in an approved manner. Official and personal information is handled according to relevant legislation and public sector body policies and procedures.

Public sector employees only disclose official information or documents acquired in the course of their public employment when required to do so by law, in the legitimate course of duty, when called to give evidence in court, or when proper authority has been given. In such cases comments are confined to factual information only.

3.5 Public Comment

Public sector employees only make public comment when specifically authorised to do so in relation to their duties, a public sector body, or government policies and programs. Such comment is restricted to factual information and avoids the expression of personal opinion. Public comment includes speaking engagements and providing information or comment through any media, including social media.

When making a comment in a private capacity, public sector employees ensure their comments are not related to any government activity that they are involved in or connected with as a public sector employee and make it clear they are expressing their own view. They ensure personal comments do not compromise their capacity to perform their public sector role in an unbiased manner, and that their comments are not seen or perceived to be an official comment.

3.6 Reporting Unethical Behaviour

Public sector employees comply with legislation, policies and lawful instructions in the performance of their work. Public sector employees report to an appropriate authority workplace behaviour that violates any law, rule or regulation, or represents corrupt conduct, mismanagement of public resources, or is a danger to public health or safety, or to the environment. Public sector employers inform their employees of their rights and responsibilities regarding the making of such reports.

3.7 Conflict of Interest

A conflict of interest occurs where there is conflict between the public duty and private interests of a public official.

A conflict can be actual, potential or perceived. It may relate to circumstances where the employee is or could be directly influenced, or where it is perceived the employee might be influenced.

Public sector employees avoid conflicts of interest (actual, potential or perceived) wherever possible. They ensure their personal or financial interests (including the interests of family members, friends, or associates) do not influence and could not be perceived to influence the performance of their role.

Public sector employees declare any conflicts of interest. They manage any conflicts of interest that cannot be avoided in accordance with their organisation's policies and procedures.

If unsure about a possible conflict of interest, public sector employees seek advice from their manager.

3.8 Other Employment

Public sector employees only engage in other employment where the activity does not conflict with their role as a public sector employee. Employment includes a second job, conducting a business, trade or profession, or active involvement with other organisations (paid employment or

voluntary work). Managers or supervisors can assist public sector employees to determine if such activities will cause an actual or perceived conflict of interest.

Victorian Public Service employees are required to seek approval to engage in any other paid employment.¹ Other public sector employees comply with any policies of their public sector employer in relation to engaging in other employment.

3.9 Public Trust

Public sector employees seek to build and maintain a high level of trust with the Government, community and other public sector employees. In the performance of their public duties and in their private life, public sector employees avoid conduct that may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute.

3.10 Criminal Offences

Public sector employees advise their manager if they are charged with a criminal offence, which is punishable by imprisonment or, if found guilty, could reasonably be seen to affect their ability to meet the inherent requirements of the work they are engaged to perform.

1 *Public Administration Act 2004*, s. 32

3.11 Drugs and Alcohol

Public sector employees carry out their work safely and avoid conduct that puts themselves or others at risk. This includes the misuse of alcohol, drugs or other substances when at work or when engaged in work related activities.

The misuse of alcohol, prescribed drugs, illegal drugs and other substances is an issue for both employers and employees as it impacts on both work and personal life and in some cases the reputation of their public sector body.

Consistent with any relevant occupational health and safety requirements, public sector employees who are on medication that could affect their work performance or the safety of themselves or others inform their manager or supervisor to ensure any necessary precautions or adjustments to work can be put in place.

Demonstrating Impartiality

4

Impartiality – public officials should demonstrate impartiality by:

- (i) making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest; and
- (ii) acting fairly by objectively considering all relevant facts and fair criteria; and
- (iii) implementing Government policies and programs equitably.

(Public Administration Act 2004, s. 7)

4.1 Decisions and Advice

Public sector employees make decisions and provide advice that is free of prejudice or favouritism and is based on sound judgement. Before making a decision or providing advice, public sector employees consider relevant information and the impact on the Government, community and other public sector employees. Their decisions are not affected by personal influences.

4.2 Gifts and Benefits

Public sector employees do not – for themselves or others – seek gifts and benefits (including hospitality). They refuse all offers of gifts and benefits that could reasonably be perceived as influencing them or undermining the integrity of their organisation or themselves.

Public sector employees comply with any policies of their employer in relation to accepting, declaring and recording the receipt of gifts or benefits.

If unsure about responding to an offer of a gift or benefit, public sector employees seek advice from their manager.

4.3 Acting Fairly

Public sector employees deal with issues consistently, fairly and in a timely manner. Public sector employees use fair criteria, and consider all relevant information in dealing with issues.

Being fair means being just and working within commonly accepted rules.

4.4 Implementing Government Policies and Programs

Public sector employees implement government policies and programs fairly and without bias. Their decisions and actions are consistent with relevant policies and are based on merit and careful consideration of the relevant facts. Public sector employees seek to achieve equitable outcomes within the extent of their authority.

Demonstrating Accountability

5

Accountability – public officials should demonstrate accountability by:

- (i) working to clear objectives in a transparent manner; and
- (ii) accepting responsibility for their decisions and actions; and
- (iii) seeking to achieve best use of resources; and
- (iv) submitting themselves to appropriate scrutiny.

(Public Administration Act 2004, s. 7)

5.1 Working to Clear Objectives

Public sector employees understand the objectives of their role. Public sector managers and supervisors provide encouragement, support and a clear sense of direction and purpose. Employees who are unclear about their goals discuss this with their manager or supervisor.

5.2 Being Responsible for Decisions and Actions

Public sector employees make decisions and take actions within the scope of their authority that are lawful and consistent with relevant legislation and government policy. They consider any impact of their decisions or actions on the Government, community and other public sector employees.

5.3 Work Resources

Public sector employees use work resources and equipment efficiently and only for appropriate purposes as authorised by the employer.

Public sector employees seek to achieve value for money and use resources in the most effective way possible. They identify opportunities for improvement to achieve best possible efficiency and responsiveness.

Work resources include physical, financial, technological and intellectual property. Intellectual property includes copyright, trademarks, registered designs, patents (including patented business systems), semiconductors, circuit layout rights, and trade, business or company names, and all other proprietary rights, and any rights to the registration of such rights, including proprietary rights developed or created by employees in the course of their employment.

The employer retains ownership of all these work resources.

5.4 Open to Scrutiny

Public sector employees implement government policy in an open and transparent manner. They maintain accurate and reliable records as required by relevant legislation, policies and procedures. Records are kept in such a way as to ensure their security and reliability and are made available to appropriate scrutiny when required.

5.5 Ability to Meet Essential Requirements

Public sector employees notify their employer of any loss, suspension of, or change to, a registration, accreditation, licence or other qualification that affects their ability to meet relevant essential requirements or to perform their duties.

5.6 Compliance with Legislation

Public sector employees ensure they are aware of and comply with all legislation relevant to the performance of their duties.

Demonstrating Respect

6

Respect – public officials should demonstrate respect for colleagues, other public officials and members of the Victorian community by:

- (i) treating them fairly and objectively; and
- (ii) ensuring freedom from discrimination, harassment and bullying; and
- (iii) using their views to improve outcomes on an ongoing basis.

(Public Administration Act 2004, s. 7)

6.1 Fair and Objective Treatment

Public sector employees promote an environment that encourages respect.

Public sector employees are fair, objective and courteous in their dealings with the Government, community and other public sector employees.

6.2 Privacy and Confidentiality

Public sector employees understand the importance of privacy and confidentiality. Confidential information requires special treatment and protection. Those people who provide confidential information to public sector employees have the right to expect this information will be treated as confidential. Public sector employees with access to confidential information ensure it remains confidential, and at all times act in accordance with legislation and policies relating to dealing with private information.

6.3 Maintaining Confidentiality

Public sector employees receive and manage information in such a manner that its confidentiality will be maintained and that it will not be used to advantage a prospective employer or business, or disadvantage the Victorian Government.

6.4 Equity and Diversity

Public sector employees follow the spirit as well as the letter of the law relating to discrimination, harassment, bullying and victimisation. Public sector employees create an environment that is free of discrimination, harassment and bullying.

Valuing and promoting diversity is an important element of demonstrating respect.

6.5 Improving Outcomes

Public sector employees are conscientious and efficient in their work. They use their knowledge and expertise to deliver a high quality service, as well as identifying opportunities to improve service outcomes.

Public sector employees contribute both individually and as part of a team and engage constructively with their colleagues on work related matters. They share information with team members to support delivery of the best and most appropriate service outcomes.

Demonstrating Leadership

7

Leadership – public officials should demonstrate leadership by actively implementing, promoting and supporting these values.
(*Public Administration Act 2004, s. 7*)

7.1 Leading by Example

Public sector employees model the behaviours based on the public sector values and at all times act in an ethical manner. Leadership is about positive influence, inspiring and empowering others.

Providing sound advice, delivering high quality services and encouraging best practice **demonstrates responsiveness.**

Being honest, using powers correctly, identifying and dealing with inappropriate conduct, avoiding conflicts of interest and developing and maintaining public trust **demonstrates integrity.**

Making decisions that are free of bias, considering all relevant facts and ensuring policies and programs are implemented fairly **demonstrates impartiality.**

Being transparent, responsible, using resources efficiently and inviting scrutiny **demonstrates accountability.**

Treating others fairly, eliminating discrimination, harassment and bullying, and focusing on improving outcomes **demonstrates respect.**

7.2 Managing Staff

Public sector managers and supervisors apply the public sector employment principles. They provide a safe, encouraging and supportive work environment that recognises and values diversity, abilities and contributions. They give their employees a clear sense of direction and purpose.

They set realistic goals, timelines and workloads, and provide adequate resources and appropriate information to complete work. They trust their employees to manage their work autonomously but also provide them with support when needed. They address any performance issues promptly, directly and confidentially with the employee concerned.

They treat their employees fairly and consistently when making selection decisions and allocating work. They assess performance and provide constructive feedback and development opportunities. They consult genuinely with their employees, and adhere to industrial and legal obligations.

They understand and respond to legitimate concerns of their employees, and encourage work arrangements that enable their employees to achieve a work-life balance.

7.3 Supporting Others

Public sector employees work co-operatively with their colleagues and other public sector body employees. They support and learn from them and accept differences in personal style.

They respect, and seek when necessary, the professional opinions of colleagues in their area of competence, and acknowledge their contribution.

Public sector employees, managers and supervisors provide other public sector employees with support and guidance.

Demonstrating Commitment to Human Rights

8

Human Rights – public officials should respect and promote the human rights set out in the Charter of Human Rights and Responsibilities by:

- (i) making decisions and providing advice consistent with human rights; and
- (ii) actively implementing, promoting and supporting human rights.

(Public Administration Act 2004, s. 7)

8.1 Understanding Human Rights

Public sector employees understand human rights as these apply to their work.

8.2 Making Decisions and Providing Advice Consistent with Human Rights

Public sector employees ensure their own decisions, advice and policy development properly considers the human rights set out in the Charter, and respects the human rights of others.

8.3 Implementing Human Rights

Public sector employees deliver services and programs and act in a manner that is consistent with the Charter.

8.4 Protecting Human Rights

Public sector employees seek to protect the human rights of colleagues, other public officials and members of the Victorian community by raising concerns regarding circumstances that could breach those rights, and reporting any suspected breaches in accordance with procedures established by their public sector employer.

