

CODE OF CONDUCT

**for South Australian
Public Sector Employees**



Government
of South Australia

Commissioner for Public Employment

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Why have a Code of Conduct?

As a public sector employee you are employed to provide services for the South Australian community consistent with the policies of the elected Government. While you are a public employee you are in a unique position of trust requiring standards of behaviour that reflect community expectations.

Maintaining the trust of the public means:

- properly using the resources, information and authority you have as a public sector employee
- ensuring that the public sector serves the public through the direction of the Government of the day by providing service and advice that is apolitical, frank and without fear of reproach
- ensuring that your personal interests do not adversely influence the way you carry out your duties
- complying with the Acts, Regulations, guidelines and policies relevant to your work.

The ethical framework for the South Australian Public Sector is provided by Part 2 of the *Public Sector Management Act 1995*, and applies to all public sector employees and agencies. There are three broad elements that underpin ethics and standards of conduct in the South Australian public sector:

- Integrity
- Respect
- Accountability

This Code outlines what these elements mean for you and your work.

Who does this Code apply to?

This Code of Conduct applies to all public sector employees. You are a public sector employee if you are an employee of the Crown, or employed in any capacity by a public sector agency regardless of:

- the type or level of employment (eg chief executive, executive, non-executive, ministerial staff, public servant, police officer, nurse, teacher, fire officer etc)
- how you are employed (eg ongoing, temporary, casual, contract, traineeship, apprenticeship etc)
- how you are paid (eg hourly, weekly or fortnightly).

If you are unsure whether this Code applies to you, check with your manager.

INTEGRITY

I*ntegrity is about the intent or meaning of your actions.*

As a public sector employee you have a responsibility under legislation to behave with integrity by:

- always endeavouring to give your best to meet performance standards and other organisational requirements
- conducting yourself in public in a manner that will not reflect adversely on the public sector, your agency or other public sector employees
- ensuring your behaviour reflects community expectations as outlined in the aims and standards of Part 2 of the Public Sector Management Act.

IN PRACTICE

Creating a fair, equitable and impartial environment

Your decisions as a public employee affect other employees, clients and the public, and so must be fair, consistent and equitable. Fairness requires that your decisions are based on all the relevant information that is available, and are honest, open and impartial. Equity is about being fair and just to all people. It does not necessarily mean treating everyone in the same way, you may need to treat a person differently according to their circumstances and needs to give them an equal chance or fair go in comparison to others.

Do you have a conflict of interest?

A conflict of interest is where your personal interests are in opposition to the public interest. If you find that you have a personal, financial or other interest that might affect, ***or may be seen to*** affect the way you perform your duties, you must discuss the situation with your manager and take whatever action is necessary to avoid a conflict of interest.

A conflict of interest may come in many forms, including:

- accepting gifts, benefits or favours where these may be seen to influence your decision making
- participating in decision making where you, a family member, or a friend have a personal interest in the outcome
- seeking any advantage from information gained during the course of your public sector employment or providing confidential information to an outside employer, even if you have permission to work outside of the public sector.

Also be aware that:

- you are required to ensure that your decisions while you remain a public sector employee do not unfairly benefit any possible future employers
- when you leave the public sector you must continue to respect the confidentiality of information gained during your public sector employment.

RESPECT

R *espect is about how you treat other people.*

You are required to show consideration for other people by:

- treating the public and other employees with respect and courtesy and having regard for their dignity
- treating all other employees fairly and consistently
- preventing nepotism and patronage
- preventing unlawful discrimination against employees or persons seeking employment in the public sector on the ground of sex, sexuality, marital status, pregnancy, race, physical impairment or any other ground and ensuring that no form of unjustifiable discrimination is exercised against employees or persons seeking employment in the public sector
- valuing and using diversity in your work environment
- recognising the importance of people through training and ongoing development in your work environment
- providing safe and healthy working conditions for yourself and others
- affording employees reasonable avenues of redress against improper or unreasonable administrative decisions.

IN PRACTICE

Preventing nepotism and patronage

It is unacceptable to favour your relatives (nepotism) or other people you know (patronage) by providing an advantage through the position you hold. Do not participate in a work matter if your relatives or people you know are involved, unless your manager has authorised your involvement.

Value diversity — no discrimination

An important part of respecting others is valuing their diversity. By valuing the differences that all employees bring to the workplace we can better meet the needs of the public and the Government of the day. Unlawful or unjustifiable discrimination must not occur. Avoid both direct and indirect discrimination in your treatment of individuals and in the services you deliver.

Harassment and bullying

Harassment is unlawful. It is usually based on a real or perceived difference such as sex, race or disability and may lead to the person who is being harassed feeling offended, humiliated, intimidated or being disadvantaged. Harassment consists of unwelcome, offensive, abusive, belittling or threatening behaviour directed at another person.

Bullying is a form of harassment and is not acceptable. Bullying is about repeatedly treating another person in a less favourable way by intimidatory, offensive, degrading or humiliating behaviour. Bullying may be an offence under the *Occupational Health, Safety and Welfare Act 1986* and may result in serious penalties.

Health and safety in your workplace

You must take reasonable care to protect your own health and safety and the health and safety of others. You are required to use any equipment provided for health and safety purposes and obey any reasonable instruction which the employer gives in relation to health and safety.

ACCOUNTABILITY

Accountability refers to your responsibility as a public sector employee to the elected government, the community and your agency.

To ensure accountability you are required to:

- continuously improve your performance in delivering services
- utilise resources at your disposal in an efficient, responsible and accountable manner
- provide responsive, effective and efficient services to the community and the Government
- deal with information of which you have knowledge as a result of your work only in accordance with the requirements of your agency
- base all selection decisions on a proper assessment of merit
- maintain structures, systems and processes that work without excessive formality and that can adapt quickly to changing demands
- observe all legislative requirements, and lawful and reasonable instructions from people with authority.

IN PRACTICE

Using public money, property, goods or resources

You are required to use all resources, including human resources, efficiently and effectively for public benefit. Waste or misuse of any resource is inappropriate. Care should be taken with technological resources, for example, your use of the Internet and e-mail system should be in line with your agency's policy.

Confidentiality, use of information and public comment

Be scrupulous in your use of official information. Ensure that you know about and satisfy your agency's confidentiality provisions. Ensure that the privacy of individuals is maintained and only release personal information in accordance with the privacy principles and the *Freedom of Information Act 1991*.

Take care before making any public comments. Check your agency's procedures on who can and can't make official public comment and seek authorisation from your chief executive before commenting to the media.

Responsibility to the Minister

You are required to provide the same support to the elected Government regardless of which political party or parties are in office. Your judgement should be exercised within the confines of legislative requirements, Government policy, Ministerial direction and considerations of equity, efficiency and effectiveness. Your advice should be honest, frank, based on an accurate representation of the facts and should identify the possible consequences of the options available. Do not allow your private political or personal views and values to adversely influence your work.

ETHICAL DECISION MAKING

There are consequences for breaching your conduct responsibilities. Failure to meet the standards may result in performance improvement measures or disciplinary action being taken against you. Penalties may range from a reprimand, through to the termination of your employment. Some unacceptable behaviours are also criminal offences and you may face prosecution if your behaviour is unlawful.

So how do you make the right decision in a tough situation? The decision making guide on the opposite page will help you ensure that your behaviour meets the required standards. Assistance is also available from your manager, your chief executive and the Office for the Commissioner for Public Employment. If you are unsure, seek advice before you act.

STEPS

1

Identify and assess the situation

- What is difficult about the situation?
- What are the legal issues to be considered?
- Does this Code require you to behave in a certain way?
- Who else is involved and what effect does your behaviour have on them?

2

Look at the situation from a public sector standpoint

- What are your duties?
- Is there a relevant guideline, determination or policy?
- Who do you need to involve?

3

Would your behaviour stand up to scrutiny by the public

This is sometimes called the family or newspaper test.

- What would your family or chief executive say if your actions were reported on the front page of the newspaper?
- Would others see you as using your employment and resources for public benefit? Do your personal interests conflict with the public interest?

4

Identify and consider the options

- Do you need to seek advice from your manager, your agency's human resources unit, or the Office for the Commissioner for Public Employment?
- Is there an alternative solution and what would the results of that solution be? How would the public view the alternative solutions?

5

Choose your course of action

- Your choice of action must be within the legislation, policies and guidelines.
- Your behaviour must support the public sector's aims and standards.
- You must be able to justify your course of action.

Need more information?

Go to:

- Your manager
- Legislation and Regulations, including:
 - *Public Sector Management Act, 1995*
 - *Equal Opportunity Act, 1984*
 - *Freedom of Information Act, 1991*
 - *Occupational Health, Safety and Welfare Act, 1986*
 - *Public Finance and Audit Act, 1987*
 - *Public Offences Act, 1992*
 - *Whistleblowers Protection Act, 1993*
- Public sector wide policies issued by Cabinet, the Commissioner for Public Employment and other relevant authorities:
 - *Guideline for Ethical Conduct*
 - *PSM Act Determination 9: Ethical Conduct*
 - *Premier and Cabinet Circular 3 – Gifts to Ministers, all Government employees including agencies and their families*
 - *Premier and Cabinet Circular 12 – Information Privacy Principles Instruction*
 - *Government Boards and Committees – Guidelines for Agencies*
- Agency policies and codes of conduct
- Websites:
 - Office for the Commissioner for Public Employment
<http://www.ocpe.sa.gov.au>
 - Parliament of South Australia
<http://www.parliament.sa.gov.au>
 - IntraSA
<http://intra.sa.gov.au>

If you need more help after referring to the documents listed above, and your manager is unable to assist you, seek advice from your senior management, your human resources unit, the Office for the Commissioner for Public Employment or the Crown Solicitor's Office.