

TOWN of CLAREMONT

EMPLOYEE HANDBOOK

Employee Code of Conduct



Our vision and mission

OUR VISION

The Town is a progressive, respectful, sustainable local government supporting a connected, flourishing community.

OUR MISSION

We exist to deliver quality services for Claremont today and to build the foundation for the future.

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Introduction

Over the past several decades, community expectations for the openness and integrity of government have changed substantially, resulting in increasing public and regulatory scrutiny of government decisions and actions.

The *Local Government Act (1995)* (the Act) and *Local Government (Administration) Regulations 1996* (the Regulations) require me to prepare and implement a Code of Conduct for employees. Council Members have their own separate Code of Conduct.

I am committed to the Town continuing to act in the best interests of its community, maintaining the highest level of integrity, governance and transparency.

This Code has been prepared to assist you to understand the standards of conduct and behaviour the Town expects of you in carrying out your role at the Town.

You must always act in accordance with the requirements of this Code and all Town policies and procedures.

The Code applies to every interaction that you have including those with other employees, contractors, volunteers, committee members, Council Member, ratepayers and any member of the community. Your behaviour must at all times reflect the Town's values of Respect, Integrity, Quality Communication, Customer Service and Excellence. These values and what they mean are explained in detail below.

Please be aware that examples in this Code may not cover all situations. You should use your judgement in each situation. If you are uncertain, you should reach out and ask your direct supervisor.

I ask everyone working at the Town to familiarise themselves with this Code and adhere to the Code at all times.

Tim Lynch

Chief Executive Officer



Our values

The Town's expectation is that you will be an advocate for, and actively role model, each of the Town's values:



Respect

We are responsible for how we behave in our workplace and will show respect and courtesy to all customers and colleagues.

BEING RESPECTFUL INCLUDES:

- Giving due regard for the feelings, wishes or rights of others.
- Listening to other people's ideas and perspectives.
- Respecting and valuing diversity.
- Following any direction the Council may adopt.
- Refraining from acting unprofessionally, inappropriately or offensively.
- Being inclusive, supportive, and collaborative in all your interactions.
- Not making allegations which are improper, untrue or derogatory.
- Not causing any person unwarranted offence or embarrassment.
- Promoting and maintaining harmonious relationships in the workplace. The Town will not tolerate behaviour or conduct that constitutes:
 - Insulting or offensive behaviour towards others.
 - Verbal abuse, coarse language, derogatory remarks.
 - Spreading rumours or behaviour disparaging of others.
 - Posting unauthorised, derogatory or offensive content.
 - Discrimination, bullying or harassment of any kind.

Integrity

We are open, accountable and honest.

SHOWING INTEGRITY INCLUDES:

- Ensuring all decision-making is based on the relevant facts and consideration of the merits.
- Acting within your power, in good faith, ethically and for a proper, intended and lawful purpose.
- Being responsible for your actions and holding yourself accountable.
- Being open, accountable and fair.
- Acting always in the best interests of the Town and as per Town policies and procedures.
- Performing your duties in the public interest and not improperly use your position for personal gain or advantage or to cause detriment or disadvantage to others.
- Giving effect to the decisions and policies of Council.
- Avoiding actual or perceived conflicts of interest.
- Disclosing and seeking CEO approval for secondary employment or unpaid work outside the Town.
- Complying with the all Town's finance policies including the Purchasing Policy, Corporate Purchasing Cards Policy.
- Complying with all purchasing systems and procedures in place.
- Acting responsibly and exercising sound judgment with respect to matters involving the Town's finances and resources.
- Using Town finances only within the scope of your role, authority or purchasing limits.
- Not misusing or permitting the misuse of Town assets and resources (including IT resources, office supplies, Town vehicles). These resources should only be used in the course of your duties and role.
- Refraining from political activities (including Town elections) which could cast doubt on your neutrality and impartiality.

Quality Communication

We demonstrate our respect for our community, and each other through timely, and accurate and understandable communication.

QUALITY COMMUNICATION INCLUDES:

- Demonstrating an ongoing commitment to the Town's Customer Experience Charter.
- Active listening and showing empathy.
- Speaking clearly and maintaining eye contact.
- Avoiding interrupting, casting judgment and negative body language.
- Being responsive and consistent.
- Not using offensive, disparaging or derogatory language.
- Not making false or misleading statements.
- Not accessing, using or disclosing confidential information held by the Town such as information that has been disclosed in confidence or that is sensitive, commercial information and information relating to ratepayers, members of the public and/or contractors and suppliers.
- Directing any enquiries or queries from Council Members to the CEO.
- Adequate and timely communication of decisions of Council and the Town.
- Ensuring that your use of social media and other forms of communication complies with all Town procedures and policies.
- Directing all enquiries from Media for a comment or opinion or official Town comment to the CEO. For further information please refer to the IT, Social Media and E-communications procedure.



Customer Service

Every contact with a customer is important and an opportunity to demonstrate our commitment.

Excellence

Our focus is quality outcomes achieved on time, on budget.

EXCELLENT CUSTOMER SERVICE INCLUDES:

- Ensuring consistency.
- Striving to ensure that every customer's experience with the Town is a positive one.
- Providing your colleagues with excellent customer service.
- Responding to correspondence in a timely manner.
- Actively engaging with customers.
- Complying with neat and responsible dress standards at all times in a manner appropriate to your position.
- Following the Town's Customer Experience Charter at all times.

EXCELLENCE INCLUDES:

- Ensuring that your work is carried out efficiently, economically and effectively.
- Meeting operational and strategic goals in a timely, efficient and cost-effective manner.
- Delivering outcomes that meet or exceed expectations.
- Ensuring efficient and appropriate use of resources.
- Following best practice in purchasing activities that aligns with principles of transparency, probity and good governance.
- Promoting the development of efficient work practices.
- Encouraging creativity, innovation and initiative.
- Employing the mind set of continuous improvement.



Council

Role and Responsibilities

Council is a body corporate established under the Act and is headed by the Mayor and nine Council Members who are elected by the residents and ratepayers of the Town. The Mayor and Council Members are elected for four year terms with half expiring every two years.

The role of Council is specified in Section 2.7 of the Act as follows:

- Direct and control the Local Government's affairs;
- Be responsible for the performance of the Local Government's functions;
- Oversee the allocation of the Local Government's finances and resources; and
- Determine the Local Government's policies.

Council makes strategic decisions that contribute to governing the Town's affairs, including determining:

- The long term future direction;
- The range, scope and level of services to be provided;
- Allocation of finances to achieve long term direction and service objectives;
- Local Planning Schemes and Policies that influence land use in the district;
- Maintaining oversight of the performance of the Local Government's functions; and
- Adopting policies (which may include strategies, plans, guidelines and standards that establish the framework for how the Local Government fulfils its functions).



Council Members

Role and Responsibilities

The Town has nine Council Members. The role of a Councillor is specified in Section 2.10 of the Act as follows:

- represents the interests of electors, ratepayers and residents of the district;
- provides leadership and guidance to the community in the district;
- facilitates communication between the community and the council;
- participates in the local government's decision-making processes at council and committee meetings; and
- performs such other functions as are given to a councillor by the Act or any other written law.

Council members have no role in employment matters including recruitment and selection, performance assessment, promotions and/or remuneration of employees.

Council Members, plus Committee Members and Candidates have a separate **Code of Conduct** to employees (Council Member Code). The Council Member Code incorporates general principles of:

- personal integrity, care and diligence, acting lawfully, honesty and integrity, accountability;
- treating others with respect, courtesy and fairness;
- accountability, making decisions based on facts, merit and the public interest.

A person (including an employee) can make a complaint against a Council Member, Committee Member or Candidate alleging a breach of the Council Member Code within one month of the alleged breach occurring.

The CEO is authorised as the Complaints Officer to receive complaints and pass them to the Complaints Committee for consideration.

For further information please also refer to **Policy LG 541 - Complaints against Council Members, Committee Members and Candidates**.



Mayor

Role and Responsibilities

The role of the Mayor is specified in Section 2.8 of the Act as follows:

- presides at meetings;
- provides leadership and guidance to the community in the district;
- carries out civic and ceremonial duties on behalf of the local government;
- speaks on behalf of the local government. As per Council [**Policy LG 542 – Council Members Media Policy**](#), the Mayor is the official spokesperson for the Town.
- performs such other functions as are given to the mayor or president by the Act or any other written law; and
- liaises with the CEO on the local government's affairs and the performance of its functions.



Chief Executive Officer

Role and Responsibilities

In accordance with the Act and **Council Policy LG 538 – Appointment of Chief Executive Officer and Acting Chief Executive Officer**, Council is responsible for appointing a CEO.

The CEO's functions under section 5.41 of the Act are to:

- advise Council in relation to the functions of a local government under the Act and other written laws;
- ensure that advice and information is available to the Council so that informed decisions can be made;
- cause Council decisions to be implemented;
- manage the day to day operations of the Town;
- liaise with the Mayor on the Town's affairs and the performance of the Town's functions;
- speak on behalf of the local government if the Mayor permits;

- be responsible for the employment, management supervision, direction and dismissal of employees;
- ensure that records and documents of the local government are properly kept for the purposes of the Act and any other written law; and
- perform any other function specified or delegated by the local government or imposed under the Act or any other written law as a function to be performed by the CEO.

The CEO implements Council's decisions and is answerable to Council for the performance of the Town's functions.

The CEO is focused not only on implementing decisions already made, but also on supporting and advising Council on future decision-making requirements.



Leadership and Management Team

The Town's Executive Management Team comprises of the Chief Executive Officer and three Directors who lead the organisation's business units. The Town adopts a model of lead by example. The CEO and Executive Management Team are required to and do demonstrate Town's values, transparency and integrity at all times.

A culture of transparency is demonstrated by:

- Publishing the minutes from the Executive Management Team meetings.
- Weekly communications from the CEO to employees.
- Weekly communications from the CEO to Council members.
- Monthly whole employee meetings which include time for employees to ask questions and provide feedback.
- Regular team meetings.

KEVIN KETTERER

*Director
Infrastructure*



- Engineering and Civil Works
- Building Works and Maintenance
- Parks and Environment
- Asset Management
- Aquatic Centre

TIM CLYNCH

*Chief Executive
Officer*



- Elected Members
- Media and Communications
- Customer Relations
- Arts, Events and Tourism
- Economic Development
- Integrated Planning
- Bay View Community Centre

BERNADINE TUCKER

*Director Governance
and People*



- Human Resources
- Work Health and Safety
- Legal, Insurance and Risk
- Governance and Records
- Finance, Rates and Payroll
- Information Technology
- Community Safety

ROSS MONTGOMERY

*Director Planning and
Regulatory Services*



- Statutory Planning
- Strategic Urban Planning
- Planning Heritage
- Environment Health and Waste
- Building Services Compliance

Interaction between Employees and Council

At the Town, the CEO is the only employee employed directly by the Council and the only member of administration permitted to communicate and meet with Council Members.

The CEO acts as a conduit between the Council members and employees.

You are not permitted to contact a Council Member during or outside of your work hours. This includes discussing:

- Ordinary Council Meeting agenda items.
- Your role including your responsibilities, your workload, your remuneration.
- Other employees.
- Anything related to committees or working groups.
- Contact with ratepayers.
- Suggestions or recommendations.
- Grievance or concerns.

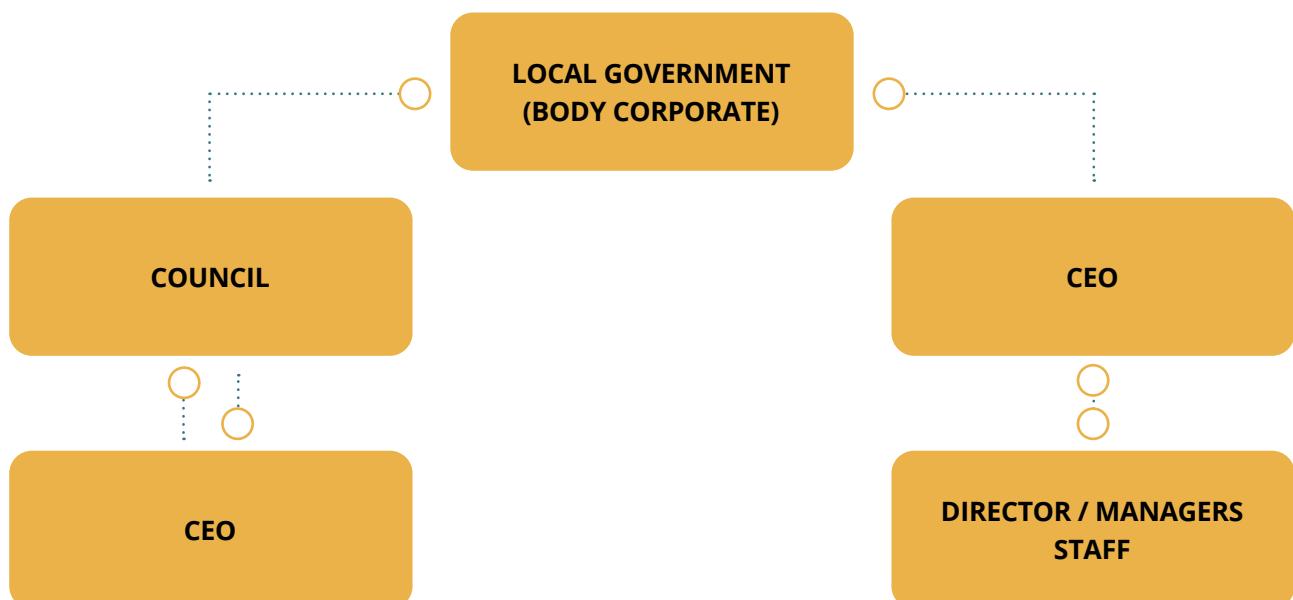
Likewise, a Council Member is not permitted to contact you directly. Any involvement by a Council Member in administration or contact directly with an employee is likely to be a breach of the Council Member Code.

Council Members do not have the power to direct or influence employees (or attempt to) in the carrying out of their day-to-day activities.

If you are contacted by a Council Member you must:

- politely remind them that you are not permitted to speak with them or take instruction from them.
- ask them to contact the CEO or Executive Assistant instead of you.
- report the contact to the CEO immediately.

You must not do anything on instruction from a Council Member.



Your Obligation

Conflict of Interest

You are required to ensure that if you do have an interest or an interest that could reasonably be perceived as a conflict of interest that you disclose that interest.

A conflict of interest is a situation where you have a personal or financial interest with another party that may impact your role or decision-making ability for the Town.

A conflict can arise from several sources, including friends, relatives, close associates, financial investments, personal circumstances, memberships and associations, affiliations and/or past employment.

For example, if you:

- have an interest in any matter to be discussed at a Council or Committee meeting upon which you are giving advice or comment;
- have a personal connection or association with a potential or actual contractor, supplier or consultant;

you are required to disclose the nature of the interest to the CEO in writing. If you are unsure you should always check with your Director as to how best to proceed.

Ask yourself these 6 questions when assessing whether you have an interest to disclosure:

- 1. Public duty versus private interest** - *Do I have a personal or private interest that may conflict with my public duty?*
- 2. Potential** - *Could there be a benefits for me now or in the future that could cast doubt on my objectivity?*
- 3. Perception** - *How will my involvement in the decision or action be viewed by others? Are there risks associated for me or the Town?*
- 4. Proportion** - *Does my involvement in the decision appear fair and reasonable in all the circumstances?*
- 5. Presence of Mind** - *What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?*

- 6. Promises** - *Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action or decision?*

If you are not sure if you have a conflict of interest, discuss the matter with your Director.

Employees who have been delegated powers from the CEO or Council are legally required to complete specific documentation including a Primary Return, Annual Return and Related Party Disclosure.



Your Obligation

Record Keeping

The Town has an approved Record Keeping Plan that ensures compliance with the *State Records Act 2000 and Freedom of Information Act 1992*. You must ensure:

- That you familiarise yourself and act in accordance with any relevant policies and procedures governing records management.
- All information is properly recorded, managed and maintained.
- You record actions and decisions to ensure transparency of decision making processes.
- You maintain confidentiality of all records and personal information obtained through the course of your employment.
- Secure storage of confidential or sensitive information.
- All Town records are kept and saved in the Town's Electronic Document Records Management System, TRIM.

A record includes a letter, email, text message, map, plan, diagram, graph; a drawing, photograph, or anything on which information has been stored or recorded, either mechanically, magnetically, or electronically.

WORK HEALTH AND SAFETY

The Town is committed to the safety, health and wellbeing of all employees and compliance with the *Work Health and Safety Act 2020*. You have a role to play and must ensure that you take reasonable care to ensure your own and others safety and health at work. You must promptly report any hazards, near misses, accidents, incidents, injuries, property damage you see in the workplace.

GIFTS

A "gift" means a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or a travel contribution.

A gift for example includes a coffee, an invitation to an event, discounts on good or services.

Regardless of the value of a gift, you should always consider whether it is appropriate or what the perception may be in accepting a gift.

You should ask yourself before accepting any gift:

- *What would you tell others to do? What advice would you give?*
- *Do you feel comfortable with your decision or do you feel uneasy?*
- *Is this in conflict with your own personal values?*
- *How would you feel if this became public knowledge?*

A gift must be refused where the person giving the gift is likely to undertake an activity requiring local government discretion i.e. planning approval.



GIFT VALUE	CAN YOU ACCEPT IT? Y/N	DO YOU NEED TO REPORT IT? Y/N	WILL IT APPEAR ON THE GIFTS REGISTER?	FURTHER INFORMATION
\$1-\$50	Yes	No	No	For a gift worth less than \$50, such as a chocolates or coffee there is no requirement for this to be reported by you.
\$50-\$300	Yes	Yes	Yes	<p>You are required to notify the CEO of the details of the gift within 10 days of the acceptance of the gift.</p> <p>You are required to complete a Gift Disclosure Form and provide the following details:</p> <ul style="list-style-type: none"> the name of the person who gave the gift; and the date on which the gift was accepted; and a description, and the estimated value, of the gift; and the nature of the relationship between the person who is an employee and the person who gave the gift <p>Once the gift disclosure form is submitted to the CEO, it will be recorded in the reportable gifts register which is published on the Town's website.</p> <p>As soon as practicable after you cease to be an employee, the CEO will remove from the register all records relating to you.</p>
PROHIBITED GIFTS				
\$300 For 1 gift or more than 1 gift from the same person within 12 months	No, this is a "Prohibited Gift"	If you decline it you are not required to notify but it is recommended that you notify the CEO	No	<p>'Prohibited gifts' refers to any gift worth \$300 or more; or receiving several gifts from the same person within a 12-month period that are worth more than \$300 in total.</p> <p>An 'associated person' is someone who is either undertaking, or seeking to undertake, an activity or business dealing with the Town, or, who it is reasonable to believe is intending to undertake an activity with the Town. Examples include a developer, a business owner, a ratepayer, a supplier or contractor (potential or existing), a tenant, a council member.</p>

For additional information, you can review the Act (sections 5.57, 5.74(1)) and the Regulations (Regulations 19AA- 19AF)

Reporting Breaches of this Code

The Town does not tolerate improper conduct and strongly supports disclosures being made in respect of conduct which is in breach of this Code and/or potentially corrupt or otherwise improper. You are obliged to report any suspected breaches of this Code.

MISCONDUCT REPORTING

Employees and Council Members have a duty to report suspected misconduct. The following methods are available for the reporting of misconduct:

MISCONDUCT REPORTING	
Notification to Supervisor	The Town encourages notification as a first point to an employee's immediate supervisor in the first instance, however, employees can also notify a member of the Executive Management Team at any time. All reports of misconduct will be investigated confidentially.
Notification to the Chief Executive Officer	Notifications of suspected misconduct may be made to the Chief Executive Officer by email or in writing for investigation. Where correspondence is addressed to the Chief Executive Officer and marked 'Private and Confidential' it will not be opened by anyone other than the Chief Executive Officer. The Chief Executive Officer is designated as the Complaints Officer for complaints made under the Code of Conduct for Council Members, Committee Members and Candidates.
Public Interest Disclosure	A Public Interest Disclosure may be made in writing to the Town's Public Interest Disclosure Officer. The Town will take all reasonable steps to provide protection to anyone who makes such disclosures from any detrimental action in reprisal for the making of a Public Interest Disclosure.
External agencies	Depending on the nature of the suspected misconduct the matter may be reported to agencies such as the: <ul style="list-style-type: none">• Public Sector Commission• Corruption and Crime Commission• Department of Local Government, Sport and Cultural Industries• WA Police

The Town's [Grievance Resolution Procedure](#) and [Workplace Investigation Procedures](#), detail the processes to be followed for investigation of reports of misconduct and resolution of workplace grievances. The procedures confirm that the CEO is required to notify the Corruption and Crime Commission or Public Sector Commission where they believe an employee may have committed misconduct as defined in the Corruption, Crime and Misconduct Act 2003.

Consequences of Breaches of this Code

Breaches of this Code will be taken seriously. If you are found to have acted or behaved contrary to the Town values, policies and procedures and/or anything in this Code you may be subject to disciplinary action up to and including termination. Other outcomes could include:

- Monitoring.
- Warning – verbal or written.
- A requirement to attend formal counselling.
- Mediation.
- A requirement to attend training or Professional Development.
- Apology or undertaking to stop the behaviour.
- Changing work arrangements.
- Disciplinary proceedings.
- Termination of employment.
- Referral to the Police.
- Referral to external integrity bodies.

A CEO is required to notify the Corruption and Crime Commission or Public Sector Commission if they suspect or believe that an employee may have been involved in corrupt conduct.

PUBLIC INTEREST DISCLOSURE

Public interest disclosure includes a disclosure which is made by a person who discloses to the Town information which tends to show past, present or proposed future wrongdoing related to the Town.

The *Public Interest Disclosures Act 2003* provides protection for those making such disclosures and those who are the subject of disclosures.

The Town will take all reasonable steps to provide protection to anyone who makes such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

EMPLOYEE ASSISTANCE PROGRAM

The Town's Employee Assistance Program (EAP) is a free, professional and confidential counselling service, provided by Telus Health. The service can be used for any personal or work-related issues that may be impacting your general wellbeing.

Telus Health employ experienced, qualified and registered psychologists. You can access the EAP by calling Telus Health on 1300 361 008 (which is available 24/7, 365 days a year) or by visiting their website for further details:

<https://app.lifeworks.com>



DOCUMENT CONTROL BOX			
DOCUMENT RESPONSIBILITIES:			
Owner:	CEO	Owner Business Unit:	HR & Governance
COMPLIANCE REQUIREMENTS:			
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996		
Organisational:	Town of Claremont Code of Conduct for Council Members, Committee Members and Candidates Integrity Strategy		
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1.		12 November 2021	CEO Approval
2.		12 November 2022	CEO Approval
3.		31 January 2023	CEO Approval
4.		16 February 2024	CEO Approval

ACKNOWLEDGEMENT OF PEOPLE AND COUNTRY

The Town of Claremont acknowledges the Traditional Custodians of the land and waterways of the Claremont and Swanbourne area. We respect the significance of their connection to the sacred sites, the Derbal Yerrigan and Galbamaanup wetland. We honour the ancestors of our community Elders who survived and cared for this Country.

