

Pr8166 - Guide to the Code of Conduct

Sponsor	Chief Executive Officer
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References to documents this Guide relies upon or satisfies	<p>a. South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 – An Act to further restructure the water industry in south-east Queensland.</p> <p>b. Public Sector Ethics Act 1994 – An Act about public sector ethics and conduct.</p> <p>c. Crime and Corruption Act 2001 – An Act to provide for the establishment and operation of a Crime and Corruption Commission, and a Parliamentary Crime and Corruption Committee, and for other purposes.</p> <p>d. Crime and Corruption Commission (CCC) website (www.ccc.qld.gov.au).</p> <p>e. Public Interest Disclosure Act 2010 – An Act to facilitate the disclosure, in the public interest, of information about wrongdoing in the public sector and to provide protection for those who make disclosures.</p> <p>f. Judicial Review Act 1991 – An Act relating to the review on questions of law of certain administrative decisions, and for the reform of procedures relating to judicial review of common law, and for other purposes.</p> <p>g. Ombudsman Act 2001 – An Act to establish an office of ombudsman for investigating administrative actions taken by, in or for certain agencies, and recommending to agencies ways of improving administrative processes, and for other purposes.</p> <p>h. Right to Information Act 2009 – An Act about rights to government and other information.</p> <p>i. Information Privacy Act 2009 – An Act to provide safeguards for the handling of personal information in the public sector environment and to allow access to an amendment of personal information.</p> <p>j. Anti-Discrimination Act 1991 – An Act to promote equality of opportunity for everyone by protecting them from unfair discrimination in certain areas of activity and from sexual harassment and certain associated objectionable conduct.</p> <p>k. Criminal Code Act 1899 – An Act to establish a code of Criminal Law in the State of Queensland.</p> <p>l. Fair Work Act 2009 (Cth) – An Act that, along with the organisation’s industrial instruments, provides the employee relations framework that governs our employment relationships</p> <p>m. Work Health and Safety Act 2011 – An Act to provide</p>

Pr8166 - Guide to the Code of Conduct

	comprehensively for work health and safety, and for related purposes.
References to written direction that give effect to this Guide	Stakeholder Engagement Policy Corporate Entertainment Policy Public Interest Disclosure Policy Gifts and Benefits Policy Fraud and Corruption Control Policy Conflict of Interest Policy Complaints Management Policy Procurement Policy Corporate Travel Policy Disciplinary Policy Grievance Policy Bullying, Sexual Harassment and Discrimination Policy Interpersonal Relationships in the Workplace Policy Learning and Development Policy Motor Vehicles Management Policy Reward and Recognition Policy ICT Acceptable Use And Security Policy Work Health and Safety Policy Fitness for Work procedure Unitywater Life Saver Rules

1. Introduction

Unitywater acknowledges the value of its workforce as a key component of organisational capability. The commitment, achievement, skill and contribution of each team member is required if Unitywater's vision 'To be a sustainable, industry-leading, community and customer-oriented water and allied services business' is to be achieved.

The Code of Conduct contributes positively to the culture of Unitywater by describing the conduct, values and behaviours expected of all Unitywater team members.

2. Purpose

The purpose of this Guide is to outline the obligations of leaders and team members to comply with Unitywater's Code of Conduct and contribute to the achievement of a professional and productive work culture characterised by the absence of any form of unlawful or inappropriate behaviour.

3. Applicability

The Code of Conduct applies to all Unitywater team members including:

- a. The Chief Executive Officer;

Pr8166 - Guide to the Code of Conduct

- b. Members of the Executive Leadership Team;
- c. All Unitywater leaders and employees; and
- d. Members of the Board.

In addition, the Code of Conduct will apply to all agency hire employees and contractors who are working on Unitywater sites and or interacting with Unitywater employees.

4. Definitions

Term	Meaning
Agency Hire Employees	Are engaged through an agency to perform work for Unitywater under the direction of Unitywater but there is no direct employment relationship with Unitywater.
Conflict of Interest	A conflict between the public duty and private interests of Unitywater staff in which the team member has private interests which could improperly influence the performance of their official duties and responsibilities.
Contractors (including Consultants)	A person who does not have a direct employment relationship with Unitywater and who is contracted to provide advice or perform work for Unitywater in a particular area of expertise.
Corruption	Involves a breach of trust in the performance of official duties and includes conduct which does, or could adversely affect the honest or impartial exercise of official functions by a team member, whether or not for the benefit of any person. It also includes conduct by a team member involving dishonest or partial exercise of an official function.
Fraud	An intentional dishonest act or omission done with the purpose of deceiving. It may have the object of obtaining a benefit for some person or causing a detriment. It includes the situation where a person makes a false representation about something and lacks belief in the truth of the representation or makes it recklessly, not caring whether it is true or false. Unitywater has a Fraud Policy in place that aims to prevent and reduce the risk of fraud and corruption within Unitywater.
Indictable Offence	Is a crime which is triable on indictment by the Crown. There is sufficient evidence (often where a prima facie case has been established) for a judge to formally charge the person accused of committing the crime. Includes, but is not limited to, such crimes as rape, kidnapping, murder and robbery.
Interpersonal relationship	<ul style="list-style-type: none"> • a relationship between employees that goes beyond the bounds of a platonic / personal friendship or a working relationship and includes being a relative, a family relationship, or personally involved relationship, such as dating, romance, sexual or other similar close personal relationships that may be consensually undertaken by both individuals; or • a relationship between employees which gives rise to a real or potential or perceived conflict of interest and includes close

Pr8166 - Guide to the Code of Conduct

	<p>friends, relatives and financial relationships; or</p> <ul style="list-style-type: none"> a relationship between employees where one person is financially dependent on another.
Leader	A leader is any team member with supervisory responsibilities.
Limited Personal Use (Electronic Mail and World Wide Web)	Use that is not official business or professional duties and that is infrequent and brief and is performed during the employee's non-paid time, that is, before and after work and during lunch breaks.
Maladministration	Is administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory or taken for an improper purpose.
Misconduct	Behaviour by a team member that breaches the employment contract or breaches Unitywater's Code of Conduct or other policies.
Official Misconduct	<p>Conduct by a Unitywater employee connected with their official duties or exercise of their powers that is; dishonest or lacks impartiality; or a breach of the trust which the employee holds by virtue of their position; or a misuse of officially obtained information.</p> <p>It must also be a criminal offence or serious enough to justify dismissal of the person from their position.</p> <p>It should be remembered that criminal matters are not just those in the Queensland Criminal Code but also include offences created by other Acts such as the Environmental Protection Act, and the Right to Information Act.</p>
Procedural Fairness	<p>Procedural fairness is concerned with the procedures used in reaching a final outcome by a decision-maker, rather than the actual outcome reached. It requires that a fair and proper procedure is used when making a decision. In reaching an outcome, a process should be followed that:</p> <ul style="list-style-type: none"> Provides the affected employee with the details of the issues to be addressed; Allows the employee an opportunity to respond to these issues and that this response is fully considered in the final decision; and The decision maker must act impartially and without bias at all times through the process with the final decision based upon the evidence provided.
Serious Misconduct	Misconduct by a Unitywater employee that is so serious that it amounts to a fundamental breach of the contract of employment and thus summary dismissal is justified. Serious misconduct will be official misconduct if the conduct is in connection with the employee's official duties or powers.

Pr8166 - Guide to the Code of Conduct

	Serious misconduct also means conduct by a contractor or agency hire employee that is so serious that instant termination of their contract is warranted to protect Unitywater.
Social Media	Social media includes the various internet-based applications that allow the creation and exchange of user-generated content. Social media enables individuals to communicate via the internet sharing information and resources.
Summary Dismissal	Instant dismissal, without notice or payment in lieu of notice.
Summary Offence	Is a crime that can be dealt with summarily by a Judge or Magistrate sitting alone (rather than decided by a judge and jury).
Team Member	An employee of Unitywater, a contractor or agency hire employee engaged to perform work for Unitywater.

5. Policy

Unitywater is committed to creating and maintaining an environment for customers, clients, visitors and team members which is professional, responsive, safe and free from any form of unlawful or inappropriate behaviour. This commitment supports expectations that all activities of Unitywater are conducted with efficiency, impartiality and integrity.

The *Public Sector Ethics Act 1994* identifies four fundamental ethical principles to guide our behaviour. The four principles are:

- a. Integrity and impartiality;
- b. Promoting the public good;
- c. Commitment to the system of government;
- d. Accountability and transparency.

These principles, together with Unitywater's corporate values, form the basis of this Code of Conduct. They apply to all team members and guide our thinking, actions and decision-making.

6. Intent

6.1 Applying the Code

All Unitywater staff are responsible for implementing the Code in the workplace.

All team members are responsible for ensuring that their behaviour reflects Unitywater's values and the standards of conduct described in the Code.

Leaders have an added responsibility to support team members in achieving these goals, by leading by example, ensuring attendance at training and assisting team members to understand the Code.

6.2 The Code and Your Responsibilities

Principle One: Integrity and Impartiality

Pr8166 - Guide to the Code of Conduct

Ethics Obligation: In recognition of the public trust placed in Unitywater, team members:

- a. Commit to the highest ethical standards;
- b. Manage conflicts of interest;
- c. Demonstrate a high standard of workplace behaviour and personal conduct; and
- d. Manage participation in external organisations and contributions to public discussion appropriately.

What does this mean?

It is an inherent requirement of Unitywater employment and engagement that team members be of good character and trustworthy. Team members:

- a. Must not improperly use official powers or position, or allow them to be improperly used;
- b. Must ensure that any conflict that may arise between their personal interests and official duties is resolved in favour of the public interest;
- c. Must disclose fraud, corruption, and maladministration that become apparent; and
- d. Must promptly report the bringing or recording of any criminal charge and or conviction against them.

Team members must maintain their status as a fit and proper person for the position throughout their employment.

Where a team member becomes aware of a criminal charge or conviction being brought and or recorded against them, they must, in the first instance, promptly report this to the Executive Manager, People, Culture and Safety. The information provided will be used to assess ongoing suitability for the position and organisational risks or issues arising.

Making Decisions

You must not influence any person in an improper way to try to obtain any advantages or favours. All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record keeping and showing how decisions were made.

You must not in any way misrepresent your qualifications, experience or expertise in any recruitment and selection process.

All team members providing assessments of performance must ensure that the assessment is accurate and without bias.

Accepting Gifts and Benefits

Occasionally, you could be offered gifts or benefits from people with whom you do business. You can accept gifts and benefits in certain circumstances, however you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a real or perceived conflict of interest.

Pr8166 - Guide to the Code of Conduct

For example, ask yourself if accepting the gift or benefit could suggest that the giver may or would receive favourable treatment. Your leader can advise you about the receipt of gifts, gratuities and benefits in accordance with the Gifts and Benefits Policy.

Conflict of Interest

A conflict between a public duty and a private interest is called a conflict of interest and must be resolved in favour of the public duty.

When making decisions, you must declare any conflicts of interest. This includes disclosure of any interpersonal relationship.

If you believe you have a conflict of interest, whether actual or perceived, tell your leader promptly. These matters need to be addressed in accordance with the Conflicts of Interest Policy and the Interpersonal Relationships in the Workplace Policy.

Until the matter is resolved, make sure you are not part of any decision-making processes relating to the matter.

Behaviour towards each other

We must all treat each other with trust, respect, honesty, fairness, sensitivity and dignity. Team members who supervise or manage other team members have a responsibility to model this kind of behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them.

Team members shall, for example avoid patronage and favouritism in employment matters, act fairly and equitably, and seek to ensure that members of the public receive the proper entitlements and know their rights.

You need to accommodate and respect different opinions and perspectives, and manage disagreements by rational debate. You must not behave towards any other person in a way that could be perceived as intimidating, overbearing or bullying.

Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work co-operatively with fellow team members and actively and willingly take part in team activities (e.g. meetings).

Non-Discriminatory Workplace

Unitywater is committed to creating and maintaining a workplace free from unlawful discrimination. By law, all team members must ensure that discrimination is not part of our workplace or our practices.

Unitywater is committed to preventing harassment of team members and the public. All team members need to contribute to building a workplace that tolerates differences and which is free from intimidation, bullying and harassment.

Public Comments on Unitywater Business

As a private citizen, you have the right to make public comments and make your personal views known on political and social issues.

Pr8166 - Guide to the Code of Conduct

Unitywater business can be topical, sensitive and controversial and there is a process to be followed when making public comments.

If you are asked to comment on any Unitywater matter by the media or public relations firms, refer the agency to the Communications and Marketing Branch.

Sometimes, it might be appropriate to share information based on personal and professional experience (e.g. authorised seminars or training programs). Make sure that if you share your experiences, you do not breach the confidentiality of Unitywater information or privacy of other persons (this can potentially include comments made and information shared in your personal life by whatever method of communication you use).

Use of Social Media

All Unitywater staff needs to use good judgment about what material appears online, and in what context.

Whether use of social media platforms is occurring in the workplace or outside of the workplace, you are expected to abide by the Code of Conduct.

Social media covers, but is not limited to, the sites and services mentioned below, and is also intended to cover other social media services as they develop in the future:

- social networking sites (eg Facebook);
- professional networking services (eg LinkedIn);
- video and photo sharing websites (eg YouTube);
- micro-blogging (eg Twitter);
- forums and discussion boards (eg Google Groups);
- online collaborations (eg Wikipedia);
- podcasting;
- blogs including corporate blogs and personal blogs;
- blogs hosted by traditional media outlets.

Abiding by the Code of Conduct should result in the following risks being properly managed:

- a. Bringing Unitywater's brand and reputation into disrepute;
- b. Representing a personal view as that of the Unitywater;
- c. Falsifying identity so as to mislead another person;

Pr8166 - Guide to the Code of Conduct

- d. Publication of promises or statements regarding the Unitywater's operations which are not true;
- e. Disclosure of personal information (which includes photos, images or drawings) relating to all Unitywater staff or customers, or official information that is commercial-in-confidence;
- f. Breach of Unitywater policies resulting in termination or employment or other disciplinary action;
- g. Plagiarism or breach of copyright;
- h. Excessive time browsing social media applications;
- i. Inappropriate use of social media.

This requirement does **not** apply to your private use of social media platforms where you make no reference to Unitywater related issues and do not identify yourself as an employee of Unitywater. However, Unitywater may direct you to withdraw posted material. Unitywater reserves its right to direct all Unitywater staff that certain subjects are avoided, withdraw certain posts, and remove inappropriate (in Unitywater's opinion) comments.

A conflict of interest may arise from associations made through social media. This is when an employee's personal interest could influence, or be perceived as being influenced, in the performance of their official duties and responsibilities. This relates to associations that may be considered contrary to the role of the employee and/or the operations of Unitywater. All Unitywater staff must declare any conflicts that may arise through their use of Social Media.

Just as bullying and harassment will not be tolerated in the workplace, nor will it be tolerated where it occurs on a social media site. This is regardless of whether it occurs on duty or outside of work hours.

In this regard, you are not to post any adverse or critical content (in Unitywater's opinion) about any other employee or individual on social media sites such as offensive, obscene, bullying, discriminatory, hateful, racist, sexist, abusive, harassing, threatening or defamatory content.

In such circumstances, not only is it likely that disciplinary action will be taken against you (which could include dismissal), but that such content may also amount to civil proceedings giving rise to you being sued for damages or charged with a criminal offence. You may be held personally liable in relation to any ensuing litigation arising from such content being posted.

External Activities

You are free to engage in trade union, party-political, professional, interest group or charity activities. You must make sure that your participation in such activities does not cause a conflict of interest, and that it does not restrict the performance of your duties within Unitywater.

You are not to take part in political affairs while on duty. Unitywater's information communication technology systems, including internet access and email, must not be used

Pr8166 - Guide to the Code of Conduct

for political messages or circulating defamatory or disparaging remarks against individuals or groups.

If you comment publicly in connection with such activities, you must make a clear distinction between your opinion as a member of those organisations, and your opinion as a Unitywater team member.

You must not use your role in Unitywater, Unitywater information or information gained in the course of your duties, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide Unitywater information to members of other groups or related persons, except where this information is publicly available.

Principle Two: Promoting the Public Good

Ethics Obligation: In order to contribute to outcomes that benefit the people of Queensland, team members:

- a. Commit to excellence in service delivery;
- b. Ensure appropriate community engagement; and
- c. Work as an integrated service.

What does this mean?

Customer Service

All Unitywater team members must strive to provide excellent customer service. They must treat members of the public with honesty, fairness, sensitivity and dignity.

All Unitywater team members serve the public directly or indirectly. If your role involves regular contact with the public it is important to know how to deal comfortably and calmly with difficult situations and difficult people.

Complaints from customers and the community are to be treated seriously. Constructive feedback is to be treated to as an opportunity for improvement.

Concern for the Environment

Unitywater is committed to ensuring that our products and services will accord to social and environmental expectations and minimise disruption to the community and impact on the environment. This includes individual responsibility for our own actions.

Engagement

Unitywater acknowledges it has a role to play in raising community awareness about policy issues related to its products and services. We listen and respond to relevant issues and concerns raised by individuals and communities.

Integration

Pr8166 - Guide to the Code of Conduct

We collectively plan and deliver related programs and services, working cohesively to enhance the efficiency of service delivery.

Principle Three: Commitment to the System of Government

Ethics Obligation: To demonstrate our respect for the government and its institutions, Unitywater team members:

- a. Commit to our roles;
- b. Uphold the laws of the State and Commonwealth; and
- c. Comply with official Unitywater decisions and policies faithfully and impartially.

What does this mean?

Work to the best of your ability

You must perform your duties to the best of your ability with care, competence and efficiency and aim to maintain and improve your work performance and that of your team in the delivery of customer service. You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your team. Be open about reporting mistakes.

Unitywater will assist you by providing equitable access to training and development opportunities.

Keep your appearance and presentation clean, tidy and appropriate for your work role, and in line with workplace health and safety requirements.

Acting within the law

As a team member of Unitywater you are expected to be aware of, and act within, the law, Unitywater policies, procedures and delegations. You are entitled to have access to legislation that is relevant to your work. You are required to comply with all lawful and reasonable directions from leaders.

Working Safely

We are all committed to 'zero harm' in the way we conduct our business and Unitywater activities. You must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow team members and members of the public.

We must all:

- a. Identify hazards and manage risks to health and safety;
- b. Perform all work safely and follow safe work practices;
- c. Use personal protective equipment if required;
- d. Report any incidents or hazards immediately and support investigations; and

Pr8166 - Guide to the Code of Conduct

- e. Take corrective action to ensure safety in the workplace and implement improvements.

Unitywater has zero tolerance for alcohol consumption whilst on duty and zero tolerance for working whilst under the influence of illegal drugs or alcohol. We must keep the workplace drug and alcohol free if we are to maintain the trust and confidence of customers and the health and safety of all team members. The use of drugs or alcohol adversely affects productivity, attendance and on-the-job safety.

You must not:

- a. Use, possess or be impaired by the effects of illegal drugs while on duty;
- b. Consume alcohol while on duty or in the workplace (except at an authorised social activity);
- c. Come to work impaired by the effects of alcohol or drugs;
- d. Gamble or bet on Unitywater premises (except for authorised sweeps and tipping competitions); and
- e. Smoke in Unitywater buildings, offices or vehicles.

Attendance at Work

You are expected to follow Unitywater employment and working arrangements, agreements and rulings on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods. Leave must only be taken for the purposes for which it is intended. If you need leave for a personal reason, talk to your leader about the options available.

Absence without approval and without reasonable excuse can create concerns for your safety and unproductive time for other team members, and may result in deductions in salary/pay for the period of absence and or disciplinary action.

Raising a Concern

You have the right to comment on or raise concerns about Unitywater policies or practices where they impact on your employment. However, you must do this in a reasonable, constructive way and take responsibility for your comments and views. When raising complaints or grievances, team members are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed and in these circumstances the team member may be managed in accordance with Unitywater's performance management process.

Principle Four: Accountability and Transparency

Ethics Obligation: In order to take responsible actions and decisions that can be explained and easily understood, Unitywater team members:

- a. Ensure transparency in our business dealings;
- b. Ensure appropriate use of official resources, public property and facilities;

Pr8166 - Guide to the Code of Conduct

- c. Ensure appropriate use and disclosure of information; and
- d. Commit to continuous performance improvement.

What does this mean?

Public money and financial decisions

You must maintain high standards of accountability when managing public money. Team members who make decisions involving Unitywater financial resources must ensure that they are doing so within the scope of their delegated authority and within policies and procedures for the purchase, use and disposal of resources.

You are not to borrow or use Unitywater money for private purposes. This also applies to items such as taxi vouchers. Spending of Unitywater's money is for legitimate activities only in line with Unitywater policies. Seek prior approval from your leader if you are unsure.

Managing time and resources

Manage your time and resources efficiently, and with regard to relevant policies.

All equipment, resources and consumable items must only be used for Unitywater business unless otherwise approved by your leader.

Unitywater assets and work resources

Unitywater's assets include property, plant, equipment, information systems, computing resources, goods, products and valuables. All team members share the responsibility for looking after them. If Unitywater provide you with an asset or access to an asset, you must take good care of the asset while it is in your possession or use, and ensure assets are used economically and efficiently. You must take reasonable care not to damage or lose Unitywater's assets and must not permit others to be careless or reckless in the use of Unitywater assets. You must ensure that they are secured against theft and properly stored, maintained and repaired.

You are not to access or disclose any information about customers unless you are carrying out official Unitywater business.

You must not store personal files on Unitywater's information technology assets. Any files stored on, or information accessed using Unitywater assets, is discoverable by Unitywater.

Unitywater fixed telephones and mobile devices must be used in accordance with the Fixed Telephones and Mobile Devices Policy.

You may have limited personal use of electronic mail and internet browsing in accordance with the Employee Internet Usage Policy.

When you cease employment with Unitywater, you must return all Unitywater property and work-related documents.

Pr8166 - Guide to the Code of Conduct

Handling Information

Team members must be impartial in the performance of all aspects of their duties, including their response to members of the community and customers.

Original work, inventions, or products that team members have designed through the course of their employment with Unitywater will remain the intellectual property of Unitywater. You are not permitted to publish or disclose any matters relating to Unitywater's intellectual property unless authorised.

You are also required to respect the intellectual property rights of individuals and organisations outside of Unitywater. This includes respecting the copyrights, trademarks and patents of your suppliers.

Disclosure of Official Information

Unitywater's corporate information is generally public information, but some of it (e.g. legal cases, business negotiations, insurance matters, personal details, and identity of complainants) may be confidential or subject to the *Right to Information Act 2009*.

Those exceptions to the community's right to know can be extremely important. Team members may even be unaware when certain information is confidential at a particular point in time, as situations can change. In releasing information to people outside Unitywater, team members must follow these protocols. Team members must not:

- a. Release confidential reports, or divulge the confidential Unitywater discussions of those reports;
- b. Release information created in or managed by another work area, unless you have specific approval from the leader of that area;
- c. Release the identity of a complainant, or details that may identify the complainant, except with the express prior agreement of the complainant;
- d. Advance a private interest, either of yours or another person's, by the use of confidential Unitywater information; and
- e. Release information free of charge where a fee is normally payable.

If you become aware of the personal details of any other team member by virtue of your work, or inadvertently, you must treat the information strictly confidentially.

Privacy

Unitywater has information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful if released. Team members must only access information and records they require in the course of their Unitywater duties.

Team members must keep this information confidential at all times and comply with privacy requirements.

You can maintain privacy by:

Pr8166 - Guide to the Code of Conduct

- a. Taking care about discussing work matters with anyone not entitled to know such information;
- b. Taking responsibility to safeguard confidential files and information;
- c. Not disclosing system passwords to others;
- d. Enforcing rules about storage of information over time; and
- e. Referring all media enquiries to your leader or the Communications and Marketing Team.

Reporting Official Misconduct

Team members must co-operate with any investigations being conducted in connection with the administration, management or operation of Unitywater.

Any suspected official misconduct, including fraudulent and corrupt conduct, maladministration, criminal activity and unlawful instructions which you become aware of at work, is to be reported to the Executive Manager, People, Culture and Safety.

If the Executive Manager, People, Culture and Safety is implicated, your report must be directed to the Chief Executive Officer,

There is a statutory obligation upon the Chief Executive Officer to refer all cases of suspected official misconduct that meets the statutory definition to the Crime and Corruption Commission.

Examples of official misconduct include:

- a. Accepting money or other benefits in exchange for helping someone to avoid prosecution, win a contract, or gain government approval;
- b. Stealing the employer's property or cash;
- c. Gaining a personal benefit by not revealing a conflict of interest; and
- d. Unlawfully assaulting a person.

Leaders have a responsibility to ensure an appropriate and accountable control environment exists and are cognisant of the controls that are in place to reduce the risk of fraud and corruption within Unitywater.

Unitywater is committed to protecting from retaliation or reprisals any person who raises concerns about misconduct. In some circumstances, a team member who makes a disclosure about misconduct will be regarded as a 'discloser' under the *Public Interest Disclosure Act 2010*. The *Public Interest Disclosure Act 2010* makes it a criminal offence to take a reprisal against anybody making a public interest disclosure.

6.3 Breaches of the Code

What happens if there is a breach of the Code?

A breach of the Code of Conduct damages business, public and work relationships. It is not intended to be, and must not be, used to intimidate or threaten team members.

Pr8166 - Guide to the Code of Conduct

All team members must be familiar with the Code of Conduct and comply with its provisions.

Leaders must seek to avoid escalation of inappropriate behaviour that may result in a breach of the Code of Conduct, and deal with workplace conflict through timely and direct face-to-face communication that addresses the behaviour in a constructive way. Leaders also have a responsibility to ensure that team members have been trained in the Code of Conduct. Leaders must make fair, transparent and consistent decisions in response to an allegation of a breach of the Code and the action to be taken in response to a breach. Suspected breaches will be treated individually and all relevant circumstances will be taken into account and in accordance with the Disciplinary Policy. The principles of procedural fairness will apply to investigations of breaches.

In determining the action to be taken, the nature and seriousness of the breach will be considered. Some possible consequences of a breach include:

- a. Informal or formal counselling;
- b. Performance management processes;
- c. Disciplinary action;
- d. Termination of employment;
- e. Referral to the Crime and Corruption Commission (in cases of suspected official misconduct); and
- f. Referral to the police (in cases of suspected criminal activity).

The Crime and Corruption Commission or the Queensland Police Service might need to gather evidence before a suspected team member is made aware of allegations of official misconduct or criminal conduct.

The normal principles of procedural fairness are not appropriate where the safety and security of other Unitywater team members and property need to be secured by summary dismissal of the offending team member.

The *Public Interest Disclosure Act 2010* and the *Public Sector Ethics Act 1994* aim to create a work environment where team members understand and maintain appropriate standards of conduct.

If you have a concern, or suspect a breach of the Code involving one or more Unitywater team members, the *Public Interest Disclosure Act 2010* gives you the right and the protection to report serious wrongdoings using:

- a. Internal channels (e.g. Leader, Executive Manager, Chief Executive Officer, People, Culture and Safety Division); and
- b. External channels (e.g. Crime and Corruption Commission, Anti-Discrimination Commission).

6.4 Ethical Decision Making Model

At times, you will need to make decisions or take actions that are not specifically covered in the Code of Conduct. When you are confronted with an issue, it is important to consider all the options and talk to the right people – when in doubt, talk about it. The following ethical

Pr8166 - Guide to the Code of Conduct

decision making process will help you to decide on the right thing to do when faced with an ethical problem.

Consider the issues

Observe the four ethical principles

Discuss the issues

Establish a position

Consider the issues and define the problem

- What are the facts and circumstances of the situation?
- How will your decision affect all stakeholders?
- Does it break the rules, the law or go against Unitywater's policies or procedures?
- What are the job expectations?
- What are the actual or foreseeable consequences and impacts?
- Why do I feel uncomfortable?

Observe the four ethical principles

- What obligations and standards apply?
- Are there existing policies, guidelines, instructions that can give me guidance on what to do?
- Would the public view the proposed conduct, decision or advice as fair, honest and appropriate?
- Are the values of procedural fairness, accountability and reasonableness met?
- Has Unitywater's duty of care been compromised?
- Are there any legal implications?

Discuss the issues and consider the options

- Do I have the power or the authority to deal with the situation?
- Who else should I talk to?
- What options are available given the situation?
- What are the pros/cons of each option?
- What are the costs and long-term consequences?
- What impact will the decision have on stakeholders?
- What is consistent with current policy and what options are available which uphold the relevant principles?
- Have you applied 'no surprises' rule and discussed the issue with your leader?
- Are you or other persons able to take the course of action in a healthy and safe manner?
- How would the public view these options?
- What feels 'right' to me as a professional team member?

Pr8166 - Guide to the Code of Conduct

Establish a position

- Is the decision fair and equitable as outlined in the principles?
- Does it provide a reasonable balance between competing interests and values?
- Is it consistent with current legislation, policy and other relevant information?
- Does your decision stand up to public/media scrutiny? (i.e. 'Courier Mail' test)
- Who needs to be advised and how?
- Can you justify your actions?
- Would you be happy if this action was done to you?
- What do I need to do to prevent the situation occurring again?

Make sure you choose a course of action that is: within the scope of your authority; lawful and consistent with the Code of Conduct; fair and able to be justified to your leaders and the public; and documented so that a statement of reasons could be supplied if required.

7. Responsibilities

All Unitywater staff, contractors and agency hire staff are responsible for ensuring compliance with the expected standards of conduct by conducting themselves in accordance with the Code of Conduct and this Guide. Specific roles and responsibilities under this Guide are:

Unitywater Leaders

To support team members by leading by example, ensuring attendance at training and assisting team members to understand the Code.

People, Culture and Safety

To provide the regular refresher training on Code of Conduct responsibilities for all team members in order to maintain their awareness of expectations as part of their employment with Unitywater.