



CODE OF CONDUCT AND ETHICS

INTERNAL POLICY

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1. APPLICATION

This policy applies to all staff employed by the DDB and contractors.

2. GRIEVANCE RESOLUTION STATEMENT

If a DDB staff member has a concern or complaint in relation to the implementation of this policy, they may use DDB's Grievance and Dispute Resolution policy.

3. DISCIPLINE STATEMENT

A staff member who fails to meet their obligations under this policy may be subject to the actions available under the *Public Sector Employment and Management Act 2002*. Where allegations are proven against a staff member, penalties may be imposed that may range from a warning to annulment of appointment or dismissal.



Workers' Compensation Dust Diseases Board of NSW

Code of Conduct and Ethics

October 2009

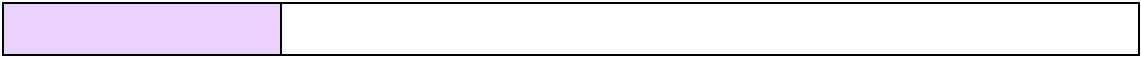


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Values

Quality in client service. We are committed to client driven quality. We constantly strive to improve our processes, products and services informed by facts and data, and understanding and satisfying changing client needs. We will seek customer feedback at every opportunity and identify and action barriers that prevent us from meeting our customer needs.

Teamwork across the organisation. We are committed to achieving open systems of decision making and communication. We believe in working together as teams, valuing and utilising the skills and contributions of staff and our partners. We know that working together offers not only more enjoyment but better outcomes.

Commitment to making a difference.

Integrity and impartiality in everything we do. We are committed to treating colleagues and stakeholders in a fair, ethical and professional manner.

People and their capacity to contribute. We believe that it is through our people that quality service is realised. All of us can exercise leadership, value continuous learning and growth, and contribute to the improvement of new processes, products and services.

Accountability to perform their responsibilities in a manner that is accountable to the public interest.

Introduction

The DDB Code of Conduct and Ethics sets the ethical principles and professional standards of conduct all staff are expected to adopt in the course of their employment, and in the performance of their duties.

The Code is not intended to be a comprehensive set of rules, but rather a set of principles that forms an ethical framework for staff conduct and behaviour in the workplace. It provides guidance on how to:

- Carry out duties in a lawful and ethical way
- Interact with other DDB staff and the people we do business with including clients, members of the public, service providers and stakeholders.

The Code is supported by a number of policies and guidelines. Many of the obligations in the Code are based on legislation including:

- The Public Sector Employment and Management Act 2002;
- Anti-Discrimination Act (NSW) 1977
- Crimes Act (NSW) 1900
- Occupational Health and Safety Act 2000
- Freedom of Information Act (NSW) 1989
- Independent Commission Against Corruption Act (NSW) 1988
- Industrial Relations Act (NSW) 1996
- Ombudsman Act (NSW) 1974
- Protected Disclosures Act (NSW) 1994
- Public Finance and Audit Act (NSW) 1983
- Privacy and Personal Information Act 1998
- Disability Discrimination Act 1992
- Copyright Act 1968
- State Records Act 1998

The Codes applied equally to every individual employed, appointed or otherwise attached to the DDB including permanent, temporary, casual and contract staff.

'Key documents' boxes through this Code provide additional reference points where further information may be obtained.

Staff obligations

As DDB staff, we are required to:

- Act within and uphold the law
- Show respect for all persons associated with DDB services and duties whether staff, clients or customers.
- Perform duties with professionalism, impartiality, integrity and without discrimination.
- Be conscientious, fair and equitable in the performance of duties, and accountable for actions and decisions.
- Serve public above private interests.
- Disclose and take reasonable steps to avoid real or perceived conflicts of interest.
- Ensure the proper use of official information and maintain proper standards of confidentiality.
- Implement State Government legislation and policies impartially.
- Observe the duties and obligations of public sector employees as detailed in the *Public Sector Management Act 1998* and other relevant legislation
- Ensure efficient and effective use of public resources.
- Not use official positions or connections with the DDB for personal gain
- Not solicit gifts or benefits of any kind
- Keep up to date with the policies and procedures relevant to our position
- Maintain a safe and harassment free workplace
- Present in appropriate attire which reflects public expectations and community standards for the work location
- Not be impaired by drugs or alcohol while at work or while carrying out your duties.
- Report suspected breaches of this Code and any actual or suspected corrupt behaviour through appropriate channels.

Personal responsibilities

The DDB has a responsibility to provide you with access to policies and procedures you are required to comply with.

As a member of staff you have a responsibility to familiarise yourself with these and to cooperate in implementing them. You also have a responsibility to make enquiries on your own behalf if you are unsure about what actions to take.

You must act in a way that promotes public trust and confidence in the integrity of the DDB's operations and administration. You need to be aware that the reputation of the DDB can be affected by your actions at work and, in certain circumstances, by your conduct outside the workplace.

You are required to:

- Behave in a lawful manner.
- Act within your delegated authority and in accordance with DDB policies and procedures, and any relevant legislative, industrial and administrative requirements.
- Conduct yourself in a professional and ethical manner at all times while at work or when your actions can be associated with the DDB.
- Not bring the DDB into disrepute by your actions or conduct.
- Be prepared to take personal responsibility and be accountable for your own conduct, actions or omissions.

- Co-operate with and obey lawful requests, directions or instructions given to you in the course of your employment by any person having the authority to do so.
- Keep up with policy and procedure changes in your area of expertise and in the DDB.
- Disclose to your manager or supervisor any charge or conviction, that may impact on your capacity to carry out your duties (eg loss of driver licence).
- Report behaviour that breaches DDB policy through appropriate channel.

Key Documents

Internet and Email Policy
Delegations Manual
Occupational Health & Safety Policy

Manager responsibilities

As a manager you are responsible for the fair and effective management of staff, work performed and the workplace.

As a manager you are expected to demonstrate high standards of ethical conduct and to lead by example.

You are required to:

- Be fully informed about the matters you deal with.
- Record and give reasons for your decisions and actions to those people who are affected.
- Ensure workplace procedures and practices are established, complied with, and regularly reviewed in your area.
- Ensure your staff are informed of their duties and responsibilities, and receive adequate information, instruction and training to perform them effectively, efficiently and safely.
- Inform your staff of the performance standards and results expected and provide your staff with constructive feedback on their performance.
- Share information with your staff and encourage open communication and staff participation in the business of the workplace through individual and team consultation.

- Make sure the workplace is free from all forms of harassment, discrimination and bullying and resolve workplace disputes and grievances in a fair and timely manner and in accordance with the relevant policy.
- Treat staff courteously and fairly and consider different views.
- Promote and acknowledge excellence and innovation and deal fairly and effectively with instances of under performance.
- Ensure work practices consider the diversity of staff members and clients.
- Ensure a safe workplace by undertaking appropriate risk assessments and establish safe work methods.
- Ensure adequate supervision so all tasks are developed, performed and completed safely and with regard to the safety of others

Key Documents

Flexible Work Practices Policy
Grievance Management Policy
Flexible Working Hours Policy
Leave Policy
Study leave and Study time Policy
Anti-Discrimination Act 1977
Occupational Health & Safety Act 2000
Protected Disclosures Act 1994

Working ethically

Working ethically is about ensuring you make decisions in accordance with appropriate legislation, policies and DDB values and the principles of procedural fairness.

Any information or advice you give or any decision you make should always be consistent with DDB policies and procedures.

You must immediately advise your manager of any situation where your personal views conflict with the performance of your official duties or you believe you cannot act impartially.

You should avoid involvement in any matter where you have a conflict of interest.

You must follow the principles of procedural fairness in decision making where those decisions impact on the rights or entitlements of others.

When making a decision you must:

- Take into account all the relevant facts.
- Take reasonable steps to obtain the necessary information to make the decision.
- Be reasonably satisfied that the information is factual and correct.
- Consider the merits of the case, including the consequences of any proposed action.
- Not take irrelevant matters into consideration.
- Apply the relevant DDB policies, guidelines and delegation
- Make the decision and take action in a timely fashion

- Make the decision in a fair and impartial manner.
- Keep full records of the decision you make.

You must always be able to justify a particular course of action and to demonstrate that a decision you have made is reasonable, fair and equitable in the circumstances.

Key Questions

to ask when faced with an ethical dilemma:

1. Is the decision or conduct legal and consistent with government policy, legislation and regulations?
2. Is the decision or conduct in line with DDB policy objectives and Code of Conduct & Ethics?
3. What will be the outcomes for yourself, your colleagues, the DDB and other involved parties?
4. Do these outcomes raise a conflict of interest or lead to private gain at public expense?
5. Can the decision or conduct be justified in terms of public interest, the fiduciary obligations of the DDB and would it withstand public scrutiny?
6. How would an independent public observer perceive the situation?

Corrupt, unlawful and unacceptable conduct

The NSW community expects you as a public official to perform your duties with honesty and in the best interests of the public.

You must carry out your duties in a lawful and honest manner and in accordance with relevant legislation, policies and procedures. You must not act in a corrupt manner and must avoid all circumstances which might give rise to an allegation of corrupt or unlawful conduct being made against you.

Corrupt conduct includes any dishonest or improper use of position or information which provides – or may provide – a benefit to you or an associate of yours. Corrupt conduct also includes any action by a member of the public to influence you to act corruptly when carrying out your duties.

Corrupt conduct or unlawful conduct in the course of employment may include, but is not limited to:

- Theft and misappropriation of DDB material or financial resources.
- Offering or accepting bribes, commissions or secret payments.
- Accepting a gift or benefit that is intended to, or is likely to cause you to act in a biased manner.
- Fraudulent or criminal conduct.
- Forgery and making false or fraudulent claims.
- Misuse or unauthorised disclosure of information or material owned, held or maintained by the DDB.
- Wilful or negligent damage to DDB or third party resources.
- Discriminatory behaviour.
- Assault or other forms of unlawful violence against a person.
- Possession or distribution of illegal drugs.

- Possession or distribution of illegal pornography.

Corrupt conduct and unlawful conduct constituting a breach of NSW or Commonwealth law may be referred to the police for investigation.

Referral to Legal Firms and Comment on legal proceedings

You are not, under any circumstances, to refer clients including applicants, workers or dependants to individual law firms. You should refer any inquiry for legal assistance to the NSW Law Society or Law Access, or where relevant the client's Union.

You are not to make comment on any aspect of legal proceedings or legal representation being contemplated or undertaken by clients.

Use of DDB facilities

You must use DDB facilities, equipment and technology efficiently and economically and for work purposes.

You may use DDB facilities and equipment including communication devices for limited personal reasons in accordance with DDB policies and relevant legislation. Such use should be infrequent and brief, and should not involve activities that might be unlawful, questionable, controversial or offensive.

Key Documents

Gifts and Benefits policy
Internet and Email policy
Fraud and Corruption Control policy
Asset Disposal policy
Independent Commission Against Corruption Act 1988
Industrial History Operational Guidelines & Procedures
Guidelines for Managing Gifts & Benefits in the Public Sector, ICAC, June 2006

Protected disclosures

The *Protected Disclosures Act 1994* sets up a scheme that aims to encourage people who work in the NSW public sector to report maladministration, serious waste and wrong conduct of their colleagues or of any public sector agency they work for or with. Under the Act, if a public official makes a 'protected disclosure' they will have certain rights and protections.

You should report known or suspected incidences of corrupt conduct, maladministration or serious and substantial waste in accordance with the policy and procedures set out in the DDB's Protected Disclosures Policy.

If you report suspected corrupt conduct, maladministration or serious and substantial waste of public monies in accordance with the reporting system set out in the policy it will be treated as a protected disclosure under the *Protected Disclosures Act 1994*.

You can also report wrongdoing to specific external agencies such as:

- Independent Commission Against Corruption (ICAC) in relation to corrupt conduct.
- The NSW Ombudsman in relation to maladministration.
- The Office of the NSW Auditor-General in relation to substantial and serious waste of public monies.

Any report made must be treated impartially and kept confidential. The DDB will support you if you:

- Report any suspected wrongdoing in accordance with the DDB's procedure for making a protected disclosure.
- Deal properly and quickly with reports you receive of suspected wrongdoing.

Protection is not available for disclosures which:

- Are made frivolously or vexatiously
- Primarily question the merits of government policy
- Are made solely or substantially with the motive of avoiding dismissal or other disciplinary action
- Do not show, or tend to show, corrupt conduct maladministration or serious and substantial waste
- Are not made voluntarily.

Key Documents

DDB Protected Disclosures Policy
Protected Disclosures Act 1994
Gifts and Benefits policy
Fraud and Corruption Control policy
Asset Disposal policy
Protected Disclosure Guidelines, NSW Ombudsman
Good Conduct and Administrative Practice Guidelines ,NSW Ombudsman

Conflict of interest

Conflict of interests arise when there is a conflict between your public duty and your private interests that could influence the performance of your official duties and responsibilities.

You should not allow and avoid situations in which your private interests conflict or might reasonably be perceived to conflict with the impartial fulfilment of your official duties and the public interest.

Conflict of interests can involve, financial interests or other material, benefits or costs and non-pecuniary interests. They can involve your personal interests as well as those of members of your immediate family or relatives (where these interests are known), business partners or associates, or friends. Enmity as well as friendship can give rise to an actual or perceived conflict of interests.

Conflicts of interest that lead to partial or biased decisions may constitute corrupt conduct.

Examples of circumstances that may give rise to a conflict of interest include:

- If you, a family member, relative, friend, or associate has a financial interest in a matter you deal with or have the power to influence.
- Secondary employment or activities that conflict with your duties, or the efficient and safe work of the DDB.

- Personal political activities, attitudes or beliefs that conflict with your responsibility to undertake your duties in an impartial way.
- Making adverse public comments that relate to DDB work or affect your capacity to undertake your duties effectively.

If you are uncertain whether a conflict exists, you should discuss the situation with your manager.

You may often be the only person aware of the potential for conflict. To ensure that your honesty and integrity is not questioned, you must:

- Recognise and disclose any actual or potential conflict of interest to your immediate manager or other senior manager.
- Take appropriate steps to resolve the conflict of interest prior to engaging in the affected work.
- Not misuse your position or make decisions that may, or may appear to obtain a benefit of any kind for yourself, family members, relatives, close friends or associates.
- Seek approval in accordance with relevant policy prior to embarking on any proposed secondary private employment.

Key Documents

NSW Ombudsman Fact Sheet: Conflict of Interest

Respect for people

The DDB is committed to creating a workplace where we can all enjoy rewarding and fulfilling professional working relationships and where differences are respected.

The administrative decisions you make must be based on sound management principles and on respect for people.

As a member of staff you are required to:

- Treat other staff, clients and members of the public fairly, with courtesy, respect and not give any preferential treatment.
- Ensure you do not discriminate against, harass, intimidate, bully, victimise or threaten staff, clients or members of the public.
- Not use the internet or email to access, create, store or distribute documents or images which includes material that may be discriminatory, harassing, offensive, or pornographic.
- Commit to resolving personal or work-related disputes or differences in a constructive, cooperative and timely manner.
- Be sensitive to and respect the culture of the indigenous community of Australia and the diverse ethnic and cultural background of staff, clients and members of the public.

Harassment or discrimination on the grounds of sex, marital status, pregnancy, age, race, social origin, carers' responsibility, religion, disability or illness, political opinion, industrial activity and irrelevant criminal record, transgender status (actual or presumed), or sexual preference (actual or presumed) may be an offence under the *Anti-Discrimination Act 1977*.

You should report instances of discrimination, intimidation, victimisation, harassment, or workplace bullying that comes to your attention to your manager or other senior manager.

Key Documents

Internet and Email policy
Grievance Management Policy
Anti-Discrimination Act 1977.
Anti-Discrimination Board website:
www.lawlink.nsw.gov.au
NSW Dept of Premier and Cabinet
EEO webpage: www.eeo.nsw.gov.au

Official and personal information, public comment

Like each of us, our clients have a right to privacy. We need to take adequate measures to protect confidential information and the privacy of our clients and colleagues.

You must take care to maintain the integrity and security of all DDB records and information, particularly personal information concerning staff and members of the public held by the DDB.

As a general rule, you may only disclose DDB information or records:

- Where your duties require you to do so
- When proper authority has been given
- When required or authorised to do so by law
- When called to give evidence in court

When dealing with personal information, you must only:

- Collect personal information for a lawful and authorised purpose, and where it is required as part of the exercise of your duties, with the express knowledge of the individual to whom the records relate.
- Use personal information for the purpose for which it is collected or held, unless authorised to do otherwise.
- Access, disclose or allow others to access personal information with the proper authority.
- Amend personal information held by the DDB with the proper authorisation.

Former DDB employees

When you leave the employment of the DDB you cannot use or take advantage of confidential information you have obtained while employed at the DDB.

Former employees who visit the DDB are to be treated in the same way as a member of the public. You must not give favourable treatment or access to confidential DDB information to former employees.

Public Comment

The General Manager will deal with all media and public comment inquiries. You cannot make public comment on behalf of the DDB without approval from the General Manager.

Provided you have approval from the General Manager, you may accept speaking engagements with professional, educational and community groups relating to DDB activities.

Outside your work you have a right to comment publicly on political and social issues, provided you make clear you are not making an official comment on behalf of the DDB or NSW public service and that you are only commenting as an independent citizen.

Key Documents

Privacy Policy
Records Management Policy
Crimes Act 1900
Independent Commission Against Corruption Act 1988
Privacy and Personal Information Protection Act 1998
State Records Act 1998

Intellectual property and copyright

The Government of New South Wales in the form of the DDB owns the intellectual property and copyright of work created by you in the course of your work with the DDB.

Intellectual Property

You must ensure that's the DDB's ownership of its intellectual property is safeguarded.

You must not provide DDB material to any person or organisation without the prior approval of the General Manager.

Intellectual property applies to:

- Written material including books and journal articles, computer software manuals
- Training manuals and research
- Computer programs
- Compilations, including directories and databases
- Cinematograph films
- Copyright
- Sound recordings
- Published editions
- Inventions
- Cultural and artistic material
- Photographs

Copyright

Owners of copyright have the exclusive right to their material. The rights of copyright owners can be assigned or licensed, with or without restrictions, and with or without conditions.

In regard to copyright, you must

- Obtain permission from the copyright owners before material using any copyrighted materials for DDB activities.
- Acknowledge ownership by the DDB of any material created, by you or by any contractors or consultants are engaged to develop written material, software, films, photographs, training materials, etc. or first published the DDB or under its direction or control

You should refer any questions in relation to intellectual property and copyright to the General Manager for advice.

Workplace safety and security

The DDB is required to provide you with a safe workplace wherever you perform your duties, and for visitors to DDB premises and work sites including the Lung Bus.

The *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001* also impose obligations on you to take reasonable care of other persons at the workplace, and to cooperate with the implementation of safe systems of work.

To ensure a safe workplace you are required to:

- Follow all safety instructions and approved safe methods of work, including the wearing of safety clothing and equipment provided to you.
- Be familiar with and follow policies and procedures for the safety and security of DDB staff, clients, premises, plant and equipment.
- Report any unsafe work practices or situations with potential to harm or injure staff or members of the public.
- Take swift and appropriate action to the best of your ability and expertise, to protect and ensure the safety of staff and the public in the event of an accident or incident.
- Take reasonable care for the health and safety of people who may be affected by your conduct at any DDB workplace.
- Ensure you are not impaired by drugs or alcohol while at work or while carrying out your duties.

- Participate, when required, in workplace health and safety consultation and training.
- Assist in identifying risks at work and eliminating or controlling risks where requested to do so.
- Not damage or destroy any information, materials, plant or equipment that is designed to ensure safety in the workplace.

The DDB also has reporting obligations under occupational health and safety legislation. Where an accident has occurred at work or on DDB premises, the DDB must report the incident to WorkCover NSW. You are required to

- Report any accidents or injuries at work to the Executive Services Manager
- Direct any enquiries relating to incidents at work or on DDB premises to your supervisor or manager.

You must maintain building security at all times. You must immediately report the loss of any DDB building security pass or keys to your manager.

Key Documents

DDB OHS Policy Statement
Occupational Health and Safety Act 2000
Occupational Health and Safety Regulation 2001

Failure to comply

If you fail to comply with this Code or any other lawful directive, you will be required to explain your actions. If your conduct is contrary to the Code's requirements and does not involve an honest mistake, a range of management options or remedies will be investigated. This may include disciplinary action.

Further assistance

If you require any information or clarification of this Code, you should speak in the first instance to your manager. Alternately you may speak to the Executive Services Manager or the General Manager. Your inquiry will be treated sensitively and confidentially.
