

Workplace conduct and ethics

- Policy Number:** E1 (QH-POL-113)
- Publication date:** November 2021
- Purpose:** To outline the obligations of employees and managers to comply with the Code of Conduct for the Queensland Public Service (Code of Conduct) and contribute to the achievement of a professional and productive work culture within Queensland Health. This culture is characterised by the appropriate management of conflicts of interest and the absence of any form of unlawful or inappropriate behaviour.
- Application:** This policy applies to all employees working for Queensland Health (including employees of Queensland Ambulance Service).
- Delegation:** The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, Hospital and Health Service Human Resource (HR) Delegations Manual, or Queensland Ambulance Service Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Crime and Corruption Act 2001*
- *Human Rights Act 2019*
- *Public Sector Ethics Act 1994*
- *Public Service Act 2008*
- Public Service Regulation 2018
- Public Service Commission Directive No. 15/20 – Positive performance management
- Public Service Commission Directive No. 3/10 – Declaration of Interests – Public Service Employees (other than departmental Chief Executives)
- Public Service Commission Directive No. 22/09 – Gifts and Benefits

Related policy or documents:

- Discipline HR Policy E10 (QH-POL-124)
- Mandatory training HR Policy G6 (QH-POL-183)
- Performance and development HR Policy G9 (QH-POL-189)
- Performance improvement HR Policy G11 (QH-POL-190)
- Code of Conduct for the Queensland Public Service
- Conflicts of interest Guideline (QH-GDL-113-1)
- Financial Management Practice Manuals of the Department of Health and Hospital and Health Services
- Public Service Commission – Declaration of Interests policy – Senior Executive Service and Equivalent Employees including Statutory Office Holders
- Public Service Commission – Gifts and Benefits Guideline
- Public Service Commission – Private Email Use Policy
- Crime and Corruption Commission – Timesheet and leave fraud – How managers can prevent and detect corrupt conduct relating to timesheets

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1 Employee obligations

Queensland Health is committed to creating and maintaining an environment for patients, clients, visitors and employees which is professional, client responsive, inclusive, safe and free of any form of unlawful or inappropriate behaviour.

Section 26 of the *Public Service Act 2008* sets out the work performance and personal conduct principles for employees (extended to health service employees via Public Service Regulation 2018).

All Queensland Health employees have an obligation to ensure their conduct is appropriate and reflects the ethics principles, values and standards of conduct outlined in the Code of Conduct and the work performance and personal conduct principles prescribed in section 26(1) of the Public Service Act.

All employees also have an obligation to comply with relevant legislation, awards, certified agreements, agreements, directives, policies and standards, Queensland Health values and Queensland Health documents.

An employee's obligations extend to:

- the performance of an employee's official duties
- representation of Queensland Health at conferences, training events, on business trips or other work-related functions
- attendance at work-related social events
- when suspended or when specifically directed.

An employee who does not comply with their obligations may be subject to disciplinary action, which may include the termination of their employment.

A requirement to continue to comply with these obligations is to be included in all performance conversations and formalised through performance and development plans (PDPs).

Training about the ethics principles, values and standards of conduct outlined in the Code of Conduct is available to all employees. Refer to Mandatory training HR Policy G6 (QH-POL-183).

2 Workplace ethics

There are many ethical challenges that employees encounter and deal with in undertaking their day to day work. The processes for dealing with ethical issues are guided by legislation, policy, delegations and the Code of Conduct. This policy is to be read in conjunction with these documents, including but not limited to the Conflicts of interest Guideline (as amended from time to time).

Employees have a responsibility to always conduct and present themselves in a professional manner and to ensure personal conduct displays integrity and impartiality and maintains public confidence in the Queensland public sector.

Section 186 of the Public Service Act sets out an employee's obligations in relation to conflicts of interest (extended to health service employees via Public Service Regulation). Employees are required to identify and disclose any interests that could conflict, or may conflict, with the discharge of the employee's duties in accordance with the Public Service Act. Employees must ensure particular caution is taken when dealing with the giving and receiving of gifts and benefits, and identifying any actual, perceived or potential conflicts of interest. Conflicts of interest must be resolved, or appropriately managed fairly and effectively and in the public interest.

Concerns about possible breaches of the Code of Conduct should be reported to managers, local human resource (HR) units and/or the chief executive.

2.1 Ethical decision making

All employees are required to ensure their decisions are ethical, as there may be times an employee will need to make a decision or take actions that are not specifically covered in the Code of Conduct.

The decision-making requirements for employees include:

- a sound knowledge of public sector values, principles and processes
- robust skills to ensure decisions and actions are consistent with those values
- ensuring the employee identifies, discloses and manages any actual, perceived or potential conflicts of interest (refer to the Conflicts of interest Guideline)
- confidence to make and be accountable for such decisions and take required actions.

2.2 Ethics in relationships

Employees are required to exercise integrity in relationships with others (including other employees), by:

- ensuring relationships do not influence work, including identifying, disclosing and managing any actual, perceived or potential conflicts of interest (refer to the Conflicts of interest guideline)
- exercising appropriate judgement when working with others
- raising concerns about another employee's actions or conduct which could be considered inappropriate.

3 Manager responsibilities

All managers have a special responsibility to support employees by leading by example and assisting employees to understand their responsibilities.

Managers must make fair, transparent and consistent decisions. Managers are accountable for decisions made in their areas of responsibility and must ensure they are effective, policy-aligned and supportive of public sector values and ethics.

Where appropriate, managers should endeavour to address concerning behaviour through local resolution in the first instance. In determining the action to be taken, the nature and seriousness of the concerning behaviour will be considered.

As prescribed by section 26 of the Public Service Act, a manager must take all reasonable steps to ensure each employee under the manager's management is aware of the following -

- (a) The work performance and personal conduct expected of the employee.
- (b) The values of the public service and of the Department/Hospital and Health Service in which the employee is employed.

(c) What constitutes corrupt conduct under the *Crime and Corruption Act 2001*.

Further, a manager must pro-actively manage the work performance and personal conduct of employees under the manager's management. The manager must take prompt and appropriate action to address cases of unacceptable work performance or personal conduct as they arise. Refer to the Performance and development HR Policy G9, Performance improvement HR Policy G11 and/or Discipline HR Policy E10.

Definitions:

Conflict of interest	<p>A conflict of interest occurs when private interests interfere, or appear to interfere, with the performance of official duties.</p> <p>Private interests include personal, professional or business interests, as well as the interests of individuals that an employee associates with, such as family, dependants and friends.</p> <p>Conflicts of interest fall into three categories:</p> <ul style="list-style-type: none"> • Actual – there is a direct conflict between an employee's current duties and their existing private interests • Potential – the employee's duties and private interests could conflict in the future • Perceived – it could appear that the employee's private interests could improperly influence the performance of their duties.
Employee	For the purposes of this policy, includes permanent, fixed term temporary and casual employees, Visiting Medical Officers, contractors, consultants, students, volunteers and others who exercise power or control resources for and on behalf of Queensland Health.
Official duties	Exercising the functions of an employee's position.

History:

November 2021	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – updated to include references to conflicts of interest and associated guideline – amended to update references and naming conventions.
July 2020	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – amended to update references and naming conventions – application amended as a result of changes to the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.
March 2018	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – amended to update references and naming conventions – updated to include section 26 of the Public Service Act.
May 2014	<ul style="list-style-type: none"> • Policy reviewed as part of the Queensland Ambulance Service (QAS) HR Policy Integration project. • Policy applicable to QAS employees. • Policy amended to reflect application to the Department of Health only.
January 2014	<ul style="list-style-type: none"> • Policy redrafted and formatted as part of the HR Policy Simplification project.

	<ul style="list-style-type: none">• Policy amended to:<ul style="list-style-type: none">– change policy name from 'Code of Conduct – Workplace Ethics, Conduct and Behaviour' to 'Workplace Conduct and Ethics'– remove duplication of information contained in the Code of Conduct.
January 2011	<ul style="list-style-type: none">• Amended to incorporate the single Code of Conduct for the Queensland Public Service effective 1 January 2011.
April 2008	<ul style="list-style-type: none">• Developed as a result of the HR policy consolidation project.
Previous	<ul style="list-style-type: none">• IRM 3.1 Workplace Ethics, Conduct and Behaviour – Policy Statement• IRM 3.1-1 Code of Conduct 2006