

Independent Community Living Association Inc.



CODE OF CONDUCT

Revised 2010

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A. INTRODUCTION

This Code of Conduct supports our values by emphasising the principles of responsible governance and is designed to help employees understand their responsibilities and obligations.

ICLA has a commitment that all services provided are carried out ethically with integrity, efficiency, effectiveness, fairness, impartiality and economy. This code of conduct provides the employees of ICLA with a framework for their decisions and actions in relation to conduct in their employment.

B. WHAT IS A CODE OF CONDUCT

A code of conduct is a set of rules outlining the responsibilities of, or proper practices for an individual or organisation.

A Code of Conduct can be defined as follows:

"Principals, values, standards, or rules of behaviour that guide the decisions, procedures and systems of an organisation in a way that (a) contributes to the welfare of its key stakeholders, and (b) respects the rights of all constituents affected by its operations."

C. PURPOSE/OBJECTIVE OF THE CODE OF CONDUCT

This Code of Conduct sets out a number of fundamental standards in order to inform and educate employees, and volunteers about our expectations of their behaviour, and also about what action may be taken if they engage in behaviour that is not acceptable to the organisation. By educating and informing people, this Code of Conduct aims to promote a safe, healthy and enjoyable workplace.

This Code of Conduct is intended to provide a framework of shared understanding on the way we behave towards each other in the workplace and how we interact with our clients, stakeholders, health providers and the community.

D. WHO THE CODE OF CONDUCT APPLIES TO AND RESPONSIBILITIES

This Code of Conduct applies to all employees, contractors and volunteers.

Management Responsibilities

- Uphold and promote the standards outlined in the Code of Conduct and provide employees with a positive role model.
- Ensure that their employees are aware of and comply with ICLA's policies, procedures and relevant legislation.
- Take reasonable steps to prevent employees engaging in conduct contrary to this policy.
- Treat our clients and other employees fairly and with respect.
- Ensure that employees are familiar with internal avenues for resolving complaints.

- Deal with complaints of unacceptable behaviour and misconduct, including discrimination, harassment and bullying, quickly, effectively, professionally and confidentially.
- Take all reasonable steps to secure ICLA premises and property.

Employee Responsibilities

- Be accountable for own behaviour and actions.
- Be aware of and comply with the Code of Conduct and other ICLA policies, procedures and relevant legislation.
- Treat our clients and other employees fairly and with respect.
- Act in the best interest of ICLA.
- Promptly inform their manager if they believe they or someone else has been a victim of harassment, bullying, discrimination or victimisation.
- Take all reasonable steps to secure our premises and property.

E. VALUES AND PRINCIPLES

The community is entitled to expect that any person paid by public money will act in a responsible manner; one which shows respect for people, cultural sensitivity, responsiveness to public concern and a willingness to participate in the development of effective safe services which are free of discrimination.

The purpose of the Code of Conduct is to promote an environment of trust and confidence for all parties associated with ICLA. It also provides a framework that ensures working relationships and service delivery are free from discrimination and are based on honesty, fairness and respect. Many aspects of this Code of Conduct are also covered by legislation and the Code of Conduct does not replace any other policies, Acts or Regulations.

F. CONSEQUENCES OF BREACHING THE CODE OF CONDUCT

We take our commitment to our values and this Code of Conduct seriously. Employees should understand that any breach to the Code of Conduct may lead to disciplinary action, which may include termination of employment. In addition, if any employee breaks the law they may also be personally liable for their action.

G. HOW TO SEEK FURTHER ASSISTANCE

Enquiries relating to the interpretation of, or compliance with, this Code of Conduct should be directed in the first instance to an employee's immediate Manager. Other avenues of assistance include the Operations Manager and the Board Secretary.

CODE OF CONDUCT GUIDELINES**1. STANDARDS OF PERSONAL BEHAVIOUR**

- We are committed to maintaining the highest standards of professionalism, honesty, integrity and fairness.
- Employees are expected to carry out their duties and conduct themselves in a manner that is consistent with this commitment. They are also expected to be accountable for their actions and decisions.
- Employees should respect the dignity, rights and views of others by acting in a courteous and helpful manner at all times.
- We also value diversity in its workforce, which enriches the services we provide, particularly in delivering high standards of client service. We will not always work with people who have the same approaches or opinions as ourselves, but we expect that we will treat each other with respect.
- It is important that employees acknowledge and consider the opinions of others and encourage the sharing of ideas. We value consultation, a process that is used throughout the organisation to obtain the valuable input of employees.
- The organisation prides itself on high standards of performance and all employees must ensure their behaviour reflects these standards. Employees' actions should create a positive influence on clients, carers and family members, service providers and fellow employees' perceptions and the value of our organisation.

2. LEADERSHIP BEHAVIOURS

- Effective leadership is important to our success. We know that our business results are achieved through, and with our people and that the quality and behaviour of our leaders is a major factor in attracting, building and retaining high performance people.
- For these reasons, we are committed to ensuring our leaders create a positive and effective working environment.

3. RESPONSIBILITIES FOR DEALING WITH STAKEHOLDERS

Stakeholders are defined as any person, group, or organization that has direct or indirect stake in an organisation because it can affect or be affected by the organisation's actions, objectives, and policies.

- Our stakeholders include, but are not limited to our clients, their families and carers, funders and associated agencies, service and health providers, directors and employees.
- Employees should recognise their role and obligations in maintaining and enhancing stakeholder confidence in the organisation's mission.
- Employees are expected to demonstrate high standards of behaviour in the provision of services and fulfil all commitments.
- All employees are encouraged to seek assistance from their managers or other senior colleagues if and when difficulties with stakeholders arise.

4. PERSONAL AND PROFESSIONAL BEHAVIOUR

It is the responsibility of all ICLA employees to adhere to and promote standards of personal & professional behaviour that will promote and support an effective working environment for ICLA and its clients. You must:

- Obey any lawful direction from a person who has the authority to give the direction. If you have a dispute about carrying out a direction you may appeal through existing grievance procedures of ICLA.
- Behave honestly and with integrity. This includes a duty to report other employees who are behaving dishonestly to the CEO
- Make sure that you carry out your work as efficiently, economically and effectively, as you are able, and that the standard of your work reflects favourably on ICLA.
- Follow the policies of ICLA, whether or not you approve of these policies. Should a situation arise in which you find a policy that you cannot carry out because of your personal views, you should discuss the matter with your Manager or CEO.
- If you have concerns about a policy, please contact ICLA's Operations Manager as there are mechanisms in place that assure the review and/or amendment of policies if they are no longer appropriate to practice situations.
- Not behave in a way that would offend, intimidate, exploit or embarrass other people.
- Dress appropriately to suit the duties required. Employees are expected to wear clothing that reflects an appropriate standard of professionalism.

5. PERSONAL RELATIONSHIPS WITH CLIENTS OF ICLA

- All employees should be aware of the power imbalance between clients and employees, and the fact that clients depend on employees for the provision of services and support. Employees need to be aware of the particular vulnerability of many clients who may, for example, have experienced abuse or exploitation in the past.
- Personal relationships with clients may be defined as social, sexual, or of other types, such as financial. Any of these kinds of relationships could result in some form of exploitation or involve some form of obligation.
- Employees must not exploit the relationship of trust with clients in any way. In particular, there must not be a sexual relationship with a client. The term "sexual relationship" within this context includes any form of physical contact, whether initiated by the client or employees and regardless of whether there is consent, which has as its purpose some form of sexual gratification, or which might reasonably be interpreted by the client as having that purpose.
- If you have any concerns about your personal feelings towards or relationship with a client you need to consult with your Manager. If you are in a situation where your relationship with a client could be misinterpreted by anyone else this needs to be discussed and documented.
- If you observe another employee behaving in a manner that may be an abuse of the professional relationship with a client you need to immediately consult with your Manager.

6. OCCUPATIONAL HEALTH AND SAFETY

- We are committed to the provision of a safe environment and safe systems for employees, clients and the community.
- We are committed to a safety focused culture and in support of this we will develop and maintain management systems for health, safety and the environment that will enable us to:
 - Comply with the relevant occupational health and safety legislation.
 - Ensure we operate to the appropriate safety and environmental standards to protect our employees, clients and the environment.
 - Ensure health, safety and environmental policies and procedures are widely communicated and implemented.
 - Consult with employees on health, safety and environmental issues.
 - Identify and manage organisational occupational health and safety risks using the hierarchy of control.
 - Minimise the introduction of new hazards.
 - Enable safe work practices through training, information, instruction and supervision.
 - Provide appropriate safety equipment that will be utilised by employees.
- All employees are expected to take reasonable care for their own safety and the safety of others, comply with safety policies and measures and facilitate the maintenance of a safe working environment.
- Consultation and cooperation are essential elements in the promotion and maintenance of a healthy and safe workplace. Deliberate breaches of safe work systems or disregard for the safety of others will be subject to disciplinary action, including possible termination of employment.

7. DRUG, ALCOHOL AND TOBACCO USE

- The health and safety of employees is important to us. It is not acceptable for employees to be at work under the influence of any drugs. Similarly, any possession or distribution of drugs or being intoxicated in the workplace is not acceptable.
- On occasions when we have activities where alcohol may be provided, both the organisation (as far as practicable) and employees have a responsibility to ensure it is consumed in a reasonable way that does not affect the health, safety or enjoyment of others.
- We provide a smoke-free workplace in all premises and in our vehicles.

8. EMPLOYEE WELL BEING

- We recognise the importance of employees balancing their work and personal life. Employees are expected to manage their own health and well being to ensure they are able to contribute fully to their role at ICLA.
- Annual holidays for rest and recreation purposes should be taken regularly, with due consideration to the operational requirements of the organisation, appropriate periods of notice and the leave requirements of other members of the team.

9. EQUAL EMPLOYMENT OPPORTUNITIES & NON-DISCRIMINATORY PRACTICES

- We are committed to ensuring that all employees are treated with dignity, courtesy and respect. We are an equal opportunity employer and are committed to providing a workplace free from all forms of unlawful discrimination.
- In making employment related decisions (e.g. hiring, promotion, transfer, training), we strive to:
 - Award jobs and promotions based on merit.
 - Ensure that the requirements of the position are always the primary focus.
 - Make judgements about people in the workplace only on the basis of their ability to perform the inherent requirements of the position.
- Discrimination occurs when one person or group is treated less favourably than another. This may be direct or indirect.
- Unlawful discrimination includes (but is not limited to): sex, race, colour, descent, nationality, national origin, age, impairment/disability, sexual preference, gender, gender identity, transgender status, pregnancy, potential pregnancy, breastfeeding, marital status, family responsibilities, responsibilities as a carer, religious or political beliefs and activities, membership or non-membership of a trade union, union or industrial activity, or membership of an employee organisation.
- It is everyone's responsibility to behave in a manner which will create and maintain a workplace environment that is free from discrimination.
- Any incidents of discrimination should, in the first instance, be reported to an employee's immediate manager. Where this is not appropriate, employees are required to report incidents of discrimination to the CEO.
- All reports of discrimination will be taken seriously and managed promptly and fairly in accordance with natural justice principles.
- Reports will also be treated with sensitivity and confidentiality.
- Vexatious, malicious or false complaints of discrimination will not be tolerated. Disciplinary action may also be taken against individuals who make such complaints.

10. HARRASSMENT AND BULLYING

- We are committed to creating and maintaining a positive work environment free from any form of harassment, bullying or victimisation.
- Harassment can take many forms and may be verbal, physical, written or pictorial. It is usually a pattern of behaviour but one act may constitute harassment if it is serious. Harassment is defined as conduct which:
 - Is unwelcomed or unwanted.
 - Causes offence, intimidation or humiliation.
 - Occurs in circumstances in which a reasonable person, having regards to all circumstances, would have anticipated that the person harassed would be offended, intimidated or humiliated.
 - Is of a type that is covered by discrimination law.
 - Sexual Harassment may include physical contact, verbal comments, jokes or propositions, the display or sending of offensive material and any other behaviour which creates a sexually hostile working environment. It may not be intentional, but some behaviour may constitute sexual

harassment if perceived as such employees. Sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual and reciprocated is not sexual harassment.

- Workplace bullying is repeated, unreasonable behaviour directed towards an individual or group that is offensive, intimidating, degrading or humiliating. Where repeated, or occurring as a pattern of behaviour, the following types of behaviour may be considered bullying:
 - Verbal abuse and/or physical violence
 - Psychological harassment
 - Excluding or isolating individuals
 - Intimidation
 - Deliberately changing work rosters to inconvenience particular employees
 - Deliberately sabotaging or impeding work performance
 - Deliberately interfering with mail and/or other communications
 - Tampering with personal effects or work equipment
 - Assigning meaningless tasks unrelated to the job
- Any incidents of harassment or bullying should, in the first instance, be reported to an employee's immediate manager. Where this is not appropriate, employees are required to report incidents of harassment or bullying to the CEO.
- Vexatious, malicious or false complaints of harassment or bullying will not be tolerated. Disciplinary action may also be taken against individuals who make such complaints.

11. COMPLIANCE WITH THE LAW

- We are committed to ensuring all that we do complies with applicable laws and regulations. There is an expectation that all employees should know, understand and comply with the laws that apply to them:
 - As a member of society (such as theft, assault and possession of illegal substances)
 - As an employee (including privacy, equal employment opportunity and OHS)
 - Specific to the job and the location in which they work
- Any unlawful act will be viewed as a serious breach of the terms of employment. Where a report of illegal behaviour is substantiated, we will consider the individual circumstances to determine the appropriate response and disciplinary action, which may include termination of employment.
- All reports of illegal or unethical behaviour will be taken seriously and managed promptly and fairly in accordance with natural justice principles. Reports will also be treated with sensitivity and confidentiality.
- Vexatious, malicious or false complaints of illegal behaviour will not be tolerated. Disciplinary action may also be taken against individuals who make such complaints.

12. PRIVACY & CONFIDENTIALITY

- On a daily basis employees may have access to personal and sensitive information that our clients, employees and other stakeholders entrust to us. Employees are responsible for protecting the privacy of this information.
- We regard the protection of our confidential information as paramount. Unless specifically authorised otherwise, all employees are required to maintain absolute confidentiality relating to any information or material they have acquired, or have access to, in the course of their employment or work with us.

- Employees are responsible for taking every precaution to protect confidential information, and this requirement continues after the cessation of employment.
- Confidential information includes, but is not limited to: client information, client's personal or medical records, employment records, marketing information, client lists, financial information, organisational and business plans technology, research, software, processes, methods, systems, programs, manuals, reports, books, data, business transactions, dealings, finances or affairs of ICLA or its clients, volunteers or employees (unless authorised for release).
- Confidential information may also include information that has been disclosed to us by an outside party under the expectation that we will keep it confidential. This is often governed by a written confidentiality agreement. This information should be kept confidential and treated in the same manner as our own confidential information.
- Information which is in the public domain (e.g. On our website or in the Annual Report) does not constitute confidential information.
- Employees must ensure that confidential and sensitive information in any form (e.g. documents, computer files, client's records) cannot be accessed by unauthorised persons.
- Employees must ensure that confidential information is only discussed with people who are authorised to have access to it and need to be aware of protecting confidentiality when having discussions with other employees within the organisation or with employees from other agencies.
- The need for information to be discussed amongst employees and relevant health care providers is to be regularly explained to clients and written consent for release of information is to be discussed with and obtained from clients. Phone requests for information about clients (other than with authorised people) must be discussed with the clients.
- Confidential and sensitive information should be securely stored when unattended in secured premises.
- Employee information should not be released without appropriate legal authority and the authorisation of the CEO or delegate.

13. CONFLICT OF INTEREST

- Conflicts of interest exist when it is likely that you could be influenced, or it could be perceived that you are influenced by a personal and/or professional interest while undertaking your role at ICLA. A good definition of conflict of interest is where there is a potential for the employee's loyalties to be divided.
- Situations that may give rise to a conflict of interest could include situations where you have:
 - Financial interests in a matter the agency deals with or you are aware that your friends or relatives have a financial interest in the matter
 - Personal beliefs or attitudes that influence the impartiality of the advice given
 - Memberships of Boards of outside organisations
 - Personal relationships with other employees of ICLA where collusion may occur
 - Secondary employment, business, commercial, or other activities outside the workplace which could impact on clients or employees or on your capacity to perform your duties
 - Involvement in party political activities
 - Access to information that can be used for personal gain

- All employees have the responsibility to declare potential conflicts of interest. Where an employee perceives that a situation or activity poses a potential conflict of interest, they should declare it by reporting it to their manager.
- Where an employee has declared a conflict of interest, the course to be followed will depend on the significance of the conflict. The appropriate option should be chosen in consultation with the manager.
 - Declare the conflict and continue involvement
 - Declare the conflict and not participate in any related decision making
 - Give up or end the personal interest which gives rise to the conflict
- You may often be the only person aware of the potential for conflict. Therefore it is your responsibility to avoid any situation that could compromise your ability to perform your duties impartially. It is also your responsibility to report any potential or actual conflicts of interest to your Manager or to the CEO where appropriate.
- If an employee is uncertain whether a conflict exists, they should discuss the matter with their Manager or the CEO, where appropriate, and attempt to resolve any conflicts that may exist.
- If an employee believes that another employee has a conflict of interest, they should discuss the matter with their Manager or the CEO.

14. GIFTS, PRIZES AND HOSPITALITY

- The giving and receiving of gifts and prizes or the provision and acceptance of hospitality are often part of normal business practice. However, gifts, prizes and hospitality can also make it difficult to be objective about the person or organisation providing them.
- Gifts and prizes mean anything of value including direct payment (e.g. money) and payment in kind (e.g. discounts, loans, favourable terms on any product or service, shares and other securities, vouchers and gift certificates). Hospitality includes meals, travel and invitations to sporting or concert events.
- Gifts or benefits that may appear to influence any aspect of the work undertaken by ICLA must neither be solicited nor accepted.
- Employees should not accept any hospitality of a value greater than \$100 from organisations with a current or potential business relationship with ICLA.
- You must avoid all situations in which the appearance may be created that any person or organisation, through the provision of hospitality or benefit of any kind, is securing or attempting to secure the influence or favour of you or ICLA.
- There may be occasions when refusing a gift would upset or offend the giver. On these occasions you should:
 - Indicate that you are accepting the gift in your work capacity or on behalf of ICLA
 - Report the receipt of the gift to the CEO
- You must not submit or accept any bribe or other improper inducement. Any advances of this nature need to be reported to the CEO.

15. OUTSIDE EMPLOYMENT/OTHER EXTERNAL BUSINESS ACTIVITIES

- In valuing the expertise of our people, we recognise that employees may engage in paid or unpaid outside employment, but expects that their doing so will not adversely impact on their ability to fulfil their obligations to us, nor reflect unfavourably on the organisation.
- If you are a full time employee and wish to engage in outside employment or other business activities you are required to seek the approval of the CEO. The approval should not be unreasonably withheld unless there is any real or potential conflict of interest.
- If you work for ICLA on a part-time or casual basis, you are required to advise the CEO of any real or potential conflict of interest between your employment with ICLA and any other employment. ICLA may request details of any other employment in the event of allegations of conflict of interest.

16. PUBLIC COMMENTARY & REPRESENTATION

- As a not for profit organisation which is government-funded, we must be mindful of the impact of any public activity, pronouncements and representation to all external stakeholders.
- Only authorised employees or spokespersons can do the following:
 - Make public comment on issues directly affecting the organisation. Any requests for information or interviews must be cleared by the CEO.
 - Make formal approaches to other companies or organisations in terms of fundraising.
 - Make formal approaches to any government or non-government bodies for the procurement of grants and other monies.
 - Make formal representations to other organisations in terms of sharing information or resources, partnering and alliances.
 - Make formal approaches to other people or organisations on any other matters.
- Care should be taken by employees when participating in activities outside work or making casual comment in social or work situations where information or actions may be perceived to be in conflict with ICLA.
- With the increase in popularity of online social networks (e.g., Facebook, MySpace, Twitter) employees must ensure that they do not make any misrepresentation about ICLA or its affairs. Employees must not participate in commentary that would reflect unfavourably upon the organisation's reputation via these forums.
- Much of the information about ICLA and its clients/services is protected by legislation. The release of confidential documents or internal organisational information to an unauthorised person or organisation is a serious breach of the Code of Conduct.

17. USE OF RESOURCES AND INFORMATION

- We recognise that many employees have family and domestic responsibilities and that it may be necessary for employees to make or receive calls or emails from family and/or friends during the course of the working day. This benefit should not be abused however, and personal calls and emails should be kept to a minimum number and duration so as to not interfere with job performance.

- ICLA email cannot be used for commercial purposes other than those of the organisation. This means you cannot use your work email account to promote another business interest or to send out personal advertisements or promotions. Similarly, email should not be used to broadcast personal views about the organisation, management or individuals. Employees should read ICLA's Policy on Internet, Intranet & Email for assistance on effective and appropriate use of emails.
- The organisation has business, legal and management obligations to keep, complete, reliable and accurate records evidencing our financial condition and business operations. It is essential that records and information are managed consistently and effectively. As a general rule, employees must use good judgement and common sense when preparing any financial or other business record and ensure the information is accurate, complete, honest, objective and timely.
- As part of the responsible use of our resources and information, employees should ensure that resources set aside for business activities are used efficiently and with consideration for reducing waste and duplication. Official resources include employees, funds, furniture and equipment, premises, typing facilities, photocopiers, computers, telephones, tools, stationery and motor vehicles.
- Official resources are not to be used for any personal or private commercial purposes.
- If you are authorised to use official resources for non-official purposes you must take the responsibility for maintaining, replacing and safeguarding the property and following any special directions or conditions which apply during the time they are being used for such purposes.

18. PARTY POLITICAL PARTICIPATION

- It is every employee's responsibility to carry out your duties in a party political neutral manner.
- If participating in political activities, you should ensure that your views or actions are not interpreted as official comment on behalf of ICLA, unless given authority to do so. Political activities must not be undertaken while on duty.

19. RECOMMENDING SERVICES TO CLIENTS

Employees providing information to clients in regard to both medical and non-medical services must clarify to clients that this information is being given so that clients can make informed decisions between a range of alternatives rather than as a recommendation.

20. NOTIFICATION OF RIGHTS OF OBJECTION, APPEAL OR REVIEW

- Employees and clients must be informed of their rights to complain about decisions and the procedures for making complaints or appeals against decisions.
- Each client & employee must receive a copy of Complaints Handling Policy and Procedures Manual.
- All employees must receive a copy of the Staff Grievances Policy.

21. CORRUPT CONDUCT AND FRAUD

- ICLA is actively committed to preventing fraud and corrupt conduct throughout the organisation. Corrupt conduct and fraud includes theft and maladministration.
- **Corrupt Conduct** includes improper use of influence or position and/or improper use of information or other improper acts or omissions of a similar nature.
- **Fraud** includes theft and criminal deception by electronic or other means; making false representations to gain an unjust advantage; and abuse of ICLA's property or time.
- **Theft** is the dishonest appropriation of ICLA's property with intent to deprive ICLA of it permanently.
- **Maladministration** is actions or inactions of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partially on improper motives.
- Corruption can take many forms including (but not limited to)
 - Official misconduct
 - Bribery
 - Blackmail
 - Unauthorised use of confidential information
 - Fraud
 - Theft
- **Fraud and Corrupt Conduct Reporting Procedure**
 - If you suspect that an act of fraud or corrupt conduct is occurring or has occurred, it is your duty to report such suspicions to their Manager or the CEO.
 - If you make a report about fraud you will be notified of the action taken and the matter will be treated confidentially.
 - If you do not feel comfortable reporting your suspicions to their Manager or the CEO, you may report such matters to the Board Secretary.
 - On receiving a report of suspected fraud or corrupt conduct the Manager must inform the CEO.
 - The CEO and/or Manager must record details of the report, including the time and date the report is made and details of matters raised.
 - All reported incidents of suspected fraud or corrupt conduct must be reported to the Finance and Audit Committee immediately and prior to any investigation of such allegations being undertaken.
 - Although not encouraged, anonymous reports may be directed to the CEO or the Board Secretary where there is adequate supporting information to enable an investigation to be undertaken.
 - Disclosures under the *Whistleblower's Protection Act* are to be dealt with according to Procedures for the Investigation of Disclosures under the *Whistleblower's Protection Act*.

- **Preliminary Investigation**

Where information received by the CEO or Board Secretary is assessed to warrant investigation, arrangements for such an investigation will be made with the Finance & Audit Committee. These arrangements will include securing all related documentation.

- **Possible Outcomes**

There are three possible outcomes of an investigation into an alleged fraud or corrupt conduct:

- Where evidence of fraud or corrupt conduct is found to be of a serious nature and, once a prima facie case has been established, the CEO, will report the incident to the NSW Police for further action; and/or
- ICLA's disciplinary process may be invoked; or
- No action will be taken.

If either of the first two possible outcomes above applies the employee about whom the allegations are made will normally be interviewed during the course of the investigation and given the opportunity to put their case.

- A deliberate false allegation of fraud or corrupt conduct must be dealt with in accordance with disciplinary procedures.

22. REVIEW OF ICLA'S CODE OF CONDUCT

This Code of Conduct will be reviewed on an annual basis by the CEO for approval by the board of ICLA.

23. DEFINITIONS AND ABBREVIATIONS

CEO

Chief Executive Officer

Direct Discrimination

Treating a person less favourably because of a personal characteristic or attribute, as listed in the relevant anti-discrimination legislation, than a person without that characteristic or attribute is treated in the same or similar circumstance.

Discrimination

When someone, or a group of people, are treated less favourably than another person or group because of a personal characteristic or attribute, as listed in the relevant anti-discrimination legislation.

Equal Opportunity

Ensuring that all employees have access to workplace opportunities based on merit, rather than a personal characteristic or attribute that is not relevant to that opportunity.

Employee

The term 'employee' is used in its broadest sense and refers to every individual employed on a full-time, part-time, casual or volunteer basis. In this sense it also refers to directors unless otherwise stated.

Harassment

The act of tormenting another by continued persistent attacks and criticism.

Illegal Behaviour

Behaviour which is prohibited by law under relevant legislation.

Indirect Discrimination

Occurs when a practice or policy appears to be fair because it treats everyone in the same way but in effect disadvantages a higher proportion of people possessing a characteristic or attribute, as listed in the relevant anti-discrimination legislation, and is not reasonable given the circumstances.

Manager

Refers to the most immediate senior manager such as Team Manager, Service Manager, Operations Manager and CEO.

Natural Justice

The requirements of natural justice are:

- Fully informing a person of any allegation(s) made against them.
- Giving the person the opportunity to respond, state their case or provide an explanation or put forward a defence.
- Ensuring that all parties are heard and relevant submissions are considered.
- Ensuring that decisions made are fair and without bias.

Repeated Behaviour

Behaviour is considered to be repeated if an established pattern can be identified.

Sexual Harassment

Any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended.

Workplace Bullying

Repeated, unreasonable behaviour directed towards an individual or group that is offensive, intimidating, degrading or humiliating.

24. FREQUENTLY ASKED QUESTIONS

What will happen to me if I have breached a law in the course of doing business for ICLA?

If you have any concerns or are uncertain about your action you should report it immediately to your manager, to allow corrective action to be taken. Criminal penalties frequently apply to breaches of the law including fines and imprisonment. Additional sanctions may apply for failing to report unlawful activity once it is brought to the organisation's attention.

I am typing a report for my manager that contains some confidential information about ICLA's activities. A few of my friends outside of work are interested in this particular area of our business. Is there any harm in discussing the report with them in general terms?

You must never disclose confidential ICLA information to friends, family members or anyone else outside of the organisation. Violations of this policy are regarded as serious misconduct.

I slipped and strained my back at work, but I do not want to report it because I was partially to blame. What should I do?

We do not approach issues by ignoring or hiding them. All accidents must be reported and investigated promptly so that the organisation can take whatever action is necessary to prevent similar incidents in the future. Corrective actions might include changes to workplace procedures or additional safety training.

I believe that I did not receive a promotion for which I am completely qualified because my manager prefers to promote employees who do not have children. I have heard my manager say that family obligations inevitably interfere with job performance. Is there anything I can do?

All employment-related decisions (e.g. promotion, transfer, and training) should be based entirely on merit. A decision based on personal attributes rather than job-related performance and qualifications may constitute discrimination. You should discuss the situation with your Manager of the Operations Manager.

Members of my work unit make jokes about my racial background. When I tell them that I find it offensive, they laugh and say that I am being too sensitive. Should I just ignore it?

No. We will not tolerate any kind of harassment. You should discuss the situation with your Manager. Alternatively, you can contact the Operations Manager.

I have been offered a part-time job with another organisation, working mainly weekends. This will not interfere with my work at ICLA. Can I accept?

It is expected that full-time employees will discuss additional employment with their supervisor or manager. Generally it is allowable for you to accept outside employment, provided it does not impact on your employment with ICLA and does not create a potential conflict of interest.

I received a gift from a donor, but I am unsure of its value. How do I know if I need to disclose it to my supervisor/manager?

You do not need to disclose modest items (e.g. pens or trinkets), unless other people could reasonably construe them as influencing your decisions and creating a conflict of interest. You should use your best judgement to estimate the value of the gift you received and the need to disclose the matter to your manager. If you are in any doubt, always err on the side of disclosure.

A reporter for a local newspaper has asked me to answer some questions about ICLA. I feel confident that I can answer the questions because I really understand the issues and would be very careful not to damage the reputation of ICLA. Should I speak with her?

Sometimes there is more to a question posed by a media representative than first appears. Even if you were careful you could inadvertently place the organisation in a difficult position. You should only answer the questions if you are an authorised spokesperson, designated to speak publicly on this issue.

I sometimes get emails that are not business related. Is it allowable for me to receive and send this type of information?

This will depend on the type of information and the frequency in which it is being sent to you. A small amount of private use is acceptable, provided it does not interfere with your normal work. Sending material which may offend others due to their gender, sexuality, religion or ethnicity is forbidden and may be deemed as harassment. This may leave the sender and ICLA liable under anti-discrimination laws. You must ensure that you tell the sender to not send such material and should it persist, you should report such behaviour to your Manager.

Is it alright to use Facebook & MySpace at work?

At this stage, whilst ICLA considers it undesirable to access the above sites at work, it is not banning use of these sites provided you only access these sites during personal time such as lunch breaks. These sites have the potential to harbor Trojans and viruses and usage will be closely monitored.