

# Workplace Ethics

Ethical Standards Unit



# Purpose

**The purpose of today's session is to get a better understanding of what is expected of you.**

- Your accountabilities.
- Equipping you with the tools to do your job.
- What does our Code mean for me?
- Legislation update.



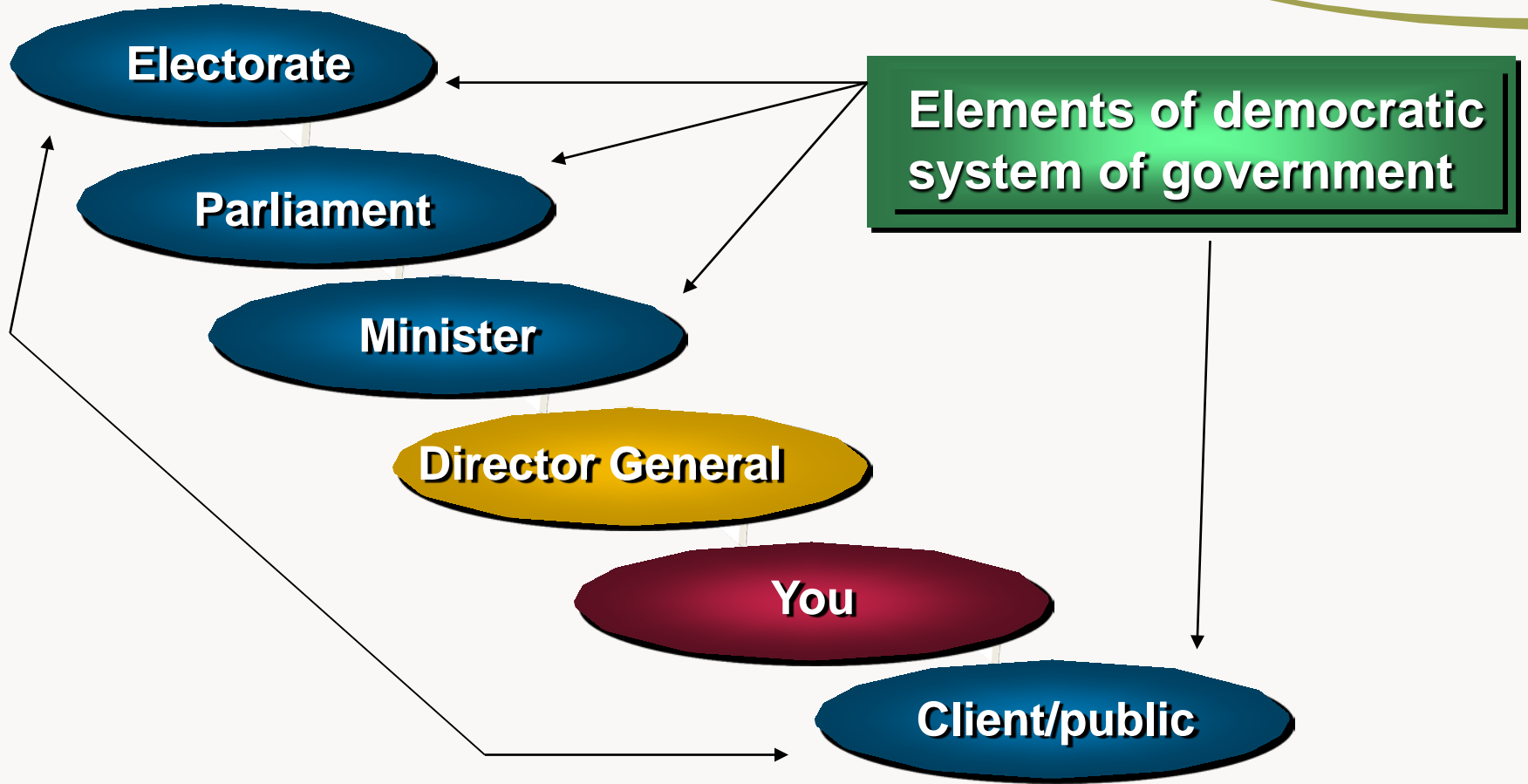
# Housekeeping



# Accountability

You are employed at public expense to provide services for the community.

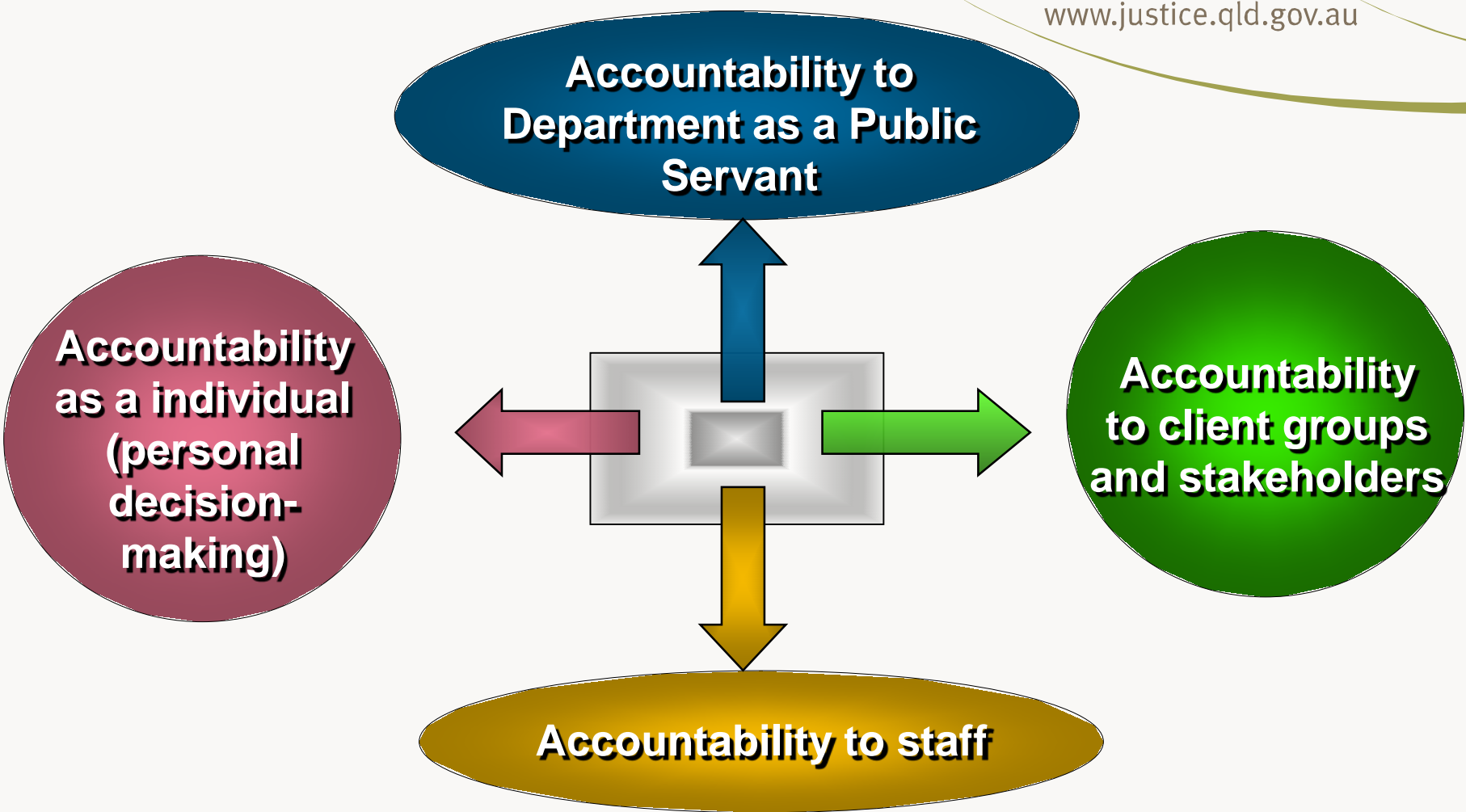




# Accountability Hierarchy

# What are your accountabilities?





## Accountability Focus

# What makes a public servant different?

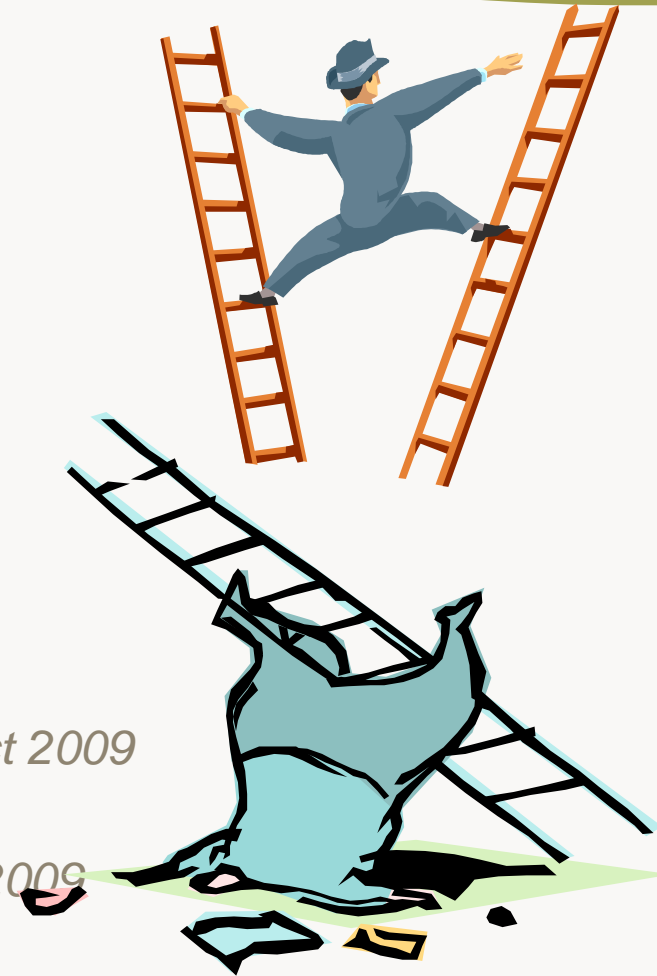
*“In recognition that public service employment involves a public trust, a public service employee’s work performance and personal conduct must be directed towards –*

1. Achieving excellence in service delivery.
2. Ensuring the effective, efficient, economical and appropriate use of public resources.
3. Giving effect to Government policies and priorities.
4. Providing sound and impartial advice to the Government.
5. Improving all aspects of the employee’s work performance.
6. Carrying out duties impartially and with integrity.
7. Choosing the least bad alternative.
8. Observing all laws relevant to employment.
9. Ensuring that the employee’s personal conduct does not reflect adversely in the reputation of the public service.
10. Improving the ‘bottom line’ at any cost.



# Framework

- *Anti-discrimination Act 1991*
- *Judicial Review Act 1991*
- *Public Sector Ethics Act 1994*
- *Workplace Health and Safety Act 2011*
- *Industrial Relations Act 1999*
- *Crime and Misconduct Act 2001*
- *Electrical Safety Act 2002*
- *Public Service Act 2008*
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- *Criminal Code and Other Legislation Amendment Act 2009*
- *Financial Accountability Act 2009*
- *Financial and Performance Management Standard 2009*
- *Public Interest Disclosure Act 2010*



# Framework cont.

- Code of Conduct for the Queensland Public Service
- Financial (inc Administrative and purchasing) and Human Resource Delegations
- Public Service Commission; Directives, Guidelines & Policies
- Privacy requirements
- Grievance and/or appeal rights of individuals
- Natural Justice principles
- Departmental and government policies/guidelines
- Information Policy Standards



Code of Conduct –  
*Public Sector Ethics Act 1994*

Breaches of the Code –  
*Public Service Act 2008*

*Criminal Code and Other Legislation  
(Misconduct, Breaches of Discipline  
and Public Sector Ethics) Amendment  
Act 2009*

*What event/incident in Queensland's  
history led to the creation of the Public  
Sector Ethics Act?*



# Review of Integrity and Accountability Framework

## Strong Rules

- Single public service code of conduct
- Gifts and Benefits policy
- Regulating the lobbyist industry

## Strong Culture

- Ethical leadership
- Mandatory ethics training
- Queensland Public Sector Ethics Network

## Strong Scrutiny

- Integrity Commissioner role expanded
- Requirement to publish departmental gifts registers
- Reform of State Procurement Policy

## Strong Enforcement

- Crime and Misconduct Commission
- Public Service Commission
- Effective Public Interest Disclosure regime

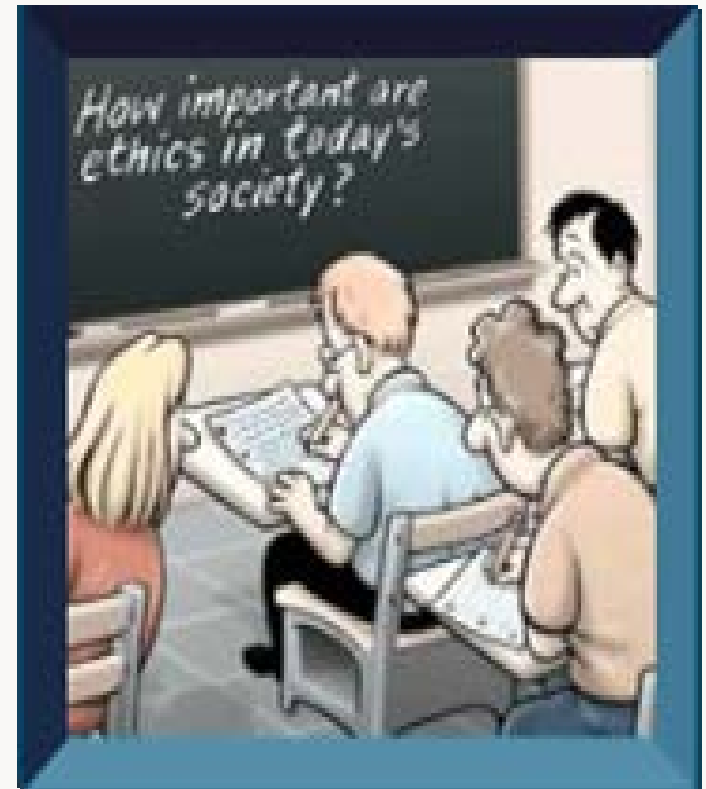
# What are the four principles?

Integrity & impartiality

Promoting the public good

Commitment to the system of government

Accountability & transparency



# Integrity and Impartiality

In recognition that public office involves a public trust and that we need to promote public confidence in the integrity of the public service. We will:

1. Commit to the highest ethical standards.
2. Manage conflicts of interest.
3. Contribute to public discussion in an appropriate manner.
4. Manage participation in external organisations.
5. Demonstrate a high standard of workplace behaviour and personal conduct.

# Promoting the Public Good

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland.

We will:

1. Commit to excellence in service delivery.
2. Ensure appropriate community engagement.
3. Work as an integrated service.

# Commitment to the System of Government

In recognition that public sector has a duty to uphold the system of government and laws of the State. We will:

1. Commit to our roles in public service.
2. Maintain appropriate relationships with Ministerial staff.
3. Ensure proper communication with Members of Parliament.





# Accountability and Transparency

In recognition that public trust in public office requires high standards of public administration... We will:

1. Ensure diligence in public administration.
2. Ensure transparency in our business dealings.
3. Ensure appropriate use of our official resources, public property and facilities.
4. Ensure appropriate use and disclosure of official information.
5. Commit to innovation and continuous performance improvement.

# What is the purpose of the Code?

Having a Code of Conduct provides:

- How I and others are expected to behave.
- As well as what to do when faced with a dilemma or a conflict of interest.



# To whom does the code apply?

The Code applies to all employees whether full-time, part-time, casual, voluntary/work experience or engaged under a contract of service. (Not Judicial Officers)

The Code also applies when we are on leave and identifiable as Departmental staff.





Ethical Standards has four policies that work in conjunction with the Code.

- **Workplace Policy**

- Conflict of Interests Declaration (and Policy)

- Other Employment Policy (and Declaration)

- Public Interest Disclosure Policy

# What does this all mean to me?

Explaining the Workplace Ethics booklet  
and how to use it.





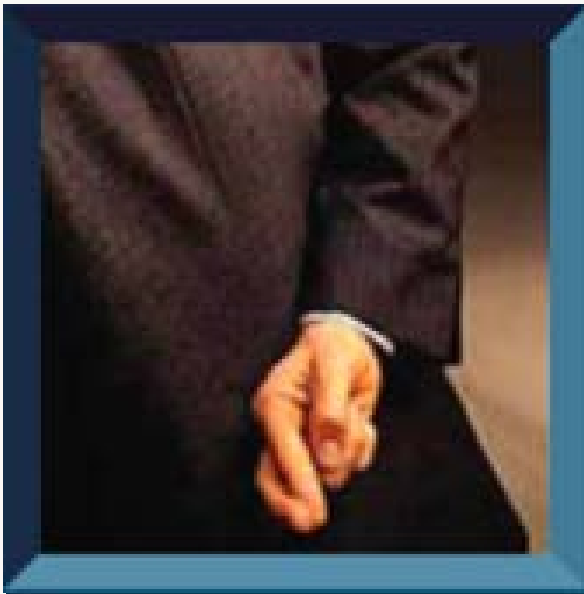
# Ethical Decision making

Ask yourself these questions:

- Is my action legal and consistent with the government's policies and Code of Conduct?
- Is my action in line with the department's goals and policies (including the Workplace Policy)?
- Is it the appropriate thing to do?
- What will be the outcome of my action for the department, my colleagues, others and Me?
- Can I justify my action?
- Would the action stand up to public scrutiny?



# Watch for the warning signs ...



- Well, maybe just this once
- No-one will ever know
- It sounds too good to be true
- Everyone does it
- Audit will never catch it
- We've always done it this way

# What is a conflict of interests?

A conflict of interests is when a public servant has a private interest that may influence, or that may appear to influence, how they carry out their job.

A conflict of interests can compromise, or appear to compromise, impartial and objective decision-making by public servants

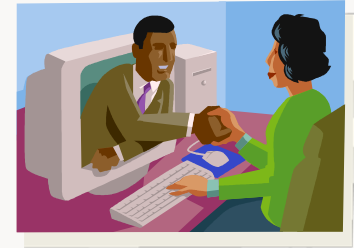


Put simply, a public servant should derive no other benefit other than their wage/salary (and of course immense job satisfaction).

See the department's Conflict of Interests policy.

# Secondary Employment

Departmental employees have both a legal and ethical responsibility to declare other employment.



Should the other employment:

- Be or have the potential to be, a real or apparent conflict of interests in relation to the employees employment in the public service.
- Have the potential to impact adversely on the employee's ability, health or well-being to safely and effectively carry out official duties in their public service employment.
- Have the potential to compromise the integrity of the employing department or to reflect seriously and adversely on their public service employment.
- Result in or have the potential to result in the misuse of information, intellectual property, physical or other public resources.

# Gifts & Benefits



There are very limited circumstances in which a public servant can accept a gift – see policy.

However as a general guide no gifts should be sought or accepted.

**No = No risk and no reporting.**

# Information Security

Keeping sensitive information confidential

What is sensitive information?

- It is defined as such by legislation and policy.
- It is personal information covered by the *Privacy Act 1988* (Cwlth).
- It may cause harm or give an unfair advantage if it is accessed or released without authorisation.
- It has an embargo against its release.



*“Information is a powerful tool. Improper, illegal, unethical or immoral use or concealment of information can wreck careers, cost lives, or destroy organisations”. (CMC – Building capacity No7)*

# Internet & Email Usage

If you access, download, store, create, view or distribute obscene, indecent, offensive or sexually explicit material (e.g. pornography) you will be dismissed.

Abide by the Department's policies (Internet and Email Usage Standards and Use of Information, Communication and Technology Devices) and only use internet and email for the purposes approved.

Limited personal use must be able to withstand full disclosure and public scrutiny.

During an investigation into misconduct or official misconduct, your email and website visits maybe accessed.



# Workplace Harassment

Should not be tolerated and must be dealt with immediately!

A definition – Repeated behaviour that:

- Is directed at an individual worker or a group of workers; and
- Is offensive, intimidating, humiliating or threatening; and
- Is unwelcome and unsolicited; and
- A reasonable person would consider to be offensive, intimidating, humiliating or threatening for the individual worker or group of workers.



# Workplace Harassment

## Examples

- Yelling, screaming, abuse, offensive language, insults
- Isolating workers from normal work interaction, training and development opportunities
- Intimidation
- Assigning meaningless tasks unrelated to the job
- Giving employees impossible assignments
- Deliberately withholding information that is vital for effective work performance
- Tampering with your personal effects or work equipment
- Deliberately changing work rosters to inconvenience particular employees
- Unreasonable “administrative sanctions”





# *Anti-Discrimination Act 1991*

Discrimination in the workplace occurs when someone is treated unfairly or badly in certain respects. Not all discrimination is against the law, even if it is unfair.

It is unlawful to discriminate against someone for;

gender (whether male or female), marital or parental status (whether married, single, widowed, divorced, separated or living with someone as if married (de facto) and whether there are children or not), race, age (whether young or old), impairment (whether there is a physical, intellectual, psychiatric or mental disability, injury or illness, including HIV status, use of a guide dog, wheelchair or some other remedial device), religion (whether there are particular religious or spiritual beliefs), political belief or activity, trade union activity, lawful sexual activity (whether gay, lesbian, heterosexual or bisexual), pregnancy, association with or relation to someone who has any of these listed attributes or personal, characteristics....at work.



# Video – case study

‘Sexual harassment’

Group discussion



Courtesy of the Anti-Discrimination Commission Queensland

# Fraud & Corruption

Fraud is dishonestly obtaining a benefit by deception or other means, action or inaction, as well as spoken words, contributing to obtaining financial advantage.

Corruption includes all kinds of behaviour whereby one person obtains an advantage over another by cheating, trickery or abuse of power or trust.

## Examples:

- Taking departmental property for personal use without permission.
- Using a cab charge card for personal use.
- Using a government credit card to purchase lunch when claiming a travel allowance for the same meal.
- Falsifying time on a time sheet.
- Others?



# *Public Interest Disclosure Act 2010*



The principal purpose of this Act is to promote public interest by protecting people who disclose information relating to inappropriate or harmful practices..

# What is a PID?

A public interest disclosure (PID) can relate to:

- **official misconduct**, including fraud & corruption; or
- **maladministration** that adversely affects anybody's interests in a substantial and specific way; or
- A substantial **misuse** of public resources (includes public funds); or
- a substantial and specific **danger** to public health or safety or environment.

Whistleblower is:

- a **Departmental employee**, whether full-time, part-time, casual, temporary or voluntary, who makes a **public interest disclosure to an appropriate entity**.



# PID Policy

Alternately the Act provides protection from reprisals:

"A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, the other person or someone else has made or intends to make, a public interest disclosure." (section 40 of the PID Act)

The most effective protection for a person making a public interest disclosure is the right organisational culture.

See the department's PID policy for more information.

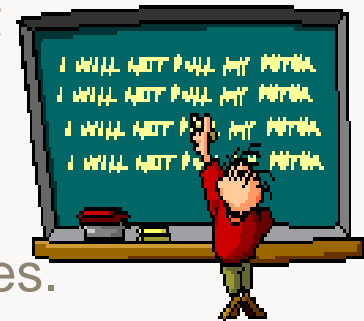
# Misconduct is ...

Inappropriate or improper conduct in an official capacity; or

Inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.

## Examples

- Failing to declare a conflict of interest.
- Using alcohol, drugs or other substances in a way that adversely affects performance.
- Excessive use of internet for personal amusement or other unauthorised purposes.
- Insulting or swearing at clients, customers or colleagues.
- Victimising another public service employee.



# Official Misconduct is.....

Any inappropriate conduct by a public official that is: related to the performance of their duties and amounts to a criminal offence or would warrant dismissal.

## Examples

- Accessing inappropriate material on the internet (e.g. pornography) emailing or storing it.
- Stealing money or equipment.
- Unauthorised personal use of departmental cars, fuel cards, taxi vouchers or information.
- Compromising a selection process.
- Cheating on travel allowances.
- Using authority of a role for personal gain.





# Criminal Code & Other Legislation Amendment Act 2009

It is now an offence “misconduct in public office”

- for public officers to abuse their office to gain a benefit or cause a detriment; and
- for former public officers to use information gained in their position to dishonestly gain a benefit or cause a detriment.

The maximum penalty is seven years imprisonment (*s.92A Criminal Code Act 1889*).



# *Criminal Code & Other Legislation Amendment Act 2009*

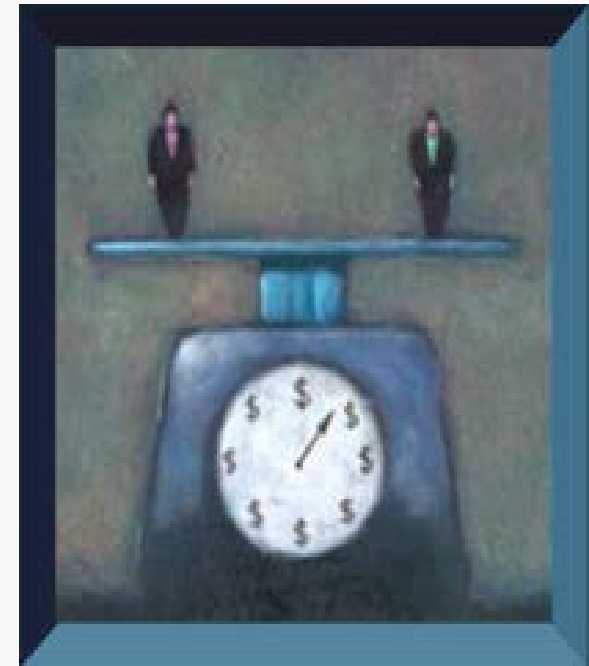
It is now possible for:

- job applicants to be obliged to disclose previous serious disciplinary action taken against them;
- chief executives to obtain and consider disciplinary information from previous public service employment in considering an applicant's suitability for appointment;
- disciplinary matters to be continued where officers move to another department; and
- serious disciplinary matters to be continued to their conclusion after the resignation of the officer concerned. (*Public Service Act 2008*).

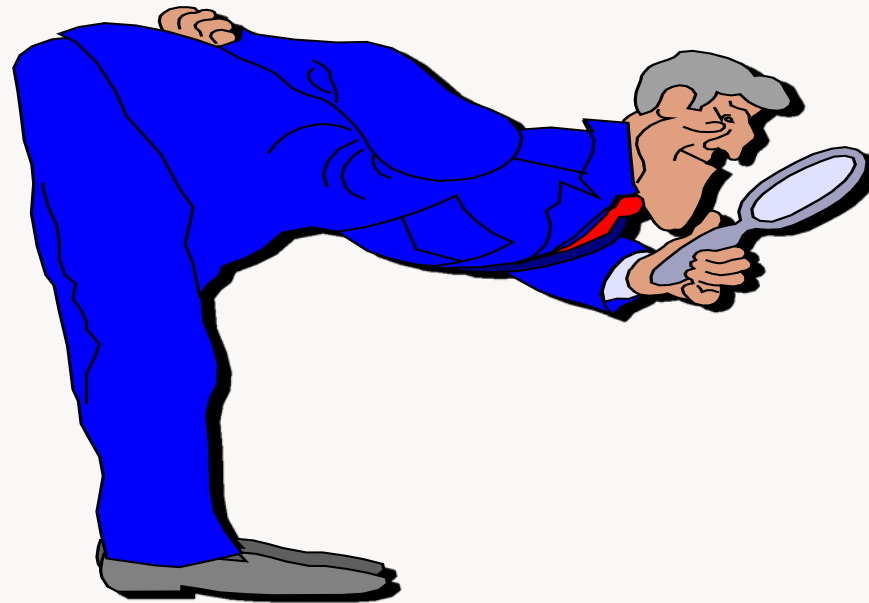
# Disciplinary action

Under the *Public Service Act 2008* **examples** of disciplinary action include:

- Termination of employment
- Reduction in classification
- Re-assignment of duties
- Reduction in salary
- Deduction of salary, by way of a fine
- Reprimand



# Case Studies



# Case Study 1

Tim is a good friend of yours. However he is currently under some scrutiny for allegedly falsifying his leave and timesheets. You are aware that Tim doesn't have a good relationship with his supervisor and Tim says "they are out to get him".

Tim asks you to return a laptop to the storeroom cupboard for him. He says he had approval to take it home but under the current cloud, it would look better if you returned it to the cupboard.

# Case Study 2

Peter, asks you to participate on a selection panel.

After completing short listing, interviews and referee checks, the panel has agreed to recommend Mark as the most meritorious applicant.

Before signing the documentation, Peter (the chairperson) comments to you about how his prior working relationship with Mark (this is the first you have heard of it) had no influence on the process and he was glad to see Mark get ahead.

You now feel that Peter was not 'up front' but you believe Mark was the best applicant.

# Case Study 3

Bryan asks if you've heard about Patricia Lane., a departmental admin officer you both went to school with. Patricia was mentioned in the paper last week having appeared in Court.

You are very aware of the circumstances around Patricia's court case. You are seated in a crowded café. Bryan also works in the Department but in an area that does not have the same access you do. You can trust Bryan absolutely as he was the Manager that hired you.

# Case Study 4

Tom has been inspecting a building site and notices that good quality timber and material thrown on the disposal pile. As he is making his way back to the car with the building site Manager, Tom remarks on the value of the discarded material and that he is building a shed at home.

The building site Manager says “Take whatever you like it is rubbish to us.”

The Manager mentions that they have an extra air conditioning unit too if Tom wants it for his shed.



# Case Study 5

George as an inspector is required to make a site inspection of the Agricultural show equipment. The show manager is pleased with George's prompt service and pleasant manner and invites George to return with his family to enjoy the show.

On Sunday George and his family arrive at the gates but he is surprised that he is asked to pay after showing his identification to the gatekeeper. George asks to see the manager and says that it is regarding official business.

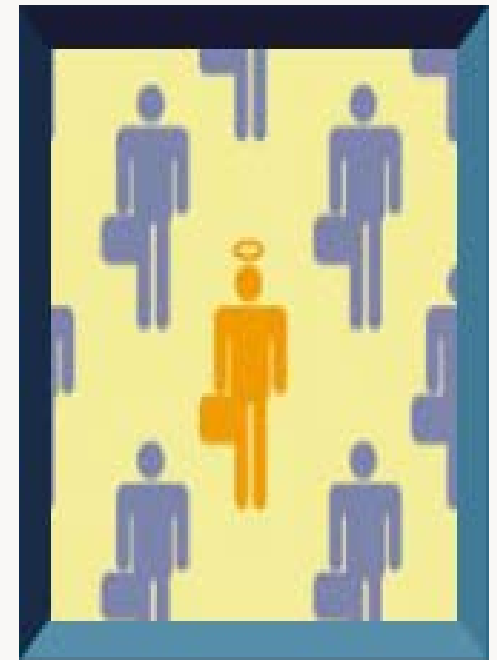
# Case Study 6

You are new to the division and you observe certain practices that you believe could amount to official misconduct. For example, long-term borrowing of office equipment, use of cab vouchers for personal reasons, borrowing petty cash, fudging timesheets, widespread private use of computers, stationery and government vehicles.

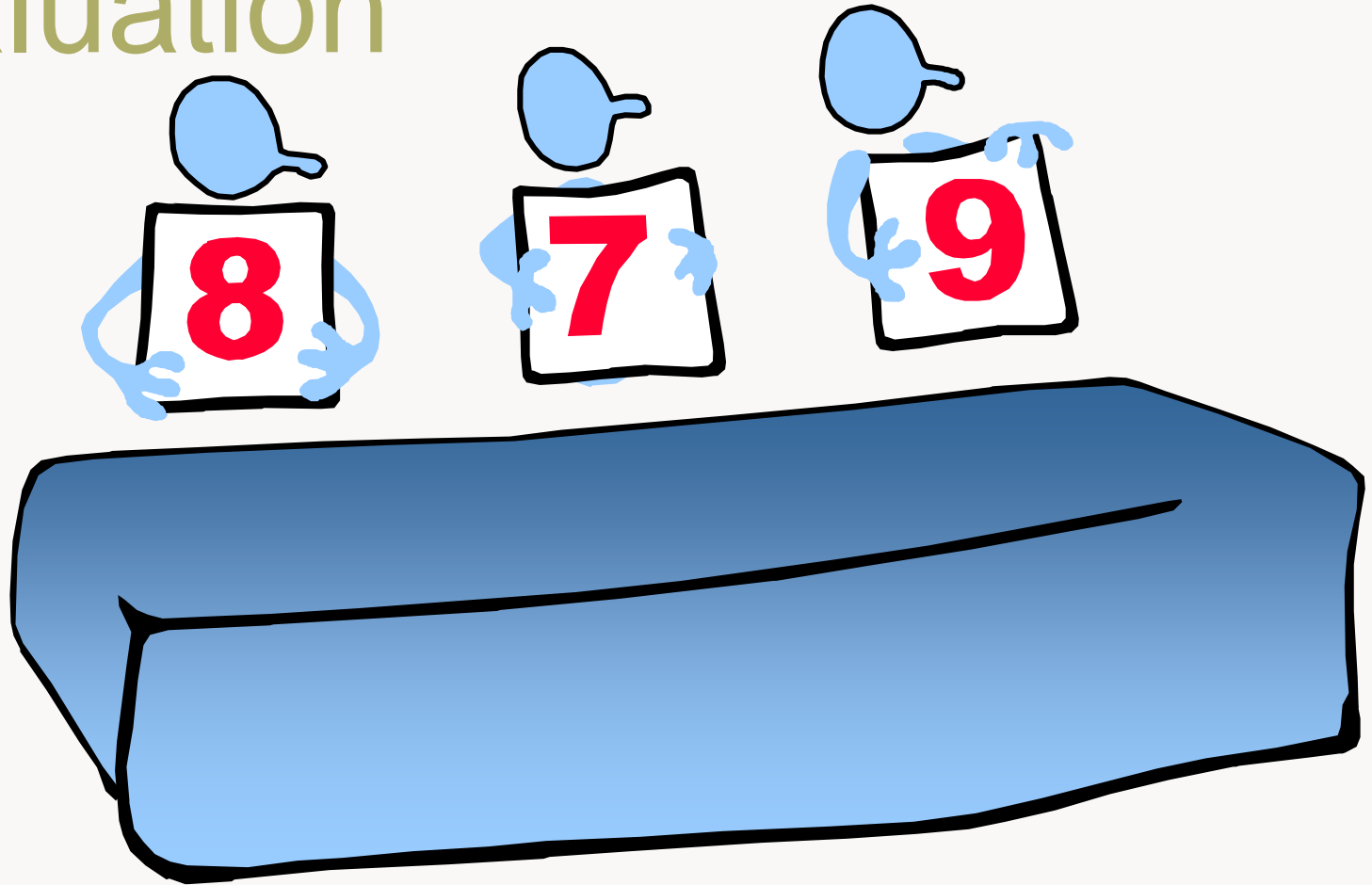
You make discreet inquiries of other staff members, all of whom say that this is always the way it has been, everyone does it and besides, 'this is just a little bit of give and take'.

# Contact...

If you need advice or guidance on your authority or responsibilities, or just assistance in understanding the Department's requirements, legislation etc. you should contact the relevant area of expertise in the first instance e.g. Finance, HR, Legal, RTI or Ethical Standards if it relates to misconduct or ethical dilemmas.



# Evaluation



# Thank You



## Ethical Standards Unit

Neil Boyd, Director, Ethical Standards Unit  
Level 3, 363 George Street  
GPO Box 69, Brisbane Qld 4001

Or email

[ethicalstandards@justice.qld.gov.au](mailto:ethicalstandards@justice.qld.gov.au)