

Business Ethics Policy

As at September 2020



BUSINESS ETHICS POLICY

RESPONSIBILITY	Corporate Services		
DATE ADOPTED	6 February 2007	MINUTE	20/07
REVISED	September 2020	REVIEW	2021
ECM No	1352084		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Access to Information Policy • Code of Conduct • Complaints Handling Policy • Gifts and Benefits Policy • Media and Corporate Presentation Policy • Procurement Policy • Records Management Policy • Secondary Employment Policy • Sponsorship Policy • Work Health & Safety Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Independent Commission Against Corruption (ICAC) Act 1998</i> • <i>Local Government Act 1993</i> • <i>Work Health and Safety Act 2011</i> • <i>Privacy and Personal Information Act (PPIPA) 1998</i> • <i>Public Interest Disclosures Act 1994</i> 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Business Ethics Policy*. This policy was adopted on 6 February 2007 by Council resolution (minute 20/07). The following amendments have been made:

Date	Type	Minute
6 February 2007	Adoption	20/07
6 April 2010	Revision	88/10
24 August 2012	Policy amended as legislation changed eg OH&S and Protected Disclosures Acts were replaced and/or amended.	Administrative amendment
7 May 2013	Policy amended due to adoption of new Code of Conduct	85/13
September 2017	Periodic revision	Administrative amendment
September 2020	Review	CEO approval

1.2 Background and Purpose of Policy

This policy outlines the ethical standards required of tenderers, suppliers, consultants and contractors engaged by Strathfield Council. This policy guideline exists concurrently with the legislative, regulatory and other policy requirements, notably Council's Code of Conduct, which controls or affects the business of Council.

1.3 Objectives of the policy

The objectives of this policy are to:

- set out the ethical standards expected of Council's suppliers and business partners
- encourage compliance with Council's ethical standards
- provide guidance on complaints and reporting processes

1.4 Coverage of the Policy

This policy applies to councillors and council staff as well as tenderers, suppliers, contractors and consultants and their sub-contractors/employees.

2.0 Policy Statement

2.1 Preamble

Strathfield Council is committed to conducting business professionally at all times and to the highest ethical standards, so that the community has confidence and trust in Council's business dealings, services and decision making.

Strathfield Council is committed to our Code of Conduct that set outs the standards for ethical behaviour of Council officials, which includes Councillors and Council employees. Council expects all council officials and representatives to act honestly, transparently and responsibly in their decision making and business partnerships. It is also expected that Council's business partners, including suppliers, tenderers, contractors and consultants, understand our requirements and comply with these standards of behaviour in their dealings with Council.

2.2 Council's values and commitments to our community

In addition to the principles in the *Local Government Act*, Strathfield Council has adopted a statement of values which expresses our commitment to servicing the community.

- Integrity: We will maintain our reputation for honesty and integrity and our ability to fulfil our promises. It is this concept by which all our actions are based and by which we are happy for our actions to be judged.
- Respect: We show respect to those we deal with both inside and outside of the Council
- Teamwork: We approach all our work as a team, sharing our skills and resources for our client's benefit. We value the health and safety of our people.
- Professionalism: We value our clients and are accountable for the work we do with them.

These values are reflected in our actions and decision making processes.

2.3 What you can expect from Strathfield Council

In all business dealings Council expects Councillors and staff to observe the highest standards of ethical, probity and professional conduct. This includes:

- acting honestly and with impartiality at all times
- conforming with all legal obligations
- not engaging in practices that give one party an improper advantage over another
- being prepared to attest to probity, and not engaging in any form of collusive practice, including offering or taking inducements, gifts, benefits or fixing of prices etc
- protecting confidential information
- clearly specifying all requirements and criteria for evaluation and responding promptly to requests for advice and information
- immediately disclosing and managing potential conflict of interests
- being responsible for our own safety and that of others
- enhancing and protecting the environment
- reporting to Council's General Manager any suspected breaches of these ethical standards.

2.4 What we expect from our business partners

Strathfield Council requires that all private sector providers of goods and services observe the following principles when doing business with Council:

- act ethically, fairly and honestly in all dealings with the Council
- respect the conditions set out in documents supplied by Council, including complying with relevant Council policies and procedures
- abstain from collusive practices and not act secretly or fraudulently
- provide accurate and reliable advice and information when required
- declare actual, potential or perceived conflicts of interest as soon as you become aware of them
- respect the obligation of Council staff to abide by Council's Code of Conduct and other policies
- take all reasonable measures to prevent the disclosure of confidential Council information.
- refrain from lobbying or canvassing Councillors or members of staff during the tender process
- refrain from offering Council employees, Councillors and/or members of their immediate families any cash or cash like gifts, financial or other inducements which may give any impression of unfair advantage.
- refrain from discussing Council business or dealings in the media, except with Council's consent.
- assist the Council to prevent unethical and fraudulent practices in our business relationships.
- deliver value for money
- report to Council's General Manager any suspected breaches of these ethical standards

2.5 Why you need to comply

Strathfield Council requires all business partners to comply with this policy. Compliance with our policy will assist our suppliers of goods and services to advance their business objectives and interests in a fair and ethical manner.

Business partners who engage in any unethical or illegal (including corrupt) behaviour could lead to:

- termination of contracts
- loss of future work
- loss of reputation
- investigation for corruption
- matters being referred for criminal investigation

Consequences for Councillors, staff and volunteers not complying with Council's Code of Conduct may include:

- loss of civic office
- investigation
- disciplinary action
- dismissal
- potential criminal charges

3.0 Additional things you need to know

3.1 Gifts or Benefits

Anyone wanting to do business with Council must understand that business practices common in the private sector such as offering of gifts, benefits and incentives is not permitted at Strathfield Council.

Under no circumstances will a gift of cash or cash-like gift such as gift vouchers, credit cards, debits cards with credit on them, memberships or entitlements to discounts be accepted.

As offering of gifts and benefits may be perceived as an attempt to unfairly influence decisions and services, Council expects Councillors and Council staff to decline gifts or benefits.

Council employees and councillors who are offered any gift or benefit must immediately inform the General Manager in writing.

Gifts and benefits are recorded in Council's Gift Register and Benefits Register.

3.2 Conflicts of Interests

If an actual, perceived or potential conflict of interest in your work with Council exists or arises, you must disclose it to the Council. A conflict of interest arises if your financial, business or personal interests or those of other people close to you such as family or personal relationships or your affiliation with groups or associations, conflict with your obligations to the Council.

3.3 Media and Public Comments

You must not make any public comment or statement that would lead anyone to believe that you are expressing the views or policies of Council.

This includes comments or statements made at public and community meetings, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

3.4 Communications

All communication between Council and its business partners should be clear, direct and accountable to minimise the risk of perception of inappropriate conduct.

3.5 Confidentiality of Information

All Council information must be treated as confidential unless otherwise indicated in writing.

In dealing with Council information:

- you must take care to maintain the security of any confidential or personal information you become aware of in your work with the council.
- you must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through your dealings with the Council. Personal information is any information about an individual that discloses identity or where identity can be reasonably ascertained
- no one should access, use or remove from Council workplaces or premises any Council information or personal information, unless they need it for their work with the Council and have authorisation to use or disclose the information.
- any breach of the security, or misuse, of the council's confidential or personal information must be reported to the Council's General Manager.

Council officials are required to protect confidential information, only use confidential information for the purpose it is intended to be used and not use confidential information for the purpose of securing a private benefit for themselves or any other person.

Requests for access to Council information will be managed in accordance with Council's *Access to Information Policy* and associated procedures.

3.6 Use of Council Resources

Council's equipment, resources and information should only be used for its proper official purpose.

3.7 Contracting Employees

All contracted and sub-contracted employees are expected to comply with Council's *Business Ethics Policy*. If you employ sub-contractors in your work for Council you must make them aware of this policy.

3.8 Intellectual Property Rights

In business relationships with Council, parties will respect each other's intellectual property rights and will formally negotiate any access, licence or use of intellectual property.

3.9 Harassment and Discrimination

Council officials and its business partners must not harass, discriminate against, or support others who harass and discriminate against other contractors, employees or members of the public. This includes, but is not limited to, harassment and discrimination on the grounds of gender, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, sexuality or transgender.

3.10 Sponsorship

Strathfield Council seeks and receives requests for financial and/or in kind sponsorship from organisations, businesses or individuals to support specific events, promotions or other activities of Council. All sponsorship arrangements must comply with Council's *Sponsorship Policy*. It is essential that any sponsorship does not limit the Council's ability to carry out its functions fully and impartially nor will sponsorship influence a Council decision.

3.11 Secondary Employment

Council's business partners should not make offers of employment to Council staff, which may be publicly perceived to obtain an unfair advantage.

Council staff are not permitted to engage in outside employment or business that:

- conflicts with official duties
- interferes with Council work
- adversely affects work performance
- involves using confidential information or Council resources obtained through work with Council.

Council employees must be approved by the General Manager for any form of secondary employment. Failure to obtain approval may result in disciplinary action or dismissal of employment.

3.12 Tendering

Council's tendering process does not permit applicants to canvass or lobby councillors or contact council staff other than the advertised contact person. Any action or contact that may be considered as an attempt to influence a decision of Council's staff or councillors shall disqualify the relevant tender applicant.

4.0 Complaints

Complaints regarding Council service should be lodged in accordance with Council's *Complaint Handling Policy*. Complaints regarding matters relating to contractual arrangements with Council should be raised in the first instance with the Manager responsible for the operational administration.

If these remain unresolved, complaints can be forwarded to Council's General Manager.

4.1 Reporting breaches of this policy

Council encourages the reporting of corrupt conduct, maladministration, fraud or serious waste of public funds. Council undertakes to deal with all reports or enquiries in a prompt, professional and confidential manner. Reports regarding Council's ethical standards should be made to:

The General Manager.
Strathfield Council
PO Box 120
STRATHFIELD NSW 2135

Further information on Council's policies, including the Code of Conduct can be obtained from Council's Customer Service Centre at 65 Homebush Road Strathfield, website: www.strathfield.nsw.gov.au, phone: (02) 9748 9999, fax: (02) 9764 1034 or email: council@strathfield.nsw.gov.au

Alternatively reports of any suspected corruption can be made to Independent Commission Against Corruption (ICAC) or for maladministration to the NSW Ombudsman.

4.2 Protected Disclosures

Disclosures about corrupt conduct, maladministration or waste of public funds are protected under the *Public Interest Disclosures Act 1994*.

Persons who report unethical behaviour that is conduct covered by this Act can seek protection from any reprisal or detrimental action.

DECLARATION OF BUSINESS ETHICS

Council's Business Ethics Policy provides an outline of the ethical framework within which Council operates. It reinforces Council's values for conducting business as well as stating what Council expects from its public sector and business partners.

As a prospective business partner, it is a requirement that you have reviewed Council's Business Ethics Policy and understand the need to abide by it when conducting business with, or on behalf of, Council.

DECLARATION

I,

(name and position of person making declaration)

of

(name of firm, company, partnership, corporation, association or other organisation or entity)

have reviewed Council's Business Ethics Policy and declare that

(name of firm, company, partnership, corporation, association or other organisation or entity)

and any parent, subsidiary or franchisee of

(name of firm, company, partnership, corporation, association or other organisation or entity)

agree to abide by the principles contained therein

(Signature of person making declaration)

(Date) _____