

Michelle van Straalen

From: Michelle van Straalen
Sent: Tuesday, 14 July 2020 14:09
To: [REDACTED]
Cc: official information
Subject: HPE CM: LGOIMA 20165 - Code of Conduct for Staff
Attachments: D-2851229 Final - Code of Conduct Policy 2018.pdf

Kia ora

Further to your information request of 1 July 2020 in respect of the staff code of conduct, I am now able to provide Hamilton City Council's response.

You requested:

I have not been able to find on your website your code of conduct that relates to all employees, contractors/consultants, casual staff, agency temporary staff, secondees and volunteers, at Hamilton City Council and Council controlled Organisations.

Your website has a code of conduct for elected representatives, but not employees. Can you please provide a copy or provide a link to it on your website.

Our response:

Please find **attached** Hamilton City Council's *Code of Conduct Policy*.

I trust this information is of assistance to you.

Kind regards,

Michelle van Straalen

Official Information Advisor | Legal Services

DDI: 07 974 0589 | Michelle.vanStraalen@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

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From: official information
Sent: Wednesday, 1 July 2020 1:52 PM
To: [REDACTED]
Cc: official information <officialinformation@hcc.govt.nz>
Subject: LGOIMA 20165 - Code of Conduct for Staff

Kia ora

I write to acknowledge your information request of 1 July 2020 in respect of a staff code of conduct.

Please be advised that your request has been passed on to the relevant team within Council and you will be informed of the outcome.

The Local Government Official Information and Meetings Act 1987 requires that we advise you of our decision on whether the Council will provide the requested information or not “as soon as reasonably practicable”, no later than 20 working days after the day we received your request. We will respond to you no later than 29 July 2020.

Kind regards,

Michelle van Straalen

Official Information Advisor | Legal Services

DDI: 07 974 0589 | Michelle.vanStraalen@hcc.govt.nz



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From: [REDACTED]
Sent: Wednesday, 1 July 2020 9:36 AM
To: Governance <HCC.Governance@hcc.govt.nz>
Subject: Code of Conduct for Staff

I have not been able to find on your website your code of conduct that relates to all employees, contractors/consultants, casual staff, agency temporary staff, secondees and volunteers, at Hamilton City Council and Council controlled Organisations.

Your website has a code of conduct for elected representatives , but not employees. Can you please provide a copy or provide a link to it on your website.

regards.

Date Approved by BSLT:	12 December 2018
Next review date:	12 December 2021
Document number:	D - 2851229
Associated documents:	N/A
Sponsor/Group:	Corporate Group
Policy Owner:	People, Safety, Wellness

Management Policy – Code of Conduct

Purpose

1. The purpose of this policy is to set out the rules and expectations of staff while they are employees at Hamilton City Council. It is every employee's responsibility to be fully conversant with the relevant policies or procedures that relate to their work.

Principles of Policy

2. The guiding principles for this Policy are:
 - a. That there is clarity for all employees, volunteers on what behaviours and or actions are not acceptable at Hamilton City Council
 - b. Any alleged breaches to this code of conduct will be investigated as per the Performance Management and Disciplinary Policy and if proven may result in disciplinary action.
 - c. Keep it simple and specific

Scope

3. This Policy applies to:
 - a. All council employees
 - b. Any other party involved in any activity conducted by or on behalf of Hamilton City Council.
4. This Policy does not apply to:
 - a. Elected members who are governed by their own code of conduct

Policy

5. Introduction

Actions or performance that is inconsistent with our behaviours, policies, procedures, or performance expectations will not be tolerated. Occurrence of these by employee's will be investigated as set out in the Performance and Discipline Management Policy and may be considered as either Misconduct or Serious Misconduct.

6. Misconduct

Below are examples of actions that are considered misconduct. This list is not complete and other behaviours or actions not listed here may equally be in breach of The Code of Conduct and may result in disciplinary action including a written warning being given.

Warnings are progressive in nature but do not require repetition of the same type of incident for an escalation of warnings. A final warning may at first instance be issued depending on the nature of the misconduct (there is no requirement for a set number of warnings e.g. first, second to be given before a final warning is issued).

a. Performance of Duties

Failure to perform duties through careless, lazy or negligent behaviour.

Repeated failure to perform work to the required standard.

Failure to demonstrate HCC behaviours at the required level.

Disrupting the workplace through:

- acts of undesirable behaviour and/or
- misuse of time or resources and/or
- preventing or disrupting another employee from carrying out their duties and/or
- failure or inability to work harmoniously and co-operatively with others

b. Unauthorised Absence

Failure to attend work at the agreed hours of work. This includes regularly arriving late for work, or from lunch or breaks

Failure to speak directly to a Manager about impending lateness or absence.

Being absent from work during working hours without authority or legitimate reason.

c. Health and Safety

Failure to observe the Smoke Free Workplace Policy and guidelines.

Failure to report and document any work-related injury, illness, incident or near hit in the approved time frame.

Managers' failure to monitor the workplace and workers' work practices

d. Property

Misuse or damage to property including:

- defacing Council or customer's property and/or
- posting of offensive notices on boards, walls or email.

Inappropriate use within or using council vehicles.

Where an action is carried out by an employee which is not specifically covered by the misconduct above, but is of a similar nature, Hamilton City Council reserves the right to treat that action as misconduct and implement the disciplinary procedures as detailed in the Performance Management and Disciplinary Policy.

7. Serious Misconduct

Below are some examples of actions that are considered serious misconduct. This list is not complete and other behaviours or performance not listed here may equally be a breach the Code of Conduct and may result in disciplinary action up to and including dismissal.

Examples of serious misconduct

a. Performance of Duties

Refusal or failure to perform the duties required of a role or to carry out the lawful instruction(s) of a manager or supervisor. This includes the failure to carry out operational Council policies or procedures.

Incompetence that leads to significant financial loss or brings Council into disrepute.

b. Unauthorised Absence

Absence from work, without good cause, during a period for which a request for leave of absence has been denied.

c. Health and Safety

Acting in a manner that

- threatens safety or health in the workplace and/or
- prevents the safe and proper performance of the duties of other employees and/or
- creates fear in other employees.

Failure to observe the Safety and Wellbeing Non-Negotiables; or failure to make proper use of safety equipment provided; or failure to report and document a work-related harm, or failure to use fire or safety equipment.

Reporting for work, or being at work, in such a condition that in the employer's opinion work cannot be carried out properly or safely. This includes but is not limited to being intoxicated at a work appointed function or duty and/or failing a drug/alcohol test requested by Council.

Bringing non-prescription drugs (excluding over the counter medication) or consuming alcohol on Council premises, during working hours without consent. NOTE: During working hours includes an unpaid meal break.

Refusal to participate in compulsory Health and Safety training, safety assessments and/or attend a consultation with a nominated medical professional. Workers may be required to attend any of these if there is concern about their ability to perform duties safely. All associated costs will be met by the council.

Any harassment of employees, contractors, sub-contractors, members of the public, or customers. This includes the use of abusive, obscene or threatening language.

Physical violence against any person during working hours or while attending a Council function or representing the council.

Failure to observe "no smoking" in areas as related to safety, for example in hazardous goods areas.

d. Council Property

Unauthorised possession of property, money, information or intellectual property belonging to or under the control of Hamilton City Council, or the use or manipulation of such property,

money, information, intellectual property or privileges for personal benefit or in a manner not authorised by Hamilton City Council.

Using Hamilton City Council funds for personal use.

Possession, movement or use of the property of employees, contractors or customers without the owner's permission. This includes scrap waste or damaged goods.

Significant misuse or damage to the organisation's property.

Negligent, careless or unauthorised action that causes damage to equipment and/or property.

Zero tolerance to using the organisation's property, equipment or branded work vehicles after consuming drugs or alcohol. Staff who have an unbranded vehicle as part of their individual employment agreement need to obey the driving laws with regard to drink/drug driving.

e. Procedures

Falsification of or being a party to falsification of any Council or customer document or record. This includes time/wage/accident/expenses/leave forms/record keeping system.

Failure to comply with Council's cash handling procedures.

Entering data into any of the Council's databases, (be that by way of computer entry, paper/document or verbally) where that data is misleading or deceptive or which might tend to mislead or deceive the Council or its employees.

f. Disclosure

Failure to declare a conflict of interest that may affect performance or judgement.

Unauthorised disclosure of confidential information.

Making defamatory statements in any media or forum against the organisation or other HCC employees that could damage the reputation of HCC.

Dishonesty or misleading Council

g. Unauthorised Actions

Unauthorised gambling on Council premises.

Unauthorised use of equipment e.g. photocopier, post, and telephones.

Posting, e-mailing, accessing or downloading from the internet, unauthorised and/or offensive notices and/or material which in the view of the employer can be considered as pornographic either within the workplace, or from the workplace.

h. Vulnerable Children's Act 2014 and any amendments

Failure to meet the safety check requirements for core workers or for non-core workers prescribed by the Act

Failure to meet the periodic safety check requirements for core workers or for non-core workers prescribed by the Act
 Has a conviction or pending conviction of a specified offence in schedule 2 of the Act and does not hold an exemption granted under section 35 of the Act
 Or
 Unsatisfactory conviction or pending conviction results from Ministry of Justice check or NZ Police vetting (including a specified offence in Vulnerable Children's Act 2014)

i. Conduct likely to bring Hamilton City Council into disrepute

Conduct that is likely to bring Hamilton City Council into disrepute, whether or not in the course of employment. This includes but is not limited to: a breach to the electoral guidelines; posting defamatory or derogatory statements about Hamilton City Council, its employees, clients or business associates on social networking internet sites or otherwise publishing or distributing such statements.

Where an act is carried out by an employee which is not specifically covered by the serious misconduct definitions above, but is of a similar nature, Hamilton City Council reserves the right to treat that behaviour as serious misconduct and implement the disciplinary procedures as detailed in the Performance Management and Disciplinary Policy.

REFERENCES

Performance and Discipline Management Policy
 Position Descriptions
 Employment agreements
 All other management policies
 Vulnerable children's Act and Amendments

Definitions

Definition	Detail
<i>Word</i>	<i>Meaning in this policy</i>

References

8. Keep references specific to the policy – not a list of everything
9. List any associated Council documents
10. List any associated legislation
11. List any associated best practice guides