

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

# Code of Conduct Employee Information



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## Why Have a Code of Conduct?



As CALM employees, we make decisions and take actions every day. The decisions we make affect members of the public, our co-workers and public assets. All of us make decisions and take actions out of the melting pot of our own intrinsic personalities, personal background and the legislative constraints of our employment position. Few decisions or actions are free of competing responsibilities, loyalties, accountabilities and priorities.

Ethics is all about dealing constructively with moral ambiguities and uncertainties. It is about making sense of competing loyalties, accountabilities, priorities and responsibilities when we make decisions and take actions.

More than ever, the public demand that public employees maintain a very high standard of ethical conduct. The decisions and actions we take must be capable of withstanding public scrutiny.

In Western Australia, the Public Sector *Code of Ethics* (see *Appendix 1*) became operative from July 1, 1996 and applies to all public sector employees. The Code of Ethics is a public statement of the ethical principles, values and behaviours expected of State Public Sector bodies and employees in Western Australia. It is based on the three universal ethical principles of Justice, Respect for Persons and Responsible Care (see *Appendix 2*). The Code of Ethics forms the foundation on which CALM's Code of Conduct is built.

CALM's Code of Conduct is a 'user guide' to ethical decision making and action taking. It provides practical information and guidance for evaluating our behaviour and decisions. **It applies equally to contractors and consultants working on behalf of CALM.**

The Code of Conduct, Code of Ethics and background material, are all available through the *Human Resources Branch homepage on CALMWeb* (<http://calmweb.calm.wa.gov/drb/csd/hrb/index.html>). They are also available on *disk* from Human Resources Branch, and in *paper* form in each Branch, Region, District and Business Unit office.

While the focus of the Code of Conduct is NOT rule and punishment based, staff are reminded that the disciplinary provisions of the *Public Sector Management Act 1994*, provides for the enforcement of designated standards of ethical behaviour among public sector employees.



***In all our dealings we endeavour to behave with:***

❖ **Honesty and Integrity**

By acting ethically and treating people fairly and impartially

❖ **Respect**

By acting professionally, courteously and sensitively, and maintaining confidentiality

❖ **Commitment**

By being personally responsible, dedicated and diligent in our work

❖ **Openness**

By having processes that are transparent and understandable

❖ **Loyalty**

By supporting each other and taking pride in what we do

***And demonstrate:***

❖ **Teamwork**

By working collaboratively and cooperatively

❖ **Leadership**

By meeting our objectives and by helping others reach their potential

❖ **Creativity and Innovation**

By pursuing innovation and creativity in meeting the needs of our customers

❖ **Results Orientation**

By focusing on delivering the best possible result



### ***How can I suggest changes to the Code of Conduct?***

This Code of Conduct is a living document. That is to say, it will need to be amended and added to from time to time to reflect changes in circumstances, policies and directives from central agencies.

Amendments will also be necessary as a result of identifying previously unforeseen ethical issues that may impact on CALM. Human Resources Branch will coordinate the process of amending the Code.

You can have your say through any appropriate forum. This may be a strategic planning forum, local Joint Consultative Committee, Safety Committee or through contact with officers from Human Resources.



### ***How should I serve the Government?***

You have a responsibility to implement and administer the policies and programs of the Government of the day. You may hold views on particular matters that differ from those of elected Government, but such views must not interfere with the performance of your duties.

### ***How should I serve the public?***

Treat all people with whom you have contact in the course of your work fairly, and with courtesy and sensitivity. Act with propriety and be able to demonstrate this in relation to any service or advice you give.

Strive to attain value for public money, and avoid waste and extravagance in the use of public resources.

### ***What is expected of me?***

It is expected that at all times you will act professionally and courteously and treat your work colleagues with dignity, loyalty and respect. Teamwork and working collaboratively and cooperatively is a highly valued behaviour in CALM. Unwelcome behaviour or offensive comments concerning another person's sex, sexual preference, race, pregnancy, impairment, age, political or religious conviction, or family status or responsibility will NOT be condoned.

Your supervisor is obliged to ensure that instructions given to you are ethical and reasonable. You are expected to carry out promptly and correctly all duties pertaining to your position or any other duty you are lawfully directed to perform. If there are conflicts of priority in the duties you perform and are unable to resolve them, your supervisor should determine the priorities.

It is expected you will observe relevant occupational health and safety requirements, and act to remove or bring to the attention of your supervisor any situation which is, or may be, a health or safety hazard.

If you need to be absent from work, you are expected to notify your supervisor.



### ***How can I avoid a conflict of interest?***

A conflict of interest may occur when you, as an individual, have private interests that conflict, or appear to conflict, with your public duties. Typically, this situation may arise when you deal with relatives, close friends or business acquaintances in the course of your official duties.

It is not possible to define all potential areas of conflict of interest. As soon as you become aware of a conflict of interest, or a potential conflict of interest, you should declare it to your supervisor or other appropriate manager. In some circumstances, even the appearance of a conflict of interest could itself jeopardise your public integrity. You should exclude yourself from any activity in which you have, or could potentially have, a conflict of interest. With reference to *Section 102 of the Public Sector Management Act 1994*: “Public Sector employees will not undertake any paid or unpaid activities which may lead to a potential conflict with their public duties”.

You must not use your position to obtain a private benefit for someone else. Your decisions must not be improperly influenced by family or other personal relationships.

### ***Can I also work outside the public sector?***

You may, providing there is no conflict of interest, detrimental effect on your efficiency, or inconvenience to the department. With reference to *Section 102 of the Public Sector Management Act 1994*, “Public Sector employees will not engage in outside employment unless permission is granted by the CEO”, so you need to obtain written permission from the Executive Director.

Refer to *Circular 25/93, Conflict of Interest* for further information.





### ***What is corruption?***

Corruption can have many forms, for example: taking or offering bribes, fraud, conflict of pecuniary interest, acting upon 'insider' information or abuse of power or functions to obtain or confer a benefit, or cause a detriment to any person.

Corrupt behaviour is unlawful or criminal, as well as unethical. Behaviour may breach standards for ethical conduct without necessarily being unlawful or criminal or corrupt, and may be a matter for discipline rather than legal action—see the next section relating to discipline.

*Section 83 of the Criminal Code of WA* prohibits Public Officers from corruptly obtaining pecuniary or other benefits for themselves or others, or acting corruptly to the detriment of another; while *Section 82* prohibits any Public Officer from seeking or receiving a bribe.

### ***What do I do if I suspect corrupt behaviour may be occurring***

The *Official Corruption Commission Act 1988-1994* provides for the reporting of possible corrupt behaviour by any person, including Public Officers. It includes protection from victimisation and overrides any duty of secrecy or other restriction imposed under a written law.

If you identify that corrupt behaviour has, or may be occurring in the workplace, you are required under *Section 14 (2) & (3) of the Act* to report the details to an appropriate authority. This may be your Unit Manager or Director, or if appropriate, the Anti-Corruption Commission. This is consistent with the ethical value of 'integrity'.

In the first instance, it is recommended that you refer to the *Guide to the Anti-Corruption Commission* for further information.

The *Official Corruption Commission Act 1988-1994* also provides a mechanism for reporting corrupt activities by public servants. If requested, anonymity will be preserved. However, if an official investigation is undertaken, it may not be possible for anonymity to be maintained.

This is an extremely serious and sensitive issue, and if necessary you are advised to seek advice from the Anti-Corruption Commission on procedural matters. The Commission may be contacted on (08) 9221 3622 or FreeCall 1800 65 3622. The fax number is (08) 9221 3324.

The *Public Sector Management Act (PSMA) 1994, Part 5, Division 3* covers matters dealing with discipline and breaches of discipline. This provision enables public sector managers to enforce proper standards of conduct among public sector employees.



**An employee who:**

- ❖ disobeys or disregards a lawful order;
  - ❖ contravenes any provision of the PSMA applicable to that employee, or any public sector standard or code of ethics;
  - ❖ commits an act of misconduct, or  
is negligent or careless in the performance of her or his function;
- commits a breach of discipline.

Employees who suspect a breach of discipline, should report it to the manager responsible for the supervision of the employee suspected of having committed the breach. Where a manager receives such a report, she or he should deal with it according to established procedures, guided by the PSMA and *Circular 2/94, Disciplinary Action Against Public Service Act Employees*. The Manager, Human Resources, or the Principal Personnel Officer are available to offer advice or assistance.



### ***How should I approach purchase of goods and services?***

The *Financial Administration and Audit Act (FAAA)* places a responsibility on Chief Executive Officers to ensure the efficiency and economy of operations, and the avoidance of extravagance and waste. It also provides for the establishment of a record of the processes carried out in the purchasing of goods and services.

In addition, the *Code of Ethics* stresses that public sector employees are stewards of public resources. Therefore, all employees of CALM have an obligation to ensure the efficient and effective use of public resources and the avoidance of waste. It is essential that when purchases are made, every effort is applied to ensure maximum value for money is achieved.

If you are involved in any purchasing or contracting for goods and services, you should comply with the appropriate policies and procedures to ensure that purchasing is conducted with due attention to probity and equity. Your attention is drawn in particular to *Circular 2/97 Purchase of Goods* and *3/97 Purchase of Services*.

If you require advice on any of the policies and procedures relating to supply, contact Mr Glenn Giudici of Financial Services.

### ***What about corporate credit cards?***

The department uses the Western Australian Government Corporate Credit Card facility.

Only authorised staff may use corporate credit cards.

The department has clearly defined guidelines for the use of and responsibility for corporate credit cards and an agreement with the credit supplier. These are attached to the application form and must be read and acknowledged before a card will be issued. You should contact Mr Ian Frame of Financial Services for further information.

### ***May I incur official expenditure?***

Incurring of expenditure is a responsibility delegated to line managers and other specifically nominated officers to an authorised limit.

You are not permitted to incur your own expenditure, eg., travel claims, credit card payments, private telephone subsidies. These should be referred to the incurring position to which you are directly responsible.

Use of departmental vehicles is covered by *Circulars 17/89 Use of Departmental Vehicles* and *32/92, Home Garaging of Departmental Vehicles*.

### ***How do I dispose of public property?***

Prior to disposing of public property, check to see if another work unit in CALM could make use of it. If not, it must be disposed of in accordance with *Policy 1.1 of the Supply Policy Manual*.

Under no circumstances are items to be disposed of by sale or gift to CALM employees, former employees or associates of employees.

For further information, refer to *Circular 11/94, Disposal of Public Property*.

### ***Can I use the work phone for personal calls?***

All of us need to make calls of a personal nature during working hours from time to time. In these circumstances, the call should be local, and the duration must be kept to a minimum. In the event that long distance calls of a personal nature are necessary during work time, it is imperative that prior approval is obtained from your supervisor. The call duration must be kept to a minimum.

### ***Can I consume alcohol or use drugs while at work?***

No. The *private* consumption of alcohol and/or illicit drugs or other substances, or being under the influence of these during working hours, is not permitted. Where you require medically prescribed drugs, if there is the likelihood that your pattern of work performance may alter as a result of taking/not taking the medication, you should make your supervisor confidentially aware of this.

Any *social* consumption of alcohol in the workplace should occur at the discretion of the workplace manager, and with their expressed permission only.

### ***What if I damage government property?***

Employees have obligations when a departmental asset within their control is damaged or lost.

Employees with responsibility for an asset must take strict care of the asset at all times. They must ensure it is only used for approved purposes and in a manner appropriate for that asset.

As soon as damage or loss of an asset occurs, an employee with responsibility for the asset must complete a report indicating the full details concerning the damage or loss.

Assets such as motor vehicles or computers must not be used by any unauthorised person

Portable equipment must not be left visible or unsecured in a motor vehicle. If a theft occurs, the goods may not be insured.

An insurance claim form must be completed promptly if damage or loss occurs.

In the case of misconduct or gross negligence, *Sections 46 and 47* of the *Financial Administration and Audit Act* provides for the recovery of costs from the responsible employee.

Assets stored or secured at home for any period of time require prior written approval from your supervisor, eg., computer for work purposes.



***What happens if I need to travel in my work?***

Employees required to travel on official business must adhere to departmental guidelines.

**Taxi vouchers** (see *Circular 9/95, Use of Taxi Services*).

The department has an account with Cabcharge Australia for the payment of taxis. Cabcharge vouchers are only to be used to pay for taxis while on official business. As the voucher is a monetary form, its use is subject to the Financial Administration and Audit Act.

Taxis may be used where it is impractical to use either public transport or a pool vehicle while on official business

Taxi vouchers may be issued to a non-departmental employee for travel related to official departmental business.

Air travel is covered by *Circular 4/97, Interstate, Overseas and Intrastate Air Travel*.

Travel should be kept to a minimum consistent with work requirements.



### ***Can I accept gifts and favours?***

*“No public official should accept a gift if it could be seen by the public, knowing the full facts, as intended or likely to cause the officer to do his or her job in a particular way, or deviate from the proper course of duty”*

*Ian Temby QC*

*Independent Commission against Corruption*

The term ‘gift’ includes items of commercial, historical or religious value, property (real or otherwise), transfers of money, loans of money or property, free air travel, accommodation and general purchases at valuations significantly below usual retail prices. It does **not** include items which are regarded as souvenirs or mementos such as cuff links, ties, books, stationery, diaries, bottles of wine and the like, the approximate retail value of which does not exceed \$30 at the time and place of purchase.

As a general rule, officers should not under any circumstances accept gifts:

- ❖ which could give the appearance of a conflict of interest with their duties (past, present or foreseeable future);
- ❖ which are given with the objective of securing, or returning, favour or preferment;
- ❖ which involve the transfer of monies, regardless of value, eg., cash or loans.

In circumstances where a gift is offered and it is appropriate to accept, all such gifts become ‘public property’ as defined by *Section 3* of the *Financial Administration and Audit Act*.

All gifts *given* are deemed public property and regarded as gifts from the Government of Western Australia. Government Purchasing Policy must be followed.

For each gift received or given, a written declaration to the effect should be made to your supervisor within 10 working days of giving or receiving the gift, or returning to Australia if overseas at the time.

### ***Can I entertain customers?***

The department recognises the need for staff to entertain clients from time to time in the negotiation of departmental business. Employees need to be scrupulous in their use of public finances. Guidelines on entertainment can be found in *Circular 4/95, Guidelines for Hospitality*.

### ***May I accept free entertainment, meals etc from customers or suppliers of goods and services?***

Such offers should never be accepted immediately prior to, during or after negotiations with suppliers or potential suppliers.



## ***Can I make a public comment?***

### **Political comment**

While all public sector employees are entitled to form opinions regarding their political beliefs, we must impartially carry out our public duties. This impartiality is compromised when our official position is used to publicly criticise any political party, its members or policies.

### **Dealing with the media**

It is the responsibility of all CALM staff to:

- ❖ respond fully, accurately and promptly to requests for information from the news media providing (a) they are technically competent to do so, and (b) another staff member has not been designated as the spokesperson for such enquiries;
- ❖ refer requests for information beyond their area of competence or designated authority to an appropriate source for reply;
- ❖ refer requests to appear on live radio or television to their Manager for approval;
- ❖ refer any issue that is controversial to their Manager or to the appropriate member of the Corporate Executive (often the Executive Director or the Director Regional Services); and
- ❖ not withstanding the above, if questioned by the media about a sensitive or potentially contentious issue, to promptly advise their Manager and the Director of Corporate Relations (or designate).

(See the departmental Media Relations Policy for further information.)

## ***How should I handle official information?***

### **Confidentiality**

You must not use or communicate official information for other than official purposes without the permission of the Executive Director. This includes leaking information to the media. You must not take improper advantage of any information gained in the course of your employment. This does not apply to information already made available officially to the public, or normally given to members of the public seeking that information (*Section 81, Criminal Code of WA*).

Only disclose other official information or documents acquired in the course of your public employment when required to do so by law. In the course of your duties, this may be in order to give evidence in court, or when proper authority has been given. In such cases, your comments should be confined to factual information and should not express opinion on official policy or practice.



## **Freedom of Information (FOI)**

The *WA Freedom of Information Act* was introduced to facilitate public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, current and not misleading. The introduction of FOI makes government more open and accountable to the public.

Therefore, it is important that when preparing correspondence and reports, or any document that becomes part of the public record, you deal only with the facts. This includes email and diary entries.

*Policy Statement 48, Freedom of Information in CALM* is a useful reference.

## **Security of confidential papers**

Staff are responsible for ensuring that documentation under their control is kept secure. Sensitive documents must be locked away rather than left lying on desks. Storing sensitive or confidential files in unattended briefcases or motor vehicles is not appropriate.

## **Destruction of records**

All files are public records. Public records are any records that are received and created by an officer during the course of her or his duties.

Under *Section 30 of the State Library Board Act*, no officer is permitted to destroy any public record without the approval of the State Library (Archives).

Destruction of records takes place in accordance with a disposal and retention schedule approved by the State Library. Corporate Information Branch has control of public records prior to the State Library approving destruction.

You are reminded that it is illegal to fraudulently (*Section 424 of the Criminal Code of WA*) or corruptly (*Section 85*) falsify or amend any public record.

*Circular 10/91, Retention, Microfiching and Destruction of Accounting Records* offers guidance in respect of financial records.

## **Records management**

Proper records management practices must be adhered to by all employees. Staff are expected to be aware of their responsibility and accountability regarding record management, and should consult Corporate Information Branch in this regard.

Backdating of any documents is not permitted and folios must not be removed from files.



## ***What do I need to consider when using computers?***

### **Security of hardware and data**

You are responsible for the protection and physical safety of computer equipment under your control, and any Corporate data stored on it. Damage as a result of negligence or unauthorised use may result in disciplinary action.

Please refer to *Circular 24/92, Computer System Security - Passwords*.

### **Use of the internet/intranet**

The internet/intranet includes services associated with inter-networking, eg., File Transfer Protocol (FTP), World Wide Web (WWW), Internet Relay Chat (IRC), Usegroups, email, Telnet and so on. The intranet (CALMWeb) is accessible from within CALM, while the internet (eg., NatureBase) is linked to the outside world.

According to the *Internet and CALMWeb Information and Guidelines*, you are encouraged to access and use the internet and CALMWeb. During work time, the access must be consistent with the requirements of your official position. Personal use is at the discretion of your area manager. Please see the Guidelines for further advice concerning these services.

At no time is the internet to be used for any unlawful purpose, or to harass any person or organisation.

### **Using software in accordance with the licence agreements**

All departmental computer users must use software only in accordance with the license agreements. Software use will be subject to periodic audit.

Employees are not permitted to copy software acquired by the Department for their private use.

### **Computer viruses**

Computer users are required to check all disks, incoming email attachments and downloaded computer files for 'virus' contamination. If a virus is detected, it must be deleted. You may contact the Information Management Branch (IMB) Helpdesk for assistance on (08) 9334 0334.



### ***Are there standards that apply to management of people in CALM?***

Yes. Human resource management standards have been established by the Public Sector Standards Commission to provide for high levels of equity, probity and efficiency in human resource management.

The standards, which must be complied with, cover:

- ❖ Recruitment, Selection and Appointment
- ❖ Transfer
- ❖ Secondment
- ❖ Performance Management
- ❖ Redeployment
- ❖ Termination
- ❖ Discipline

Contact Human Resources Branch for further information.

### ***How do I complain if there is a breach of standards?***

An employee has the right to lodge a complaint if she or he believes a breach of any of the above standards has occurred. In the first instance, attempts to resolve the matter internally will be made. If this is either inappropriate or unsuccessful, an independent reviewer will be appointed to investigate the alleged breach. The reviewer has access to all relevant documentation and, if it is established that a breach has occurred, a report will be forwarded to the employing authority recommending appropriate action to rectify the breach.

Appeals relating to disciplinary action and some processes of termination are conducted within the jurisdiction of the Western Australian Industrial Relations Commission.

Further information can be obtained from the Manager, Human Resources or the Principal Personnel Officer.

### ***What about Equal Opportunity and Diversity in CALM?***

#### **Discrimination**

The department is committed to the principle of equal opportunity in employment for all persons regardless of sex, race, marital status, pregnancy, age, impairment, religious or political conviction, family status or responsibility, or sexual orientation. It is the responsibility of all employees to accept their personal involvement in the practical application of the department's policy. Please refer to *Policy Statement 26, Equal Employment Opportunity*, which deals with equal opportunity in employment.

#### **Harassment in the workplace**

The department considers it the right of every individual to be treated fairly and with respect, and to carry out her or his job in an environment that promotes job satisfaction, maximises productivity and

promotes economic, physical and emotional security. Such an environment is dependant on being free of all forms of harassment and victimisation.

Harassment involves any unwelcome behaviour, offensive comment or action concerning another person's sex, race, colour, language, ethnic origin, marital status, medical history, age, pregnancy, impairment, sexual orientation, political or religious conviction or family status or responsibility. It includes behaviour towards another person that is intimidating or embarrassing or deemed by the recipient to be offensive and which continues after the recipient has indicated that it is unwelcome and unwanted.

Harassment threatens the morale and productivity of the workplace, and management will not tolerate or condone such behaviour in any form. Where necessary and appropriate, disciplinary action will be taken against employees found culpable of initiating or contributing to any such activities.

Please refer to *Policy Statement 30, Harassment in the Workplace* and *Administrative Instruction 36, Guidelines for Resolving Sexual Harassment Grievances*, which deal with harassment in the workplace, and offer guidance on what to do if you are harassed.

More information may be found in the *Equal Employment Opportunity Management Plan*.

### ***How do I have a workplace grievance resolved?***

Employee concerns or complaints related to unfair or inequitable treatment in their workplaces are grievances. In keeping with the department's values of Honesty and Integrity, management is committed to the resolution of grievances in a fair, equitable and prompt manner.

The department's *Administrative Instruction 54, Grievance Resolution Procedures* deals with resolving grievances.

### ***What about Occupational Health Safety and Welfare?***

#### **Employer's Responsibility**

An employer has the duty under *Section 19 of the Occupational Health, Safety and Welfare Act* to, as far as practicable, provide and maintain a working environment where employees are not exposed to hazards. 'Duty of Care' is the responsibility of all managers on behalf of the Executive Director.

Alongside an active program of accident prevention, the department also makes provision for the rehabilitation of injured workers. *Policy Statement 43, Occupational Rehabilitation* is a useful reference.

The department contracts PACE WA to provide critical incident stress debriefing or general counselling services, which are available to all CALM employees. See *Policy Statement 42, Staff Counselling* for further information.

### **Employee's Responsibility**

The duties of an employee are covered under *Section 20* of the *Occupational Health, Safety and Welfare Act*. An employee must take reasonable care to ensure her or his health and safety, and to avoid adversely affecting the health or safety of any other person through any act or omission.

Any concerns relating to health and safety should be raised with your supervisor, your local Safety Committee or the Health & Safety Section of Human Resources Branch.

### ***Do I have access to ongoing training and development?***

In keeping with the department's value of Leadership, the training and development of employees is recognised as making a direct contribution to the achievement of the department's corporate objectives, and in maximising the potential of each employee.

Training and development is a shared responsibility between management and the individual employee. CALM encourages and fosters a learning environment and will provide reasonable access to and opportunity for training and development. Additionally, it is recognised that the individual has the responsibility for her or his own self-improvement, self-development and enhancement of career options.

### ***What about disability services?***

In the area of Disability Services, the department is committed to:

- ❖ adapting existing services and programs to ensure they meet the needs of customers with disabilities;
- ❖ improving access to buildings and facilities;
- ❖ providing information about services and programs in ways that are easy to understand;
- ❖ delivering advice and services in a way which demonstrates an awareness and understanding of the needs of people with disabilities;
- ❖ providing opportunities for people with disabilities to take part in public consultations, grievance mechanisms and decision making processes; and
- ❖ providing employment opportunities and strategies for people with disabilities.

More information may be found in the *Disability Service Plan*, or by calling the Executive officer of the Disability Service Planning Committee, Mr Steve Grasso on (08) 9334 0363.



***Who do I contact if I can't find what I need here?***

A Code of Conduct cannot cover every situation. If you are unsure of the appropriate action to take in a particular situation:

- ❖ discuss the matter with your colleagues, supervisor or other senior officer. Consult the resources available to you through the *Code of Conduct*, the *Best Practice Manual* and documents relating to the *Code of Ethics*. These are all available either on-line through the *Human Resources homepage on CALMWeb*, or in *paper* form through your Regional/District/Business Unit office.
  
- ❖ contact the Manager of Human Resources on (08) 9334 0213, or the Senior Projects Officer, Human Resources on (08) 9334 0363.

You may find further information in the departmental *Employee Information Booklet*, and through *Management Audit's homepage* on CALMWeb.