



**SOUTHERN PORTS**

ALBANY BUNBURY ESPERANCE

# **CODE OF CONDUCT AND ETHICS**

## DOCUMENT CONTROL

Version Number	Description	Reviewed by	Approved by	Revision Date	Issue Date
01	New Document	People and Organisation Manager	GM People and Organisation	20/06/2017	15/02/2018
02	Reformat to new template Addition of definitions. Relevant roles and responsibilities were added new procedures were added Review with reference to updated related procedures SPA changed for Southern Ports Change code of conduct for code of conduct and Ethics Changes based on consultation process	Organisational Development Manager	General Manager Human Resources	29/10/2019	25/11/2019

## AUDIT

This procedure shall be reviewed / revised:

- Where a Risk Assessment / Audit identifies a need to review;
- Following a significant incident involving this procedure; or
- At least every 2 years.

## Statement by the CEO and Board of Directors

Southern Ports' code of conduct and ethics sets out the rules by which we expect all of our employees to behave.

As a **team** we are all **accountable** to behave **respectfully, professionally** and with **integrity**. Our code of conduct and ethics is aligned to our mission, vision and values and informs everyone of Southern Ports' expectations and standards for interacting with our team mates, customers, suppliers and the general public.

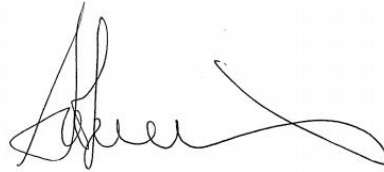
It is important that we always apply our code of conduct and ethics, ask questions if clarification is needed and speak up if we believe there may have been a breach.

Approved by the Board at the Board meeting held on 21 November 2019



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Chair



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Chief Executive Officer

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## 1. SCOPE

This Code of Conduct is applicable to all Southern Ports staff.

The obligations and guidelines set out within this document apply to all work contexts and extend to all Southern Ports related events, which may be held onsite or offsite.

## 2. DEFINITIONS AND ACRONYMS

Term	Definition
<b>Bullying</b>	Bullying is repeated unreasonable or inappropriate behaviour that is directed towards an employee, or group of employees and creates a risk to health and safety
<b>Breach of Confidentiality</b>	The disclosure of information generally known or ascertainable as confidential to other parties
<b>Commercially Confidential</b>	Information generally known or ascertainable (identified) as confidential, disclosure of which would cause unreasonable detriment to the owner of the information or another party  Information provided under an understanding that it would remain confidential
<b>Corrupt Behaviour</b>	When an employee uses or attempts to use their position for personal advantage or to cause detriment to others
<b>Disciplinary Action</b>	A process to address misconduct or unacceptable performance, when other methods such as counselling and performance appraisal have not been successful. Disciplinary action may involve: <ul style="list-style-type: none"> <li>• Verbal warnings;</li> <li>• Written warnings; or,</li> <li>• Termination of a contract of employment</li> </ul>
<b>Discrimination</b>	Treating or proposing to treat someone unfavourably because of a personal characteristic protected by the law
<b>Employee</b>	Any person engaged under a contract of employment who performs work on an ongoing basis, under the direction and control of Southern Ports
<b>Equity</b>	The creation of opportunities for equal access and success within the workplace
<b>Fraudulent Behaviour</b>	A dishonest activity that causes actual or potential financial loss to any person or organisation
<b>Frivolous complaint</b>	A grievance that is found to be of little importance or to have no merit.
<b>Gift</b>	Means an item willingly accepted by a Southern Ports employee, without payment, as a consequence of working for Southern Ports.

Term	Definition
	A gift can include but is not limited to gift certificates or store vouchers, rewards or club memberships, movie, show or event passes, electrical goods, money, alcohol, accommodation, air travel and other items.
<b>Gift Register</b>	An official register of the details of gifts received by or offered to an employee, contractor or consultant of Southern Ports and how that gift was managed
<b>Grievance</b>	Any grievance, problem or concern of an employee regarding their workplace, job or co-worker relationships.
<b>Harassment</b>	Unwanted, uninvited and inappropriate behaviour
<b>Inducement</b>	Offering, giving or soliciting of money or something of value in order to influence the judgement or conduct of an employee or any other person in a position of trust
<b>Intellectual Property</b>	A wide range of intangible property that is the result of the creative and intellectual effort of individuals and organisations. This includes inventions, literary and artistic works, computer programs, databases, broadcasts, films, sound recordings, plant varieties, trademarks and designs
<b>Line Manager/Supervisor</b>	The person who is responsible for the day to day supervision/management /direction of an employee
<b>Public Duty</b>	Employees must act with integrity, impartiality, in good faith and in the best interests of Southern Ports or the State
<b>Sensitive Information</b>	Personal information including but not limited to, details about an individual's racial or ethnic origin, religious beliefs, criminal history or health and medical information
<b>Unlawful Behaviour</b>	Refers to unlawful discrimination, unlawful harassment, victimisation, vilification and unlawful adverse action
<b>Vexatious Complaint</b>	A vexatious complaint is a groundless complaint made with an adverse primary intent to cause distress, detriment or harassment to the subject
<b>Victimisation</b>	The less favourable treatment of an employee for their participation in making, supporting or resolving a grievance or a breach of EEO standards, whether that participation was actual, intended or presumed. This includes a person or persons who have agreed to be witnesses in relation to a grievance

### 3. ROLES AND RESPONSIBILITIES

Position	Accountability
<b>CEO</b>	<ul style="list-style-type: none"> <li>• Ensure that all employees are treated in a fair and consistent manner</li> <li>• Ensure all personnel undertaking work for or on behalf of Southern Ports are aware of this code and understand their obligations</li> <li>• Ensure managers and officers have access to adequate resources to enable the effective execution of their responsibilities and duties in relation to this code</li> <li>• Support and promote the principles of this code in the workplace</li> </ul>
<b>Executive responsible for Human Resources</b>	<ul style="list-style-type: none"> <li>• Enable, maintain and monitor employment relations at all levels</li> <li>• Ensure managers are aware of their responsibilities and duties regarding this code through training and performance appraisals and audits</li> <li>• Ensure a fair disciplinary process</li> </ul>
<b>Managers and Supervisors</b>	<ul style="list-style-type: none"> <li>• Ensure the code of conduct is accessible to all staff and contractors</li> <li>• Act as a role model for appropriate standards of behaviour</li> </ul>
<b>Human Resources Managers</b>	<ul style="list-style-type: none"> <li>• Periodically review this code to ensure its efficiency and effectiveness in the workplace and applicability of current legislation</li> <li>• Periodically audit the implementation of this code in the workplace</li> </ul>
<b>All employees</b>	<ul style="list-style-type: none"> <li>• Actively participate and comply with the requirements of this code</li> <li>• Behave with integrity</li> <li>• Treat fellow employees fairly, equitably and with respect</li> <li>• Report suspected breaches of this code</li> </ul>

### 4. OUR COMMITMENTS

*We, the employees of Southern Ports, are committed to:*

- *providing healthy and safe working conditions;*
- *an inclusive, collaborative and supportive work environment;*
- *complying with laws and regulations;*
- *act with integrity and with regard to Southern Port's values;*

- *being scrupulous in our use of public money and accountable for official expenditure;*
- *safeguarding Southern Ports assets;*
- *safeguarding Southern Ports reputation and information;*
- *upholding ethical standards; and*
- *complying with our code of conduct and ethics and continually improving our performance.*

### **4.1. Personal Behaviour**

#### **4.1.1. Health, Safety, Environment, and Wellness**

*We, the employees of Southern Ports, are committed to providing healthy and safe working conditions and will:*

- stop work and seek assistance if we believe there is a situation that is not safe;
- identify, assess and take steps to control health safety and environmental hazards;
- be responsible for our safety and that of our colleagues;
- operate in a manner that does not negatively affect mental/physical illness or exacerbate a colleague's existing mental/physical health condition;
- comply with and know how to apply the requirements of our safety and health management system, and assist those working with us to do the same;
- use the personal protective equipment required for the task we are undertaking;
- be prepared for any emergencies at our workplace and ensure that visitors are familiar with emergency procedures;
- present to work in a fit state without impairment;
- handle and dispose of all materials properly, safely and lawfully; and
- immediately report any accidents, injuries, illnesses, unsafe or unhealthy conditions, incidents, spills or release of materials to the environment.

#### **4.1.2. Performing Work**

*We, the employees of Southern Ports, are committed to an inclusive, collaborative and supportive work environment and will:*

- contribute to a harmonious work environment by treating our colleagues with respect, courtesy, honesty and fairness;
- not behave in a manner that could be considered harassment or bullying;
- have proper regard for people's interests, rights, diversity and welfare;
- be aware of relevant cultural considerations and demonstrate respect when working with colleagues from other cultural backgrounds;
- not unlawfully discriminate against each other, so that our staff members can make their best contribution to the company;
- speak up if we believe someone is being harassed, bullied or discriminated against;
- behave in a manner that ensures personal relationships with colleagues do not negatively impact on our performance at work;



- be responsible when using social media to ensure that our opinions and comments are not associated with our role at Southern Ports;
- maintain confidentiality over all confidential information we encounter;
- make decisions fairly, objectively and promptly considering all available information, legislation and the Southern Ports policies and procedures; and
- behave a manner that promotes constructive and cooperative relationships between Southern Ports and other agencies by providing timely, well considered information and policy advice.

### 4.2. Communication and Official Information

*We, the employees of Southern Ports, are committed to complying with laws and regulations and will:*

- not disclose official information or documents acquired during our employment, other than as required by law or where proper authorisation is given;
- maintain confidentiality over all confidential information we encounter;
- not misuse official information for personal or commercial gain for ourselves or another, or to the detriment of another; and
- adhere to policies and all other lawful directives regarding communications with ministers, ministerial staff, lobbyists, members of the media and members of the general public.

### 4.3. Fraudulent and Corrupt Behaviour

*We, the employees of Southern Ports, are committed to act with integrity and with regard to Southern Ports' values and will:*

- Comply with all laws and legislation
- conduct business in a professional, objective, and competitive manner;
- avoid business dealings and personal relationships that could cause, or create the appearance of, a conflict of interest;
- record all transactions accurately and in reasonable detail to reflect their true nature;
- not dishonestly obtain or attempt to obtain an unfair advantage or cause detriment for Southern Ports, ourselves or other entities; and
- report any information about actual or potentially fraudulent, corrupt or illegal activities to the appropriate authorities.

### 4.4. Use of Public Resources

*We, the employees of Southern Ports, are committed to be scrupulous in our use of public money and accountable for official expenditure; and will:*

- make payments only to the person or organisation that actually provides the goods or services;
- use publicly funded resources conscientiously and efficiently. These include work facilities and equipment, vehicles, corporate credit cards and the purchase of goods and services;
- only use corporate credit cards for work-related expenditure;
- not use work time or resources for personal gain, financial or otherwise; and

- ensure any travel undertaken for official purposes is only done so when necessary.

### 4.5. Protecting our Assets

*We, the employees of Southern Ports, are committed to safeguarding Southern Ports assets and will:*

- use our assets for their intended purpose;
- not take assets for personal use or benefit or for the benefit of others without appropriate permission;
- ensure that assets are never used for illegal purposes;
- apply proper commercial principles when we acquire or dispose of assets;
- protect our assets from waste, damage, misuse, loss, fraud and theft;
- prevent non-authorised personnel from accessing our facilities, information, data or other assets, where possible and safe to do so; and
- report any potential waste, damage, misuse, loss, fraud or theft of our assets.

### 4.6. Record Keeping and use of Information

*We, the employees of Southern Ports, are committed to safeguarding Southern Ports reputation and information and will:*

- keep records of our actions and decisions to ensure transparency;
- ensure the secure storage of sensitive or confidential information; and
- not falsify, alter or damage records.

### 4.7. Conflicts of Interest and Gifts and Benefits

*We, the employees of Southern Ports, are committed to upholding ethical standards and will:*

- ensure personal or financial interest do not conflict with our ability to perform our work in an impartial manner;
- award business based on merit, qualifications and experience using objective selection and evaluation criteria;
- ensure that if conflicts arise that they are managed carefully in the public interest;
- ensure acceptance of gifts, benefits or hospitality is in accordance with the Southern Ports Gift, Benefit and Hospitality Procedure;
- not accept in connection with our work any fee, commission, reward, gratuity or remuneration that is outside Southern Ports conditions of employment; and
- declare the following to our manager or supervisor:
  - relationships with internal and external stakeholders that Southern Ports is engaged with that go beyond the level of a professional working relationship
  - financial interests in any matter the Southern Ports is dealing with or being aware of friends or relatives with such an interest
  - shareholdings or other interests held by the staff or the board in a company or business directly, or as a member of another company or partnership or through a trust
  - outside employment, including voluntary roles, appointments or directorships, whether remunerated or not
  - the receipt of gifts or benefits.

## 4.8. Reporting Breaches of the Code

*We, the employees of Southern Ports, are committed to complying with our code of conduct and ethics and continually improving our performance and will:*

- cooperate with our internal and external auditors and disclose all pertinent information that could reasonably impact the results of an audit;
- ensure employees will not be victimised, penalised or disadvantaged as a result of reporting a breach of the code;
- investigate any reported grievances, promptly, fully, and impartially;
- review performance against compliance requirements; and
- report fraudulent or corrupt behaviour, or any actual or suspected violence to management and the appropriate authorities.

**NOTE:** any breach of this code may result in disciplinary action being taken, in accordance with the Southern Ports Disciplinary Procedure.

## 5. RECORDS

All training associated with Code of Conduct of Ethics and the achieved competencies shall be recorded.

All Code of Conduct and Ethics documentation is to be archived as per the Record Keeping Plan.

## 6. REFERENCE DOCUMENTATION

This procedure should be read in conjunction with the following

### 6.1. Southern Ports Documentation

- Disciplinary Procedure
- Gift, Benefit and Hospitality Procedure
- Grievance Procedure
- Recruitment and Selection Procedure
- Workplace Behaviour Procedure

### 6.2. Supplementary, Legislative and Regulatory Documentation

- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 1984 (WA)
- Equal Opportunity for Women in the Workplace Act 1999 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Relations 2009 (Cth)
- Occupational Safety and Health Regulations 1996 (WA)
- Port Authorities Act 1999
- Privacy Act 1988 (Cth)
- Public and Bank Holidays Act 1972 (WA)
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Industrial Relations Act 1979 (WA)
- Long Service Leave Act 1958 (WA)
- Minimum Conditions of Employment Act 1993 (WA)
- Occupational Safety and Health Act 1984 (WA)
- Racial Discrimination Act 1975 (Cth)
- Racial Hatred Act 1995 (Cth)
- Workers Compensation &

- Public Sector Act 1994
- Sex Discrimination Act 1984 (Cth)
- Workplace Agreements Act 1993 (WA)
- Rehabilitation Act 1981 (WA)
- Workplace Gender Equality Act 2012 (WA)

### 7. APPENDICES

Appendix 1 - The Legislative Basis of our Code of Conduct and Ethics

Appendix 2 – The Quick Test

## Appendix 1 - The Legislative Basis of our Code of Conduct and Ethics

This Code of Conduct and Ethics explains how the Public Sector Code of Ethics principles, as stated below, and Southern Ports' own vision, mission, goals and values, are to be incorporated in Southern Ports daily work practices.

Section 21 of the Port Authorities Act 1999 (WA) requires all Port Authorities to develop and implement a code of conduct in consultation with the Public Sector Commission based on the principles set out in section 9 of the Public Sector Management Act 1994 (WA).

The Public Sector Commissioner's instructions 7 and 8 outlines the Public Sector's Code of Ethics, which specifies the minimum standards of conduct and integrity applicable to all public sector bodies, public sector employees and consultants to public sector bodies and serves as a foundation for organisation specific codes of conduct. The southern Ports code of conduct and ethics is aligned with the seven areas of conduct provided within the Public Sector Commission's Conduct Guide and underpinned by the principles of the Public Sector Code of Ethics. The Public Sector Code of Ethics contains three fundamental principles. These are:

- Personal integrity - act with care and diligence and make decisions that are honest, fair, impartial and timely and consider all relevant information.
- Relationships with others - treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.
- Accountability - use the resources of the State in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

## Appendix 2 - The Quick Test

If you are uncomfortable with the answers to any of the questions below then it is possible that the behaviour, process or decision may be in breach of this code and you should seek advice from your manager, a member of the human resources team or a contact officer.

