

# A GUIDE FOR PUBLIC SECTOR EMPLOYERS SUPPORTING THE CODE OF CONDUCT



VPSC issued this guidance note to highlight to public sector body heads their core obligations in supporting the application of the relevant Code of Conduct issued under s 61 of the *Public Administration Act 2004*. This guidance note applies to the [Code of Conduct for Victorian Public Sector Employees](#) and the [Code of Conduct for Victorian Public Sector Employees of Special Bodies](#).

## Introduction

Section 7(2) of the Act requires that public sector body heads promote the public sector values to public officials employed in the body and ensure that any statement of values adopted or applied by the body is consistent with the [public sector values](#).

## Public Sector Body Head's Obligations

### General obligations

#### Leading by example

Promoting the values and adherence to the Code of Conduct requires that public sector body heads lead by example in adhering to the values and Code of Conduct and ensure managers in their organisation have the skills and support they require to fulfil their obligations under the Code.

#### Induction and ongoing training

Public sector body heads' promotion of the values and Code should include providing to their employees appropriate induction and ongoing training on the values and Codes as they relate to the employees' work. It should also include incorporating consideration of employees' adherence to their requirements under the values and Codes into employees performance management processes.

### Specific obligations

#### Purpose of the Code (clause 1.2)

Public sector body heads are to develop and implement policies and procedures tailored to their own operating environment, to support the application of the Code. Public sector employees are required to comply with these policies and procedures.

There are sections in the Code that specifically require employees to follow their organisation's policies and procedures regarding certain topics. Public sector body heads should develop and implement policies and procedures that cover these topics, specifically regarding:

#### Conflicts of interest (clause 3.7)

The Code requires that employees follow their organisation's policies and procedures for declaring and managing conflicts of interest.

Organisations should have regard to the VPSC's [Conflict of Interest Policy Implementation Guide](#) when developing and implementing conflict of interest policies, which sets out the VPSC's recommended process and content.

## **Gifts and benefits (clause 4.2)**

The Code requires that public sector employees comply with any policies of their employer in relation to accepting, declaring and/or recording the receipt of gifts or benefits.

Organisation should have regard to the VPSC's [Gifts, Benefits and Hospitality Policy Framework](#) when developing and implementing their gifts, benefits and hospitality policy and procedures.

## **Pre-employment (clause 1.3)**

Public sector bodies need to establish policies and procedures that include provisions for dealing with false, incorrect or misleading information provided in relation to applications for employment.

## **Contractors and consultants (clause 1.4)**

Public sector employers are to require contractors or consultants engaged in or by their public body (including contractors or consultants engaged through an employment agency) to comply with the Code of Conduct and relevant policies and procedures, where the contractors or consultants:

- supervise public sector employees;
- undertake work that is of a similar nature to the work undertaken by public sector employees at a premise or location generally regarded as a public sector workplace; or
- use or have access to public sector resources or information that are not normally accessible or available to the public.

See the VPSC's [Guidance for managers engaging contractor and consultants](#) to perform a public sector function.

## **Breaches of the Code (clause 1.7)**

Breaches of the Code may constitute misconduct or lead to action under performance management processes. Public sector employers are responsible for enforcing the Code of Conduct. To do this, they need to establish suitable performance management and misconduct processes. These need to be consistent with the public sector employment principles as defined by the *Public Administration Act 2004*, any standards issued by the Victorian Public Sector Commissioner or predecessor and any relevant industrial instruments.

## **Reporting unethical behaviour (clause 3.6)**

The Code requires that employees report workplace behaviour that violates any law, rule or regulation to an appropriate authority violates any law, rule or regulation or represents corrupt conduct, mismanagement of public resources, or is a danger to public health or safety or to the environment. Public sector body heads inform their employees of their rights and responsibilities regarding the making of such reports. They should ensure appropriate policies and processes are in place to support .

Public sector employers also have obligations under the *Protected Disclosures Act 2012* which is administered by [Independent Broad-based Anti-Corruption Commission \(IBAC\)](#) and should inform their employees of their rights and responsibilities in relation to these.