

# Code of Conduct

Policy code: P-EP2

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Section: Empowering Our People

Sub-Section: Workforce Culture & Wellbeing

## 1. Intent

This document sets out obligations which Western Health requires all employees, contractors, consultants, volunteers and others associated with it (**Western Health personnel**), to meet.

The document is based on the public sector values contained in the *Public Administration Act 2004* and the *Code of Conduct for Victorian Public Sector Employees* and is binding on all Western Health personnel.

This document is not exhaustive. It does not purport to set out all Western Health personnel obligations.

## 2. Outcomes

### 2.1 Policy Statement

The objective of this document is to set out the standard of behaviour that Western Health expects of Western Health personnel in the performance of their duties.

Compliance with this Code of Conduct is integral to Western Health achieving its vision and values as set out below.

#### Our Vision

Together, Caring for the West,  
Patients – Employees – Community – Environment.

#### Our Purpose

Working collaboratively to provide quality health and well-being services for the people of the West.

#### Our Values:

- Compassion – consistently acting with empathy and integrity.
- Accountability – taking responsibility for our decisions and actions.
- Respect – for the rights, beliefs and choice of every individual.
- Excellence – inspiring and motivating, innovation and achievement.
- Safety – working in an open, honest and safe environment.

### 2.2 Policy Details/Standards

#### Compliance

All Western Health personnel must comply with all relevant legislation, regulations, policies and procedures.

All Western Health personnel must ensure that they are familiar with the relevant laws and policies that apply to them in their workplace and to seek advice from management if they are uncertain about the implications of laws or policies.

Western Health personnel must notify Western Health of any loss, suspension of, or change to, a registration, accreditation, licence or other qualification that affects their ability to meet relevant essential requirements or to perform their duties.

A breach of the Code of Conduct by Western Health personnel may lead to disciplinary action, including dismissal. In some cases the breach may be reported to the police and/or other relevant authority.

#### Patient Quality and Safety

At Western Health our vision for quality care and services is that each of our patients receives 'Best Care' with us, every time.

To enable 'Best Care' all Western Health personnel are required to:

- Be proactive in creating Best Care.
- Model positive and proactive attitudes and behaviours that support the dimensions of Best Care.
- Form partnerships with patients and carers.
- Work with other personnel, departments, services, patients and consumers to develop, implement and evaluate local initiatives to contribute to the organisational best care objectives.
- Make the achievement of Best Care a priority and pursue it by actively participating in organisational processes,

safety systems and improvement initiatives.

- Be trained in the roles and services for which they are accountable.
- Understand their broad responsibility for safety and quality in health care.
- Follow safety and quality procedures.
- Participate in the review of care procedures individually, or as part of a team.
- Be proactive about identifying and addressing issues that interfere with patients receiving Best Care.
- Support and enable peers to create Best Care.

### **Occupational Health and Safety (OH&S)**

Western Health is committed to providing a safe and healthy workplace for all Western Health personnel and to complying with all relevant OH&S requirements.

Western Health endeavours to:

- Make safety a priority in the workplace;
- Provide the necessary leadership, information, instruction and training to all Western Health personnel to ensure that they understand their rights and obligations with respect to safe work practices.

Western Health personnel are expected to:

- Follow all safe work practices and procedures;
- Report unsafe conditions or practices;
- Identify and recommend improvements relating to occupational health and safety;
- Take responsibility for protecting their own safety and that of others on all Western Health sites.

### **Equal Employment Opportunity, Discrimination and Harassment**

Western Health is committed to providing a work environment free from harassment, discrimination, bullying or intimidation and in which everyone is treated fairly and with respect. It is the responsibility of management to ensure that all workplace decisions and activities are free from improper and unlawful discrimination.

Western Health expects all Western Health personnel and job applicants to be treated fairly and evaluated according to their job-related skills, qualifications, abilities and aptitudes only. Decisions based on attributes unrelated to job performance such as colour, race, gender, religion, personal associations, national origin, age, disability, political beliefs, marital status, sexual orientation and family responsibilities may constitute discrimination and are prohibited.

Decisions related to a job applicant's engagement or employment at Western Health must be made on the basis of merit.

Harassment refers to conduct that is personally offensive; threatening, impairs morale or interferes with the work effectiveness of Western Health personnel or others. Bullying refers to unreasonable and repeated conduct that creates a risk to the health and safety of Western Health personnel. Harassment or bullying of any kind is unacceptable to Western Health and will not be tolerated.

Western Health considers unlawful discrimination, bullying, harassment or reprisal for reporting such matters to be serious misconduct which will result in disciplinary action which may include dismissal.

### **Demonstrating Integrity**

Western Health personnel must act honestly in the performance of their duties. They must be open and transparent when making decisions and provide honest advice based on available facts and data and ensure such advice is up to date.

Western Health personnel must use their formal and informal authority in a responsible way. They cannot use their authority to provide a private benefit to themselves, their family, friends or associates. They must exercise their authority in a way that is fair and reasonable, and family or other personal relationships cannot improperly influence their decisions.

In the performance of their public duties and in their private life, Western Health personnel must avoid conduct that may adversely affect their standing as a public official or which may bring Western Health into disrepute.

### **Commitment to Human Rights**

Western Health personnel must act in a way that is compatible with the human rights protected by the *Charter of Human Rights and Responsibilities Act 2006* by:

- Understanding human rights as these apply to their work.
- Making decisions and providing advice consistent with human rights.
- Actively implementing, promoting and supporting human rights.
- Deliver services and programs and act in a manner that is consistent with the Charter.

Western Health personnel should raise their concerns with their Manager/Supervisor when they encounter circumstances that could breach the human rights of colleagues, other public officials and members of the Victorian community.

### **Use of Alcohol, Tobacco and Other Drugs**

Every Western Health personnel is responsible for taking appropriate steps to prevent workplace injuries and for contributing to a safe and healthy work environment. This obligation includes responsible behaviour with respect to the use of alcohol,

tobacco and other drugs at work, or when representing or conducting business on behalf of Western Health.

The use of drugs or alcohol may impair a person's capacity to perform his or her work safely and efficiently. Western Health personnel must not be adversely affected by drugs of any kind, including alcohol, while at work, while representing Western Health or while driving a Western Health vehicle. Western Health personnel should discuss with their managers the impact on their work performance of any prescribed medication or other substances that may impact on the safe performance of their duties.

Western Health prohibits the possession, transfer or use of illegal substances on Western Health premises, in Western Health vehicles or when working for or representing Western Health.

Smoking by Western Health personnel is prohibited in all Western Health buildings, vehicles, car parks and grounds within the boundaries of the Sunbury Day Hospital, Western, Sunshine and Williamstown Hospitals, Drug Health Services, and Hazeldean.

### **Using Western Health Resources and Fraud Prevention**

Western Health personnel must not use or allow Western Health funds, property, equipment or other resources to be used for personal benefit or for purposes other than that for which they were provided. Western Health resources include physical, financial, technological and intellectual property.

All Western Health personnel are responsible for safeguarding Western Health resources, including information, and, where required, for maintaining accurate records of the use of these resources. All fraudulent, improper or unauthorised use of resources is unacceptable and must be reported to senior management immediately.

#### Financial

Western Health personnel must comply with the Western Health Delegations of Authority Framework and maintain a strict separation between work-related and personal financial matters and only use or authorise the use of public financial resources or facilities for work-related purposes.

Expenditure must be recorded accurately and in a timely way. Submission of a misleading or fraudulent report of expenditure is regarded as serious misconduct. Accurate and auditable records of all financial transactions relating to Western Health must be maintained. No entry that distorts or disguises the true nature of any transaction may be made. All Western Health personnel must strictly abide by Western Health's policies and procedures for handling cash purchases or payments and all non-financial records such as personnel files, environmental documentation and safety statistics must also be accurately maintained.

#### Records

Records are kept in such a way as to ensure their security and reliability and are made available to appropriate scrutiny when required. The storage and disposal of records of all kinds must be in accordance with the law and with Western Health policy.

#### Other Resources

Unauthorised use or removal of Western Health equipment, supplies or other resources is regarded as theft. All Western Health personnel are required to take appropriate precautions to prevent theft, damage or misuse of Western Health resources. Western Health resources must not be sold, lent, or donated without the explicit approval of the officer with delegated authority to approve the action.

Western Health personnel must not destroy or dispose of Western Health equipment, supplies or other resources without the explicit approval of the officer with delegated authority to approve the action.

### **Information Systems**

Western Health uses a range of information systems including facsimiles, the internet, the Western Health intranet, and e-mail. All Western Health personnel are responsible for protecting the information communicated or stored in these systems. All hardware, software and data must be safeguarded against damage, loss, theft, alteration and unauthorised access.

The transfer of confidential information must not be conducted electronically unless security can be guaranteed. If authentication is important, the transaction should be confirmed using non-electronic means.

Western Health's electronic communication systems are the property of Western Health and all electronic communications are regarded as Western Health records. Offensive material such as pornography is not permitted on Western Health systems in any form. The display, transmission or storage of material likely to cause offence to Western Health personnel, visitors or patients is prohibited on Western Health premises or equipment.

Western Health reserves the right to monitor the use of its information systems by Western Health personnel and may access and disclose the contents of electronic messages and files.

Western Health personnel have access to Western Health information systems to assist them in the performance of their jobs. Personal use must be approved by management. Modest personal use may be permitted provided that it is unrelated to outside business activities and does not interfere with Western Health's business or the employee's work. All Western Health personnel are required to comply with Western Health's policies on the use of e-mail and the Internet.

## Outside Work and Other Activities

Western Health employees should not engage in outside employment or conduct a business, trade or profession which interferes with their work performance or creates a real or perceived conflict of interest. Employment includes a second job, conducting a business, trade or profession, or active involvement with other organisations (paid employment or voluntary work). Outside work that may impact on work performance must be discussed with the employee's manager.

Employees require prior approval from their manager before addressing or chairing a professional conference or other public event in an official capacity.

Any employee who is appointed to a Commonwealth position or a Board position as an extension of their role at Western Health must remit any fee they receive for these positions to Western Health. Employees must check with the Executive Director of their Directorate if they are uncertain of their obligation.

Except where providing factual information in a CV or resume, Western Health personnel and former Western Health personnel must not refer to their Western Health positions when seeking to attract work from, or when performing work for, an external organisation, in order to avoid any implication that:

- The person is performing the work on behalf of Western Health; or
- Western Health is in any way responsible for the performance of the work or the quality of the work.

Although it is entirely appropriate for Western Health personnel to provide factual information about the positions held at Western Health in a CV or resume, it is unacceptable to refer to any association with Western Health or its hospitals in an advertisement for private consulting or other services.

## Confidentiality

Western Health personnel receive and manage information in such a manner that its confidentiality will be maintained. Western Health personnel may have access to confidential information of various kinds, including information about patients, other Western Health personnel or business matters. All Western Health personnel have an obligation to maintain confidentiality and this obligation extends beyond the Western Health personnel's employment or engagement with Western Health.

Information can only be used or disclosed for the primary purpose for which it was collected, or for a directly related secondary purpose, which could be expected. If required for any other purpose, consent is generally required. All health professionals involved in a patient's direct care and treatment have access to and can use that person's health information. It may be necessary to pass some information to other health care providers to facilitate ongoing treatment and care. Health information is routinely sent to a patient's local GP, unless the organisation is specifically requested not to.

Under the *Health Records Act 2001* (Vic) and the *Information Privacy Act 2000* (Vic), the right of the individual to refuse disclosure of their personal and/or health information to any person(s) has been formalised and publicised. To evaluate our practices, the treatment and services we provide and to seek ways to continually improve, some information will be used for clinical audits and quality improvement activities.

Some information may also be used for other purposes permitted under the privacy laws, for example, planning, billing, fundraising and management.

It is a criminal offence for Western Health employees to disclose patient information in breach of section 141 of the *Health Services Act 1988* or sections 140 and 141 of the *Mental Health Act 2014*.

Confidential information must only be used for authorised purposes. Confidentiality provisions should be included in contracts with other parties who provide services to Western Health. Western Health has detailed policies on privacy and confidentiality.

## Intellectual Property

Western Health personnel who participate in the development of intellectual property in the course of their employment/engagement are bound by the Western Health policy on intellectual property both during their employment/engagement and after their employment/engagement by Western Health ends.

Western Health personnel must not reproduce, distribute or alter copyright materials owned by Western Health or by others without valid permission from the copyright owner or its authorised agent. This includes various trademarks, logos and business names, which are valuable assets that may only be used in accordance with Western Health policy and the law.

## Conflicts of Interest

Employees must not engage in activities that involve, appear to involve, or potentially involve a conflict between their personal interests and the interests of Western Health. Such circumstances may compromise the employee's ability to make impartial decisions.

Employees must not place themselves in situations that might force them to choose between their personal or financial interests and those of Western Health. If there is any doubt about whether a conflict of interest exists, the employee must disclose the issue to senior management.

Examples of conflicts of interest:

- When an employee or their immediate family members have interests or investments in, or employment with a competitor, customer, partner or supplier of goods or services to Western Health;
- When an employee holds a position in or has a relationship with an outside organisation that has business dealings with Western Health and their position with either party may allow them to influence these transactions;
- When an employee is in a position of influence regarding the employment, employment conditions, access to services or performance appraisal of a family member.

In some circumstances, such as in the case of directors and certain office holders, specific disclosure or approval requirements arise under law.

### **Acceptance of Gifts and Benefits**

WH personnel must exercise great care when giving or accepting business-related gifts including direct payments and payment in kind e.g. the provision of goods or services, personal favours and entertainment such as travel, tickets to sporting events, meals etc.

Gifts of nominal value from patients or carers as a token of personal appreciation may generally be accepted on one occasion but if the value of the gift is more than a token gesture, or if a second or subsequent gift is offered, the matter should be referred to senior management for decision in accordance with the Gifts & Benefits Policy available on the intranet.

Gifts from those with whom Western Health is engaged in tender processes may not be accepted and personal sponsorship and offers of money in any form must never be accepted.

Under no circumstances should any WH personnel request a gift of any kind from a patient, carer or supplier of goods or services for themselves or any other person.

Any offer of a gift or benefit that you believe could reasonably be perceived as influencing yourself or undermining the integrity of Western Health or yourself must not be accepted and must be reported to the relevant Executive Director or Chief Executive immediately.

### **Reporting Unethical Behaviour**

Western Health personnel must comply with legislation, policies and lawful instructions in the performance of their work. Western Health personnel report to an appropriate authority workplace behaviour that 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.

Western Health informs personnel of their rights and responsibilities under 'whistleblower' and similar legislation.

### **Public and Political Comment**

Western Health personnel must only make public comment when specifically authorised to do so in relation to their duties, a public sector body, or government policies and programs. Such comment is restricted to factual information and avoids the expression of personal opinion. Public comment includes speaking engagements and providing information or comment through any media, including social media.

When making comment in a private capacity employees must ensure that their comments are not related to any government activity that they are connected to within their employment and make it clear they are expressing their own view and that their comments are not Western Health comments.

Western Health is a public sector organisation and maintains a position of strict impartiality with respect to party politics. Only authorised employees may comment publicly on behalf of Western Health or any of its hospitals in any medium, including advertising. Such comment is restricted to factual information and should not include an expression of personal opinion.

All contacts with the media are to be managed by the Executive Director of People, Culture and Communications and only those employees expressly authorised to do so, may comment to the media.

### **Political Fundraising and Functions**

Western Health is a public sector agency and in the course of their employment, all public sector personnel are required to act impartially and with integrity. Participation in party political fundraising activities is inappropriate when the employee is acting in their capacity as a public sector employee.

Western Health employees must not:

- Provide Western Health or campus monies to political parties or independent candidates. This includes direct or indirect donations, purchase of tables at political fundraising events and contributions in kind;
- Attend party political functions, including fundraising events, in their capacity as public sector employees, or in cases where it is reasonable to assume that they are attending in that capacity; or
- Accept gifts or favours in the form of invitations to functions, including political fundraising events, in their capacity as public sector employees, or in cases where it is reasonable to assume that they are attending in that capacity.

## Disclosure of Criminal Offences

All Western Health personnel must notify Western Health as soon as practicable if they:

- Have ever been found guilty of a violent or sex offence;
- Have been found guilty of any criminal offence (other than a minor traffic offence) in the past 10 years; or
- Are currently under investigation or have been charged with a criminal offence (other than a minor traffic offence).

The disclosure of findings of guilt, charges or impending charges to the Executive Director of People, Culture and Communications or the relevant Executive Director will be treated as sensitively and discreetly as is possible in the particular circumstances. The matter will only be pursued further where, in the reasonable opinion of Western Health, the offence or alleged offence affects the personnel's employment.

## Professional Codes of Conduct

Certain professions have professional codes of conduct that establish specific behaviours relevant to that profession.

This Code of Conduct specifies the behaviour expected of Western Health personnel and should be read in conjunction with any professional code of conduct.

Relevant Western Health personnel are required to be aware of their professional code of conduct as well as the provisions of this Code.

Professional codes set out a range of matters relating to the profession including dealing with breaches of the professional code. A breach of a professional code may affect the capacity of a Western Health personnel to continue to act in that profession and may also affect their ability to undertake their duties as a Western Health personnel. A breach of the professional code of conduct will be deemed as a breach of this Code of Conduct and any disciplinary action taken may be determined in accordance with this Code of Conduct.

## Commitment to Child Safeguarding

Western Health is committed to the safety and wellbeing of children and young people and reducing any opportunity for child abuse or harm to occur.

All Western Health personnel must ensure that they are familiar and comply with the relevant legislation, regulations, policies and procedures that apply to them in their workplace, including but not limited to:

- [Children, Youth and Families Act 2005 and 2014 Amendment](#);
- [Child Wellbeing and Safety Act 2005](#);
- [Mandatory Reporting](#);
- [Children Legislation Amendment \(Reportable Conduct Act 2017\)](#);
- Emergency Department CM2 [Suspected Child Abuse and Neglect in Children](#);
- Women's Services DP-CM2 [Vulnerable Babies, Children and Young Persons At Risk of Harm and Placement of a Child at Western Health by Child Protection or by Children's Court Order](#);
- [Child Wellbeing and Safety – Reportable Conduct Scheme](#).

Western Health personnel must seek advice from management if they are uncertain about the implications of such laws or policies.

Western Health personnel must act to **actively safeguard** all children and young people from:

- Sexual abuse;
- Physical abuse;
- Emotional or psychological abuse;
- Neglect;
- Witnessing violence.

## Unethical behaviour with children and young people

Western Health personnel and volunteers must not:

- Seek to use children and young people in a way that meets the need of adults.
- Ignore or disregard any concerns, suspicions or disclosures of child abuse or harm.
- Use discriminatory or oppressive behaviour or language with children.
- Engage in rough physical games.
- Initiate unnecessary physical contact with children or do things of a personal nature that children can do for themselves such as toileting or changing clothes, unless it is directly related to clinical care and with guardian consent, or in the presence of another staff member.
- Develop inappropriate relationships with specific children or show favouritism through the provision of gifts or special attention.
- Exchange personal contact details such as phone numbers, social networking sites or email addresses with children and have unauthorised contact with them.

## Disclosure of criminal offences against children and young people

All Western Health personnel must notify Western Health as soon as practicable if they:

- Have ever been found guilty of a violent or sex offence;
- Have been found guilty of any criminal offence (other than a minor traffic offence) in the past 10 years; or



- Are currently under investigation or have been charged with a criminal offence (other than a minor traffic offence);
- Are listed on the Victorian Register of Sex Offenders- A registered sex offender **must not be involved in employment that is child-related**. A person who works in a child-related industry who is then charged with a registrable offence must tell their employer within 7 days after being charged with the offence. A person who is applying for employment in a child-related industry who has a pending charge for a registrable offence must tell their employer this as the time of making the application.

The disclosure of findings of guilt, charges or impending charges to the Executive Director of People, Culture and Communications or the relevant Executive Director will be treated as sensitively and discreetly as is possible in the particular circumstances. The matter will only be pursued further where, in the reasonable opinion of Western Health, the offence or alleged offence affects the personnel's employment.

### 3. Associated Procedures/Instructions

In support of this policy, the following Manuals, Procedures, Instructions, Guidelines, and/or Forms apply:

Code	Name
P-CM3	Information Privacy
P-EP41	Occupational Health and Safety
P-GC7	Intellectual Property and Moral Rights
P-RS1	Fraud, Corruption and Other Losses
P-RS1	Gifts, Benefits and Hospitality
P-RS2	Communications
P-RS2	Legislative Compliance
OP-CM3	Release of Personal and Health Information
OP-CM4	Information Communication Technology (ICT) Acceptable Use
OP-CM4	Information Communication Technology (ICT) Security and Network Connection
OP-EP1	Police Record Check
OP-EP2	Child Wellbeing and Safety – Reportable Conduct Scheme
OP-EP2	Equal Employment Opportunity
OP-EP2	Management and Prevention of Workplace Bullying and Harassment
OP-EP2	Protected Disclosure
OP-EP3	Reporting of Professional Misconduct
OP-RS2	Conflict of Interest
Emergency Department CM2	Suspected Child Abuse and Neglect in Children
Women's Services DP-CM2	Vulnerable Babies, Children and Young Persons At Risk of Harm and Placement of a Child at Western Health by Child Protection or by Children's Court Order

### 4. References

*Code of Conduct for Victorian Public Sector Employees (2015)*, published by the Public Sector Standards Commissioner  
[Health Services Act 1988 \(Vic\)](#)  
[Public Administration Act 2004 \(Vic\)](#)  
[Health Records Act 2001 \(Vic\)](#)  
[Privacy and Data Protection Act 2014 \(Vic\)](#)  
[Mental Health Act 2014 \(Vic\)](#)  
[Sex Offenders Registration Act 2004](#)  
[Equal Opportunity Act 2010 \(Vic\)](#)  
[Children, Youth and Families Act 2005](#) and 2014 Amendment  
[Child Wellbeing and Safety Act 2005](#)  
[Australian Government - Mandatory reporting of child abuse and neglect](#)  
[Children Legislation Amendment \(Reportable Conduct Act 2017\)](#)

### 5. Document History

Number of previous revisions: 2

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Minor amendment: August 2019

### 6. Sponsor

Executive Director of People, Culture and Communications

## **7. Authorisation Authority**

Western Health Board of Directors