

1. Purpose of policy

The Code of Conduct reaffirms Greater Lockport Development Corporation (GLDC) commitment to the ethical principles by making clear that all staff are required to abide by this code, behaving professionally and with respect and consideration for others. The Code of Conduct is shaped around four key ethics principles that are intended to guide ethical decision making and behavior. Each principle is strengthened by the standards of conduct describing the kind of behavior that demonstrates that principle. The principles and associated standards are equally important. The ethics principles are:

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency

2. Policy scope and application

This policy applies to all current employees and people representing the GLDC, including directors and officers.

3. Definitions

Bullying is repeated and unreasonable behavior directed towards an individual or a group that creates a risk to health and safety.

Bullying also includes Workplace Bullying, which is repeated, and unreasonable behavior directed towards a worker or a group of workers that creates a risk to health and safety. Bullying, including workplace bullying, does not include reasonable management action that is carried out in a reasonable manner.

It is possible for a person to be bullied, harassed, and discriminated against at the same time.

Detailed below are examples of behaviors, whether intentional or unintentional, that may be regarded as bullying or workplace bullying if they are repeated, unreasonable and creates a risk to health and safety. This is not an exhaustive list – however, it does outline some of the more common types of behaviors. Examples include:

- Abusive, insulting or offensive language or comments
- Unjustified criticism or complaints
- Deliberately excluding someone from workplace activities
- Withholding information that is vital for effective work performance
- Setting unreasonable timelines or constantly changing deadlines
- Setting tasks that are unreasonably below or beyond a person's skill level
- Denying access to information, supervision, consultation, or resources to the detriment of a worker
- Spreading misinformation or malicious rumors

- Changing work arrangements to deliberately inconvenience a particular worker or workers.

Workplace bullying is not a simple abuse of power from supervisors to subordinate employees: for example, an employee can bully their supervisors, and bullying can occur between members of an ostensibly equal group. Bullying, including workplace bullying, can be carried out in a variety of ways including through email and text messaging or social media channels.

Conduct means the personal behavior of a person.

Conflict of Interest is a situation in which an individual has competing professional or personal interests. Such competing interests could make it difficult for an individual to fulfil their duties impartially, and potentially could improperly influence the performance of their official duties and responsibilities.

An apparent (or perceived) conflict of interest exists where it appears that individual private interests could improperly influence the performance of their duties and responsibilities whether this is, in fact, the case. Individuals must be conscious that perceptions of conflict of interest may be as important as an actual conflict.

A potential conflict of interest arises where an individual has a private interest which is such that an actual conflict of interest would arise if the member were to become involved in relevant (that is conflicting) official duties and responsibilities in the future.

Discrimination means to treat an individual less favorably because of an attribute. Attributes include:

- parental status
- pregnancy
- breastfeeding
- religious belief or activity
- political belief or activity
- relationship status
- sex
- lawful sexual activity
- gender identity
- sexuality

- age
- race, nationality or ethnic origin
- disability or impairment
- trade union activity
- family responsibilities
- association with, or relation to, a person identified on the basis of any of the above attributes.

Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favorably than another person. Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but disadvantages people from a particular group.

Vilification on the grounds of race, religion, sexuality or gender identity is also unlawful.

Harassment is any form of behavior that is unwelcome, unsolicited, unreciprocated, and usually (but not always) repeated. It is behavior that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination and for example can include sexual, disability, racial, sexuality or gender-based harassment.

Sexual harassment means any unsolicited, unwelcome, and unreciprocated behavior, act or conduct of a sexual nature that offends, humiliates or intimidates other persons. It can be a single incident or a persistent pattern and can range from subtle behavior to explicit demands for sexual activity or criminal assault. Sexual harassment includes but is not limited to the following examples:

- inappropriate jokes or comments with sexual connotations
- the display of offensive material
- stares and leers or offensive hand or body gestures
- comments and questions about another person's sexual conduct and/or private relationships
- persistent unwelcome invitations
- requests for sexual favors
- offensive written, telephone or email communication, or any other electronic means of communication
- unnecessary close physical proximity including persistently following a person
- unwelcome physical contact such as brushing against or touching a person
- denigrating comments regarding a person's gender or sexual preference
- negative behaviors, e.g., intimidation or exclusions related to the sex of the recipient

Victimization means treating someone unfairly because they have made, or intend to make, a discrimination or harassment complaint. This also includes those who have supported another person in making a complaint.

Maladministration means the gross mismanagement of risk leading to death, injury or the culpable wastage of agency resources that adversely affects a person's interests in a substantial and specific way.

Misconduct means conduct which is not serious misconduct, but which is nonetheless conduct which is unsatisfactory.

Natural Justice provides that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right of representation by another person. A decision-maker in relation to the matter should have no personal interest in the matter and should be unbiased in their decisions.

Serious Misconduct means misconduct of a serious nature and includes:

- serious misbehavior of a kind which constitutes a serious impediment to the carrying out of a employee's duties or to a employee's colleagues carrying out their duties;
- serious dereliction of the duties required of the employee's office;
- conviction by a court of an offence which can be demonstrated to constitute a serious impediment of the kind referred to in this definition.
- willful or deliberate behavior by a employee that is inconsistent with the continuation of the contract of employment.
- conduct that causes serious and imminent risk to the health and safety of a person or the reputation, viability or profitability of the agency.
- during employment, engaging in theft, fraud, assault, intoxication at work (where a employee's faculties are so impaired as to make the employee unfit for duty),
- refusing to carry out a lawful and reasonable instruction that is consistent with the employees contract of employment.

4. The Ethics Principles and Standards of Conduct

4.1 Integrity and Impartiality

All staff are required to promote the integrity of the agency by:

- being committed to the highest ethical standards;
- providing advice, which is objective, independent, apolitical and impartial;
- showing respect towards all persons, including other staff and the general public; and
- being committed to honest, fair and respectful engagement with the agency's community.

4.1.1 Commitment to the highest ethical standards

All employees are expected to:

- be honest, impartial and conscientious when carrying out their duties;
- ensure the principles of natural justice are observed;
- ensure all decisions are made ethically;
- report genuinely suspected wrongdoing, fraud, corrupt conduct or maladministration to the appropriate Agency Officer or external authority (Public Interest Disclosure Act 2010). Refer to the Agency's Public Interest Disclosure – Governing Policy.

Employees using Agency resources for outside work must do so in compliance with the Agency Consultancy Work – Operational Policy and Outside Work and Private Practice – Operational Policy.

Employees must only accept gifts or benefits in connection with the performance of their duties in accordance with the Staff Gifts and Benefits – Operational Policy.

4.1.2 Manage Conflicts of Interest

An employee must not improperly use their official powers or position or allow these powers to be improperly used. Any conflict that may arise between personal interest and official duty must be resolved in favor of public interest.

The Agency is committed to demonstrating impartiality and integrity by requiring staff to declare conflicts of interest. A potential conflict of interest may arise where there is a conflict between their duty as a employee to serve the public interest and their personal interests. Having a conflict of interest is not unusual and is not a wrongdoing. However, failing to disclose and manage the conflict appropriately is likely to be a wrongdoing. Employees are encouraged to consider the potential for conflict, including professional positions, membership of committees of other organizations, family and personal relationships, or financial interests.

As examples, an employee must declare potential conflicts of interest between private and/or financial interests and Agency responsibilities and declare the relationship when participating in decisions affecting another person with whom there is a personal relationship. An academic employee involved in teaching or assessing a student who is a relative, family, or personal friend must disclose the relationship.

Where any actual or perceived conflict of interest exists for a employee, the employee must disclose it to their supervisor as soon as is reasonably practicable after becoming aware of it. If the employee's supervisor has a conflict of interest in the matter, then the employee must disclose the conflict of interest to the next higher level of authority.

Conflict of interest disclosures will be recorded and managed by the supervisor. Supervisors, when notified of a conflict of interest, will deal promptly with the conflict and will implement an appropriate procedure to manage the conflict of interest to mitigate impact and protect the integrity of the Agency's processes and decision-making.

4.1.3 Avoid improper use of position

All Agency employees must adhere to the highest standards of honesty in professional practice. Improper use of an employee's position includes actions which may result in detriment to the Agency or in real, potential or apparent advantage to a employee, or any other person or organization.

The nature of employee interactions and the roles of supervisors and managers may place an employee in a position of power over other staff and students. This imbalance of power may create the potential for undue influence of a student or employee, due to age or the capacity to influence outcomes. In particular, the development of a sexual relationship where a power imbalance exists creates the potential for abuse of position, for damage to the less empowered and potentially vulnerable individual, and for conflicts of interests.

Where a relationship develops with an employee, which may lead to an actual or perceived conflict of interest, the employee must notify their supervisor and cease any decision making role in respect of the employee.

An employee must not abuse a position of power or use their position to offer a benefit as a result of any relationship.

4.1.4 Demonstrate a high standard of workplace behavior

Employees must always conduct and present themselves in a professional and responsible manner and demonstrate respect for others. Employees must treat all people equitably and fairly with a commitment to an inclusive workplace that is free from harassment.

Employees are not to engage in behaviors which may be unwelcome, or which may victimize, be offensive or humiliating to others regardless of whether this occurs face-to-face, in writing, via email or via social networking media. Such behavior may amount to harassment and may be unlawful under anti-discrimination legislation.

Employees are expected to act responsibly and not allow alcohol or drugs to affect performance whilst acting in an official capacity.

An employee with supervisory responsibilities has an important role in creating a fair and just working environment and has a particular obligation to the staff they supervise to lead by example and maintain high standards of conduct. Supervisors are required to:

- act equitably and consistently in their dealings with all their employees;
- ensure their employees understand the performance standards expected of them;
- maintain open, honest and courteous communication with all employee;
- provide guidance and directions to staff in a reasonable way;
- provide equitable access to appropriate development and promotional opportunities;
- and

- provide reasonable accommodations and flexibility for employee with a disability, illness, family responsibilities or to allow religious or cultural observance.

4.2 Promoting the Public Good

Employees are encouraged to promote the public good by contributing to achieving agency values, including:

- adopting consultative processes and ethical behaviors in all its activities;
- developing the Agency and supporting the region as a sustainability exemplar; and
- advancing human rights within a tolerant and inclusive community.

4.2.1 Efficiently and economically manage Agency resources

Employees are expected to accept and value their duty to manage public resources effectively, efficiently and economically. Employees have a responsibility to ensure that resources are used only for legitimate purposes and not wasted, abused, used improperly or extravagantly.

Employees must not contravene the Agency's financial policies or procedures and are expected to treat Agency property with due care and ensure that it is secured against theft and misuse.

4.3 Commitment to the System of Government

Agency staff must abide by all laws and will not engage in criminal or illegal behavior.

4.4 Accountability and transparency

The Agency requires staff to recognize they have a responsibility to perform their duties to the best of their ability and carry out their duties in a professional and conscientious manner. Agency employees must:

- exercise proper diligence, care and attention;
- be transparent in business dealings;
- use all facilities appropriately; and
- use and manage official information appropriately.

4.4.1 Apply Natural Justice Principles

All staff should observe the principles of natural justice in their decision making. Natural justice requires an absence of bias, the presentation of substantial reliable evidence, and the right of the person affected to hear all the material evidence and be given adequate time and a fair and reasonable opportunity to respond. These principles are particularly important if the decision has negative consequences for the employee involved.

5. Consequences of non-compliance with this Code

The obligations outlined in this Code prescribe and regulate the standards of conduct required of all employees and all other members of the Agency community.

Where an employee suspects a breach of the Code may have occurred they may seek advice from the President/CEO and/or the Chairperson of the Personnel Committee.

An employee whose conduct falls below the standards outlined in the Code will be dealt with in accordance with relevant Agency procedures. Other members of the Agency community who do not comply with this Code may have their association with the Agency terminated and rights of access to Agency services, facilities or infrastructure revoked. Some breaches of this Code may also have consequences for employees and other members of the Agency community under criminal or civil provisions of the general law.