



# Workplace Policy

## Introduction

The purpose of this policy is to provide you with a clear understanding of the standard of behaviour required of you in performing your role as an employee of the Department of Justice and Attorney-General. You have an obligation to familiarise yourself and act in accordance with this policy. See: **Code of Conduct for the Queensland Public Service** (QPS Code of Conduct), standard of conduct 3.1.e which states we will adhere to the policies, organisational values and organisational documents of our employing agency.

Given the diverse range of activities that each of you are involved in on a day-to-day basis, this policy does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it represents a broad framework for ethical behaviour.

This policy places an obligation on all of us to take responsibility for our own behaviour. It also provides the basis for disciplinary action for those who fail to meet their obligations to maintain public trust and confidence in the integrity and professionalism of the Department and the Queensland Public Service.

If there is any doubt about the intended meaning of this policy, seek advice from your manager, the Ethical Standards Unit, or refer directly to the relevant legislation. You may also contact other departmental professionals in your discipline or the relevant professional organisation to seek their cooperation in resolving any matters in the public interest.

While you are on leave or in your own personal time, you have the same rights as other citizens. However, as you are also a public official and perceived as such by the community, you have a responsibility to conduct yourself in a manner that will not undermine public confidence in the integrity of the Department.

We are all responsible for implementing this policy in our workplace, building a positive workplace culture and ensuring that our behaviour reflects the standards of conduct referenced in the QPS Code of Conduct. Managers/supervisors have a special responsibility to support employees in achieving these goals by:

- leading by example;
- assisting employees to understand this policy;
- pro-actively managing the work performance and personal conduct of public service employees under their management; and
- taking prompt and appropriate action to address cases of unacceptable work performance or personal conduct.



## Our Organisational Values

### Customers First

- Know your customers
- Deliver what matters
- Make decisions with empathy

### Ideas Into Action

- Challenge the norm and suggest solutions
- Encourage and embrace new ideas
- Work across boundaries

### Unleash Potential

- Expect greatness
- Lead and set clear expectations
- Seek, provide and act on feedback

### Be Courageous

- Own your actions, successes and mistakes
- Take calculated risks
- Act with transparency

### Empower People

- Lead, empower and trust
- Play to everyone's strengths
- Develop yourself and those around you

## Our Ethical Principles

1. Integrity and impartiality
2. Promoting the public good
3. Commitment to the system of government
4. Accountability and transparency

## Our Standards Of Behaviour

### 1. Showing respect for the dignity, rights and views of others

The QPS Code of Conduct standard 1.5 states that *“we will treat co-workers, clients and members of the public with courtesy and respect, be appropriate in our relationships with them, and recognise that others have the right to hold views which may differ from our own”*. This means:

- treating all people with respect, courtesy, and honesty and give everyone a fair hearing;
- respecting the dignity, rights and views of others, including different values, beliefs, cultures and religions;
- being aware of the inherent power imbalance in client relationships. Take special care to maintain a professional relationship that does not cross professional boundaries;
- ensuring that your relationships with clients and other colleagues are professional and respectful of their rights and dignity;



- treating others fairly and equitably when making decisions, taking actions and treating others without favouritism;
- responding to the reasonable demands of all clients in a helpful, courteous and timely manner;
- seeking to ensure that clients, within and outside the Department, are made aware of their proper rights and entitlements;
- recognising that other officials are also bound by obligations in their public duties;
- avoiding offensive, abusive and discriminatory language and behaviour, workplace harassment and other forms of intimidation; and
- not inducing employees to breach their industrial entitlements e.g. work unpaid overtime, restricting or limiting access to meal or toilet breaks.

You are obligated to maintain impartiality and not allow personal beliefs to influence your judgments and decisions on work-related matters. People who come into contact with the justice, regulatory, custodial and inspection functions of the Department are sometimes anxious, upset and unfamiliar with the procedures of the Department. By being courteous, helpful and sensitive to their needs, these stresses can be minimised.

Where your identity as a departmental employee can be discerned from information published or communicated (eg via newspapers, blogs or social media) commentary about your workplace or colleagues must withstand public scrutiny and not potentially bring them into disrepute.

## 2. Workplace bullying

The national *Guide for preventing and responding to workplace bullying* specifies that:

Workplace bullying is defined as *repeated and unreasonable behaviour* directed towards a worker or a group of workers that *creates a risk to health and safety*.

- Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
- Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- A single incident of unreasonable behaviour is not considered to be workplace bullying, however it may have the potential to escalate and should not be ignored.
- If workplace bullying behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.



- Reasonable management action taken in a reasonable way is not considered to be workplace bullying. It is reasonable for managers and supervisors to direct and control the way work is carried out and to allocate work and give feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

For more information on Workplace Bullying please access the *Guide for preventing and responding to workplace bullying*, Safe Work Australia, November 2013, which is available at:

<http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/827/Guide-preventing-responding-workplace-bullying.pdf>

### **Discrimination and sexual harassment**

Unreasonable behaviour may involve discrimination or sexual harassment which in isolation is not considered to be bullying.

Discrimination occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people. For example, it would be discriminatory not to hire or promote a woman because she is pregnant or may become pregnant.

Sexual harassment is associated with unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature. It occurs when a reasonable person would expect that a person would feel offended, humiliated or intimidated by the conduct. The law that prohibits sexual harassment is the Queensland *Anti-Discrimination Act 1991*. Sexual harassment doesn't have to be deliberate or repeated to be illegal. Some sexual harassment, such as sexual assault, indecent exposure and stalking is also a criminal offence.

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

### **Workplace conflict**

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

The QPS Code of Conduct (1.5.b) states that we will “*ensure our conduct reflects our commitment to a workplace that is inclusive and free from harassment*”. Therefore we will not discriminate against, harass (including sexually harass), bully or mistreat employees, clients or members of the public. Managers are required to provide leadership in eliminating bullying and other aggressive or coercive behaviours and support employees who report genuine concerns of wrongdoing and manage any reports of suspected wrongdoing in a fair, transparent and consistent manner.

### **3. Safety, health and welfare**

Employers, employees and other persons in a workplace have specific obligations under the *Work Health and Safety Act 2011*. In essence, you have an obligation to:

- take all reasonable steps to ensure the safety, health and welfare in the workplace of yourself as well as your co-workers and clients;



- report any workplace injury, illness, incident or risk to other employees or clients to your supervisor or manager, or workplace health and safety officer or representative;
- familiarise yourself with the workplace health and safety obligations that are applicable to your work role and environment; and
- consider that the obligations above that apply at the workplace also include work related activities and overnight stays related to work performed.

#### 4. Violent and aggressive behaviour

The Department has zero tolerance for any form of aggressive, threatening, violent or abusive behaviour towards clients, employees or members of the public. You are not required to tolerate unacceptable behaviour and have the right to work in a safe and healthy work environment. Such behaviour should never be accepted “as part of the job”.

If you believe that your or anyone else’s personal safety is at risk, you are entitled to discontinue your dealings with the person, or member of the public, immediately and notify your supervisor or manager. You are required to report incidents of violent or aggressive behaviour and managers will investigate any incidents with a view to preventing or minimising the aggression and violence in the future. The Department will ensure that appropriate security infrastructure is provided and that the system of work does not put any staff member at risk.

Staff working in custodial settings must observe the legislation, policies and practices relevant to dealing with violent and aggressive behaviour in such settings.

#### 5. Reprisal

Under the [Public Interest Disclosure Act 2010](#), it is unlawful and a criminal offence to take reprisal action against individuals involved in making a Public Interest Disclosure (e.g. disclosing information about alleged corrupt conduct, criminal activity and maladministration). The Department has a strong commitment to supporting any person who makes a public interest disclosure.

You have an obligation not to take reprisal action against any person whom you believe has made or will make a Public Interest Disclosure or against any person who assists others in making a Public Interest Disclosure (e.g. witnesses or investigating officials).

If an allegation of reprisal involving a public official is substantiated, such action will be considered a serious breach of the legislation and the official may be subject to disciplinary action and possibly criminal prosecution. The person who is the subject of the reprisal may also take civil action and seek compensation for detriment caused by a reprisal.

#### 6. Procedural fairness

Procedural fairness (or **natural justice**) is considered fundamental to decision-making in the public sector. It is concerned with ensuring that a fair decision is reached by an objective decision maker. You should also ensure that when making decisions that affect staff and clients that you have the appropriate human resources or financial delegation.



In making a decision, you should:

- ensure that you do not have a direct or personal interest in the outcome of the decision (if you do, advise your manager/supervisor so that someone else can be appointed the task of making the decision);
- provide people with an opportunity to put their case to the decision maker, whether it is an oral hearing or otherwise;
- hear all parties and consider all arguments and competing interests;
- act fairly and without bias;
- inform the person affected of relevant factors prior to the decision or action being taken;
- if requested, be able to provide a statement of reasons for the decision; and
- in notifying a decision, inform the client of any rights of appeal or action that can be taken, as well as the limitations of that action.

Ultimately, we must ensure that where any discretionary power is used, our decisions can be justified to our clients, supervisors, subordinates and anybody else affected by the decision.

## 7. Supervisor/Manager behaviour

If you manage or supervise other staff, you have a responsibility to:

- lead by example;
- make fair, transparent and consistent decisions;
- encourage teamwork;
- treat all staff fairly, equitably, with consistency and respect, avoiding bias or favouritism;
- address inappropriate behaviour promptly to avoid its escalation;
- promote a culture of honesty, openness and direct face-to-face communication with all staff;
- positively provide equitable opportunity and support for employees to improve their skills and performance;
- ensure employees understand performance expectations and that their performance is objectively assessed against these standards;
- provide clear and constructive feedback to employees and welcome employees' feedback;
- take employee concerns seriously and where necessary act without delay;
- identify and resolve workplace conflict at the earliest possible opportunity;
- ensure that all staff are made aware of their responsibilities under the QPS Code of Conduct, this policy and any legislation and policies relevant to their duties;



- ensure that the demands placed on staff are reasonable in the circumstances (e.g. staff have sufficient resources, assistance and/or skills to perform the work, and are given appropriate support);
- allocate meaningful duties with regard for the staff member's skills and experience, relevant to the role they are undertaking;
- monitor your own performance as a manager or supervisor to ensure you are making a positive contribution to the organisation and the work environment;
- ensure that the Department's policy and procedural requirements are met; and
- deal justly with employees when mistakes are made.

Under s 26(2) of the *Public Service Act 2008*, a manager **must** take all reasonable steps to ensure each public service employee under the manager's management is aware of the following:

- (a) the work performance and personal conduct expected of the employee;
- (b) the values of the public service and of the department or public service office in which the employee is employed; and
- (c) what constitutes corrupt conduct under the *Crime and Corruption Act 2001*.

Further, under s 26(3) a manager **must**:

- (a) pro-actively manage the work performance and personal conduct of public service employees under the manager's management; and
- (b) if a case of unacceptable work performance or personal conduct arises, take prompt and appropriate action to address the matter.

Equal Employment Opportunity requires managers to ensure that all employees have equitable access to resources, training and development opportunities, promotion and consultative processes.

## 8. Confidentiality of personal information

Due to the sensitive nature of personal information, you have an obligation to:

- maintain confidentiality and adhere to any relevant legislation such as the [Right To Information Act 2009](#), the [Information Privacy Act 2009](#) and or policy provisions relating to the treatment of personal information;
- access and use the information only for the purpose for which it was originally gathered or subsequently authorised; and
- avoid providing even seemingly innocuous information to callers e.g. about whether an officer is on duty.

## 9. Conflicts of interests

As a public official, you must ensure that your use of official powers or position does not give rise to an actual, potential or perceived conflict of interests.



The QPS Code of Conduct standard 1.2 provides the standard of conduct you are held to in managing conflicts of interests. You have an obligation to avoid any conduct which would undermine public confidence in the Department or its functions and services.

This obligation requires that you ensure that your actions, conduct and relationships do not raise questions about your willingness and ability to:

- serve the Government of the day, through the responsible Minister, regardless of your personal political or ideological preferences;
- use official powers, influence, resources and information properly;
- maintain proper confidentiality of official information; and
- avoid using the powers or influence of public office, official resources, or official information for personal or other improper advantage.

To identify whether or not a situation involves an actual, potential or perceived conflict between your public duties and a private interest, ask yourself:

- could I or my family or friend/s benefit or appear to benefit directly or indirectly from this situation;
- is my action, decision or recommendation one that a fair and reasonable person in a similar situation might make;
- have all options been considered on an equal basis;
- would my actions withstand public scrutiny, in particular, would a reasonable person consider that I was in a position to use my knowledge, access to resources, or influence to gain a benefit; and
- what is my duty as a public official?

If you are uncertain about whether the situation represents a conflict of interests, you are to approach your manager for assistance. If that person may be involved, approach the next level manager in the Department alternatively the Ethical Standards Unit ([ethicalstandards@justice.qld.gov.au](mailto:ethicalstandards@justice.qld.gov.au)) can also advise you. Senior Executives and Senior Officers are able to obtain advice from the Integrity Commissioner with the Director-General's consent.

If you have a private interest, which could influence or appear to influence a decision, recommendation or action in carrying out your public duty, you have an obligation to:

- disclose the relevant information in writing by completing the [Conflict of Interests](#) declaration form accessible from the Department Intranet; and
- take no further action that may be affected by the conflict, unless authorised by the Director-General or delegate or, in the case of the Director-General, by the Minister.

The Director-General or delegate is responsible for resolving conflicts of interests (ie. real or apparent) in a manner which protects the Department's integrity and is consistent with the QPS Code of Conduct, the [Public Service Act 2008](#) and relevant legislation.





When considering suitable courses of action to avoid or minimise the conflict, either real or apparent, the Director-General or delegate may decide to:

- re-arrange the public official's duties;
- request the public official to discontinue the private association or interest; or
- authorise the public official to continue with normal duties, subject to certain conditions.

Delegates are **required** to consult with the Executive Director, Ethical Standards Unit, before finalising a decision on a conflict of interests declaration ([ethicalstandards@justice.qld.gov.au](mailto:ethicalstandards@justice.qld.gov.au)).

Once the matter is resolved, your written declaration will be kept confidential and held in the office of the Director-General or delegate. Declarations of conflicts of interests are to be updated on a regular basis.

Employees, who have been nominated by the Director-General as being required to declare personal interests, are to do so in accordance with the [Public Service Act 2008](#) and any relevant directive. Information about the employee's personal interests is to be treated as confidential and be held in a secure manner by the Director-General or delegate responsible for determining conflicts of interests. Access to the information may only be obtained on an official, need-to-know basis with the Director-General's or delegate's written authorisation.

## 10. Other employment

It is important that you recognise that concurrent employment in both the public and private or community (not for profit) sector may give rise to a real or apparent conflict of interests. This is particularly the case when the private or community work is in areas related to your official duties (e.g. working for a competing service provider or consultancy work). Depending on the circumstances, your ability to perform your duties efficiently and the Department's credibility or integrity may be adversely affected.

The Department does not prohibit other employment. However, you have an obligation to comply with the provisions of the QPS Code of Conduct, particularly those that relate to conflicts of interests (1.2) and use of official information (4.4) and resources (4.3). You are to ensure that any concurrent employment does not adversely impact on your ability, health or well-being to safely and effectively perform your public duties or compromise the integrity of the Department. For more information please access the JAG policy [Other Employment](#).

Other employment includes paid employment, operating your own business, paid consultancy services, part-time partnerships and directorships.

Generally speaking if you are employed in a regulatory role with the Department you will have a conflict of interests in working in any capacity, in any aspect of the industries which you regulate.

## 11. Benefits (including Gifts)

Do not use your position to gain advantage in your private life, for example by arranging jobs, transfers or benefits for family or friends.



You are not to directly or indirectly ask for, or encourage the giving of, any benefit or form of gift in connection with the performance of your official duties.

You are not to accept benefits which may give rise to a real or apparent conflict of interests or that are likely to affect the performance of your duties.

If an offer of a benefit is made to you, you are to report this to your manager if you consider that the circumstances involve an attempt to gain favoured treatment, regardless of whether you accepted or rejected the offer.

Any gift accepted by a public service employee becomes the property of the Department. The gift may be retained by the Department or the Department may allow the employee to retain the gift in accordance with the Public Service Commission's [Gifts and Benefits Directive](#) and [Gifts and Benefits Guideline](#) and DJAG's [Giving and Receiving of Gifts Process](#).

A gift by way of a token of minimal value such as flowers, a book etc given publicly to a speaker at a conference or workshop is not intended to gain favour and is acceptable.

All gifts of cultural or historical value become and remain the property of the State of Queensland and gifts of money should not be accepted under any circumstances.

It is common practice for the private sector to use hospitality as a way to make contacts and win business. Some common practices in business include offers of lunch, entertainment, gifts, prizes or 'a golfing day out'. However participation in these practices may not be appropriate in your role as a public official. This does not mean you cannot accept some hospitality but the decision whether to accept or not is to be made on the same basis as accepting benefits described above. If there is no benefit to the State of Queensland from giving or accepting a gift or benefit, it should not be given or accepted.

## 12. Reporting corrupt conduct and other suspected wrongdoing

The QPS Code of Conduct (1.1) states that we will meet our obligations to report suspected wrongdoing, including conduct not consistent with the Code. This includes any fraud, corruption, maladministration and corrupt conduct that you become aware of at work. All cases of suspected corrupt conduct, as defined in the [Crime and Corruption Act 2001](#), must be reported to the Crime and Corruption Commission (CCC) Liaison Officer who is the Executive Director, Ethical Standards Unit, at [ethicalstandards@justice.qld.gov.au](mailto:ethicalstandards@justice.qld.gov.au) or to the CCC itself. There is no requirement for preliminary inquiries, nor is it necessary to have evidence reaching a particular standard.

The [Public Interest Disclosure Act 2010](#) provides the legislative basis for protection of persons who make public interest disclosures in accordance with *the Act*. A Public Interest Disclosure occurs when a person discloses information to an appropriate entity about corrupt conduct, maladministration, negligent or improper management of public funds, reprisal, or danger to persons or the environment in the public interest.

For more information on how to make a public interest disclosure read [Thinking About Blowing the Whistle: a guide for individuals working in the public sector](#). This guide describes how to make and receive public interest disclosures so that you are protected against reprisal. A copy of the guide is available at the Crime and Corruption Commission's website, [www.ccc.qld.gov.au](http://www.ccc.qld.gov.au).



If you are a supervisor or manager, you are required to ensure support, protection and fair treatment for whistleblowers. [Has One of Your Staff Blown the Whistle](#) is a guide for supervisors and managers.

Additional information about public interest disclosures is available in DJAG's *Public Interest Disclosure Policy*, available on the Intranet. The Queensland Ombudsman's website also has information and fact sheets about public interest disclosures ([www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)).

You must not cause, or arrange for detriment to be caused, because an employee has properly reported a matter in accordance with the law, departmental policy, public service directives, or the QPS Code of Conduct. Employees who make a public interest disclosure are afforded protection under the [Public Interest Disclosure Act 2010](#).

You must co-operate with an investigation being conducted in connection with the administration, management and operation of the Department. Failure to do so without a reasonable excuse may be grounds for disciplinary action.

See 17. *Vexatious Complaints* for information on litigious complaints.

### 13. Disclosure of official information

See the QPS Code of Conduct standard 4.4 - Ensure appropriate use and disclosure of official information. As a public official, you may have access to certain knowledge and information (both hard copy and electronic) that must be treated as confidential, especially where it concerns the personal affairs of individuals, commercially sensitive business information, and privileged government information (e.g. matters to be considered by Cabinet).

You do not need specific permission to disclose information;

- that is part of your work duties;
- where the release is authorised by statute, regulation or as required by law;
- that would normally be given to a member of the public; and
- where it is already available in the public arena (e.g. legislation, publications, Internet, policies, press releases).

You have a duty to keep official information confidential, even when you have ceased employment as a public official.

You are not to release information to the media unless you are expressly authorised to do so. For more information contact your manager or the Right to Information and Privacy Unit.

### 14. Ethical research and Intellectual Property (Including Copyright)

Government information, which you generate as part of your official duties, whether produced in work or personal time, is deemed to be produced in the course of your employment. As such, this information is regarded as the State's intellectual property. The State is the owner of the property unless there is an agreement stating otherwise. Therefore you have an obligation not to use the State's intellectual property for private purposes. For more information consult the [Queensland Public Sector Intellectual Property Principles](#).



The Department may have discretion to use State intellectual property for commercial purposes. When deciding who may benefit from the commercial use of State intellectual property, you are to consider the circumstances in which it was conceived, researched and developed. Also consider the question of whether commercial or private use of the State's intellectual property may involve a conflict of interests.

If you are seeking to enter into an agreement regarding the publication or disclosure of any articles or materials which have been produced by the Department, or by you or others as part of your official duties, you are to first obtain the approval of the Director-General or delegate.

Staff conducting research activities should consult and comply with relevant research guidelines and professional ethical standards.

#### **15. Use of information and communication technology (ICT) systems and devices (e.g. Telephone, Scanner, Photocopier, Facsimile, Computers, Internet, Intranet, Email, etc.)**

Networks such as the Department's and Government's Intranets and their connections to the Internet represent a potential risk to the integrity of the Department and the security of its computer systems. For example, unauthorised access to and use of confidential information can severely damage the reputation of the Department and its officials, undermine the personal privacy of citizens, and expose the Department to costly litigation. In addition, unauthorised access and use of information can expose areas within the Department that engage in commercial activity to commercial and business risks.

Limited personal use of communication and information systems and devices is permissible. This is in keeping with the Queensland Government's commitment to the development of a responsive and flexible public sector in which there is recognition of family and community responsibilities and their impact on work.

The following principles apply to the use of communication and information networks and devices within the Department.

- Communication and information devices are provided for officially approved purposes only.
- You may use these communication and information devices for limited personal use, so long as it does not interfere with the ethical and efficient discharge of your daily duties.
- You may only transmit information via communication and information networks and devices if you are authorised to do so and in accordance with the relevant departmental protocols.
- You may not share your password/s with another person, share another person's password/s, or record password/s where they may be found by others.
- Electronic messages, telephone and facsimile transactions, and electronic files are subject to record keeping, archiving, Right to Information (RTI) requests, and audit and integrity requirements. Do not access or send material if you wouldn't be comfortable in justifying its appropriateness to the Director-General.



- The Department monitors the use of ICT networks and devices, and you may be called upon to explain your use of them. Your use must be able to withstand public scrutiny and/or disclosure, and must comply with applicable laws, regulations, and departmental policy.
- The Department will not tolerate communication and information systems or devices being used for accessing, creating, sending, receiving, and/or copying inappropriate material. "Inappropriate material" includes chain letters, indecent, obscene and pornographic material, discriminatory or defamatory material, and/or other potentially offensive material. Nor will it tolerate images and text that are considered inappropriate in the workplace and that could be seen as discrimination or harassment under the [Anti-Discrimination Act 1991](#) or this policy.
- Inappropriate use of these communication and information devices will result in potential breaches of the law being referred to the relevant law enforcement authority and suspected corrupt conduct will be reported to the Crime and Corruption Commission.

For more information on the use of communication and information devices, see the Department's [Internet and Email Usage Standards](#), [Use of ICT Devices Policy](#) and the Whole-of-Government [Use of Internet and Electronic Mail Policy and Principles Statement](#).

The **Official Use of Social Media Policy** establishes a clear set of requirements for agencies electing to use social media tools so they may do so within an authorised and accountable environment. Social media is a general term used to describe the tools and forms of publishing which are based on an interaction or conversation online between an author and active readers, in contrast with traditional broadcast media, where the 'audience' is a passive consumer of content.

The policy applies to all departments and covers officially established, publicly available and departmentally-managed social media accounts, but does not require the establishment of the accounts. It does not apply to use of social media on a personal or professional basis or cover use of social media for political or internal government purposes.

This policy forms part of the Government's commitment to open and transparent government; however, does not extend to the release of open data or other aspects of eGovernment.

Read the [Official use of Social Media Policy](http://www.qld.gov.au/web/social-media/policy-guidelines/policy/) (<http://www.qld.gov.au/web/social-media/policy-guidelines/policy/>).

## 16. Testimonials, Referee Reports and Performance Reports

When preparing testimonials, references or performance reports, you are to take care not to make false or derogatory statements about an individual, or make assessments, that cannot be substantiated, including exaggerating an individual's level of competence or achievements. Staff assessments must be accurate and without bias. There is a requirement to allow an employee to respond to any negative assessment that is made via referee reports.

You may provide testimonial and referee reports using official stationery only when you are acting in an official capacity (i.e. commenting on the work performance of a current or former Queensland public sector employee with whose work you are familiar). You can reveal your public service position/title in a private reference, the nature of which is not provided on official stationery.



## 17. Vexatious and false complaints

You must not knowingly or carelessly make false or misleading statements/allegations concerning the conduct of staff or clients of the Department. Complaints, if found to be vexatious and or knowingly false or misleading, will result in the disciplinary process being initiated.

## 18. Knowing the laws and policies that apply to your work

You have an obligation to have a working knowledge of the laws, directives, policies, industrial instruments and delegations (if any) that apply to your work. Managers and Supervisors have an obligation to ensure that all staff have access to the relevant policies, and that new employees have adequate induction.

## 19. Lawful and unlawful official instructions/decisions

You have an obligation to exercise your official powers lawfully and comply with all reasonable, lawful instructions and decisions related to your work. You have the right to question a direction or decision if it appears to be unlawful or unreasonable. Managers should be open to positive and constructive questions about their directions.

Anyone giving directions should ensure that they are lawful and consistent with the Department's policies, standards and values. You must not pressure other departmental staff to act contrary to laws, standards and procedures.

## 20. Procedure for challenging an official instruction/decision

If you believe a direction is unreasonable, outline your concerns and ask for clarification from the person giving the instruction. Having done that to no avail, if you still believe it unreasonable you can ask for advice at a higher level.

If you are waiting for a higher authority to consider your objection, you should generally carry out the instruction unless you believe the instruction is obviously unlawful or unreasonable or could endanger a person's health or safety.

If you object to a lawful and reasonable instruction or decision on the basis of a sincerely held belief (e.g. religious, cultural or personal belief), you have an obligation to negotiate with the person giving the instruction/making the decision to resolve the situation, as this may constitute a conflict of interests. Generally, you should not be forced to perform duties that you have a genuine and significant objection to, especially where there is considerable division in the community about the issue.

If you reasonably believe the instruction or decision involves criminal activity, corrupt conduct or maladministration, you are to immediately notify the Executive Director, Ethical Standards Unit, who is the Department's CCC Liaison Officer and Public Interest Disclosure Contact Officer. For further details, read [Thinking about Blowing the Whistle](#), [Public Interest Disclosure Policy](#) or the [Public Interest Disclosure Act 2010](#).



## 21. Criminal offences

The [Public Service Act 2008](#) enables the Department to conduct criminal history checks on new appointees in certain circumstances. The Act also requires that should you be charged with or convicted of any indictable offence, you are required to notify the Director-General in writing immediately.

## 22. Diligence, care and attention

QPS Code of Conduct states (4.1) that we have an obligation to achieve high standards of public administration and perform our duties to the best of our abilities. This includes:

- performing your duties to the best of your ability with care, competence and efficiency and in a manner which bears public scrutiny;
- giving priority to your official duties over personal activities, while at work;
- applying your knowledge and skills to the best of your ability in performing your official duties;
- helping the Department to achieve its mission and goals by sharing information and taking action to continuously improve organisational systems and practices;
- being familiar with and following all the legislation, directives, guidelines, standards, policies, and procedures etc. that are relevant to the performance of your duties;
- making all reasonable efforts to provide high standards of service to clients by exercising due care, particularly with members of the public who may rely upon the services you provide;
- exercising your obligations in relation to the health and safety of yourself and others;
- taking responsibility for any actions or decisions for which you are accountable, and being open and up front about reporting mistakes; and
- not allowing your own conduct to distract or prevent other officials from performing their duties diligently.

If you are responsible for managing or supervising others, you have an obligation to ensure that:

- your work and the work of others for whom you are responsible is consistent with the Department's values;
- the work performance of staff is monitored and that staff are given constructive and regular feedback on their performance in accordance with performance management standards, policy and procedures;
- workloads are equitably distributed among staff members;
- staff are given opportunities to develop and maintain the knowledge and skills required to perform their official duties competently;
- appropriate action is taken where breaches of the QPS Code of Conduct have occurred; and



- you establish an open, honest, trusting environment to encourage high morale and job satisfaction.

### **23. Acting professionally**

You have an obligation to act professionally and abide by the QPS Code of Conduct, this policy and any code or set of standards governing the practice of your duties and profession. This includes:

- adhering to any relevant professional standards of conduct that are consistent with your official duties and professional capacity;
- dealing justly with colleagues when mistakes are made;
- maintaining where it is a requirement of your position, registration and providing evidence of it on an annual basis or when asked to do so;
- informing your manager immediately if there are any changes or restrictions placed on your registration or professional practice;
- avoiding situations where your behaviour could reflect badly on the Department or impact on your workplace; and
- keeping your appearance and presentation clean, tidy and appropriate for your work role, and in line with occupational health and safety requirements.

### **24. Leave and attendance**

Leave should only be taken for the purposes for which it is intended. If you need leave for a personal reason, talk to your supervisor/manager about the options available. A medical certificate must be produced for absences of more than 3 days (in cases of ill health) but can be requested by your manager for shorter periods if you are subject to a process for monitoring performance or conduct. You are required to adhere to departmental arrangements and industrial agreements/awards regarding attendance at work and leave (e.g. not being absent without authority and accurate recording of your work attendance and leave periods).

You are not permitted to take smoking breaks, other than in your own time.

### **25. Use of alcohol and other drugs**

You have an obligation to ensure that the personal use of alcohol, drugs, prescription medication or other substances does not adversely affect the work performance and safety of yourself and others, or the integrity of the Department.

Alcohol may not be consumed in any departmental workplace, including social activities, without authorisation from the supervisor or manager.

Abuse of alcohol and drugs which impacts on work attendance and or performance may provide grounds for diminished performance assessment and management.





If you are concerned that the medication you are taking may affect your work performance, alert your manager as alternative duties may need to be considered for the duration of the course of treatment. If you are a supervisor or manager, you will need to consider the options available for assisting staff who are required to take legally prescribed drugs and whose level of performance has been or may be impaired.

If you are affected by alcohol or illicit drugs and are involved in a workplace or motor vehicle accident, you are likely to be held personally responsible for any injury or damage caused.

## **26. Self development**

You have an obligation to develop your knowledge and skills, and to keep up-to-date with the latest changes related to your official duties. To achieve this, you are to take reasonable steps to identify and acquire the latest relevant information and knowledge. On occasions this may warrant applying for development opportunities. Your manager has a responsibility to support any reasonable and appropriate requests for you doing so, whenever possible.

## **27. Using public resources for official purposes**

It is an important expectation of the community that public officials use public resources efficiently, appropriately and with regard to relevant policies.

Public resources include not only material and financial resources, but also people skills and knowledge, work time, intellectual property, and official information. Intangible assets such as corporate learning, public support, positive staff morale, and professional commitment are also regarded as valuable assets.

The misuse or wasteful use of public resources is considered to be a serious matter and may constitute misconduct, corrupt conduct or maladministration.

You have an obligation to ensure that public resources of all kinds are:

- used economically;
- used for the purpose for which they were provided;
- treated and maintained with appropriate care; and
- secured against theft or misuse.

## **28. Private use of work resources**

Private use of departmental equipment and resources is acceptable so long as it does not affect your work, the work of others, or the reputation of the Department.

The parameters are:

- occasional and brief use of information and communication technology systems and devices;



- minimal additional expense to the Department is incurred otherwise costs are reimbursed (e.g. phone charges);
- primarily during the employee's non-work hours;
- does not disrupt the operation of the Department; and
- does not violate the QPS Code of Conduct, [Public Sector Ethics Act 1994](#), [Public Service Act 2008](#) or related State and federal legislation and regulations.

You are not to use public resources for the purpose of private employment, profit or benefit. Using public resources in this way represents a conflict of interests and also may involve misconduct or corrupt conduct.

If you are a supervisor or manager who has responsibility for staff and other resources, consider the following questions to help you decide, in particular cases, whether public resources may be used for non-official purposes:

- Do you have authority to make this decision, and if not, who has?
- Is the use of the resources consistent with the Department's interests (e.g. applicability of relevant policies, directives, administrative instructions, or the QPS Code of Conduct's ethics principles)?
- Would a reasonable person consider the use of resources to be acceptable in the circumstances?
- Are there potential negative implications for the Department (e.g. legal liability, cost, public confidence in the Department's integrity)?

**Using departmental resources to create, download, store, access or distribute pornography, obscene, indecent or offensive material is strictly prohibited.** Under Queensland Government policy employees found to have used Queensland government communication or information devices to create, download, store, access or distribute pornography will be disciplined and are liable to dismissal. See 15. *Use of information and communication technology (ICT) systems and devices* for more information.

## 29. Financial decisions

Employees who make decisions involving the Department's financial resources should ensure that they are doing so within the scope of their delegated authority (see [Financial Delegations](#)) and in accordance with departmental policies and procedures, including purchase, use and disposal of resources.

The Department's funds are for legitimate activities only and you should seek prior approval for their disbursement if you are unsure.



## A guide for ethical decision making

When you are confronted with an issue, it is important to consider all the options and talk to the right people. The guide below is in the form of a series of questions, which you may consider in light of your obligations under the QPS Code of Conduct and this policy. It will not make the decision for you, but it will help you to analyse all the relevant facts and circumstances of a situation to reach a decision.

### Define the problem.

- What are the facts and circumstances of the situation?
- Who is involved and what are their points of views on the matter?
- Is there a need to work cooperatively to find a solution?
- Who is affected and are people's rights involved?
- Does it break the rules, the law or go against government policy?
- Which of the four ethical principles in the QPS Code of Conduct applies to the situation?

### Which guidelines/rules already exist?

- Are there existing policies/guidelines/instructions that can give you guidance on what to do? (Seek advice)
- Are there any legal implications? Is legal advice needed?

### Identify and consider the options.

- List all options that you think are reasonable given the situation.
- What are the costs and long term consequences?
- What are the legal implications?
- What impact will it have on different stakeholders?
- Are you or other people able to take the course of action in a safe manner?
- Consider the options in light of the QPS Code of Conduct's four ethical principles, the related values and standards of conduct.

### Test the options.

- Would clients and the general community of Queensland see your actions or decisions as honest or impartial and would you be happy if this action was done to you?
- Get another opinion (Supervisor, Manager, Human Resources, Ethical Standards Unit)



## Choose your course of action.

Make sure you choose a course of action which is:

- within your authority to make;
- legal and in line with this policy;
- fair and able to be justified to your manager and the public; and
- able to be documented, so that a statement of reasons could be supplied if required.

---

## Upholding this policy

Making judgements involving ethics about “what is the right thing to do” is a difficult task at times and opinions often vary on the same issue. It is unlikely that disciplinary action will be taken against employees who have acted responsibly and have made reasonable efforts to comply with their obligations, but have made a genuine mistake. Rather, disciplinary action will apply to irresponsible, unethical conduct.

Breaches of the QPS Code of Conduct are dealt with in accordance with the [Public Service Act 2008](#). Whether or not the disciplinary process is initiated and a penalty is imposed will depend on the facts and circumstances of each case. The Department will consider the seriousness of the breach and whether or not there are mitigating circumstances or other factors in deciding the extent of disciplinary action to be taken (if any). Counselling or managerial guidance, including a period of closer management may be appropriate.

Managers must seek to avoid escalation of inappropriate behaviour and deal with workplace conflict through timely and direct face to face communication that immediately addresses the behaviour in a constructive way. Alleged corrupt conduct is to be dealt with in accordance with the Department's obligations under the [Crime and Corruption Act 2001](#). Breaches of the QPS Code of Conduct involving conflicts of interest may constitute corrupt conduct.

## Complaints and appeal rights

If you have challenged an instruction or decision and have not been able to successfully resolve the situation, or you believe that you have not been fairly treated, you may lodge a complaint in accordance with the Department's [Employee Complaints Policy](#).

If you are aggrieved by an administrative decision or action, you may choose to request a full statement of reasons under the [Judicial Review Act 1991](#), which sets out the grounds upon which a decision or action may be challenged in the Supreme Court.



## Further information

If after reading this policy you are still unsure of how it applies to you, it is important that you discuss this with your supervisor or manager in the first instance. If you have concerns about approaching your direct manager or supervisor contact the next senior person in your area, your human resource area, Ethical Standards Unit, or your union representative.

If you are unsure about reporting incidents of suspected corrupt conduct, seek advice from the Executive Director, Ethical Standards Unit, who is the Crime and Corruption Commission Liaison Officer and Public Interest Disclosure Contact Officer for the Department, and who can be contacted at [ethicalstandards@justice.qld.gov.au](mailto:ethicalstandards@justice.qld.gov.au).



## INDEX

<b>Introduction .....</b>	<b>1</b>
1. Showing respect for the dignity, rights and views of others.....	2
2. Workplace bullying.....	3
3. Safety, health and welfare .....	4
4. Violent and aggressive behaviour.....	5
5. Reprisal.....	5
6. Procedural fairness.....	5
7. Supervisor/Manager behaviour.....	6
8. Confidentiality of personal information.....	7
9. Conflicts of interests.....	7
10. Other employment .....	9
11. Benefits (including Gifts).....	9
12. Reporting corrupt conduct and other suspected wrongdoing.....	10
13. Disclosure of official information .....	11
14. Ethical research and Intellectual Property (Including Copyright).....	11
15. Use of information and communication technology (ICT) systems and devices (e.g. Telephone, Scanner, Photocopier, Facsimile, Computers, Internet, Intranet, Email, etc.).....	12
16. Testimonials, Referee Reports and Performance Reports.....	13
17. Vexatious and false complaints .....	14
18. Knowing the laws and policies that apply to your work .....	14
19. Lawful and unlawful official instructions/decisions.....	14
20. Procedure for challenging an official instruction/decision.....	14
21. Criminal offences .....	15
22. Diligence, care and attention .....	15
23. Acting professionally .....	16
24. Leave and attendance .....	16
25. Use of alcohol and other drugs.....	16
26. Self development .....	17
27. Using public resources for official purposes .....	17
28. Private use of work resources .....	17
29. Financial decisions.....	18
<b>A guide for ethical decision making .....</b>	<b>19</b>
<b>Upholding this policy.....</b>	<b>20</b>
<b>Complaints and appeal rights .....</b>	<b>20</b>
<b>Further information .....</b>	<b>21</b>

Version	Comments/Notes	Date	
1.0	Initial draft	3 December 2010	Director, Ethical Standards Unit
1.1	Second Draft	3 December 2010	Director, Ethical Standards Unit
1.2	Approved	13 August 2013	Director-General, DJAG
2.0	Draft	10 November 2014	Executive Director, Ethical Standards Unit
2.1	Approved	8 December 2014	Director-General, DJAG

