

## Code of Conduct Procedure

### 1. Policy Title

Code of Conduct

### 2. Preamble

Carclew's Code of Conduct clarifies the standards of behaviour that are expected of staff in the performance of their duties. It gives guidance in areas where staff need to make personal and ethical decisions. The policy does this by providing ethical framework to guide actions, behaviour and how to maintain child safe and friendly environments.

### 3. Definitions

**Duty of care:** the legal obligation ensuring that all individuals adhere to a standard of reasonable care while performing any acts that could harm others. It also includes our responsibility to ensure safety for those in our care, and anticipating and avoiding foreseeable harm or minimising harm when it occurs.

**Reasonable care:** the standard of care that a reasonable service provider would provide in that situation.

**Community work:** work that is not for private financial gain and that is done for charitable, benevolent, philanthropic, sporting, educational or cultural purposes.

**Race:** of a person means the nationality (current, past or proposed), country of origin, colour or ancestry of the person.

**Workplace Bullying:** behaviour that is repeated, systematic and directed towards an employee or group of employees.

**Copyright:** is a set of exclusive rights granted to the author or creator of an original work. It safeguards original works of art, literature, music, film, etc from certain uses.

**Moral rights:** are the rights individual creators have in relation to copyright works they have created. Moral rights are personal legal rights belonging to the creators of copyright works and cannot be transferred, assigned or sold.

**Derogatory treatment:** doing anything in relation to the work, which prejudices the creator's honour or reputation. This could include distorting, mutilating or materially altering the work in any way that prejudices the creator's honour and reputation; and in the case of artistic works, destroying the work or exhibiting it in public in a way that prejudices the creator's honour and reputation.

### 4. Section Heading

The following procedures will assist supervisors/managers and staff to undertake their daily duties. It gives advice on standards of behaviour and maintaining child safe and friendly environments. Specific matters covered in these procedures are expanded in more detail, and brought into operation by the additional information attached.

The Code of Conduct applies to all Carclew staff employed on a full/part time, casual, contract, agent, unpaid and voluntary basis (staff, Board members, artists, tutors agents, volunteers and residents). The Code of Conduct forms a part of the contract of employment/engagement.

#### 4.1 Respect and Consideration

Employees/artists/tutors and volunteers must:

- Treat co-workers and other members of the community with respect, courtesy and fairness.

- Not discriminate against co-workers and participants on the grounds of age, sex, race, physical disability, intellectual impairment, sexuality, marital status or pregnancy.
- Not harass, bully or intimidate colleagues or participants.

The organisation may take disciplinary action against any employee who threatens or intimidates another employee. See item 4.6 Ethical Conduct for procedures.

#### 4.2 Duty of Care

Employees/artists/tutors and volunteers must:

- Not neglect any child or young person in their care.
- Ensure that a Duty of Care form is completed for every child in our care in case emergency medical treatment is needed.
- Comply with the *Work Health and Safety Act 2012 and the Work Health and Safety Regulations 2012*.
- Promote safe working practices and environments for people using the organisations facilities.
- Take steps to protect their own health and safety and that of their colleagues, participants and visitors.
- Report hazards promptly and ensures risks are eliminated or controlled.

#### 4.3 Awareness to create a safe environment

Employees/artists/tutors and volunteers must:

- Not engage in unreasonable behaviour/conduct that could cause harm to a child, or young person, work colleague or member of the public.
- Report suspected child abuse and neglect to the Child Abuse Report Line on 13 14 78 as soon as practicable. *For further detail please refer to Child Safe Environment Policy.*

#### 4.4 Working with Children in Art

Employees/artists/tutors and volunteers must adhere to Arts SA's *Protocols for Working with Children in Art* by ensuring that:

- Parental consent is obtained prior to working with any child under the age of 15.
- The rights of children are protected throughout the artistic process.
- Artworks that involve images of children that have been produced are presented with due care and sensitivity.
- The child's images are not being exploited, and that the use of the image is within the original context of the creative work.

#### 4.5 Accountability to Diligence

Employees/artists/tutors and volunteers must:

- Dress and behave in a manner, which demonstrates professionalism, shows respect for others and model appropriate standards for participants.
- Exercise their best professional judgement to ensure the best interests of the organisation.
- Report to work in a fit state and carry out duties in a competent and capable manner.
- Adhere to policies faithfully and without bias.
- Maintain and enhance their skills and knowledge to maintain a high standard or performance.
- Recycle where possible.

Employees/artists/tutors and volunteers must not:

- Be under the influence or in the possession of illegal drugs while at work.
- Smoke in the building or on the grounds of Carclew.
- Consume alcohol in any circumstances where they are responsible for children or while at work.
- Steal or misuse the organisations resources and equipment. Office facilities and equipment may be used for private purposes when prior approval has been given.

#### 4.6 Ethical Conduct

Employees/artists/tutors and volunteers must:

- Exercise care and diligence and act honestly at all times.
- Ensure that there is no conflict of interest between their personal interests and their duties, obligations and responsibilities.
- Report breach of conduct or conflicts of interest.

When faced with a difficult decision ask yourself:

- Who needs to be consulted in making this decision?
- Is the decision or conduct lawful?
- Is the decision or conduct in line with the organisations Guiding Principles and policies?
- What will be the outcomes for staff, organisation and stakeholders?
- Do these outcomes raise a conflict of interest?

#### Gifts and Benefits

- Staff and representatives of Carclew should not solicit or encourage gifts or benefits in relation to their professional duties.
- Any gift received must be declared to your supervisor/manager. Gifts exceeding the estimated value of \$250 must be declared to the Chief Executive to be dealt with at the Chief Executive's discretion.
- Staff may give or accept an occasional gift, which is offered in accordance with social or cultural practice, for example, employee's retirement or leaves the organisation.

#### Breach of Conduct / Victimisation

- Managers/supervisors who receive a complaint in regards to an employee or representative, which appears to be a contravention of the Code of Conduct and Duty of Care Policy must:
  - Make notes about the incident immediately;
  - Identify the nature of the alleged complaint; and
  - Report the incident to your line manager immediately.
- Resolution of complaints is preferred in the earliest stages, wherever appropriate.
- Managers/supervisors may seek advice from the Chief Executive or Manager, Finance and Operations.
- The Chief Executive / organisation may commence disciplinary proceedings against the employee or representative. In some circumstances the complaint may be referred to an external agency for resolution.

#### 4.7 Confidentiality and Public Comment

Employees/artists/tutors and volunteers must:

- Respect and maintain confidentiality of clients, staff, volunteers and the organisation.

- Take reasonable steps to ensure that any information, in any form, for which they are responsible for is marked confidential and cannot be accessed by unauthorised people.
- Not discuss sensitive information with people who are not authorised to have access to it.

#### 4.8 Rights of Staff

Employees/artists/tutors and volunteers must:

- Read and understand policy documents issued to them prior to employment; and are expected to comply with them.
- Staff who are uncertain about the content of a policy should seek clarification from their supervisor/manager.

Managers/supervisors must:

- Demonstrate ethical leadership, and provide impartial and accurate advice.
- Make relevant information, in relation to their duties, available to all staff, tutors and volunteers.

#### 4.9 Recruitment Practices

Employees/artists/tutors and volunteers must:

- Obtain a National Police Clearance Certificate/Child Related Employment Screening for the purpose for working with Children prior to their start date.

#### 4.10 Copyright / Intellectual Property / Moral Rights

Employees must:

- Protect and provide advice to young artists about copyright and moral rights and the issues surrounding these topics.

#### 4.11 Acknowledgement and Record Keeping

Employees/artists/tutors and volunteers must:

- Read and understand the Code of Conduct. If staff are uncertain about the content of a policy they should seek advice from their supervisor/manager.
- By signing a Contract for Employment with Carclew you are declaring that you have obtained, read, understand and agree to abide by our Code of Conduct and all other policies relevant to your engagement with Carclew. The original signed Employment Contract will be kept in your personnel file/contract and a copy will be given to the staff member/representative.

Managers/supervisors must:

- Induct new employees appointed to their worksites on the organisations Code of Conduct, and other policies and procedures related to their duties.
- Provide tutors, artists and volunteers with a copy of the Code of Conduct or information on where to find it, and other policies and procedures related to their duties.
- Ensure that tutors, artists and volunteers have read and understand the Code of Conduct; as by signing their contract they are obliged by our Code of Conduct. The original will be kept on file and a copy will be given to the tutor, artist or volunteer.
- Provide advice, assistance and guidance to staff members, tutors, artists and volunteers under their supervision.
- Attempt to resolve complaints promptly according to appropriate procedures.

## **5. Legislation**

*South Australian Public Sector Act 2009*

*South Australian Public Sector Employees Code of Conduct March 2009*

*Public Sector (Honesty and Accountability) Act 1995*

*Work Health and Safety Act 2012*

*Work Health and Safety Regulations 2012*

*Equal Opportunity Act 1984*

*Children's Protection Act 1993*

*Whistleblowers Protection Act 1993*

*Copyright Act 1968*

*Volunteers Protection Act 2001*

*State Records Act 1997 - General Disposal Schedule for Records Management*

## **6. Additional Information**

Child Safe Environment Policy and Procedure

Employment Clearance for Working with Children Policy and Procedure

Motor Vehicle Policy and Procedure

Work Place Health and Safety Policy and Procedure

Grievance Resolution Policy and Procedure

*Arts SA Protocols for Working with Children in Art*

Arts Law Centre of Australia in the Creative Process: Information for Artists and Arts Organisations fact sheet available at [www.artslaw.com.au/LegalInformation/](http://www.artslaw.com.au/LegalInformation/)

Preventing Workplace Bullying A Practical Guide for Employers and Preventing Workplace Bullying A Practical Guide for Employees <http://www.stopbullyingsa.com.au/>