



EMPLOYEE CODE OF CONDUCT AND ETHICS

August 2007
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HUMAN RESOURCES POLICIES

Document Title:	Cancer Institute Employee Code of Conduct and Ethics
Summary:	This document provides employees of the Cancer Institute Division and others who may work for the Institute with a framework for their decisions and actions in relation to conduct in their employment.
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Contact Officer:	Human Resources
Relevant References:	<ul style="list-style-type: none"> • Model Code of Conduct for NSW Public Sector Agencies – NSW Premier's Department 1997. • Principles and minimum standards for the development of a Health Service Code of Conduct - Department of Health Circular 98/79, issued August 1998. • Premier's Department Personnel Handbook, Chapter 8 – Model Code of Conduct.
Main Legislative Implications:	<ul style="list-style-type: none"> • <i>Annual Reports (Statutory Bodies) Act /Regulations</i> – with respect to the inclusion within the Annual Report of a copy of the Code of Conduct for officers and employees. • <i>Independent Commission Against Corruption Act 1988</i> – with respect to the reporting of suspected corrupt conduct. • <i>Protected Disclosures Act 1994</i> – with respect to the making of a “protected disclosure”.
Applicable Delegations of Authority:	See Schedule 2 – Human Resources Delegations – Board – S2.10.5 (Outside Employment); S2.10.8 (Use of official resources); S2.10.9 (release of information); S2.10.10 & S3.5 (public/official comment).
Related CINSW Policy	<ul style="list-style-type: none"> • CINSW - Board Code of Conduct • CINSW - Conflict of Interests Policy & Guidelines • CINSW - Acceptance of Gifts and Benefits Policy & Guidelines • CINSW - Protected Disclosure Guidelines (incorporating an Internal Reporting system for reporting Corruption, Maladministration, and Serious Waste • CINSW – Guidelines for Reporting Corruption to the ICAC • CINSW - Acceptable use of Communications Devices Guidelines • CINSW - Information Protection/Security Guidelines. • CINSW - Privacy Management Plan

EMPLOYMENT CONTRACTS POLICY

CONTENTS

1	Introduction	1
2	Standards on Personal and Professional Behaviour.....	3
3	Conflict of Interest	4
4	Bribes, Gifts, Benefits, Travel and Hospitality	5
5	Reporting Corrupt Conduct, Maladministration and Waste	6
6	Security of Official Information.....	7
7	Use of Official Facilities and Equipment	8
8	Acceptable Use of Electronic Communication Devises.....	9
9	Public Comment.....	9
10	Political Participation	10
11	Outside Employment	10
12	Intellectual Property.....	11
13	Discrimination and Harassment.....	11
14	Drugs and Alcohol	11
15	Post Employment	12
16	Breaches of the Code.....	12
17	Legislative and Government Policy Framework.....	12
18	External Avenues of Assistance.....	12

1 Introduction

The people of New South Wales have the right to expect that staff of the Cancer Institute Division demonstrate fairness, integrity and sound professional and ethical practice at all times in every respect of their employment. Just as importantly, we all have the right to a workplace free of any form of bullying, harassment or unfair discrimination. Ensuring these rights requires a professional standard of behaviour that demonstrates respect for the rights of the individual and the community as well as promoting and maintaining public confidence and trust in the work of the Institute.

The purpose of this Code of Conduct and Ethics is to provide you with a framework for ethical decision making and to articulate the standards of behaviour and actions expected of individuals who work within the Cancer Institute Division. In this regard the Code explains the principles covering appropriate conduct in a variety of contexts and it serves to underpin how each of us are to deal with our colleagues, stakeholders, other organisations and the public. In addition, the Code will assist you to recognise and avoid behaviours that could potentially be corrupt or involve maladministration or waste, and it provides guidance with respect to the reporting of such matters, which you are required to do under the terms of the *Independent Commission Against Corruption Act 1988*.

When reading the Code of Conduct it needs to be remembered that you must take responsibility for our own actions and that the Code cannot cover all the ethical situations that you may be exposed to. For this reason, this Code should be used as a source of practical guidance based on a common sense approach to making decisions about ethical issues. In addition, you need to ensure that you are aware of and comply with relevant legislation and Institute circulars, policies and guidelines as they relate to your work.

The Code also places a responsibility on Directors and Supervisors within the Cancer Institute Division to support and assist you in maintaining an awareness of Institute standards of conduct and in resolving ethical dilemmas, however, this does not remove your responsibility to be accountable for your own actions and decisions.

1.1 Who is covered by the Code of Conduct?

The Code of Conduct applies to all activities carried out by a staff member of the Cancer Institute Division in the course of their employment, including permanent/part time and temporary employees and contractors/consultants who may from time to time be engaged by the Cancer Institute. The Code also applies to other facets of work life insofar as it impacts on workplace relations (such as farewell parties).

The principles outlined in this Code also apply to the Cancer Institute Board and Committee members, however, Board and Committee members are also bound by a separate Code of Conduct that addresses issues specific to their role within the Cancer Institute Division.

1.2 Professional Standards

The standards outlined in the Cancer Institute Code of Conduct are to be read in conjunction with existing professional standards / Codes that may apply to you (e.g. "Code of Professional Conduct for Nurses in Australia"). In the event of any emerging conflict between professional standards and the provisions of this Code of Conduct, the Institute's Code would normally prevail, however, should a conflict be perceived then the matter should be taken up with your supervisor /manager.

1.3 Values and Principles underpinning the Code of Conduct

The community is entitled to expect that the Cancer Institute Division will conduct its business with efficiency, economy, fairness, impartiality and integrity. To meet this expectation, you need to adopt the following value principles when performing your duties:

Responsibility to the Government of the day - You are to implement the policies and decisions of the Government of the day in an impartial manner. In particular, you must comply with any relevant legislative, industrial and administrative requirements.

Respect for people - You are to treat members of the public and your colleagues fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, you are to perform your duties in a professional and responsible manner. You are also to ensure that your decisions and actions are reasonable, fair and appropriate to the circumstances, based on a consideration of all the relevant facts, and supported by adequate documentation.

Integrity and public interest - You are to promote confidence in the integrity of public administration and always act in the public interest and not in your private interest. You are to protect the reputation of the Cancer Institute Division and not engage in activities, at work or outside work that would bring the Cancer Institute Division into disrepute.

Responsive service -You are to provide a relevant and responsive service, providing all necessary and appropriate assistance and fulfill the Institute's service performance standards. In addition, you are to provide information promptly and in an appropriate format that is easy for the recipient to understand and make sure that information provided is clear, accurate, current and complete.

Economy and efficiency - You are to keep up to date with advances and changes in your area of expertise and look for ways to improve performance and achieve high standards of public administration.

1.4 Accountabilities under the Code of Conduct

Board and Chief Cancer Officer

The CINSW Board and Chief Cancer Officer are responsible and accountable for:

- ensuring the establishment and communication of a Code of Conduct and related policies;
- that standards articulated within the Code are met; and

- evaluation of the effectiveness of the Code of Conduct on an annual basis.

Managers, supervisors and team leaders

Managers, supervisors and team leaders are responsible and accountable for:

- undertaking their duties and behaving in a manner that is consistent with the provisions
- of the Code of Conduct;
- the effective implementation, promotion and support of the Code of Conduct in their area/s of responsibility;
- ensuring that the requirements of the Code of Conduct are explained to staff including the responsibilities of staff; and
- the provision of training to their staff members to communicate the Code of Conduct.

All staff members

All staff members have a responsibility to:

- undertake their duties and behave in a manner that is consistent with the provisions of the Code of Conduct;
- report suspected corrupt conduct; and
- report any departure from the Code of Conduct by themselves or others.

2 Standards on Personal and Professional Behaviour

To demonstrate your commitment to the highest ethical standards you are required to:

- perform your duties impartially, with professionalism, objectivity and integrity;
- work effectively, efficiently and economically;
- behave fairly and honestly, including reporting others who may be behaving dishonestly;
- avoid conflicts of interest and act in the best interests of the people of NSW;
- obey any lawful direction from managers/ supervisors. If you have a dispute about carrying out a direction you may appeal through existing grievance procedures;
- follow Institute policies, guidelines and procedures; and
- avoid any form of exploitation or power imbalances in personal relationships in the workplace.

Ethical Decision Making

The Code of Conduct cannot provide guidance on every situation that you may face however, to assist in fostering a climate of ethical awareness, conduct and decision-making within the Cancer Institute Division, you will find it useful to refer to or consider, in consultation with others such as your peers or supervisor, the following six points:

1. is the decision or conduct lawful and consistent with Government policy?

2. is the decision or conduct consistent with the Institute's objectives, policies and values as expressed within the code of conduct?
3. what will the consequences be for me, my work colleagues, the Institute and others?
4. do the possible outcomes raise a conflict of interest or lead to a personal gain to which I am otherwise not entitled?
5. would the decision or conduct be perceived by a member of the public, colleague, client or supplier as inappropriate? and
6. would my decision withstand media scrutiny?

3 Conflict of Interest

Conflicts of interest exist when it is likely that you could be influenced, or perceived to be influenced, by a personal interest in carrying out your public duty.

Important Note - Conflicts of interest that lead to partial decision making may constitute corrupt conduct in terms of the *Independent Commission Against Corruption Act 1988*.

Examples of situation that may give rise to a real/perceived Conflict of Interest include:

- you are a member of a recruitment panel and you have a relationship with one of the applicants for the position that goes beyond the level of a professional working relationship;
- you are assessing tenders/ suppliers and you realise that you have a relationship with one of the people/companies making a submission that goes beyond the level of a professional working relationship;
- you, and / or a family member have a financial interests in a matter the Institute is involved with;
- you are a member of a Board of an organisation and/or have secondary employment with an organisation, which is seeking funding from the Institute.

You may be the only person aware of the potential for conflict in the exercise of your public duties, it is therefore your responsibility to avoid any financial or other interest that could potentially compromise the impartial performance of these duties, and disclose any potential or actual conflicts of interest to your manager or another senior manager (this a key requirement that is stipulated within all Cancer Institute Division employment contracts). The reporting of a real and or perceived conflict of interest must be in writing. This report, together with the manager's decision about the issue raised will be placed on file. When reporting a possible conflict of interest it is preferable to err on the side of caution and disclose any interest that could affect, or be seen to affect, the impartial performance of your public duty.

If you are uncertain whether a conflict exists, you must discuss the related interest matter with your manager and attempt to resolve any conflicts of interest that may exist.

To resolve any real or perceived conflicts of interest that occur a range of options is available depending on the significance of the conflict. These options include:

- recording the details of the disclosure and continuing involvement because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
- recording the details of the disclosure and not participating in any decision making;
- the employee relinquishing the personal interest;
- the employee transferring (at no disadvantage in their terms and conditions of employment) from the area of work or particular task where the conflict arises.

Further information to clarify and expand on issues raised in relation to Conflicts of Interest can be found within the *CINSW– Conflict of Interests Policy & Guidelines*.

4 Bribes, Gifts, Benefits, Travel and Hospitality

During the course of your work you may be offered gifts or other benefits (including offers of hospitality and possibly travel/accommodation). Gifts can be offered innocently in good faith or it could be an attempt to influence you. Establishing the motive however, can be difficult. In a business context offers of gifts that are more than token in nature are rarely offered to an individual for purely charitable reasons. In such instances the motive is usually to create a sense of obligation and even an expectation that something will be given in return. The acceptance of such gifts/benefits can also affect the public perception of the integrity and independence of the individual and the Institute.

For these reasons, offers of gifts or benefits are to be declined, except for token gifts/benefits (as discussed below). You must also ensure that persons you are associated with (e.g. family members or friends) are not the recipients of gifts or benefits, which could give the appearance to an impartial observer of an attempt to secure your favour and influence.

There may however, be occasions when refusing a gift would offend or upset the giver. On these occasions you should:

- indicate that you are accepting the gift on behalf of the Cancer Institute of NSW; and
- immediately report the receipt of the gift to your supervisor for recording within the Institute's Gifts and Benefits Register.

You may accept unsolicited gifts of a token and insignificant nature or moderate acts of hospitality. Accepting them is a matter of judgment and you must be satisfied that neither you nor the Institute is in any way compromised. The acceptance of all such token gifts and benefits is to be reported to your supervisor/manager and where appropriate, a written record is to be made within the Institute's Gifts and Benefits Register.

Generally speaking "token gifts" and moderate acts of hospitality would include:

- marketing objects such as key rings, pens, mugs etc;
- gifts of single bottles of reasonably priced alcohol to individual officers at end of year functions, public occasions or in recognition of a presentation;
- free or subsidized meals and or beverages provided infrequently (and or reciprocally) by representatives of other public sector agencies or Federal Government agencies: and
- free meals and or beverages provided to officers who formally represent the Institute at functions.

Gifts or other benefits not essentially token or inconsequential in nature (including moderate acts of hospitality) are only to be accepted:

- where a gift is given to an Institute employee in a public forum in appreciation for the work, assistance or involvement of the employee and/ or Institute, and refusal to accept the gift would cause embarrassment or affront;
- in circumstances approved by the Chief Cancer Officer, preferably obtained beforehand (approval of the Chief Cancer Officer will only be given where the acceptance of the gift is unlikely to be seen by a reasonable 'impartial observer' to create a conflict of interest, or influence the performance of duties or functions).

Staff members if accepting gifts in these circumstances are to indicate that they are accepting the gift on behalf of the Cancer Institute Division and the gift is to be recorded within the Institute's Gifts and Benefits Register. The Chief Cancer Officer or delegate is to determine what use the gift is to be put to, which could include retention by the staff member.

4.1 Bribes

You must not solicit any money, gift or benefit or accept any bribe, or other improper inducement as to do so is to involve the offence of bribery, which is an offence under the *Crimes Act*.

If any offer or suggestion of a bribe is made directly or indirectly to you, the facts must be reported to your manager/supervisor at the first opportunity. Your manager should then immediately inform the Chief Cancer Officer who is under a duty to report such matters to the Independent Commission Against Corruption.

Further information to clarify and expand on issues raised in relation to the acceptance of gifts and benefits can be found within the *CINSW– Acceptance of Gifts and Benefits Policy & Guidelines*.

5 Reporting Corrupt Conduct, Maladministration and Waste

The Cancer Institute Code of Conduct & Ethics requires you to observe, promote and encourage the highest standards of honesty, integrity and ethical practice at all times in every respect of your employment. This includes a duty to report any dishonesty or improper conduct that you may observe.

You are therefore urged to report suspected "corrupt conduct", as well as any instances of "maladministration" and/or "serious and substantial waste" of

public resources that you may become aware of during the course of your employment.

Corrupt Conduct is defined within the *Independent Commission Against Corruption Act* and broadly involves the dishonest or partial exercise of official functions by a public official. Within this context corruption can take many forms including, but not limited to, bribery and blackmail; unauthorized use of confidential information; fraud and theft.

Maladministration is defined within the *Protected Disclosures Act* as an action or inaction of a serious nature that is contrary to law; or unreasonable, unjust, oppressive or improperly discriminatory; or based wholly or partly on improper motives.

Serious and substantial waste is defined by the Audit Office of NSW as the uneconomical, inefficient or ineffective use of resources (including funds) which results in significant loss/wastage.

To facilitate and encourage the reporting of such matters the NSW Government established the *Protected Disclosures Act 1994*. The purpose of the Act is to ensure that employees who wish to make a disclosure under the legislation receive protection from reprisals that might otherwise be inflicted on them because they made a disclosure, and provides for disclosures to be properly investigated and dealt with.

As required by the *Protected Disclosures Act* and to meet the requirements of the *Independent Commission Against Corruption Act* the Cancer Institute Division has established Protected Disclosure Guidelines (incorporating an Internal Reporting system for the reporting of corrupt conduct, maladministration or serious and substantial waste). Under this system you may make a disclosure to the Chief Cancer Officer and / or certain nominated senior officers. The reporting system also provides alternative avenues for making a protected disclosure involving either the Independent Commission Against Corruption (corrupt conduct), the NSW Ombudsman (maladministration) and the Audit Office of NSW (serious and substantial waste). In addition, under circumstances specified in this Act, a protected disclosure may be made to a Member of Parliament or a journalist.

Further information concerning how to lodge a protected disclosure, whom to report to and what will happen with the information you provide is contained within the *CINSW- Protected Disclosure Guidelines*. Additional information can also be obtained from the Chief Operating Officer, the Human Resources Manager or the Finance and Administration Manager. Alternatively, you may directly contact the Independent Commission Against Corruption, the NSW Ombudsman or Audit Office for further advice.

6 Security of Official Information

During your employment with the Cancer Institute Division it is likely that you will have access to confidential or sensitive personal (including Health Records), commercial or political information. It is a condition of your employment within the Cancer Institute Division that you will not improperly disclose any information relating to the affairs of the Cancer Institute Division either during the term of your employment or after your employment with the Institute ceases.

In addition, you are required to not knowingly access any personal information unless such access is essential for the purpose of performing your official duties.

The onus is placed on you to ensure that confidential information, in any form (such as computer files, written documents etc), cannot be accessed by unauthorised people and that sensitive information is only discussed with people, either within or outside the Institute, who are authorised to have access to this information.

You are not to disclose any confidential information relating to the affairs of the Institute, unless you are authorized to do so by a delegated officer. Such an approval may arise pursuant to:

- some specific legislative provision, for example the Freedom of Information Act, Privacy and Personal Information Protection Act, Protected Disclosures Act, Independent Commission Against Corruption Act, etc;
- an Institute policy directive or procedure; or
- legal proceedings.

All staff need to be aware that it can be a criminal offence for a public official to use information acquired in connection with the exercise of their official functions to obtain financial or other personal benefit and that such actions are regarded as “corrupt conduct” as defined in the *Independent Commission Against Corruption Act*.

Further information to clarify and expand on issues raised in relation to the security of information can be found within the *CINSW– Privacy Management Plan*.

7 Use of Official Facilities and Equipment

You have a responsibility to ensure that the Institute’s resources are used efficiently, economically and without unnecessary extravagance or waste. This includes the expenditure of funds, use of staff resources, computers, photocopiers, stationery and telecommunications equipment etc.

Reasonable use of office equipment (excluding motor vehicles) is permitted for private purposes if:

- it does not conflict with your work or the work commitments of another employees;
- it involves only insignificant costs to the Institute;
- the activity is done in your own time;
- you do not benefit financially;
- there is no commercial interest to you or any other person; and
- the equipment is not taken off-site.

Examples of permitted personal use include:

- use of phones and facsimile machines for private calls, provided these are short, infrequent and does not interfere with your work responsibilities or those of other staff;

- use of a Departmental computer for private purposes such as the completion of university assignments in personal or study leave time;
- use of the internet for brief periods, while not on duty, provided that this does not interfere with any other staff member's usage of the computer and the usage is in line with Institute's policy regarding the acceptable usage of Electronic Communications devices.
- use of Email facilities for private purposes, provided usage is infrequent and does not interfere with your work responsibilities or those of other staff

Apart from the above, the approval of the Chief Cancer Officer or Chief Operating Officer must be obtained if you wish to use Institute resources for non-official purposes.

8 Acceptable Use of Electronic Communication Devices

Reasonable private use of the Internet and E mail is permitted however, this usage must be appropriate – i.e. it must be lawful, efficient, proper and ethical.

Any identified use of equipment or services thought to be inconsistent with the Institute's policies will be investigated. Inappropriate use may be subject to disciplinary action and a range of penalties, including termination of employment and/or criminal prosecution.

Inappropriate use includes, but is not limited to, any use of equipment or services for intentionally transmitting, communicating or accessing pornographic or sexually explicit material, images, text or other offensive material.

Further information to clarify and expand on issues raised in relation to the use of telecommunications devices can be found within the *CINSW–Acceptable use of Communications Devices Guidelines*.

9 Public Comment

Although you have the right as a private citizen to express your personal views through public comment on political and social issues you must not make or appear to make statements on behalf of the Cancer Institute Division (you must ensure that any views you may express are not presented or interpreted as Cancer Institute Division policy). Public comment includes public speaking engagements, comments in the media, views expressed in letters to newspapers, online services (such as Internet bulletin boards) or in publications.

You must not make official comment on matters relating to the Cancer Institute Division unless:

- you are authorised to do so by the Chief Cancer Officer;
- you are giving evidence in court; or
- otherwise authorised or required by law.

10 Political Participation

You may participate in party political activities provided you do so in a private capacity and your activities do not conflict with your primary duty as a public employee to serve the government of the day in a politically neutral manner.

If you do participate in any political activity you must ensure that:

- your comments or discussions do not cast doubt on your ability or willingness to implement Government and Institute policies and guidelines objectively;
- no private political activities are carried out in the work environment;
- Institute resources are not used to assist in your personal political activities;
- information obtained through your work at the Institute is not used to assist political activities, or make such information known to any other person connected with these activities; and
- the position of Institute is not misrepresented on any issue.

Also, you may not post any notices on Institute notice-boards that suggest support or encouragement of a particular political viewpoint on a matter in the public domain.

Any political involvement you have must be seen to represent your personal views as a private citizen, not as an employee of the Cancer Institute Division.

If you become aware that a potential conflict of interest has arisen or might arise, you must inform the Chief Cancer Officer immediately and either cease the political activity or withdraw from the areas of their work where the conflict is occurring or may occur.

11 Outside Employment

If you are a full time or part time employee you must obtain the approval of the Chief Cancer Officer to engage in any paid or unpaid secondary employment or business activity, including participation in a family company/business.

Your application to engage in secondary employment will be assessed according to the following criteria:

- it does not arise from, nor interfere with, nor is related to, your work at the Institute;
- it will not cause a conflict of interest with your official duties and or the role of the Institute;
- it does not compromise the values and ethics of Institute;
- it will be done outside working hours; and
- it will not involve information or any resources which are obtained from the Institute.

Managers are responsible for monitoring and following up on any impact of secondary employment on the quality and effectiveness of an individual's work.

Note- A copy of your submission seeking approval to engaged in outside employment together with the approval of the delegated officer will be placed on your personnel file.

12 Intellectual Property

Intellectual property includes rights relating to scientific discoveries, industrial designs, trademarks, commercial names and designations, inventions and from activity in the industrial, scientific, literary or artistic fields. The Institute is the owner of intellectual property created by you in the course of your work unless a specific agreement with the Chief Cancer Officer has been made to the contrary.

Further information that clarifies and expands on Intellectual Property and Copyright issues can be found within the *CINSW– Management of Intellectual Property Guidelines*.

13 Discrimination and Harassment

The Cancer Institute Division does not tolerate discrimination, harassment or bullying in any form.

You must not harass or discriminate against colleagues or any other person for any reason including gender, physical appearance, pregnancy, age, race, sexual preference, ethnicity or national origin, religious or political conviction, marital or domestic status, breastfeeding, disability (includes physical, intellectual and psychiatric, learning and emotional disorders, and any organism capable of causing disease such as HIV – actual or presumed), transgender (actual or presumed), carer's responsibilities (actual or presumed). Such harassment or discrimination may constitute an offence under the Anti-Discrimination Act 1977. The principles of Equal Employment Opportunity apply in the workplace.

You must not engage in any form of bullying. Bullying can include the repeated less favourable treatment of a person by another in the workplace, verbal abuse, sarcasm, criticising people in front of others or in private and creating work overload. The Institute does not tolerate bullying.

If you witness discrimination, harassment or bullying you should report it to your supervisor / manager or another senior manager, if appropriate. Grievance procedures are also available if you believe you have been subject to discrimination, harassment or bullying. This also encompasses harassing jokes, touching, printed material, screensavers, e-mails, photos on mobile phones, SMS messages etc.

The use of obscenities or offensive language is unacceptable in the workplace.

14 Drugs and Alcohol

It is expected that you will attend work free from the effects of alcohol and other drugs. You must not attend work, remain in the work place or conduct business on behalf of the Cancer Institute Division if you are under the

influence of any drug or substance that is likely to affect your ability to carry out your duties, poses a risk to yourself, other staff or members of the public.

The consumption of alcohol is not permitted during work hours except in circumstances approved by the Chief Cancer Officer/ Chief Operating Officer. It is anticipated that such an exemption would only be granted with respect to special functions/events (e.g. media launch that may be held outside normal business hours, Christmas lunch or where Institute staff are to attend functions where hospitality is to be provided by the Institute or by an external organization– for example a function involving another public sector agency or a sponsored or sponsoring organization).

If you are required to attend a work related function where alcohol is served, a responsible approach to the consumption of alcohol must be taken.

15 Post Employment

You must not use your position to obtain opportunities for future employment and you should not allow yourself to be influenced by plans for, or offers of, employment outside the Institute. If you do, there is a conflict of interest and your integrity and that of the Institute is at risk.

You also need to be cautious in your dealings with former employees of Institute and ensure that you do not give them, or appear to give them, favourable treatment or access to privileged information.

When you cease your employment with the Institute you must:

- return any documents, files, records, notes, etc relating to or obtained through your work with the Institute;
- return any “in-house” resources such as manuals, mobile phones, laptops, keys, security passes, uniforms etc;
- not divulge confidential information obtained during your employment to others.

16 Breaches of the Code

As an employee of the Cancer Institute Division you are responsible for your own actions and for ensuring you are working in a manner consistent with this Code. However, should you be faced with an unfamiliar situation or if you are unsure about any aspect of the Code or require further information, speak to your manager or another senior member of staff (including the Human Resources Manager or Chief Operating Officer).

You should be aware that the Institute may initiate disciplinary action for breaches of the Code. This action can include counseling, official notification of unsatisfactory performance or dismissal, according to relevant legislative requirements and standards.

17 Legislative and Government Policy Framework

Some of the requirements covered by the Code of Conduct are the subject of specific provisions of various Acts and Regulations and some are generally acknowledged conventions that reflect community expectations of people employed in Government services. Others are particular applications of

general principles that are considered appropriate and necessary to make sure that integrity is maintained within Government employment.

A Code of Conduct is not a replacement for any Act or Regulation. The criminal law and legislation still apply to staff. If any conflict arises between this Code and the provisions of any Act or Regulation, the latter provisions prevail. The following pieces of legislation are of relevance to staff employed within the Cancer Institute of NSW:

- Anti-Discrimination Act 1977
- Children (Care and Protection) Act 1987
- Crimes Act 1900
- Freedom of Information Act 1989
- Health Care Complaints Act 1993
- Health Services Act 1997
- Health Records and Information Privacy Act 2002
- Independent Commission Against Corruption Act 1988
- Occupational Health and Safety Act 1983
- Ombudsman Act 1974
- Protected Disclosures Act 1994
- Privacy and Personal Information Protection Act 1988
- Public Finance and Audit Act 1983

18 External Avenues of Assistance

Anti-Discrimination Board

Level 4, 175 Castlereagh Street

Sydney NSW 2000

(02) 9268 5555

<http://www.lawlink.nsw.gov.au/adb>

Australian Human Rights Commission

Level 8, Piccadilly Tower

133 Castlereagh Street

Sydney NSW 2000

(02) 9284 9600

<http://www.hreoc.gov.au/>

Industrial Relations Commission

Level 1, 47 Bridge Street

Sydney NSW 2000

(02) 9258 0866

<http://www.lawlink.nsw.gov.au/irc>

CANCER INSTITUTE OF NEW SOUTH WALES EMPLOYEE CODE OF CONDUCT

A MESSAGE FROM THE CANCER INSTITUTE BOARD AND CHIEF CANCER OFFICER

The people of New South Wales have a right to expect that the Cancer Institute of NSW will achieve its corporate aims and objectives with efficiency, fairness, impartiality and integrity.

As a Public Sector agency the Cancer Institute has a particular obligation to the public interest that requires us to achieve standards of professional behaviour that promote and maintain public confidence and trust in the work of the Institute.

The purpose of this Code of Conduct is to provide a framework for ethical decision making and to articulate the standards of behaviour and actions expected of individuals who work within the Cancer Institute. In this regard the Code explains the principles covering appropriate conduct in a variety of contexts and it serves to underpin how each of us are to deal with our colleagues, stakeholders, other organizations and the public.

When reading the Code of Conduct it needs to be remembered that we all must take responsibility for our own actions and that the Code cannot cover all the ethical situations that staff may be exposed to. For this reason, this Code should be used as a source of practical guidance based on a common sense approach to making decisions about ethical issues.

The Code also places a responsibility on Supervisors and Managers within the Cancer Institute to support and provide guidance to staff in resolving dilemmas and nurturing an ethical environment.

The Code of Code applies to all employees (permanent/part time and temporary) and contractors/consultants who may from time to time be engaged by the Cancer Institute. The principles outlined in this Code also apply to the Cancer Institute Board and Committee members however, Board and Committee members are also bound by an a separate Code of Conduct that addresses issues specific to their role within the Cancer Institute.

It is vital that this Code be read and understood by all employees as it provides important information covering a range of issues, including:

- Standards of personal and professional behaviour;
- How to manage “Conflicts of interest”;
- Acceptance of gifts and benefits;
- Use of Institute resources;
- Use of computing, internet and Email facilities;
- Management of suspected corrupt conduct;
- Making a “Protected Disclosure”; and
- Consequences that flow from a breach of the Code.

The Board and I seek the support of all Cancer Institute staff members to abide by the principles contained within the Code to ensure that we are all empowered to act in appropriate, effective and ethical ways.

3
Chief Cancer Officer

CANCER INSTITUTE OF NEW SOUTH WALES EMPLOYEE CODE OF CONDUCT

IMPLEMENTATION AND COMMUNICATION STRATEGY

Following are suggested actions to ensure the Code is effectively implemented and communicated to all staff.

Training

The following training options should be considered:

- the integration of the Code of Conduct standards into existing in house training, especially induction/orientation programs;
- training and information sessions specifically about the Code of Conduct and related policies – in particular Protected Disclosure / internal reporting guidelines; and
- training for managers which specifically outlines their responsibilities arising from the Code of Conduct.

Communication

The following strategies may be useful in communicating the procedures to all staff members:

- a copy of the Code of Conduct and related policies given to all new staff and existing staff members;
- code and related policies placed on CINSW Intranet and Internet sites;
- discussion of the Code of Conduct at staff and managers meetings;
- consider requiring staff to sign an acknowledgement that they have been provided with a copy of the Code and that they have read and understand it;
- Amend employment contracts to make compliance with the code a condition of employment;
- Amend existing employment contract to ensure that specific sections of the contract match what is said within the code;
- Provide a copy of the code to all Board and Committee Members – (together with a copy of their own code of conduct); and
- Ensure that consultants (temporary employees) and others are provided with a copy of the code and instruction on specific aspects of the code.

Evaluation of Code

The Chief Cancer Officer needs to ensure ongoing monitoring of the Code of Conduct for operational effectiveness and relevance – including a random check with staff members to ascertain whether they are aware of the Code of Conduct and know how and when to consult it. The aim is revise the code and /or the communication strategy as appropriate.

Other Issues

- Create an official policy file covering the Code of Conduct and Ethics.
- Ensure that CINSW obligations under the Annual Reports Act, for inclusion of the Code of Conduct in the Annual Report, is complied with;
- Review existing delegations of authority with respect to:
 - “outside employment” (s2.10.5) – approval needs to be for both paid and unpaid work. The delegation also needs to be exercised as per the conditions set down in the code of conduct;
 - “use of official resources” (s2.10.8) - delegation needs to be exercised as per conditions set down in the code of conduct; and
 - “Public Comment” (s2.10.10) – existing wording of this delegation is confusing.
- Consider additional delegations in relation to – Conflicts of Interests; Acceptance of Gifts; release of official information;

I acknowledge that I have read this policy and understand its requirements.

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Signature

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Date

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Name