**MILC**

**Staff Code of Conduct Policy**

**1 Rationale**

The purpose of this Policy is to establish a clear standard of behaviour which is expected of MILC staff. It is also designed to assist staff in understanding what is acceptable and unacceptable behaviour in the workplace.

**2 Body of Policy**

**2.1 Scope**

This policy intends to provide guidance across a range of behaviours, including, but not limited to:

* Dishonesty (including theft and fraud)
* Behaviour and responsibilities at MILC events
* Misuse of MILC resources
* Breach of confidential information and privacy
* Exploiting conflicts of interest
* Drug and alcohol abuse
* Breaches of workplace health and safety
* Inappropriate use of MILC funds for personal gain
* Inappropriately speaking with the media
* Working unethically

**2.2 Policy Statement**

MILC has developed this Staff Code of Conduct to protect staff and MILC by providing clear behavioural guidelines and expectations.

This policy is intended to be a guide, not an exhaustive list, of the standards and expectations required by all members of staff. The Policy should be read in conjunction with applicable legislative requirements and related MILC policies.

All staff will conduct themselves in an ethical and professional manner consistent with their role as MILC representatives. This extends to establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of professional relationships.

All members of staff are expected to uphold the standards of behaviour in this Staff Code of Conduct and know that any breach of this Staff Code of Conduct will be treated as a serious matter and will constitute grounds for Disciplinary Action, including counselling, a warning or demotion, or in serious cases may result in termination of employment.

**2.3. Application**

This Policy applies to all MILC management, staff, teachers and any other members of the MILC community who are representing MILC.

This policy extends to conduct in any work-related context (face to face, online, phone etc) within or outside of normal working hours including (but not limited to) working remotely, or any other location, at conferences, functions, parties/celebrations, trips/tours, excursions, and meetings conducted outside normal business hours (work related or social) whether or not on MILC premises. It covers interactions with students, parents, customers, suppliers and other third parties, as well as colleagues.

**2.4. Definitions**

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| Word/s | Definition |
| Bullying | Workplace bullying is repeated and unreasonable behaviour directed towards a staff member or a group of staff 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. It includes behaviour that would be considered unreasonable, and includes behaviour that intimidates, offends, degrades, or humiliates at work.  Bullying can include the following types of behaviour if repeated:   * Verbal abuse (e.g. being sworn at, yelling, screaming, offensive language, threats, insults, continual criticism, name calling, practical jokes, unjustified threats of dismissal) * Direct violence including physical abuse, assault, and harassment * Abusive messages (email, SMS etc.) * Threatening body language * Spreading rumours about a person * Deliberately excluding or isolating employees * Intimidation * Assigning meaningless tasks unrelated to the role * Giving employees impossible tasks to complete * Unreasonably undermining work performance, deliberately withholding work-related information or resources, or the supply of incorrect information * Constant intrusive surveillance or monitoring * Inappropriate interference with personal belongings or work equipment   Bullying can be carried out verbally, physically or in writing. Bullying can be directed in a range of ways in a workplace – downwards (from supervisors/managers to staff), sideways (between staff and co-workers) and upwards (from staff to supervisors/managers /executive). Bullying can be directed at a single staff member or at more than one staff member. It can also be carried out by more than one individual. |

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| Bullying (cont) | **What is not bullying?**  If the above behaviour is not repeated then the behaviour could be considered unacceptable behaviour, but not meet the definition of bullying. In these instances, staff should still raise the issue with their Manager, for guidance and support.  Genuine and reasonable management action is not bullying. All employers have fundamental rights to direct and control how work is done.  The following types of behaviours are not considered bullying, discrimination or harassment:   * Feedback, coaching or counselling on work performance or work-related behaviours that are intended to assist staff to improve performance or the standard of their behaviour. Feedback, coaching and counselling should always be carried out in a constructive manner, * Fair and appropriate supervisory or management instructions delivered in a fair and appropriate manner e.g. without any belittling, sarcasm, favouritism, unlawful discrimination, aggression or other abusive behaviour.   Some forms of bullying and workplace violence, such as physical assault and stalking via SMS/email /social media platforms etc, may be criminal offences and in addition to having implications in the workplace, may result in action being taken by the Police. |

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| Direct  Discrimination | When a person or group is treated unfavourably because of a personal characteristic protected by law.  Protected personal characteristics in Victoria are:  • a disability, disease, or injury, including work-related injury;  • parental status or status as a carer, for example responsibility for caring for children or other family members;  • race, colour, descent, nationality, ancestry, or ethnic background;  • age, whether young or old, or because of age in general;  • sex;  • employment activity, for example because they ask questions or raise concerns about their rights or entitlements at work;  • industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;  • physical features, such as height, weight, size, hair, or birthmarks  • religious belief or taking part in religious activity, or not holding a religious belief;  • pregnancy and/or breastfeeding;  • lawful sexual activity;  • sexual orientation or gender identity, including gay, lesbian, bisexual, transsexual, transgender and heterosexual;  • marital status, whether married, divorced, unmarried or in a de facto relationship;  • political belief or political activity;  • an association with someone who has, or is assumed to have, one of these characteristics.  It is also against the law to treat someone unfavourably because it is assumed they have a personal characteristic, or may have it at some time in the future |
| Disciplinary  Action | In employment law, Disciplinary Action is a process for dealing with job-related behaviour that does not meet expected and communicated performance standards. The primary purpose for discipline is to assist the staff member in understanding that a performance problem or opportunity for improvement exists. |
| Discrimination | Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race, or disability. Discrimination may be either Direct or Indirect. |
| Fraud | Wrongful or criminal deception intended to result in financial or personal gain. This includes dishonest activity causing actual or potential financial loss to any person or entity, including theft of money or other property and where deception is used at the time, immediately before or immediately following the activity. |

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| Harassment | Harassment refers to unwelcome or unsolicited conduct that intimidates, humiliates, insults, offends or scares the person towards whom it is directed, regardless of the intent of the offender. Harassment includes any inappropriate behaviour such as verbal comments (including voicemail), written (including email and text messages), visual or physical contact, which is unwanted or causes offence to the other person. |
| Indirect  Discrimination | When an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law. |
| Lawful and  Reasonable  Directions | Staff have a duty to comply with an employer’s directions, so long as they are lawful and reasonable. A ‘lawful’ direction is generally easily ascertained and will be tested in the negative – i.e., whether the direction of the employer requires the staff member to contravene a State, Territory or Commonwealth Law. |
| Serious  Misconduct | Serious misconduct is conduct that is wilful or deliberate, and that is inconsistent with the employment contract. This can include theft, fraud, assault, intoxication at work and the refusal to carry out lawful and reasonable instructions consistent with the employment contract. |
| Sexual  Harassment | Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel uncomfortable, humiliated, intimidated or offended. It is the unwelcome and uninvited nature of the conduct that makes it sexual harassment and distinguishes it from normal workplace behaviour which may occur with the consent of all participants.  Sexual harassment may have detrimental effects on an individual’s health, wellbeing and work performance.  Both women and men can experience sexual harassment. Sexual harassment can involve a series of incidents or it can be a one-off occurrence. |

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|  | Sexual harassment may consist of:   * unwelcome comments about a person’s sex life or physical appearance, * suggestive behaviour such as leering and ogling, * innuendo, * unnecessary physical intimacy such as brushing up against a person, * uninvited physical contact including kisses, touching, fondling, massages or embraces, * sexual jokes and sexually explicit conversation, * print or digital displays of sexually graphic material/content (posters, email, social media), * sexual propositions or continued requests for dates, * “flashing” or sexual gestures, * obscene telephone calls or messages, * making promises or threats in return for sexual favours, * wolf whistling, * acts that are also criminal offences – physical molestation or assault, indecent exposure, rape, sexual assault, stalking, obscene communications (telephone calls, letters etc.).   Even if the behaviour does not offend the person to whom it is directed, others overhearing or present while such behaviour is occurring may take offence and feel that they are being harassed.  **What is not sexual harassment?**  Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment. |
| Stakeholder | This includes, but is not limited to, students, staff, parents, members of the community, Suppliers, Contractors, neighbours etc. |

**2.5. Expectations of Professional and Personal Behaviour (Personal Conduct)**

All staff are required to undertake their duties in a professional and responsible manner and to act in the best interests of MILC. All staff are expected to:

* strive to provide the highest standard of service, performing duties diligently, fairly, responsibly and to the best of their ability. All staff are expected to present themselves and behave in a manner appropriate to the situation;
* conduct all contact during the course of work, fairly and in a professional manner. Staff should act with respect, propriety, integrity, courtesy, and sensitivity and be able to demonstrate this in all interactions;
* comply promptly with all Lawful and Reasonable Directions. If there are personal grounds for complaint arising out of such directions, whether ethical or otherwise, this should be discussed with the relevant Manager and an attempt made to resolve the matter. If the matter is not resolved in the initial attempts, a complaint may be lodged to have the matter resolved. Lawful Directions should be carried out until the complaint is resolved. Please refer to MILC’s Complaint Handling – Staff Policy & Procedure for further information;
* contribute to fostering a positive and productive work environment;
* acknowledge and be accountable for mistakes and be proactive in their resolution;
* maintain and, if necessary, acquire appropriate knowledge and skills to be able to capably perform position requirements and be aware of and comply with all laws, rules and regulations applicable to their position;
* • not abuse their position to obtain a private benefit for themselves or someone else. Family or other personal relationships must not improperly influence decisions;
* ensure that activities outside of working hours do not diminish public confidence in the MILC or a staff member’s ability to perform their duties;
* immediately advise their Manager if they are convicted of a criminal offence during their employment with MILC;
* maintain confidentiality during employment with MILC and after the termination of employment. This includes any confidential information, records or other materials acquired during their time with MILC.

**2.6. Examples of Unacceptable Behaviours**

Unacceptable behaviours include, but are not limited to, the following:

* Breach of confidentiality, whereby confidential information about students, parents, the MILC, staff, or information not publicly available, is shared with staff or third parties;
* Sexual harassment or other forms of unlawful harassment and/or discrimination, or other unlawful, or unwelcome conduct;
* Behaviour in or outside of the workplace that may be interpreted as offensive, intimidating, threatening, or violent towards staff or a member of MILC community;
* Accessing, storing, processing, or transmitting any information deemed to be of a threatening, obscene, pornographic, or harassing nature;
* Noncompliance with MILC directives or other disrespectful conduct;
* Refusal to comply with a Manager’s legitimate, work-related request;
* Falsification of time-keeping records or other MILC records;
* Fighting, using obscene, abusive language or gestures, or threatening violence;
* Any activity that poses a threat to the health and safety of fellow staff or students, parents, or other parties;
* Any activity that leads to a conflict of interest with MILC;
* Unauthorised use of MILC supplies, materials, telephones or equipment, particularly for personal purposes, including once approved excessive or unnecessary use;
* Engaging in inappropriate entertainment. This includes adult entertainment, or any other form of entertainment that could harm MILC’s name and also includes the use of MILC property/devices/technology to access this inappropriate entertainment;
* Negligence or improper conduct leading to damage of MILC or MILC community owned property;
* Boisterous or disruptive activity in the workplace;
* Fraud, theft, or inappropriate removal or possession of MILC or other staff property;
* Unauthorised possession of lethal weapons on MILC premises or while on MILC business, regardless of the staff member’s legal right to possession of such a weapon;
* Unauthorised absenteeism, including unauthorised absence from work during work time;
* Poor timekeeping (e.g. persistent late arrival at work or leaving early without approval or notification);
* Inappropriate use of MILC email and other electronic communication devices;
* Unauthorised transmission or passing of internal information, documents, or e-mails to external parties;
* Assisting any other persons in the conduct of dishonest activities, whether or not for personal gain;
* Failure to follow defined MILC policies and procedures;
* Acting in a negligent or careless manner while carrying out duties, or consistent inefficiency or incompetence in performing duties;
* Preventing or interfering with another person carrying out their work functions;
* Reporting to work in such a condition as to be unable to perform the required duties in a safe and proper manner.

This list is not exhaustive. Where an act is carried out by an individual or group, which is not specifically covered by the descriptions of unacceptable behaviour above but is of a similar nature, MILC reserves the right to apply disciplinary procedures.

Staff who engage in any unacceptable behaviours will be subject to disciplinary action up to and including termination of employment.

Behaviour that constitutes Serious Misconduct may result in the following disciplinary actions, depending on the degree and circumstances of the breach:

* Suspension of duties (on pay) whilst the investigation is conducted
* Issuing of a final warning
* Dismissal without notice, without prior warnings being issued.

In addition, where the breach indicates illegal activity, MILC may refer the matter to the police with a view to criminal proceedings, as well as instigating civil restitution proceedings to recover MILC costs/losses.

**2.7 Dishonesty (Including Theft & Fraud)**

MILC expects all staff to act in a manner that does not constitute actions defined as Fraud. Dishonest and improper activity also includes:

* Deliberate falsification, concealment, destruction or use of falsified documentation;
* Misappropriation of MILC funds or property;
* Misappropriation of funds or property of students/staff;
* Breach of copyright;
* Leaking of confidential MILC information to competitors, students,staff, contractors, media, or other unauthorised persons;
* Exchanging MILC property or services, in return for personal financial benefit;
* Using MILC equipment and/or materials for personal use without written approval from MILC management.
* Actively participating in theft, or passively supporting theft or dishonest activity including failure to report such theft or activity to MILC management.

These examples are not intended to represent an exhaustive list of prohibited actions.

**2.8. Behaviour & Responsibilities at MILC Events**

Staff attending an event held by MILC (in a work or non-work-related capacity) are to ensure that their behaviour is in line with this Staff Code of Conduct at all times.

**2.9. Bullying, Harassment & Discrimination**

MILC is committed to fostering a workplace that is safe and free from any form of Bullying, Harassment, and unlawful Discrimination. Bullying, Harassment and Discrimination within the workplace is not acceptable.

Please refer to the Anti-Bullying, Violence & Harassment Policy and EEO and Anti Discrimination Policy for further information.

**2.10. MILC Resources**

Staff are required to use MILC facilities and other physical or financial resources for their proper purpose, and maintain them properly, avoiding waste and extravagance.

MILC resources should not be used for personal use and/or gain, without the written approval of MILC management.

**2.11. Confidential Information & Privacy**

Staff are required to uphold the duty of confidentiality relating to information obtained during the course of their time at MILC. Information must be stored securely, and not disclosed to any person except in the course of official duties.

Any documentation or information developed by staff whilst employed by MILC and in the course of the employment remains the intellectual property of MILC. All staff are reminded not to delete MILC information and electronic files during, or at the end of employment with MILC given this information remains MILC property.

MILC is committed to protecting the privacy of individuals’ personal information and is bound by the Privacy Act 1988 and the National Privacy Principles.

**2.12. Conflicts of Interest**

Conflicts of interest arise when staff find themselves in situations where they are in a position to influence the performance of duties (eg financial decisions, recruitment, promotion, contractor management etc) according to their own interests and personal circumstances.

In many instances, only the relevant individuals will be aware of the existence of, or potential for, an actual or perceived conflict of interest. It is therefore the responsibility of all staff to identify any conflicts of interest and to take action to avoid situations in which a conflict of interest could arise, or could be perceived to arise as soon as the conflict of interest is identified.

If a staff member feels that their personal activities may result in a conflict of interest with their work, they should initially consult with MILC management.

Examples of circumstances which could result in a conflict of interest occurring (by no means an exhaustive list):

* Financial interests
* Personal and family relationships between staff
* Personal and family relationships between staff and students and parents

**2.14. Drugs & Alcohol**

All staff have an obligation under the Occupational Health and Safety Act 2004 (Vic) to present themselves for work in a fit state and to perform their work in a safe and professional manner.

The use of drugs and alcohol can negatively affect and impair a staff member’s ability to perform their work both safely and effectively. Staff must not be adversely affected by drugs, alcohol or other substances during the course of their work.

Staff whose work performance or behaviour is impaired by drugs or alcohol will be considered to pose an unacceptable risk to health and safety of themselves and others. After consultation with the staff member, any staff that are deemed to be impaired will not be permitted to remain at work.

MILC acknowledges that alcohol may be available for consumption at MILC-related functions. If alcohol is consumed, it must be done so responsibly and in a professional and appropriate manner at all times. If returning to work after consuming alcohol, staff must ensure they are not adversely affected by alcohol.

Staff who intend to drive after consuming alcohol must abide by the Victoria Blood Alcohol Concentration (BAC) of less than 0.05 or zero BAC if on a probationary license, driving any heavy vehicles or staff who have a zero BAC conditional license.

Any staff member found to be over the BAC limit of 0.05 by a member of Victorian Police whilst operating a MILC vehicle must report the event to MILC management immediately.

MILC is a smoke free environment and therefore smoking is not permitted within any part of MILC premises at any time.

**2.15. Occupational Health and Safety (OH&S)**

MILC is required to comply with OH&S laws and regulations. Occupational health and safety rules, responsibilities and practices must be complied with at all times.

It is the policy of MILC that all activities be undertaken with all reasonably practicable measures to avoid risk to health, safety and welfare of staff and any other person who may be affected.

Staff are responsible for ensuring that their work, as far as reasonably practicable, is carried out without risk to themselves or others.

Staff must comply with MILC’s health and safety directions, policies and procedures at all times, including any specific directives in particular work areas.

Any breach of health and safety directions and procedures is a serious matter and may result in disciplinary action, including dismissal.

**2.18. Working Ethically**

No matter what position staff hold with MILC, staff make decisions and take actions every day while performing their work and when dealing with other staff and members of the public.

Regardless of the type of decision or action, staff should ask themselves if they could answer “YES” to all of the following questions:

* Is the decision or action lawful?
* Will the decision be made honestly, fairly, and impartially?
* Are all appropriate policies being complied with?
* Has only pertinent information been taken into account?
* Has the effect of the decision or action on others been given careful consideration?

If the answer is “NO” to any of the above questions, staff need to discuss and resolve the issues with MILC management.

**3 Related Documents**

MILC Anti-Bullying, Violence and Harassment Policy

MILC Bullying Behaviour Policy

MILC Child Safety Mandatory Reporting Policy

MILC Student Code of Conduct

MILC Complaint Handling – Staff Policy and Procedure

MILC EEO and Anti-Discrimination Policy

MILC Information Technology Access and Use Policy

MILC Occupational Health & Safety Policy

MILC Privacy Policy

MILC Student Wellbeing and Engagement Policy

**4 Relevant Legislation**

Equal Opportunity Act 2010

Fair Work Act 2009

Occupational Health and Safety Act 2004

Privacy Act 1988

Road Safety Act

Sex Discrimination Act 1984

Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021

*(*Respect***@Work Act****)* Whistle-blowers Protection Act 2001

Working with Children Act 2005

Workplace Gender Equality Act 2012