

h e a l t h . c a r e . p e o p l e

Queensland Health Code of conduct



March 2006



Queensland Government
Queensland Health

Queensland **the Smart State**



This summary of the Code of Conduct is a guide only. To ensure that you fully understand the Code, you should read the full Code of Conduct.



Summary of the Code of Conduct

Respect for people

Queensland Health is committed to creating workplaces that are free from bullying, harassment and discrimination, where people are respected, and diversity is embraced. To achieve this goal you are expected to:

treat people with respect, courtesy, honesty and fairness

respect different values, beliefs, cultures and religions

value the contribution of the people you work with, and work co-operatively

not bully, intimidate, harass or discriminate against other people

treat patient information with the strictest confidence.

You are entitled to a safe and healthy work environment, where you are not bullied or harassed, or subject to violent or aggressive behaviour.

Managers have a special responsibility to model and promote these behaviours, and to help employees understand them.

Integrity

Working for Queensland Health means that you are in a position of trust. You must ensure that you:

make fair and transparent decisions

tell your manager about any conflict of interest and any gifts you receive at work

never use your position improperly to gain an advantage in your private life

report any fraud or corruption that you become aware of at work

make it clear that public comments about work matters are your personal views

only release Queensland Health information when authorised.

Accessing inappropriate material using Queensland Health resources, such as electronically accessing or forwarding pornographic material, will result in disciplinary action including dismissal.

Respect for the law and the system of Government

Have a working knowledge of the laws and policies that apply to your work, including the Code of Conduct. Managers have a special responsibility to help employees to understand laws and policies.

Carry out any lawful and reasonable directions you are given and implement policies and practices that apply to your work. You have the right to question a direction or a policy if you believe it is unreasonable or unlawful.

Diligence

Work safely and to the best of your ability.

Maintain and improve your knowledge and skills, with the support of your manager.

Avoid conduct that could bring Queensland Health into disrepute.

Ensure that your use of alcohol and other drugs does not affect your work.

Be open about reporting mistakes, and deal justly with colleagues when mistakes are made.

Economy and efficiency

Use your time and your work assets efficiently.



Message from the Director-General

Everyone working for Queensland Health should understand our commitment and obligation to the public. In the same way, everyone working for Queensland Health deserves to be treated with respect. And all of us can expect a workplace where leadership and integrity are foremost.

These values – caring for people, leadership, respect and integrity – are at the core of Queensland Health. They are also central to this updated Code of Conduct.

We received valuable feedback from large numbers of staff and union representatives on the the draft Code of Conduct. I thank you for your feedback and invite you to act as leaders in its implementation. A Code is only as good as the action it generates.

The Code provides standards of behaviour expected of all employees within Queensland Health so that we can build a positive workplace culture. It is not intended to be, and must not be, used to intimidate or threaten employees.

The Code sets very high standards. Positive behaviour will be strongly promoted and supported. However serious breaches of the Code – including bullying and harassment – will not be tolerated.

We are all responsible for implementing the Code in our workplace. Managers have the added responsibility of ensuring that the Code is understood by employees. Queensland Health as an organisation is also responsible for making this new Code a positive and useful document.

I expect everyone to read and act on this Code – for the benefit of yourselves, your colleagues and the public we all serve.

Uschi Schreiber
Director-General





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Introduction

Public Sector Ethics Act 1994

The Code is developed under the *Public Sector Ethics Act 1994*. The Act sets out five ethics principles which are:

respect for people, integrity, respect for the law and the system of government, diligence, and economy and efficiency.

Under the Act each ethics principle has related ethics obligations. These obligations are set out on page 15.

Queensland Health's Values

The Code also embodies Queensland Health's values of caring for people, leadership, respect and integrity. Our values are the basis of the way we behave at work. We strive for a consultative, team-focused workplace culture based upon honest and open sharing of information to ensure a harmonious work environment with transparent decision-making at all levels of the organisation.

Our values are:

Caring for people – demonstrating commitment and consideration for people in the way we work. Queensland Health's purpose is to provide safe, quality health care. Patients, their families, carers and other users of the health system must be foremost in all decisions and actions. People working within Queensland health deserve to be treated with consideration and feel valued.

Leadership – while recognising the extensive range of positions within Queensland Health, we all have a role to play in leadership by communicating a vision, taking responsibility and building trust among colleagues. Queensland Health is building new leadership with a commitment to the highest standards of behaviour, understanding the responsibilities of management, and rising to the challenges of a dynamic workplace. It means genuinely listening and being responsive

Respect – showing due regard for the feelings and rights of others. Respecting the dignity, rights and personal views of colleagues is vital. Healthy professional relationships within Queensland Health and with our industry partners depend on mutual trust. Respectful treatment of people encourages openness and innovation. Equally important is respect for patients and other users of the health system.

Integrity – using official positions and power properly. Healthy professional relationships depend on mutual trust. Integrity means providing quality services and advice for the common good and honest dealing with patients, their families, carers and other users of the system. Integrity also means having the courage to give contrary advice when required, and speaking up.

The Code of Conduct provides standards for how to behave ethically at work and build a positive workplace culture.





Applying the Code

Who does the Code apply to?

The Code of Conduct applies to:

all Queensland Health employees, whether permanent, temporary, full-time, part-time or casual and

every volunteer, contractor, consultant or anyone who exercises power, controls resources for or on behalf of Queensland Health

The Code continues to apply to people while they are on leave or suspended from the workplace.

Responsibilities under the Code

We are all responsible for implementing the Code in our workplace.

All **employees** are responsible for ensuring that their behaviour reflects the standards of conduct in the Code and builds a positive workplace culture.

Managers have a special responsibility to support employees in achieving these goals, by leading by example and assisting employees to understand the Code. In this Code, a manager is any employee with supervisory responsibilities.

What happens if there is a breach of the Code?

The Code is not intended to be, and must not be, used to intimidate or threaten employees.

Managers must seek to avoid escalation of inappropriate behaviour that may result in a breach of the Code, and deal with workplace conflict through timely and direct face to face communication that immediately addresses the behaviour in a constructive way.

Managers must make fair, transparent and consistent decisions in response to an allegation of a breach of the code and the action to be taken in response to a breach. In determining the action to be taken the nature and seriousness of the breach will be considered.

Some possible consequences of a breach include:

informal or formal counselling

performance management processes

disciplinary processes

referral to Queensland Health Assurance and Risk Advisory Services

referral to registration boards or other regulatory authorities especially in the case of those employees providing direct patient care

referral to the Crime and Misconduct Commission

referral to the police (in cases of suspected criminal activity).

What should you do if you are concerned about a breach of the Code?

If you are concerned about a possible breach of the Code, your manager will be able to help you.

If you are concerned about approaching your manager to discuss a problem, you can also speak to:

your local/District Human Resource Management unit, who can provide information regarding the Code and what your options are

Queensland Health's state-wide network of trained Workplace Equity and Harassment Officers (WEHOs) who can provide impartial information to you about workplace bullying, harassment and discriminatory behaviour. Your local/District Human Resource Management Unit will have contact details for WEHOs at your location

if you are concerned about official misconduct, such as theft, contact the Assurance and Risk Advisory Services, who will report all cases of suspect official misconduct to the Crime and Misconduct Commission

your professional leader

your union representative.

Queensland Health is committed to protecting any person who raises concerns about a breach of the Code from retaliation or reprisals. In some circumstances, an employee who makes a disclosure about misconduct will be regarded as a 'whistleblower' under the *Whistleblowers Protection Act 1994*. The *Whistleblowers Protection Act 1994* makes it a criminal offence to take a reprisal against a whistleblower.

More information and advice

Queensland Health has developed corporate policies and guidelines to deal with many of the issues addressed in the Code of Conduct if you require further information. Further assistance can also be obtained from your manager, or one of the people referred to above.





Queensland Health is committed to creating workplaces that are free from bullying, harassment and discrimination, where people are respected, and diversity is embraced.



The Code and your obligations

Principle 1 — Respect for people

Showing respect for others

Treat all people with respect, courtesy, and honesty and give everyone a fair hearing.

Respect the dignity, rights and views of others, including different values, beliefs, cultures and religions.

Be aware of the inherent power imbalance in patient or client relationships. Take special care to maintain a professional relationship that does not cross professional boundaries or harm patients¹.

Working together

Effective teamwork is an essential part of a productive workplace. You can contribute to your team by:

valuing the contribution of the people you work with

working co-operatively and encouraging contributions from all members of your team.

Seek guidance and assistance if you are concerned that personal relationships could have an impact on your work performance or attendance.

Managing employees responsibly

Managers have an added responsibility for creating positive workplaces. Managers are expected to:

lead by example

encourage teamwork

avoid bias or favouritism towards employees

positively support employees to improve their skills and performance

ensure employees understand performance expectations and that their performance is objectively assessed against these standards

make fair, transparent and consistent decisions

take employee concerns seriously and act without delay

promote a culture of openness and direct face to face communication

provide clear and constructive feedback to employees, and welcome employees feedback

address inappropriate behaviour that may result in a breach of the Code promptly to avoid escalation

identify and resolve workplace conflict at the earliest possible opportunity

deal justly with employees when mistakes are made.

Violent and aggressive behaviour

Queensland Health has a zero tolerance to violence in its workplaces. To achieve this, violent and aggressive behaviour will not be tolerated towards patients/clients, other employees or members of the public.

Employees also do not have to tolerate violent and aggressive behaviour towards them, and have the right to expect to work in a safe and healthy work environment².

Queensland Health will ensure that the infrastructure provided and the system of work does not put any staff member at risk, including maintaining a balance between provision of clinical treatment and safety of staff. Where an employee or employees are exposed to an incident involving violence or aggression then Queensland Health will provide the necessary support to individual staff members as required. Queensland Health is committed to training employees in aggressive behaviour management³.

Should an employee believe their personal safety is at imminent risk they have the right to withdraw from an area. Employees 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.

Workplace harassment

Do not discriminate against, harass (including sexually harass), bully or mistreat patients, employees, clients or members of the public⁴.

Managers are expected to provide leadership in eliminating bullying and other aggressive or coercive behaviours.

Confidentiality of information

Treat all information about a person who is receiving or has received a public health service with the strictest confidence as required by the Health Services Act 1991. Confidentiality requirements continue to apply to former employees.

Personal and sensitive information must be responsibly and transparently collected and managed in accordance with the privacy principles applicable to Queensland Health⁵.

Keep sensitive information out of sight in an appropriate area (eg locked cabinets).

Discussions involving patient, client or employee details with other employees or members of the public should be avoided unless they are a part of your duties.

Only access information about a patient, client or employee when it is part of your job, it is lawful, or when specific consent is given.

If in doubt, seek clarification from your manager about how to deal with or release information.



Working for Queensland Health means that you are in a position of trust.



Principle 2 – Integrity

Making decisions

Your decisions should be fair and transparent.

Conflicts of interest

Disclose in writing to your manager any actual or apparent conflicts of interest which may impact on your work performance⁶.

An *actual conflict of interest* exists when a reasonable person would conclude that your private interests (such as a personal business or that of a family member or close associate) are likely to interfere with the performance of your Queensland Health duties. An *apparent conflict of interest* exists when it appears that your private interests could interfere with the performance of your Queensland Health duties.

Observing the conflict of interest requirements is particularly important for managers who make decisions on contracting, tendering, purchasing or other regulatory functions.

Members of the Senior Executive Service, District Executive Service and Senior Officers should seek advice from the Integrity Commissioner concerning the identification and resolution of a potential or actual conflict of interest in accordance with the provisions of the *Public Sector Ethics Act 1994*.

Gifts and rewards

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

Never ask others for any reward other than what Queensland Health pays you or any other entitlements you receive as an employee.

Gifts of money should not be accepted under any circumstances.

All gifts or benefits received must be reported to your manager who will advise on the correct course of action according to the Office of the Public Service Merit and Equity Gifts and Benefits Policy⁷.

If a gift or benefit can be used by Queensland Health (for example, a gift of chocolates or flowers to a Work Unit) it may be kept to be used in an appropriate way. No gift, regardless of the monetary value, should be accepted if it could potentially cause the employee to feel an obligation to the gift giver.

Report official misconduct

Co-operate with any investigations being conducted in connection with the administration, management and operation of Queensland Health.

Report any official misconduct, including fraud or corruption, which you become aware of at work. Report your concerns to your line manager, or to Assurance and Risk Advisory Services. Assurance and Risk Advisory Services will report all cases of suspected official misconduct to the Crime and Misconduct Commission⁸.

Queensland Health is committed to protecting from retaliation or reprisals any person who raises concerns about misconduct.

In some circumstances, an employee who raises concerns about misconduct will be regarded as a 'whistleblower' under the *Whistleblowers Protection Act 1994*. This Act makes it a criminal offence to take a reprisal against a whistleblower⁹.

Public comment

As a private citizen, you have the right to make public comments and make your personal views known on political and social issues.

If you make public comments on matters that you are involved in as an employee, it is important that:

- you make it clear that those comments represent your personal views as a private citizen
- the comments do not raise reasonable doubt about your willingness to objectively implement government policies
- the comments do not amount to a personal attack
- the comment does not lead to a breach of confidentiality (see Confidentiality of Information in Principle 1 – Respect for people)

Responses to media inquiries should be made in accordance with Queensland Health's Media Policy¹⁰.

If you are concerned about making a public comment, talk to your manager.

Communicating with Members of Parliament

In your private capacity you have the right to communicate directly with a Member of Parliament on any issue affecting you as a private citizen. Of course, any communication with Members of Parliament that is a part of your official duties should be undertaken through formal communication channels.

Disclosure of official information

You may only publicly release information that you have obtained through your work for Queensland Health where:

- it is a part of your official work duties and is consistent with this Code (for example, the release of information would not lead to a breach of confidentiality. See Confidentiality of Information in Principle 1 – Respect for People)
- the release is authorised by statute or regulation or as required by law
- the information would normally be given to a member of the public
- the information is already available in the public arena

Political or trade union activity

If you wish to stand for election in the federal or state parliaments or local council, you must observe the procedures set out in the whole-of-government policy on Public Service Employees Contesting State or Federal Elections¹¹.

Authorised union representatives who are also employees of Queensland Health can undertake activities for the union as outlined in the Queensland Health Union Encouragement Policy¹² and other relevant awards and legislation. Union members have specific protections from adverse treatment or discrimination under the freedom of association provisions of relevant industrial legislation¹³.





Ethical research and intellectual property

The Queensland Public Sector Intellectual Property Principles and Guidelines¹⁴ provide information for staff developing intellectual property.

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

Internet and email use

Accessing, transmitting, storing or downloading any form of pornographic, sexually explicit or inappropriate material using any Queensland Health resource is strictly prohibited and serious penalties, which may include dismissal, will apply¹⁵.

Selection processes and performance reports

All employees providing assessments of employee performance should ensure that they are aware of the relevant Queensland Health policy, which requires the assessment to be accurate and without bias¹⁶.

Principle 3 — Respect for the law and the system of government

Know the laws and policies that apply to your work

Have a working knowledge of the laws, policies and industrial entitlements that apply to your work, including the Code of Conduct.

Managers have a special responsibility to assist employees to understand relevant legislation or policies including specific legal requirements (such as the need to maintain registration where it is a requirement of the position).

All employees are entitled to have access to legislation, policies and industrial instruments such as awards that apply to their work.

Carry out lawful directions

Carry out any lawful and reasonable directions you are given and implement policies and practices that apply to your work.

Anyone giving directions should ensure that they are lawful and consistent with Queensland Health policies and standards.

You must not pressure other Queensland Health employees to act contrary to laws, standards and procedures, for example, activities outside their scope of clinical practice or activities that they do not have the appropriate safety equipment for.

You have the right to question a direction or a policy if you believe it is unreasonable or unlawful. Managers should be open to positive and constructive questions about their directions.

If you believe a direction is unreasonable, outline your concerns and ask for clarification from the person giving the instruction. If you still believe it is unreasonable, you can ask for advice at a higher level or lodge a grievance.

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.

Criminal offences

The Public Service Act 1996 enables Queensland Health to conduct criminal history checks on new appointees in certain circumstance¹⁷.

The Public Service Regulation 1997 requires you to notify your manager in writing if you are charged with an indictable offence, or if you are convicted by a court of any offence¹⁷.

Have a working knowledge of the laws and policies that apply to your work, including the Code of Conduct.



Work safely and to the best of your ability



Principle 4 – Diligence

Work to the best of your ability

Perform your duties to the best of your ability with care, competence and efficiency.

Be open about reporting mistakes.

Endeavour to maintain and improve your knowledge and skills. Your manager has a responsibility to support any reasonable and appropriate requests for you doing so wherever possible.

Work safely

Comply with instructions given for workplace health and safety.

Report workplace health and safety problems, hazards and incidents.

Use any personal protective equipment provided.

Managers should ensure that no one is exposed to risks to their health and safety.

Act professionally

Act professionally and abide by any Code or set of standards governing the practice of your duties or profession. For clinicians, this includes staying within your clinical scope of practice and, where they exist, working within agreed practice guidelines or research based protocols. No employee should induce another employee to act outside their clinical scope of practice.

Deal justly with colleagues when mistakes are made.

Where it is a requirement of your position, you must maintain registration and provide evidence of it on an annual basis or when asked to do so. Inform your manager immediately if there are any changes or restrictions placed on your registration or professional practice.

Avoid situations where your behaviour could reflect badly on Queensland Health or impact on your workplace

Keep your appearance and presentation clean, tidy and appropriate for your work role, and in line with occupational health and safety requirements.

Alcohol, smoking and drugs

Ensure that your use of alcohol or other substances does not affect your work performance or endanger the health and safety of others¹⁸.

If you are concerned that 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. This reporting is especially important in situations involving the administration of clinical treatment, care of patients, or the operation of equipment or machinery.

Smoking is not allowed in Queensland Government motor vehicles, buildings, grounds and offices, except for designated smoking areas provided in accordance with your relevant meal break and rest pause entitlements¹⁹.

Leave

Leave should only be taken for the purposes for which it is intended. If you need leave for a personal reason, talk to your manager about the options available.

Seeking approval for planned leave in advance will help your team to make the necessary arrangements to avoid disruptions to patient or client services.

Principle 5 — Economy and efficiency

Managing time and resources

Manage your time and resources efficiently, and with regard to relevant policies.

All equipment, resources and consumable items should only be used for the work and business of Queensland Health unless otherwise approved by the Director-General or delegate.

Employees should not be induced to work outside of their industrial entitlements, such as working unpaid overtime or limiting access to meal breaks.

Private use of work resources

Private use of the following Queensland Health equipment and resources is acceptable in the following circumstances, so long as it does not affect your work, the work of others, or the reputation of Queensland Health:

limited, occasional and brief private local telephone calls and faxes

limited and occasional private use of computers

limited and occasional private use of Queensland Health email and internet system.

Financial decisions

Employees who make decisions involving Queensland Health financial resources should ensure that they are doing so within the scope of their delegated authority and within policies and procedures for the purchase, use and disposal of resources.

Spending of Queensland Health funds is for legitimate activities only in line with Queensland Health policies. Seek prior approval if you are unsure.

Use your time and your work assets efficiently.



At times, you will need to make decisions or take actions that are not specifically covered in the Code of Conduct. The following easy five-step model will help you decide on the right thing to do when faced with an ethical problem.

Five-step ethical decision making model

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 five ethical principles in the Code of Conduct applies to the situation? (You may wish to refer to the principles and obligations listed on the following page.)

What guidelines/rules already exist?

Are there existing policies/guidelines/instructions that can give me guidance on what to do?

Are there any legal implications? Is clinical/subject expert/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 persons able to take the course of action in a healthy and safe manner?

Consider the options in light of the five ethical principles and obligations.

Test the options

Would patients and the general community of Queensland see your actions or decision as honest or impartial?

Would you be happy if this action was done to you?

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 Code

fair and able to be justified to your manager and the public

documented, so that a statement of reasons could be supplied if required.



Public Sectors Ethics Act 1991

ethical obligations

The Code is developed under the *Public Sector Ethics Act 1994*. The Act sets out five ethics principles and their related ethics obligations.

Principle 1 Respect for people

ethics obligation

Queensland Health employees should treat members of the public and other employees honestly and fairly, and with proper regard for their rights and obligations. Employees should also act responsibly in performing official duties.

Principle 2 Integrity

ethics obligation

In recognition that public office involves a public trust, each Queensland Health employee should seek to maintain and enhance public confidence in the integrity of public administration, and to advance the common good of the community. With regards to these obligations, employees:

should not improperly use their official powers or position, or allow them to be improperly used

should ensure that any conflict that may arise between their personal interests and official duties is resolved in favour of the public interest

should disclose fraud, corruption and maladministration of which they become aware.

Principle 3 Respect for the law and the system of government

ethics obligation

Each Queensland Health employee should uphold the laws of the State and Commonwealth and carry out official public sector decisions and policies faithfully and impartially. Employees should act independently of government if independence is required by legislation or government policy, or is a feature of their work.

Principle 4 Diligence

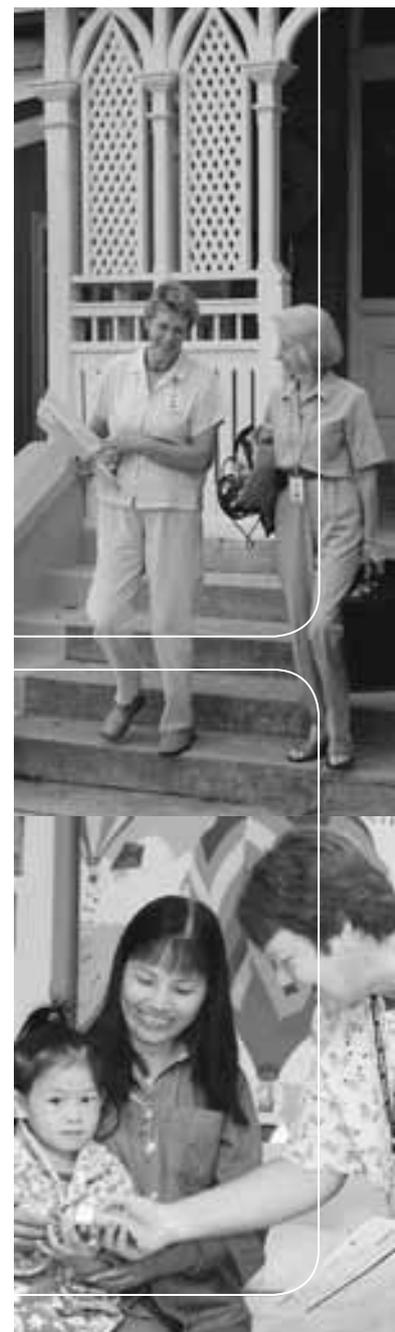
ethics obligation

In performing official duties, each Queensland Health employee should exercise proper diligence, care and attention and seek to achieve high standards of public administration.

Principle 5 Economy and efficiency

ethics obligation

In performing official duties, every Queensland Health employee should ensure that public resources are not wasted, abused, or used improperly or extravagantly.



References

- 1 Responding to sexual assault and promoting sexual safety within Queensland Health Inpatient Mental Health Services
http://qheps.health.qld.gov.au/Hssb/mhu/ssrt_team/sexual_safety.htm

- Queensland Nursing Council and Health Practitioner Boards' statement on sexual relationships between health practitioners and their patients
<http://www.qnc.qld.gov.au/publications/publications.aspx>

- 2 Assault in the Workplace — IRM 3.1-3

- 3 Aggressive Behaviour Management Training for Healthcare Workers – IRM 3.7 - 10

- 4 Workplace Bullying – Standards of Appropriate and Ethical Behaviour in the workplace — IRM 3.1-2, Sexual Harassment IRM 3.15-5, Anti-Discrimination — IRM 3.15-3

- 5 Queensland Government Information Standard No.42A Information Privacy for the Queensland Department of Health

- 6 Queensland Health Financial Management Practice Manual Chapter 2

- 7 Office of the Public Service Merit and Equity Gifts and Benefits Policy
<http://www.opsme.qld.gov.au/directives/gifts.htm>, Queensland Health Financial Management Practice Manual, chapter 15

- 8 Official Misconduct – Requirements and Process for Reporting — IRM 3.1-5

- 9 Whistleblowers Policy and Procedures for the Management of Public Interest Disclosures — IRM 3.1-4

- 10 Queensland Health Media Policy

- 11 Public Service Employees Contesting State or Federal Elections <http://www.opsme.qld.gov.au/directives/ltc>

- 12 Union Encouragement — IRM 3.6-3

- 13 See for example chapter 4 “Freedom of Association” of the *Queensland Industrial Relations Act 1999* and the *Queensland Anti Discrimination Act 1991*.

- 14 The Queensland Public Sector Intellectual Property Principles (“The Principles”), and The Queensland Public Sector Intellectual Property Guidelines (“The Guidelines”) found at http://premiers.govnet.qld.gov.au/dsdi_intellectualproperty/ip_publications.htm

- 15 Inappropriate Use of Queensland Health Electronic Mail and Internet Services — IRM 9.9, Usage of Internet and Email Services Queensland Health Policy Statement 9379

- 16 Recruitment and Selection – Selection Methodology — IRM 1.13-5, Performance Appraisal and Development IRM 8.2, Unsatisfactory Performance — IRM 8.3

- 17 <http://www.legislation.qld.gov.au/Legislation.htm>

- 18 Alcohol and Other Drugs in the Workplace — IRM 3.2-10

- 19 Smoking within Queensland Health facilities — IRM 3.18

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