



AUSTRALIAN RESPIRATORY COUNCIL

CODE of CONDUCT

1. Introduction

Directors, staff, partners, stakeholders and volunteers (workplace participants) of the Australian Respiratory Council (ARC) are required to maintain high moral and ethical standards. This Code of Conduct is not intended to be exhaustive and cannot anticipate every situation which may morally or ethically compromise directors, members, staff, volunteers or the organisation itself. In this regard ARC expects all persons to use their common sense and sound judgment.

Compliance with this Code is an obligation owed by all to each other and to ARC. Breaches of this Code will result in various levels of disciplinary action. It is the responsibility of all to remain aware of, and comply with, this Code.

This policy sets out the general principles for conduct pertaining to: professional and personal conduct; use of ARC property, information and resources, compliance with laws and regulations, equity and obligations to report breaches.

The code content incorporates statutory requirements emanating from the: Corporations Act, 2001; Fair Work Act, 2009; the NSW Work, Health and Safety Act, 2011; the Anti-Discrimination Act, 1991; *NSW Charitable Fundraising Act, 1991*; *the Privacy and Personal Information Protection Act, 1998*, the Australian Council for International Development's, Code of Conduct and the Australian Charities and Not-for-profit Commission Governance Standards.

Should individuals be in doubt as to how to act in any given situation or which sections of the Code is applicable to them, they should seek advice from the Board, the Executive Director or if considered appropriate external independent advice, prior to taking any action. All requests for advice will be dealt with confidentially.

This Code is to be read in conjunction with ARC policies, position statements and procedures. These documents are provided to staff, directors and volunteers on induction, when changes are made to the respective documents and as part of ongoing training. Training is made available to staff, directors and volunteers to promote compliance with the recommendations and practises outlined in the documents. ARC policies, position statements and guidelines are made available to partners and are accessible on ARCs website.

2. Definitions

For the purposes of this document, the term “personnel” and “workplace participants” refers to any person working in a permanent, temporary, casual, contracted, or honorary capacity for the ARC. It includes directors, volunteers, contractors, partners and consultants performing duties within or under the auspices of ARC. The term “members” refers to individuals so described in Section 7 of ARC’s Constitution.

3. Scope

This code applies to all personnel as outlined above and members of the organisation.

4. General Principles

ARC is committed to ensuring that its activities are implemented in a professional and ethical manner. As a registered charitable institution, ARC requires that personnel and members conduct themselves in a manner that promotes public confidence and trust in the organisation and its activities. To this end, the following principles of common sense apply in relation to activities undertaken on behalf of ARC, thus requiring personnel and members to:

- Act ethically, impartially and fairly in all transactions and dealings with others
- Treat all persons, with the utmost courtesy and respect
- Be culturally sensitive
- Be transparent, open and accountable in all actions
- Act within the best interests of ARC
- Comply with all laws and regulations applicable to the business of ARC
- Comply with ARC’s Constitution, policies and procedures
- Be respectful of all ACFID members.

5. Strategies

To ensure that the organisation, its members and personnel conduct themselves in an ethical and professional manner, ARC will:

- Implement moral and ethical standards of conduct through the implementation of this Code of Conduct
- Adopt policies that ensure that all aspects of ARC’s business is in line with all applicable laws and regulations
- Ensure that this code and all other policies are made available and read by membership and personnel
- Provide education and guidance as to how this code is to be applied to the various personnel
- Monitor and evaluate the performance of workplace participants against the Code of Conduct.

6. Standards of Conduct

6.1 Professional conduct

6.1.1 Conflict of interest

ARC personnel have an obligation to avoid financial, business or other relationships which might conflict with the legitimate business interests of ARC or the proper performance of their duties in the best interest of ARC. The appearance of such a conflict is to also be avoided. Such conflict will exist where personnel compromise their ability to act with total objectivity with regard to ARC's business interests.

Examples of conflicts of interest include, but are not limited to, the following situations where:

- Personnel are also employed by a customer, supplier or competitor of ARC
- Personnel provide work or business on behalf of ARC to a business in which their family or close friend has a financial interest
- A family or close friend of ARC personnel has a financial interest in a business which is a competitor, contractor or supplier to ARC
- Personnel use ARC owned assets for non-ARC related business.

Personnel are required to disclose all potential or actual conflicts of interests to the Executive Director or President, whichever is most applicable. The Board reserves the right to either approve the conflict conditions, or to exclude the person from the situation of conflict.

The ARC maintains a register of conflict of interest disclosures/notifications for workplace participants.

6.1.2 Involvement in other employment or business

6.1.2.1 Directors

ARC Directors, as part of their expression of interest or nomination to be a director shall provide an outline of other positions that they may hold so as to determine whether this could lead to a conflict of interest.

6.1.2.2 Staff

ARC staff are expected to devote the whole of their time and attention during working hours to the business of ARC and in accordance with their contract, at other times as reasonably necessary to properly perform their duties. ARC discourages staff from seeking additional employment or business outside ARC which may interfere with their commitment to ARC.

Specifically, this means any employment outside ARC which:

- Could lead to a conflict of interest, such as working for an ARC customer, supplier or competitor
- Results in absenteeism, inability to meet job requirements, or poor job performance at ARC.

Staff who may be considering other employment or business opportunities are required to advise the Executive Director in writing so that any potential conflict can be assessed.

Casual Staff are required to inform the Executive Director of their other employers so that any actual or potential conflict of interest can be assessed.

6.1.2.3 Volunteers

To facilitate the assessment of actual or potential conflicts of interest, ARC volunteers are required to disclose to the Executive Director information in regard to their place of employment and other organisations for which they act in a paid or voluntary capacity.

6.1.3 Receiving gifts, gratuities or bribes

Personnel are not to accept free or discounted goods or services (beyond a reasonable commercial discount) from persons doing or seeking business with ARC, which may influence or appear to influence a business decision, unless they receive prior written approval from the Board or the Executive Director.

If any such goods are received without solicitation, approval as set out above must be obtained. If approval is not given, such gifts must be returned immediately to the person who provided them. Meals or refreshments provided in the ordinary and proper course of business (for example, at a business lunch), and on an infrequent basis in connection with business discussions can be accepted. All personnel are personally responsible for ensuring that acceptance of such meals and refreshments is proper and could not reasonably be construed as an attempt by the offering party to secure favourable treatment.

ARC personnel must treat all customers, suppliers, contractors, or other persons with whom they deal in a fair and non-discriminatory manner.

Personnel who receive any form of bribe, payoff or unlawful gratuity directly or indirectly through third parties, will be subject to appropriate disciplinary action consistent with relevant laws and regulations and, where warranted, reported to the appropriate authorities. A bribe includes any item intended to improperly obtain favourable treatment. In addition to being a violation of the ARC Code of Conduct, such conduct may subject ARC and the involved individuals to criminal penalties.

6.1.4 Offering gifts, gratuities or bribes

ARC expects personnel to compete fairly and ethically for all business opportunities. Failure to do so may result in a violation of this policy and subject the individual and / or the organisation to criminal penalties. Meals, refreshments or entertainment to customers, contractors or suppliers may be provided on the basis that this is done in the ordinary and proper course of

business and could not reasonably be seen as bribes or improper encouragement. All such expenditures must be properly recorded within ARC's financial records.

Small tokens of appreciation or gifts (such as, for example, Christmas cards and promotional items) may be provided. However, beyond this, personnel must not offer or give gifts, commissions, gratuities, or other payments, either openly or secretly, to prospective or existing partners, contractors, or suppliers without the prior written approval of the Board or Executive Director. For such approval to be given, the gift must be in compliance with this policy and not in violation of any legislation which prohibits giving anything of value, directly or indirectly, to government employees.

Any personnel who offers, pays or solicits any form of bribe, payoff and/or unlawful gratuity directly or indirectly through third parties, will be subject to appropriate disciplinary action consistent with relevant laws and regulations and where warranted, reported to the appropriate authorities. A bribe includes any item intended to improperly obtain favourable treatment.

ARC employees, directors, volunteers or any person undertaking activities on behalf of ARC are not to derive any personal, financial or material benefit from a donation, gift or service received by ARC.

6.1.5 Fair dealings with third parties

ARC personnel are expected at all times to act in the best interests of the organisation and this means obtaining the best deal for ARC in any business transaction. ARC's selection of contractors and suppliers is based solely on the quality, price and service offered. Failure to do so may result in a violation of this policy and subject the individual and / or the organisation to criminal penalties.

Personnel involved in the negotiation of agreements and contracts on behalf of ARC must ensure that all statements, communications and representations are accurate and truthful. Employees must act honestly and fairly in all such business transactions.

6.1.6 Media comment

ARC personnel may not make statements or comments to the media or other external bodies regarding ARC, its business dealings, financial status, customers, suppliers, competitors or stakeholders unless directed or authorised by ARC. Such authorisation must come from the Board of Directors or the Executive Director. Personnel must direct all media inquiries to the Executive Director. Refer to ARC's Communication Policy and Procedures .

6.2 Use of ARC property: information and resources

6.2.1 General misuse

The use of the property, information, and resources of ARC for any purposes other than the business of ARC is prohibited. Some examples of the application of this obligation are:

- Approving or making of a payment on behalf of ARC for something other than the stated purpose
- Using donor's personal information for any purpose other than the purpose of managing their donations to ARC
- Using ARC equipment for personal reasons without authorisation.

6.2.2 Removal of property from premises

In situations not covered by ARC policies (e.g. Financial Management Policy), contracts or job description, no property or monies belonging to ARC are to be removed from the premises without written permission of the Executive Director or the Board.

6.2.3 Use of ARC name and stationery

Personnel and Members are not authorised to use ARC's name or stationery (letterhead) except in the conduct of legitimate business of ARC.

6.2.4 Electronic communication

Personnel should only use ARC's e-mail and computer systems for legitimate ARC business. While incidental personal use is permissible, usage should be minimal and should not interfere with ARC business.

The principle use of the internet, electronic mail and other communication services are for ARC business purposes only.

Under no circumstances is ARC's email or computer systems to be used to transmit, retrieve or store any communications which are discriminatory, derogatory to any individual or group, for chain letters or for any purpose which is illegal or against ARC policy. Examples of objectionable material would include sexually explicit images and related material, material that advocates illegal activity and material that advocates intolerance for others or prejudice towards others.

Personnel should not expect that any information or file transmitted or stored on ARC's systems will be considered private. All such information is the property of ARC and, subject to ARC's obligations under privacy legislation, and may be accessed and used by ARC at any time and for any purpose. For more information, please refer to ARC's Privacy Policy and Image Use Policy.

6.2.5 Authority to sign documents

Personnel and members are not to sign any documents on behalf of ARC or in any way commit ARC to any agreement unless they have been properly authorised in writing by ARC to do so. This authority is given by the Board or the Executive Director.

6.2.6 Confidentiality

This section should be read in conjunction with ARC's Privacy Policy and Procedures.

Over the course of their involvement with ARC, personnel may be exposed to confidential information regarding ARC, its partners, suppliers, contractors or donors. It is required that all such information is to be maintained confidentially.

Current and former personnel of ARC may not make improper use of confidential information which they may have acquired as a result of their involvement with ARC to gain directly or indirectly an advantage for themselves, or any other person, or to cause detriment to ARC or its stakeholders, suppliers, contractors or donors.

Confidential information includes, but is not limited to, intellectual property, strategic and business plans, stakeholder and supplier lists, personal donor information, and any other information concerning ARC's, business, finances, transactions or affairs.

Confidential information excludes any information which is:

- Required by law to be disclosed and personnel have consulted with and have obtained ARC's written consent prior to disclosure
- Already lawfully in the public domain other than as a result of any disclosure by personnel.

It is important to note that the obligations relating to confidentiality will remain in force for the duration of their involvement and after the termination of employment or involvement with ARC.

6.2.7 Intellectual property

If at any time during their involvement with the organisation ARC personnel make, discovers, or participates in the making or discovery of, any intellectual property which may potentially be used in the conduct of ARC's business, the associated intellectual property is and will remain the property of ARC. Personnel must immediately disclose full details of any such intellectual property to ARC and do all things, which may be necessary for vesting all rights in the intellectual property to ARC.

All rights and obligations in respect of intellectual property made or discovered by ARC personnel during involvement with ARC will continue in full force and effect after the cessation of their involvement with the organisation. Intellectual property includes, but is not limited to: patents, trademarks, designs, copyright, inventions, drawings, computer programs, confidential information, know-how, educational material and all rights of a similar nature whether registered or not and including applications for such rights, existing anywhere in the world.

6.2.8 Use of documentation

It is against ARC's policy to reproduce copyright plans, software, documentation or other materials without permission. All personnel are to respect the intellectual property of others.

6.2.8 Fraudulent activities

ARC personnel must not enter into fraudulent activities. Fraudulent activities encompass an array of irregularities and illegal acts characterised by intentional deception. Fraud can be

perpetrated by persons outside as well as inside ARC. No person has the authority to commit illegal acts in relation to ARC. Please refer to ARC's Financial Wrong Doing Policy for further information about preventing and managing the risks associated with financial wrongdoing by ARC's Board, staff, contractors, consultants, volunteers, donors, and partner organisations, in Australia or overseas. Financial wrongdoing covers fraud, corruption, money laundering, terrorism, and violation of Australian Government Sanctions.

Fraudulent activities include acts that are not only a detriment to ARC, but also a detriment to third parties. Engaging in any act that involves fraud, theft, embezzlement or misappropriation of any property, including that of ARC, or any of its stakeholders is strictly prohibited. It is ARC's policy to ensure that incidents of fraud are promptly investigated, reported and, where appropriate and authorised by applicable law, prosecuted.

Some examples of fraudulent conduct are:

- Falsification of financial records such as valuation of transactions, amount of income/loss, or failure to disclose financial information
- Claims submitted for services or goods not actually provided to ARC or a third party
- Embezzlement and/or misappropriation of funds
- Intentional concealment or misrepresentation of data, records, events or information.

6.3 Personal conduct

6.3.1 Smoking

In order to comply with its obligations under the NSW Work, Health and Safety Act 2011 to provide a safe working environment, ARC's office and surrounding areas are designated as being "smoke free".

At any ARC functions away from ARC's premises, personnel are to adhere to the venue requirements. ARC is committed to a community free of respiratory disease, as tobacco smoking has been directly linked with respiratory problems, cancer, and other disorders, ARC actively discourages smoking.

6.3.2 Drugs and alcohol

The consumption of alcohol on ARC's premises or in the course of the business day is not tolerated. The only exception to this is on ARC sponsored occasions that have the prior approval of the Board or the Executive Director.

On these exceptional occasions personnel are required to drink in moderation, behave in a professional manner, and not engage in conduct which may risk their safety or the safety of others (including driving or operating any vehicle).

The use of any other recreational or non-prescription drugs is strictly prohibited on ARC's premises. Personnel on prescribed drugs, which may impact on their ability to safely perform their duties, must provide a medical certificate certifying that they are fit to perform their duties.

6.3.3 Gambling

Use of ARC's equipment (e.g. telephones, facsimiles, computers and email) for gambling or gambling on ARC's premises is strictly prohibited. The only exceptions are the conduct of Melbourne Cup sweeps, tipping competitions, lotto/lottery syndicates or authorised raffles.

6.3.3 Tidiness

Desks and working areas must be left as tidy as possible. Confidential material must be locked in desks or filing cabinets. Personal belongings in desks should be limited and not allowed to accumulate.

Storage areas must be maintained in accordance with fire safety regulations and the NSW Work, Health and Safety Act.

6.3.4 Dress and grooming standards

Personal appearance and dress is a matter of common sense and personal taste. Guiding principles in determining appropriate dress and appearance are provided as follows:

- Personnel are expected to wear business apparel consistent with that worn by persons dealing with the public in similar capacities
- Personnel must be suitably groomed at all times and their appearance must be clean and neat
- Personnel are to wear clothes that are appropriate to the tasks being undertaken.

6.3.5 Obscene language

Personnel are not to use objectionable or obscene language at any time whilst in or on ARC's premises or in the conduct of ARC's business. Personnel are expected to at all times act and behave in a business-like manner and to be courteous.

6.3.6 Inappropriate conduct

Personnel are expected not to conduct themselves in a manner that has an adverse impact on the work environment, at ARC sponsored functions or when representing ARC at events, meetings or functions. Inappropriate conduct includes but is not limited to threats, over consumption of alcohol, violent behaviour, the possession of weapons of any type, the use of recording devices including web cameras, for purposes other than those approved by the Board or the Executive Director.

6.3.7 Performance Management

The ARC has implemented a performance management process that is based on a continuous process of improving performance by setting individual and team goals which are aligned to the strategic goals of the organisation, planning performance to achieve the goals, reviewing and assessing progress, and developing the knowledge, skills, and abilities of people. Effective performance and behaviour management creates a harmonious and productive workplace, which is beneficial for both employees, volunteers and employers.

In accordance with the Australian Government Ombudsmen Fair Work Practices guidelines, ARC is committed to best practice employment guidelines. Regular discussions are held with employees about performance, clear goals are set and feedback provided to support employees perform at their best. If underperformance occurs, steps will be taken to manage the situation appropriately, sensitively and promptly.

The ARC aims to achieve a workplace that:

- Is harmonious, and promotes high workplace performance
- Maximises an employee's individual performance
- Builds a culture of continuous skill development and improvement
- Has high levels of employee and volunteer engagement, and
- Avoids legal disputes, such as unfair dismissal or bullying claims.

7. Compliance with laws and regulations

All personnel must comply with all laws which apply to the conduct of ARC business. It is the responsibility of all personnel to meet this obligation. All personnel have a responsibility to know what the law requires and the importance of complying with the law.

These requirements which also include guidance on prevention, managing risk and reporting are highlighted in other ARC policies such as the Directors and Officers policy, Grievance policy, Financial Management and Fundraising policies, the Prevention of Sexual Abuse and Exploitation policy and the Child Protection policy.

ARC is a member of a number of organisations that require compliance with certain standards of practice. In particular, the Australian Council for International Development (ACFID) which has a Code of Conduct for member organisations. Personnel must comply with the rules, regulations and standards of other organisations in accordance with memberships held by ARC.

8. Equal opportunity

All personnel are to treat all persons with whom they deal in the course of their involvement with ARC in a non-discriminatory manner.

9. Obligations to report breaches

9.1 General obligations

Personnel who become aware of a suspected violation of the Code of Conduct or any of ARC's policies or procedures, whether before or after it has occurred, must promptly report it to the Executive Director. Please refer to ARC's Grievance Resolution, Bullying, Prevention of Sexual Exploitation and Abuse Position Statement, Child Protection and Whistleblower policies for further information on how to progress concerns and reporting in regard to breaches or potential breaches of practice. The ARC will investigate and act on all episodes of a breach of policy.

9.2 Legal obligation

Under certain laws and regulations, ARC personnel are legally obliged to report breaches. These are highlighted in the previously mentioned Grievance Resolution, Prevention of Sexual Exploitation and Abuse Position Statement, Child Protection and Whistleblower policies, but may also relate to workplace safety, privacy, anti-discrimination, fundraising or company law.

Serious misconduct in the performance of a role or activity includes deliberately unprofessional, dangerous or unlawful behaviour, such as theft, fraud, sexual harassment or assault. Serious misconduct may warrant and result in instant dismissal or termination of employment.

Employees, Directors and volunteers are required to report an incident of serious misconduct if identified. Reports can be made through ARC Complaint Handling, Grievance Resolution, Prevention of Sexual Exploitation and Abuse Position Statement, Child Protection and Whistleblower policies. The ARC will investigate and act on all episodes of misconduct policy.

10. Principles to guide good practice in the conduct of ARC business

The following principles are to be applied by personnel to the conduct of all ARC programs and services and used to inform ARC's work practice at all times¹:

- ARC will ensure that its programs and activities are clearly aligned with the stated mission, vision and values
- ARC is committed to a quality approach to the design, implementation, monitoring and evaluation of all programs and activities
- ARC will ensure that its purpose and processes are shaped by stakeholders and that the work is open to review and comment by partners and participants
- ARC is committed to addressing the effect of gender inequalities as it relates to ARC's programs and activities
- ARC will aim to be informed by and understand the environmental impact if any, of its program and activities
- ARC will maintain a relationship with partners based on mutual respect and support
- ARC will ensure a mutual clarity with partners in regard to roles and responsibilities
- ARC will make every reasonable effort to ensure that funds or resources disbursed to partners or third parties are applied lawfully, in accordance with the commitment made to donors and for a proper purpose and with proper controls and risk management applied
- ARC will only advocate from an evidence based position
- ARC's programs and activities will be informed by an understanding of the human rights dimensions which includes:
 - addressing the needs and rights of vulnerable and marginalised people
 - addressing the rights of people with a disability
 - protection of children.

¹ ACFID Code of Conduct -

10.1 Applying the principles of good practice in the conduct of ARC business

10.1.1 Working with communities

When working with communities, ARC will ensure that:

- Local communities are actively involved in the planning and implementation of activities
- Local linkages are established with other providers already engaged and working in the community
- Outcomes are sustainable
- Local communities agree to ARC's involvement on the basis of a reciprocal partnership with those communities.

10.1.2 Building on strengths

ARC recognises the inherent strengths of all people and, in working with those who are disadvantaged, undertakes training and skills development programs that build on these strengths.

ARC recognises that developing personal skills helps people to exercise more control over their own lives and environments.

10.1.3 Prevention

ARC prioritises programs and other responses that take a preventative approach.

10.1.4 Working with strategic partners

ARC cannot achieve sustainable outcomes in isolation and does not seek to be the expert in all endeavours.

ARC works with community groups, corporate bodies, governments and other not-for-profit organisations to meet the needs of communities. In some situations ARC may facilitate/fund rather than provide solutions or services.

10.1.5 Mobilising resources and avoiding duplication

ARC may provide or find resources in response to needs expressed by a community. In these situations, ARC endeavours to deliver services and programs where others do not in their core areas of priority.

ARC recognises that there are other agencies working in the same sector and will endeavour to work in partnership with these agencies, to maximise the benefits to the disadvantaged individuals.

10.1.6 Empowering local communities

ARC is committed to using community development approaches and principles in its work. Empowering communities to create and manage their own solutions is critical to sustainable long-term change. Community development is an “approach” to change, development and empowerment, evidenced by the integration of key principles. Where a community “owns”, “actively participates” in and “drives” a community development activity, outcomes are more likely to be sustainable.

10.1.7 Acting on evidence

Underpinning all that ARC does is a focus on evidence-based practice, incorporating monitoring and evaluation and report of outcomes and objectives. Program models and initiatives must be informed by available research on effectiveness; innovations must be properly evaluated and documented. ARC draws on the abundance of practice material it has access to locally and internationally. ARC will also analyse and respond to the different needs of men and women, using a combination of internal capacity and strategic partnerships.

Adopted by the Board of Directors in May 2022

To be reviewed annually from: May 2023