

WAIS Staff Code of Conduct

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WESTERN AUSTRALIAN INSTITUTE *of* SPORT

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1. Introduction

This Code of Conduct sets out guidelines for the behavior of WAIS employees and contractors of the Western Australian Institute of Sport (WAIS). Staff and Contractors employed by WAIS are expected to comply with the guidelines, and WAIS policies and procedures relevant to this code in carrying out their duties.

The Code is a general guide to what is considered acceptable behaviour and does not attempt to definitively set out the circumstances in which any departure from the Code will be considered to be misconduct. The Code of Conduct does not attempt to deal comprehensively with every situation which may arise in the course of an employee's employment and the fact that a matter is not specifically mentioned should not be taken to mean that it is to be regarded as acceptable behaviour.

WAIS employees represent WAIS at all times, in all tasks and therefore must avoid all conduct which detracts from their profession and the organization's reputation.

Staff contractors and consultants must acknowledge they are in significant positions of power and authority in relation to athletes they assist. Therefore, the highest standards of professional and personal integrity must be defined and maintained to ensure this position is not inappropriately used to influence athlete decisions and or actions.

The effectiveness of the WAIS Code of Conduct relies on staff taking responsibility for their own behaviour and being committed to the standards inherent in this document. Staff should be familiar with the substance and spirit of the Code and should be aware that breaches may result in sanctions which may include counselling, disciplinary action, performance review, or civil or criminal action, depending on the nature of the breach.

2. General Principles

2.1 Responsibility

Employees are personally responsible for ensuring all decisions and actions they take are compliant with WAIS policy and process. They are expected to be aware of the reasonably foreseeable consequence of their actions and to make every effort to ensure that they work in an appropriate manner which has utmost regard for the highest standards of their profession.

2.2 Competence

Employees bring appropriate skills and competencies to their areas of workplace practice and are expected to maintain and continue to develop those skills and competencies through an ongoing program of professional development and continuous improvement. Employees are expected to recognize and work within the limits of their competence.

2.3 Propriety

Employees must refrain from any act which could reasonably be regarded as tending to bring WAIS into disrepute.

2.4 Integrity

Employees are expected to be honest, sincere and honourable in their relationships with others with whom they interact in the course of their professional duties.

3. Code of Conduct

3.1 Health, Safety & Welfare

The health, safety and welfare of staff and athletes will be respected by all WAIS employees: All staff has a duty of care to ensure that any employee or athlete under their control is provided with a safe environment without risk to their health.

3.2 Respect

The rights, dignity and worth of every person with whom they have contact will be respected by the employee by;

- 3.2.1** Treating every person equally regardless of sex, race, age, religion, ethnic, background, sexual orientation, personal relationship or any other individual characteristic;
- 3.2.2** Refraining from any conduct which could be regarded as sexual harassment,
- 3.2.3** Avoiding physical, verbal and emotional abuse of colleagues and athletes;
- 3.2.4** Taking all reasonable steps to eliminate any forms of abuse directed at colleagues and athletes from other sources; and
- 3.2.5** Avoiding any circumstance or action that could be interpreted as endangering another person's well-being.

3.3 Individuality

Each staff member and athlete will be treated as an individual by WAIS employees:

- 3.3.1** All staff and athletes are treated in a fair manner and receive an appropriate level of attention and opportunity.
- 3.3.2** Individual needs of staff relating to work environment, professional development requirements and resources are considered.

3.4 Behaviour

The employee will behave in a manner such as to uphold their status and the reputation of WAIS, their sport and their country by:

- 3.4.1** Maintaining high personal behavioural standards in relation to their language, manner, punctuality, preparation and presentation;
 - 3.4.1.1** Strictly adhering to standards employed by WAIS, referred to in the WAIS Human Resources Manual, including but not limited to Equal Opportunity, Sexual Harassment and Discrimination.
 - 3.4.1.2** Not engaging in physical contact with athletes or colleagues except where absolutely necessary for the development of the individual or ability.
 - 3.4.1.3** Refraining from initiating inappropriate intimacy or a relationship with an athlete and discourage any attempt by an athlete to initiate inappropriate intimacy or a sexual relationship with you.
 - 3.4.1.4** Avoid unaccompanied and unobserved one on one activity with athletes under the age of 18 years.
 - 3.4.1.5** Displaying respect towards employees and stakeholders

- 3.4.2 Maintaining an appropriately high level of professional knowledge by seeking continual improvement through ongoing education and professional development;
- 3.4.3 While WAIS employees must observe the terms and conditions of their employment, staff cannot be required to be complicit in any illegal act. If advised, instructed or encouraged to engage in unlawful activity, they must decline, and report the matter to a line manager.

3.5 Professional Relationship

A professional relationship will be maintained with colleagues and athletes by the WAIS staff by;

- 3.5.1 Establishing personal boundaries whereby athletes are clear that the nature of the relationship between employee and athlete is purely professional one;
- 3.5.2 Refraining from engaging in social situations or using written communication in such a way which may lead the athlete or colleague to misinterpret the employees' intent with regards to the nature of the relationship;
- 3.5.3 Limiting communications through written, electronic, telephone, MSN, and social networking sites, to those which are considered necessary to conduct their duties as a WAIS employee so as to clearly maintain the professional nature of the relationship;
- 3.5.4 Declaring to WAIS any personal monetary or "in kind" gains as a direct result of their relationship with a colleague or athlete which may impact the professional relationship with a colleague or athlete

Table 1: Examples of behavioural standards for WAIS employees and contractors

Behaviour	Appropriate	Inappropriate
Language	<ul style="list-style-type: none"> • Using encouraging/positive words and a pleasant tone of voice • Open and honest communication 	<ul style="list-style-type: none"> • Insults, criticisms or name calling • Bullying, swearing or yelling • Sexually suggestive comments/jokes
Relationships	<ul style="list-style-type: none"> • Being a positive influence • Building relationships based on trust • Empowering minors to share in decision making 	<ul style="list-style-type: none"> • Favoritism or giving gifts • Spending excessive amounts of time alone with minors • Contact outside of working hours • Bullying/Harassment • "Grooming" of athletes
Physical contact	<ul style="list-style-type: none"> • Consideration of personal space • Touching due to medical emergency or protecting from physical harm 	<ul style="list-style-type: none"> • Violent or aggressive behaviour • Kissing or touching of a sexual nature consistent with "grooming"
Other	<ul style="list-style-type: none"> • Appropriate attire/clothing for role • Use of internet/mobile phone for work related purposes only 	<ul style="list-style-type: none"> • Using alcohol or other substances before or during work • Sending inappropriate photo's, texts etc., or the inappropriate use of social media

3.6 Confidentiality

The confidentiality of WAIS business, employee or athlete information is to be maintained at all times. The WAIS Confidentiality policy and WAIS Privacy policy is to be adhered to in all matters relating to WAIS business and employee and athlete information.

4. Mandatory Reporting

While WAIS employees are not mandated by law to report child sexual abuse, they have an ethical responsibility to make a report if they form a belief, based on reasonable grounds in the course of their paid and unpaid work that child sexual abuse has occurred or is occurring.

Under the Child & Community Services Act 2004, sexual abuse in relation to a child includes sexual behaviour in circumstances where:

- 4.1** The child is the subject of bribery, coercion, a threat, exploitation or violence;
- 4.2** The child has less power than another person involved in the behaviour; or
- 4.3** There is significant disparity in the developmental function or maturity of the child and another person involved in the behaviour
- 4.4** The child is 18 years or under

In addition to the above, other forms of abuse, such as physical, emotional and psychological abuse and neglect and not mandatory for reporting by any staff member, however in the event the safety of the athlete is compromised, it is advised that the employee report the incident to the Western Australia Police, or the Department of Child Protection.

Ways of Making a Report

You can make a verbal report by calling the Mandatory Reporting Service (<http://www.mandatoryreporting.dcp.wa.gov.au>) on 1800 708 704, or contact WA Police on 131 444. If the immediate welfare of the athlete is compromised, then call 000

A manager suspects that an employee may have breached the Code of conduct OR a complaint is received about a WAIS employee

The employee is informed of the breach/complaint and given a reasonable opportunity to respond.
ED responds to complainant in writing

ED, HR Manager & Line Manager to determine if formal misconduct process is to be initiated (refer to Table 1)

NO MISCONDUCT

The employee is advised, in writing of the determination

ED to notify the complainant of the outcome in writing

POOR CONDUCT

Matter to be dealt with through the WAIS performance management process

The employee is given an opportunity to comment on the outcome

The employee is advised, in writing of the outcome

ED to notify a complainant of the outcome in writing

MISCONDUCT

ED to:
- Consider suspension or temporary re-assignment of duties based on severity of breach (Refer to Table 1). See suspension Checklist
- Notify employee of complaint process and sanctions that may be imposed in writing.

ED selects a person who is both independent and unbiased to conduct investigation

Written record of the determination and the reasoning presented to ED

ED to notify a complainant of the outcome in writing

The employee is advised, in writing of:
• The determination
• The sanction
Sanction takes effect subject to Right of Review

The employee is given an opportunity to comment on the proposed sanction

ED to determine sanction based on investigation findings and notify the employee in writing

Misconduct Confirmed

Ed to determine level of breach (refer to table 1)

Poor Conduct Confirmed

No Misconduct Confirmed



5. Grievance Process Minimum Guidelines

- 5.1** All employees have the right to a support person present during the grievance process
- 5.2** All interviews are to be recorded (either audio or written) and signed by the interviewee
- 5.3** Complainant to receive written acknowledgement of complaint and expected time frame for investigation.
- 5.4** If the breach may be considered a criminal offence consider referral to the Police
- 5.5** All formal complaints against WAIS employee behaviour is to be reported to the Corruption and Crime Commission by the HR Manager

6. Suspension of Employment Guidelines

- 6.1** An Employee may be suspended, with or without remuneration, where the Executive Director believes on reasonable grounds that the employee had, or may have, breached the Code, and where the suspension is in public interest, of the interests of WAIS.
- 6.2** Where the suspension is without remuneration, the maximum period is generally to be no more than 30 days. A longer period of suspension without remuneration is permitted only where there are exceptional circumstances.
- 6.3** Exceptional circumstances are not defined but could include;
- 6.4** Where an employee has been charged with a criminal offence and is waiting to have the charge heard or determined
- 6.5** Where an employee has appealed against a conviction and is waiting to have the appeal heard
- 6.6** Continuing suspension must be reviewed at reasonable intervals
- 6.7** Suspension must immediately end when the Executive Director no longer believes on reasonable grounds that the employee has, or may have breached the code, or that it is in public or WAIS interest to continue the suspension. In addition, suspension must cease as soon as any sanction is imposed for the relevant breach of the Code.
- 6.8** In exercising suspension powers, the Executive Director must have due regard to procedural fairness, unless on reasonable grounds they believe it would not be appropriate to do so in the particular circumstances, for example, where there is a serious threat to the safety and integrity of other employees and WAIS property.

7. Sanctions may include;

- 7.1** Reprimand
- 7.2** Performance Management
- 7.3** Performance Review
- 7.4** Re-assignment of duties
- 7.5** Reduction in classification
- 7.6** Termination of employment

Table 2:

Level of Breach	Meeting Criterion for Breach of the Code	Description of Behaviour
Poor Conduct	No	<p>Nuisance Behaviour</p> <p>This includes behaviours that are irritating, unpleasant but not physically dangerous or likely to cause concern to the WAIS reputation.</p>
Misconduct	Yes	<p>Offensive Behaviour</p> <p>This includes behaviours where there may be some physical danger to individuals or property and/or where the behaviour is likely to lead to some damage of the reputation of WAIS or its people. May include repeat incidents of nuisance behaviours</p>
Serious Misconduct	Yes	<p>Serious Misconduct</p> <p>This includes behaviours that may be dangerous to individuals or property and are highly likely to lead to significant damage of the reputation of WAIS or harm to its people.</p>