



Code of Conduct

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Owner: Andrei Moore, General Manager – Employee Relations

Background

The Code of Conduct contains standards of behaviour that are expected at **nbn** and is underpinned by the **nbn** values.

The Code of Conduct is based on our **nbn** values (We Deliver, We are One Team, We are Fearless and We Care) and the principle of respect.

- Respect for each other
- Respect for **nbn**
- Respect for the broader **nbn** reputation and environment

At **nbn** we value the contribution of all our people and recognise that diverse experiences and backgrounds enable us to provide an environment where our people can reach their full potential and where we can also achieve a positive outcome for our stakeholders.

Employees, Temporary Staff Augmentation (**TSA**) and Extended Workers (**EWs**) (as defined under the **nbn** Resource Engagement Policy) must be aware of and comply with this Code of Conduct as well as obligations set out in relevant legislation.

This Code of Conduct does not form a part of an employee's contract of employment and or a TSA or EW's engagement, however, a breach of the Code of Conduct may result in disciplinary action being taken by **nbn** which may result in a person's termination of employment or engagement with **nbn**.

Purpose

The purpose of this Code of Conduct is to promote a safe, healthy and productive workplace wherever **nbn** operates. A workplace that we are proud to be a part of and where we are held in high regard.

In this Code of Conduct a number of fundamental standards are provided to inform and educate about **nbn's** expectations of persons covered by this Code of Conduct, and the consequences of engaging in behaviour that is not acceptable.

Scope

This Code of Conduct applies to all **nbn** employees, TSAs and EWs and their relationships with each other. For the purposes of this Code of Conduct only, a reference in this Code to **nbn** staff is a reference to **nbn** employees, TSAs and EWs.

Persons covered by the Code of Conduct must be aware of these standards and the conduct required as an individual and as a member of work teams.

TSA's and EW's are required to adhere to this Code of Conduct and any other specific requirements provided for in **nbn** supplier contracts.

The standards of behaviour set out in the Code of Conduct are expected of **nbn** staff during work hours and whenever behaviour has the potential to impact **nbn** or relationships with other **nbn** staff. This may include, and is not limited to:

- On-site lunch breaks
- A work trip conducted outside normal working hours
- Social functions with fellow workers (for example, Christmas parties)
- Working from home
- Activities on social media.

Standards of Behaviour

nbn is committed to maintaining the highest standards of professionalism, honesty, integrity and fairness. **nbn** staff are required to act in a manner consistent with this commitment by:

- being beyond reproach in matters of trust, honesty and confidentiality
- respecting differences amongst colleagues, including but not limited to personal characteristics such as disability, gender, gender identity, gender expressions, sexual orientation, intersex status, relationship status, age, culture, ethnicity, and religion
- being courteous, sensitive, and honest in communications, and being considerate to the needs of others
- working cooperatively and collaboratively with others to achieve common goals and a harmonious work environment and culture
- behaving in a fair and consistent manner in all dealings with stakeholders, including customers and suppliers
- not taking advantage of any property or information belonging to **nbn** or opportunities arising from those, for personal benefit independent from the business of **nbn** or to benefit any other business or person
- taking all steps to ensure the protection and appropriate use of **nbn** assets, premises and resources
- abiding by all applicable laws and regulations.

Values

Our values underpin the way in which we act and behave at **nbn**. They describe what's important to us, and guide our thinking and interactions with each other, our customers, and the community. Our values and key behaviours are:

We are one team that:

- Actively engages and values input from others
- Focuses on and prioritises the common goal
- Actively supports team decisions

We are fearless because we:

- Are transparent and speak up to improve the outcome
- Seek new and better ways and take informed risks
- Are decisive and act with a sense of urgency

We deliver so we:

- Set clear goals, plans and measure progress
- Take accountability and prioritise the right things
- Own our actions and ensure we are financially responsible

We care so we:

- Foster the wellbeing and growth of our people
- We listen and delight our customers
- Work together to make the nation a better place

Unacceptable behaviour and misconduct

nbn will not tolerate unacceptable or disrespectful behaviour that impacts adversely on other **nbn** staff, customers or suppliers, and it will not tolerate misconduct.

Unacceptable personal behaviour includes but is not limited to:

- verbal or written abuse, physical abuse or assault
- discrimination, harassment, bullying or victimisation
- threatening or intimidating behaviour towards others
- smoking in the workplace
- careless behaviour that could endanger the safety of yourself or others such as:
 - tampering with, ignoring or failing to use any safety/lockout device
 - tampering with any emergency or safety signage/equipment
 - participating in skylarking or practical jokes

- breach of **nbn**'s policies and procedures (such as this Code of Conduct)
- engaging in conduct that breaches or has the potential to breach relevant modern slavery legislation
- breach of relevant laws and regulations.

In addition **nbn** will not tolerate any behaviour or activities that negatively impacts on **nbn** and its reputation (or has the potential to).

These behaviours and activities may include but are not limited to:

- inappropriate use of nbn assets
- inappropriate use of nbn electronic communication facilities and internet for personal benefit or private purposes
- using **nbn**'s electronic communication facilities for any illegal purpose or in a way that causes interference or disruption to other users, services, equipment and information assets
- using image-recording devices (such as photocopiers, scanners and cameras) to capture and/or distribute images of:
 - private, classified or copyrighted documents or other material
 - **nbn** property or facilities that are not accessible to the general public
 - any person without their express permission
 - any person, object, act or incident where the image would be considered inappropriate or offensive,
- using voice recording devices (such as mobile phones) to record any person without their permission;
- accessing, storing, processing or transmitting any information of a threatening, obscene, pornographic, discriminatory or harassing nature.
- using your own device (BYOD) in a manner that is inconsistent with relevant **nbn** policies or this Code of Conduct
- damage to **nbn** assets, or property
- theft or attempted theft
- fraud or attempted fraud
- engaging in any criminal activity
- failure to disclose a conflict of interest, or potential conflict of interest
- seeking gifts or benefits in connection with your role at **nbn**
- receiving a gift or benefit that influences and/or alters your decision making process or objectivity
- activities adversely affecting **nbn** or its reputation (e.g. making unauthorised public statements about **nbn** or their position in respect of any matter)
- directly or indirectly engaging in any activity which could by association cause **nbn** public embarrassment or bring **nbn** into disrepute (including any activities on social media)
- unauthorised passing of sensitive or confidential information relating to **nbn** and its operations to a third party or to an unauthorised external location, or posting such information in a public domain
- unauthorised use of **nbn**'s name or logo

- failing to comply with the **nbn** values.

Employees at **nbn** must not be engaged in any other employment, occupation, trade or business without prior written approval of an authorised Leader.

To grant approval **nbn** will require that any secondary employment does **not**:

- interfere with your employment with **nbn** in any way
- result in a real or perceived conflict of interest
- reflect unfavourably on **nbn**.

An employee who is unsure about whether additional employment may involve a conflict of interest should consult their Leader.

Misconduct covers a range of unacceptable behaviours, which include, but are not limited to:

- fighting, assault or attempted assault
- gross negligence or incompetence
- making false statements when applying for employment that had a direct bearing on whether or not the applicant would be employed
- neglecting your duty as an employee, such as unauthorised absence without reasonable explanation from the workplace whilst on duty (depending on the nature of the job, e.g. an employee whose absence could hold up the work of other employees and / cause a safety risk/or seriously prejudice **nbn**'s business)
- persistent absenteeism (failure to attend work) without due cause or authorisation
- refusal to obey a lawful and reasonable direction
- failing without reasonable cause to complete tasks set
- poor work quality/inefficiency: failing to carry out work to the required standard without reasonable cause and/or concealing defective work
- repeated poor timekeeping, e.g. arriving late or leaving early

Discrimination, harassment and bullying

nbn as an Equal Employment Opportunity employer, aims to provide a working environment free from discrimination, harassment or bullying.

All complaints of harassment, bullying and discrimination will be treated seriously and, if necessary, investigated promptly and impartially.

Any conduct which constitutes discrimination, harassment or bullying may be considered an act of unacceptable behaviour, misconduct or serious misconduct. Where investigation of a complaint establishes inappropriate conduct, appropriate disciplinary action will be taken and may result in termination of employment or your engagement with **nbn**.

To assist in determining whether conduct constitutes discrimination, harassment or bullying, the following outline may be utilised in conjunction with applicable legislation and regulations.

Discrimination

Discrimination occurs when one person or group is treated less favourably than another due to an attribute or personal characteristic that is protected under legislation. Discrimination may be direct or indirect.

Direct discrimination occurs when somebody is treated less favourably than another person in the same or similar circumstances because they have a certain status or belong to a particular group of people.

Indirect discrimination occurs when there is a particular requirement, condition or practice which appears to apply to everybody equally but which has the effect of disadvantaging more people with a particular characteristic, and which is not reasonable in the circumstances.

Personal Characteristics

In Australia it is unlawful to discriminate against a person on the basis of particular personal characteristics, which may include, but are not limited to:

- gender, gender identity, gender expression or intersex status
- sexual preference or orientation
- religious or political beliefs
- race, colour, or national extraction
- age
- marital or relationship status
- physical, mental or intellectual disability or impairment, pregnancy or potential pregnancy
- family responsibilities and/or parental/carer status;
- trade union membership or union/industrial activity.

Harassment

Harassment is a form of discrimination and may also be unlawful if it based on particular grounds. Harassment can take many forms. It may be verbal, physical, written or pictorial. Harassment is usually a pattern of behaviour but one act may constitute harassment if it is sufficiently serious.

Harassment is conduct that:

- is unwelcome or unwanted
- causes offence, intimidation or humiliation. The perception of whether or not the behaviour is threatening or harassing lies with the receiver
- occurs in circumstances where a reasonable person would have anticipated that the person harassed would be offended, humiliated or intimidated.

Harassment based on the Personal Characteristics set out above, such as sex, gender identity, race or disability, is unlawful under discrimination legislation. The potential consequences of harassment also create a work health and safety risk to **nbn** staff.

Conduct that may be considered harassment includes, but is not limited to:

- sexual harassment, which may include:
 - pressure or demands for dates or sexual favours
 - unnecessary familiarity – for example, deliberately brushing against a person or constant staring at a person or giving a gift perceived to be too personal in nature
 - unwanted physical contact – for example, touching or fondling
 - sexual jokes or innuendo – verbal or transmitted via electronic or any other media
 - offensive telephone calls and/or text messages or other messages via social media of a sexual nature
 - unwelcome comments, propositioning or questions about a person's sex life – in person, by phone, email or text message
 - display or circulation – by email, text message or social media – of sexual material, including magazines, posters or pictures and messages
 - sexual assault or stalking
- certain conduct towards a person or group, which may include but is not limited to:
 - verbal or written abuse, or comments that degrade or stereotype a person or group;
 - verbal or written public statements that may incite hatred or negativity towards a person or a group of people;
 - jokes;
 - mimicking someone, or their habits;
 - offensive gestures; or
 - ignoring or isolating a person or group,
- because of, or based on, one or a number of Personal Characteristics, including but not limited to the examples set out in the Discrimination section above.
 - display or circulation (e.g. by email, text message or via social media) of racist, pornographic or other offensive material.
 - Using the internet or email to receive, access, store, process or distribute information considered to be of a threatening, obscene, pornographic, or harassing nature may also constitute harassment.

Examples of behaviour which is not harassment include:

- standard performance and/or behavioural counselling, where feedback is appropriate, reasonable and focussed on the work or behavioural improvement required
- mutual friendships or consensual relationships based on welcome conduct
- reasonable managerial decisions about employment related issues such as reasonable allocation of work, implementation of organisational change.

Bullying

Workplace bullying occurs when:

- A person or a group of people repeatedly behave unreasonably towards a worker or a group of workers at work
- The behaviour creates a risk to health and safety. Examples of behaviour that may be workplace bullying include:
- Aggressive and intimidating conduct
- Belittling or humiliating comments
- Spreading malicious rumours
- Exclusion from work-related events
- Teasing, practical jokes or 'initiation ceremonies'
- Unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- Displaying offensive material
- Victimisation.
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What is not bullying

Bullying is not:

- Reasonable management action conducted in a lawful and reasonable manner
- A single incident of unreasonable behaviour is not workplace bullying, however may be classified under the policy as inappropriate behaviour and possibly harassment.
- Low level personality conflicts.

Examples of reasonable management action include:

- Performance management processes
- Counselling or disciplinary action for behaviour or performance
- Ongoing meetings with a person to inform and address with them unsatisfactory work performance or unreasonable behaviour
- Directing a person to perform duties in keeping with their job
- Setting realistic and achievable performance goals, standards and deadlines
- Implementing organisational changes or restructuring
- Investigations into allegations of misconduct
- Fair and appropriate rostering and allocation of working hours
- Transferring a worker to another area or role for operational reasons
- Deciding not to select a worker for a promotion where a fair and transparent process is followed.

Victimisation

It is also the intent of this policy to ensure that no **nbn** staff is subject to victimisation. Victimisation occurs when a **nbn** staff member subjects another **nbn** staff member to a disadvantage as a result of making or intending to make, a complaint or an allegation, or giving evidence or information in connection with a complaint or allegation. Victimisation is unlawful and will not be tolerated. Anyone who victimises another will be subject to disciplinary action.

nbn staff should also be aware it is possible under Federal and State anti-discrimination laws, the relevant criminal legislation, the Fair Work Act and Work Health and Safety Legislation, for an individual to be personally liable for complaints of harassment, bullying or discrimination in the workplace.

Further, bullying which constitutes workplace violence must be reported to the appropriate statutory authority under work health and safety laws.

Disclosure of criminal conduct

nbn employees must report any criminal offence or other Adverse Finding (as defined in the **nbn** Personnel Security Standard) against them, or any change in circumstance that may no longer make them 'fit and proper' to perform their role, as soon as possible to their **nbn** Manager and Human Resources Business Partner. Employee Relations will assess the impact in consultation with the **nbn** Security Group.

Personal relationships and conflicts of interest

nbn is committed to ensuring actual, potential, or perceived conflicts of interest are avoided, or in situations where they cannot be avoided, that they are appropriately managed.

Conflicts of interest (refer also to **nbn**'s Conflict of Interest Policy) may arise in situations including:

- **nbn** staff involved in a close personal relationship with another member of **nbn** staff.
- **nbn** staff controlling or influencing the terms of a business transaction which involves a person with whom they have a close personal relationship (for example, where the person owns, controls or is employed by a company who is a customer, supplier or service provider to **nbn**).

It is expected that all **nbn** staff, in performing their role at **nbn**, will at all times:

- Follow the Conflicts of Interest Policy in relation to all disclosures.
- Make decisions in the best interests of **nbn** and not for personal gain or the benefit of someone else.
- Ensure personal relationships do not interfere, or appear to interfere, with the interests of **nbn** and the ability of the staff member to carry out their duties or obligations to **nbn**.
- In the case of 'relationships within **nbn**' (see below), disclose to Human Resources or their Manager any close personal relationships (as defined below) which may give rise to an actual, potential or perceived conflict of interest.

Close personal relationships

A **close personal relationship** includes the following:

- spouse, partner, dependant or any person living in the same dwelling
- romantic, intimate or sexual relationships
- any other relationship that may give rise to a conflict (e.g., extended family or friends)

Relationships within nbn

An **nbn** staff member involved in a close personal relationship with another **nbn** staff member must ensure the following:

- They are not in a direct or indirect supervisory or line management relationship with the other staff member
- They are not involved in the appointment, appraisal, promotion, remuneration or any other management activity, process or decision involving the other party that may result in the appearance of impaired fairness or objectivity

Where the above interaction exists between the staff members, disclosure of the relationship to their Manager or Human Resources is required (rather than the reporting mechanism set out in the Conflict of Interest Policy).

Disclosures of this kind will be kept as confidential as possible. Failure to disclose a personal relationship that results in an unfair advantage or disadvantage for the staff member or other party will be considered a serious matter and may lead to disciplinary action.

nbn staff uncertain about whether a personal relationship may constitute a conflict of interest (actual, potential or perceived) are encouraged to seek guidance from Human Resources and/or as set out in the Conflicts of Interest Policy. Depending on the nature of any conflict of interest, appropriate mitigations will be determined.

External business transactions

A **nbn** staff member who has a close personal relationship with another party to a business transaction should:

- Consider whether their relationship may influence, or be perceived as influencing, objective decision making or the fulfilment of their responsibilities to **nbn**
- Where a conflict of interest exists or is likely to exist, excuse themselves from the transaction.

Failure to disclose the relationship or withdraw from the transaction where a conflict of interest exists, will be considered a serious matter and may lead to disciplinary action.

External reporting

In order to ensure compliance with this and other **nbn** policies and in order to assist law enforcement agencies as required, **nbn** may need to provide information and other assistance to third parties. Those third parties may include regulatory and law enforcement agencies from time to time without notice. This may include a matter raised under this Code of Conduct.

Roles and responsibilities

nbn staff are responsible for:

- their own behaviour and actions at all times
- being aware of and complying with this Code of Conduct, other nbn policies, procedures and relevant legislation
- treating other **nbn** staff fairly and with respect
- acting in the best interests of **nbn** at all times
- promptly informing their Leader if they believe that the Code of Conduct has not been followed
- taking all reasonable steps to secure **nbn** premises and property
- seeking advice from your Leader before undertaking an action or activity that may be contrary to **nbn** policies or procedures.

Leaders are responsible for:

- providing constructive feedback if there are emerging concerns about staff, adhering to the Code of Conduct or other **nbn** policies and procedures
- ensuring that their team are aware of and comply with **nbn** policies and procedures
- upholding and promoting the Code of Conduct and providing their team with a positive role model
- ensuring that all workplace processes and practices comply with relevant **nbn** policies, procedures and legislation
- ensuring third parties who do not comply with their obligations under relevant modern slavery legislation are not engaged by **nbn**
- taking reasonable steps to prevent their team from engaging in conduct contrary to this Code of Conduct, as well as protecting them from such conduct
- ensuring that their team are familiar with internal avenues for resolving complaints
- dealing with complaints about unacceptable personal behaviour and misconduct quickly, effectively and confidentially.

More information

A person who observes **nbn** staff, acting in breach of this Code of Conduct must report it to their Leader immediately. If it is not appropriate for a person to talk to their Leader, the Leader's Leader or the relevant Human Resources Business Partner must be contacted.

Additional information in relation to this Code of Conduct can be obtained from People Central or alternatively, a person's Leader.

Related policies

- Drug and Alcohol
- Equal Employment Opportunity
- Security
- Leaving **nbn**
- Personnel Security Standard
- Managing Performance and Behaviour
- Managing Workplace Grievance
- Health Safety and Environment
- Social Media
- Acceptable Use
- Conflict of Interest
- BYOD Mobile Phone Allowance

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Document control

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Department or business unit	People & Culture – Employee Relations

Revision history

Revision	Description	Policy author
9.0	Updates to include reference to the BYOD Mobile Allowance Policy and updated discrimination requirements Minor update made by Legal...typo fixed	Andrei Moore
8.0	Updates to include disclosure of criminal conduct, management of personal relationships and conflicts of interest, and minor updates.	Andrei Moore
7.0	Updates in line with Safe Work Australia Guide for Preventing and Responding to Workplace Bullying 2016, and minor updates.	Amanda Jung
6.1	Updated branding	Amanda Jung
6.0	Removal of outdated values, general updates	Amanda Jung
5.0	Updates to bullying provisions and other minor updates	Amanda Jung
4.0	Minor language changes and updated template	Amanda Jung
3.0	Updated logo to new NBN Co logo standard and updated classification in line with revised policy. Also changed ownership	Amanda Jung
2.1	Policy standardisation	Amanda Jung
1.0	Approval Policy	Craig Byrnes