

1. SUBJECT: Workplace Standards

1.1 Code of Conduct

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RailCorp's Values

The Code of Conduct is based on RailCorp's corporate values:

SAFETY

We will put safety first

CUSTOMER SERVICE

We will work hard to provide quality customer service

TEAMWORK

We will work together

INTEGRITY

We will have a just culture and will be honest and ethical

RESPECT

We will treat our customers and each other with respect

CONTINUOUS IMPROVEMENT

We will encourage and support each other to improve the quality and productivity of our work, our systems and our assets.

Message from the CEO

The RailCorp Code of Conduct outlines the minimum standards that are expected of each employee, contractor and consultant who works here.

Achieving – and exceeding - these standards will help build an organisational culture in which everyone feels respected and proud. This will in turn improve efficiency and enhance our customers' satisfaction with RailCorp.

The Code also provides an ethical framework to guide our decisions, actions and behaviour whenever and wherever relevant to our work and responsibilities. While the Code can not provide an answer to every ethical challenge that we may face, the principles and examples provided here will assist each of us to better understand our obligations to act ethically and professionally.

The Code has recently been revised to clarify our obligations regarding conflicts of interest, secondary employment (especially in relation to those who are directly involved in procurement), gifts and benefits, engaging with professional lobbyists and child protection in the workplace.

Each of us is responsible for our own actions and for understanding our obligations under this Code of Conduct.

I encourage you to read this revised version so that you are aware of what is expected of you during your work with RailCorp – and what is expected of your colleagues. I also encourage you to seek guidance from a senior manager if you do not understand what this Code requires, or if you come across a situation where you are not sure how you ought to respond.

By meeting the standards outlined in this Code we will each be helping to build an organisation that is recognised for delivering safe, clean and reliable passenger services in an honest, fair, responsible, professional and efficient way. These outcomes will not only meet the expectations of our 'shareholders', the people of NSW, they will also bring greater job satisfaction for every individual who works here.

Rob Mason
Chief Executive Officer

1. Introduction

The RailCorp Code of Conduct establishes the acceptable behaviours and responsibilities expected of all RailCorp employees, contractors and consultants.

The Code applies to all RailCorp employees, contractors and consultants.

It is essential that we understand all the requirements of the Code, its supporting policies and procedures, delegations and instructions. This is because we are responsible for our actions and behaviour, including any failures to take action.

We are also accountable for our actions. You may be asked why you have chosen a particular course of action to demonstrate that a decision you have made is reasonable in the circumstances and is fair and equitable.

RailCorp will take action in relation to any breach of the Code. For employees such action may range from performance counselling to disciplinary action (including dismissal).

The Code operates in conjunction with the legal and regulatory requirements of Federal and State laws and RailCorp's policies, procedures and rules.

2. Acceptable behaviour and responsibilities

'We are all responsible for behaving positively'

RailCorp employees, contractors and consultants are to comply at all times with the behaviours outlined in this Code of Conduct. You are also to adhere to the following general principles:

- Put safety first in everything we do.
- Always act in the best interest of RailCorp.
- Maintain and promote high levels of acceptable behaviour.
- Help to build and maintain a culture that is just and fair to all (known as a 'Just Culture' in RailCorp).

As an employee, contractor or consultant of RailCorp you are responsible for the way you behave and your actions. All your decisions must be ethical and comply with legislation, enterprise/collective agreements, awards, policies, procedures, rules and job requirements. In your work at RailCorp you must:

- Carry out your duties carefully, safely, honestly, courteously and fairly
- Be aware of possible conflicts of interest and breaches of the Code and notify a General Manager, other senior manager or the Corruption Prevention Line (Telephone 1800 629 826 or 21690 or email CorruptionPrevention@railcorp.nsw.gov.au), as appropriate
- Use your authority and delegation/s in an appropriate and unbiased way for the intended work related purposes
- Use RailCorp resources properly, efficiently and economically
- Treat members of the public and colleagues fairly, consistently and with respect
- Be honest and accurate in timekeeping and in meeting attendance requirements
- Immediately inform your General Manager if you have been charged or convicted of a serious criminal offence (an offence punishable by imprisonment for six months or longer) or any other offence which prevents you from performing your full range of duties safely (for example losing your driver's licence or drink driving offences). If you are convicted by a court of a serious criminal offence, RailCorp is entitled to take disciplinary action.
- Create and maintain full and accurate records of work performed, including reasons for your decision making
- Provide fair, accurate and appropriate advice
- Consider in your decision making any adverse impacts on the environment
- Report unethical, dishonest and/or corrupt conduct

- Present yourself in a businesslike and professional manner ie neat, tidy and clean and wearing correct uniforms and specified safety equipment
- Keep up to date with advances and changes in your area of expertise
- Not knowingly make a false statement
- Carry out all lawful directions from managers/supervisors to the best of your ability.

If you are a manager or supervisor, you have additional responsibilities. You must:

- Lead by example.
- Promote the highest standards of professional conduct.
- Ensure you do not permit or encourage any employee to act in breach of the Code.
- Maintain the integrity and security of official documents or information.
- Ensure you properly and diligently discharge your supervisory responsibilities.
- Ensure employees, contractors and consultants have access to all RailCorp information, including this Code, policies, procedures and rules, required to carry out their work diligently.
- Provide advice and assistance to employees wherever necessary.

Supervisors and managers are, in many cases, accountable for what their employees, contractors and consultants do or fail to do.

If you are uncertain about what is required of you under this Code, you should immediately seek advice from your manager, supervisor or from your human resources representative. Always ask for help if unsure.

3. Safety

'We put safety first'

RailCorp's Safety Vision is a 'safe railway, a safe workplace, a safe culture'. To achieve this vision we put safety first in everything we do, and have a Safety Management System (SMS) that enables us to meet this requirement.

Our SMS also integrates the requirements of a number of pieces of legislation, particularly the Rail Safety Act and the Occupational Health and Safety Act. Employees are required to comply with the requirements/standards set out in the SMS.

Each RailCorp employee and contractor has a part to play in making sure that:

- our customers enjoy safe, clean and reliable passenger services
- our work environment is safe and free from hazards
- we work safely and don't endanger our colleagues.

We share the four Universal Safety Responsibilities that define RailCorp's expectations of us to:

- avoid taking unjustifiable risks
- avoid causing harm
- follow the Safety Management System
- be prepared to work safely.

As a RailCorp employee, contractor or consultant you are responsible to:

- exercise appropriate behavioural choices and report to work fit for duty
- follow the safety procedures, rules, and guidelines or instructions that apply in your workplace
- report to a manager/supervisor any incident causing potential or actual injury, unsafe equipment or work practices
- take care with your own safety and the safety of other people
- comply with any reasonable request for giving aid or preventing a risk to others

- participate in consultative processes to improve and enhance safety
- use safety equipment, uniforms and protective clothing as provided
- keep the workplace clean and tidy
- report any interference, obstruction, or misuse of anything provided for the safety of people in the workplace.

If you are a line manager you are responsible to ensure that:

- your actions demonstrate your commitment to safety
- workplaces are kept in a safe condition
- employees have the information, instruction, training and supervision necessary to ensure safety
- you apply Just Culture principles when performing your role
- you are available to employees, contractors and consultants who seek advice or assistance.

Inform your Line Manager if you are concerned about a safety issue. You can also contact your safety representative or refer to the Safety Management System (SMS) on reporting a hazard.

If you see suspicious behaviour or a security incident on any RailCorp property, stations or rolling stock you should report it as soon as you become aware of it or, where this is not practical, as soon as possible afterwards.

To report a security incident or suspicious behaviour which is occurring now, or any serious security incident or risk (ie where an immediate response or follow up is required), call the 24 hour RailCorp Security Control Centre on (02) 9379 4444 or 94444.

To report other security incidents or to provide intelligence about a security issue (ie where an immediate response or follow up is not required) use the online Security Reporting System (SRS) available via the RailCorp intranet or call (02) 9379 1700 or 91700.

Safety

Example

You have been asked to do a job which requires use of correct harnesses. The harnesses are uncomfortable and you have done this job many times before and nothing has happened to you. You are tempted to do the job without harnesses but don't because safety is your first priority.

On your way to work you notice that an access gate has been left open. Rather than ignoring it you report it to RailCorp Security Centre so that action can be taken to secure the rail corridor. Your action keeps passengers safe and helps prevent unauthorised access.

4. Alcohol, drug and smoke free workplace

'We maintain an alcohol, drug and smoke free workplace'

As part of RailCorp's commitment to safety we also require all employees, contractors and consultants to be alcohol and drug free and not to smoke while on duty. **Safety is our priority.**

RailCorp is a drug and alcohol free workplace. All employees, contractors and consultants may be subject to random or targeted testing for drugs and alcohol.

Any RailCorp employee, contractor or consultant will breach the requirement of a drug and alcohol free workplace if they return:

- a drug level that is at or above the cut off level stipulated by the Australian Standards AS/NZS 4308
- an alcohol level that is at or above 0.02% blood alcohol concentration.

Employees who breach these standards or who refuse a drug or alcohol test will be subject to counselling and/or disciplinary action. Serious or ongoing breaches may result in dismissal. Contractors and consultants risk contract termination for breaching these requirements.

Railway employees, contractors and consultants who undertake railway safety work are also subject to the provisions of the *Rail Safety Act 2008* and *Rail Safety (Drug and Alcohol Testing) Regulation 2008*. Breaches of the above drug or alcohol levels or testing requirements may also be subject to prosecution action in a court of law.

Employees, contractors and consultants are not permitted to have or sell alcohol or prohibited drugs or prohibited plants or be in possession of any item or equipment for the use or the administration of a prohibited drug or plant on RailCorp premises.

It is an individual's responsibility to ensure that they are drug and alcohol free at work.

If you are taking a prescribed or non-prescribed drug which might adversely affect your work performance, or pose a risk to your safety or that of others, you must let your supervisor or manager know. If you are assessed as being able to continue work, your supervisor or manager must accommodate your individual needs if practical, while maintaining safety standards.

Inform your supervisor, manager or human resources representative if you are concerned about your safety because you believe you are working with an employee who may be abusing drugs and/or alcohol.

Smoking is not permitted in any RailCorp workplace. The Smoke-free Environment Act and the Occupational Health and Safety Act combine to make it mandatory for there to be no smoking in enclosed places and in any workplace. Examples of 'Workplace' include:

- train cabs and RailCorp vehicles
- covered passenger platforms, workshops, trains, station rooms and offices, waiting areas and any covered areas at maintenance depots and sites
- building entrances and lobbies, stairwells, elevators, toilets, meal rooms, lounge areas, training rooms, conference rooms and meeting rooms
- any area in the vicinity of other employees on construction sites, in the rail corridor or in possessions.

Counselling for personal or other issues (including quitting smoking) is provided through the RailCorp Employee Assistance Program (Telephone 1300 364 213, 24 hours per day).

Drug and alcohol

Examples

You attend a birthday party on a Sunday night and drink more than you intend. On Monday morning as you prepare to go to work you realise that you are probably over the 0.02% blood-alcohol level. You phone your Manager to advise that you believe that you are not fit for duty. This is the first time in your 14-year service that you declare that you are not fit for work as a result of alcohol consumption. Your manager is confident that this was a unique situation and no further action is required. In this case you demonstrated responsibility for workplace safety.

5. Sustainability and the environment

'We all have a role in protecting the environment'

Environmentally sustainable design, planning and construction form the underlying basis for future development of the public transport system. Environmental incidents and pollution are preventable and we are moving towards creating communities that work with the natural environment to reduce energy usage and minimise waste.

You have a role to play in protecting the environment and achieving outcomes that can be maintained in the long term. You should be aware of the impact of your work on the work environment and the community.

RailCorp employees, contractors and consultants must demonstrate a commitment and willingness to comply with environmental legislation and regulations as well as RailCorp's environmental policy. Employees, contractors and consultants must also adhere to the following underlying principles:

- Employees, contractors and consultants are to protect the environment at their worksites
- Managers are to show leadership and commitment towards assessing and managing environmental risks
- Damage to the environment should be minimised and corrected
- The natural and cultural heritage should be conserved.

Sustainability and the environment

Example

You take any rubbish you find on a train and dispose of it properly – you do not throw it out of the cab onto the tracks because this would be in breach of the Code.

6. A discrimination, harassment and bullying-free workplace

'We value equity and diversity in the workplace'

RailCorp is required by law to provide a work environment that is free from harassment, discrimination, victimisation and bullying.

You must not discriminate, victimise, intimidate or harass any other employees, contractors, consultants or members of the public for any reason including but not limited to:

- Sex/gender
- Marital status
- Pregnancy
- Age
- Race (including ethnic, religious or national origin)
- Disability (physical, mental or intellectual)
- Family responsibilities (carers, parental responsibilities)
- Religious beliefs or political convictions
- Sexual orientation
- Transgender (transsexuality)
- HIV/AIDS
- Political or trade union affiliations
- Trade union activity/inactivity
- Medical conditions.

Such harassment or discrimination may constitute an offence under the *Anti Discrimination Act 1977 (NSW)* and Commonwealth discrimination laws.

Harassment is a form of discrimination. It is any unwanted, unwelcome or uninvited behaviour that makes a person feel humiliated, intimidated or offended. Harassment is not always intended.

Bullying may or may not be harassment or discrimination, but nevertheless creates a hostile or unpleasant environment, and may result in a breach of Occupational Health and Safety Legislation.

Supervisors and managers must make sure the workplace is free from all forms of harassment, discrimination and bullying. They should understand and apply the principles of equal

employment opportunity and ensure the employees, contractors and consultants they supervise are informed of these principles. Supervisors and managers should take all necessary steps, such as training and other active measures, to prevent and deal with harassment, discrimination, victimisation and bullying in their work area.

Further information/advice on

- Resolving grievances: refer to the *Grievance Resolution Procedure* or contact the Grievance Advisory Service on 23500 or 8202 3500 or 1800 015 743 or gas@railcorp.nsw.gov.au
- Strategies to eliminate discrimination, harassment and bullying: contact the Equity and Diversity Unit by email equityanddiversity@railcorp.nsw.gov.au or on 8922 0222 or 20222.

Discrimination and harassment

Examples

You notice that a new employee is being subjected to verbal taunts and exclusionary behaviour as a direct result of his ethnic background. You notify the manager of this inappropriate behaviour. The manager initiates a discussion with the employees regarding discrimination and harassment issues and the types of behaviour that are inappropriate in the workplace. Subsequently, the negative behaviour towards the new employee ceases.

You are a new RailCorp employee and are appointed to an established work unit. The current employees in the unit are resentful as they had not been consulted about your appointment. They create a very unwelcoming environment and you feel isolated and intimidated. The manager of the unit observes this situation and works with the team to clarify the principles of merit selection and to develop an understanding of expectations regarding appropriate behaviour and teamwork. The manager's intervention results in positive change in the behaviour.

7. Fairness and equity

'We are committed to a fair and open workplace'

As a RailCorp employee, contractor or consultant any information or advice you give, or any decisions you make, should be dealt with consistently, promptly and fairly. This involves dealing with matters in accordance with RailCorp procedures, in a non-discriminatory manner, and in conformity with procedural fairness. You may be asked why you have chosen a particular course of action and to demonstrate that a decision you have made is reasonable in the circumstances, and is fair and equitable.

When making a decision, you should ensure that you:

- Take all relevant facts into consideration.
- Assess the particular merits of each case, and not take irrelevant matters or circumstances into consideration.

RailCorp has resources to help you make sure your decisions are fair and equitable. These include approved supplier/contractor lists and recruitment procedures. You must refer to and use such information where relevant.

In your dealing with others you must:

- Behave ethically and courteously and treat the public, customers and co-workers with respect.
- Show professionalism.
- Not allow considerations that are irrelevant to the workplace to affect your judgement or affect how you treat others.
- Not start rumours or participate in the spreading of rumours or accusations.
- Not repeat official confidential information about others (particularly their personal circumstances), unless doing so is necessary to fulfil your duties as a RailCorp employee, contractor or consultant.

Procedural fairness must be applied at RailCorp. This requires that people who are significantly affected by a decision have the right to put forward their case. Further, the subsequent decision must be made in a fair and impartial manner. You also have the right to be represented by your union or another chosen representative.

All complaints must receive fair and equitable treatment and be managed in a timely, unbiased, sensitive and confidential manner.

Fairness and equity

Examples

You are working as a CSA on a station and are cleaning the platform when you see a wallet lying on a seat. You take the wallet to the manager on duty and follow the process of reporting lost property. The customer is able to recover his wallet and writes a complimentary letter about you to management. The team leader praises you for your honesty and lets all team members know about the incident.

One of your team members has done something that upsets you. A person from another team tells you a rumour about that person's personal life. You tell them that you do not want to hear or participate in gossip or rumour spreading because you would not like it to happen to you – and it is in breach of the Code.

8. Use of resources

'We will use facilities and resources efficiently and economically'

RailCorp resources include:

- Material, equipment and vehicles
- Financial resources
- Documents, data, records, e-mails and e-mail attachments, internet and other information
- Your designated work time.

You must not use RailCorp's facilities or equipment for private purposes, except as described below.

RailCorp vehicles

You must not use RailCorp fleet vehicles for private use except in an emergency or exceptional circumstance. If such an emergency or exceptional circumstance occurs you must notify a manager/supervisor in your work area as soon as possible. Such private use will be subject to Fringe Benefits Tax (FBT).

Fuel cards must only be used for the specific vehicle to which they are allocated.

Except in unusual circumstances or one-off situations that provide a specific benefit to RailCorp, you must not carry non-work related passengers in RailCorp vehicles.

You are not permitted to drive a RailCorp vehicle without a valid or appropriate class of licence. If you have an accident without a valid or appropriate class of licence, RailCorp's insurance may not cover you. If you are required to drive a RailCorp vehicle and your licence is cancelled or suspended you must tell your manager or supervisor immediately.

Use of RailCorp funds and Purchase Cards

Items purchased with RailCorp funds must be intended and used for RailCorp purposes only. Procurement cards must only be used to purchase items for RailCorp.

Limited private use

You may use some RailCorp facilities (for example, telephones, photocopiers or computers) for limited private use. Private use must not provide financial benefit to you or another person and must be minor, at minimal or no cost to RailCorp and be safe.

Private use of resources for purposes unrelated to RailCorp's business is prohibited if it is illegal, unethical, anti-social, used to gain personal profit or interferes with you carrying out your job.

RailCorp internet, e-mail, or computer systems must not be used to create, access, store or distribute pornographic, harassing, obscene, threatening, sexist, sexually explicit, racist, discriminatory or offensive material. RailCorp computer systems and resources are not to be used to access, download, copy, store or play non-work related videos, audio or music files. Use of e-mail and the Internet through RailCorp computer systems is monitored for appropriate usage. Employees, contractors and consultants must read and agree to apply the *RailCorp ICT Service Access and Usage Policy* before using RailCorp computer or communications equipment.

You must care for RailCorp equipment used at home and any uniforms or protective clothing issued to you.

Use of RailCorp equipment

Example

You are a RailCorp employee and in the course of your duty you are often required to drive a RailCorp vehicle and take it home with you. On weekends you are constantly under pressure to transport children to sporting events in this vehicle. You explain that you can only use the vehicle for work related business.

You receive an email that contains racist jokes which make fun of a certain group of people. You delete the email and send a separate email to the sender telling them that you do not want to receive any such emails in future. You do not forward the email to other people as this would be a breach of RailCorp's *Code of Conduct* and *ICT Service Access and Usage Policy*.

9. Gifts and benefits (including hospitality)

'We will act with integrity in all we do'

The acceptance of gifts and benefits has the potential to compromise us in our role at RailCorp because we may appear to be unable to make an unbiased decision in the future in respect to the person or organisation who provided the gift or benefit.

Gifts and benefits include any goods or services or other arrangements which have a value to the recipient and for which RailCorp does not pay. Gifts and benefits include cash, hospitality, accommodation, travel, the provision of 'free' labour or equipment for private use, or the promise of a job in the future.

Gifts and benefits may only be accepted by RailCorp employees, contractors and consultants where there is no actual or perceived influence over the individual's role at RailCorp, in accordance with the requirements set out in the *Gifts and Benefits (including Hospitality) Procedure*.

You must not seek any gifts or benefits (including hospitality) from any person or organisation.

For further information or guidance refer to the RailCorp *Gifts and Benefits Procedure* or speak to your manager or contact the Corruption Prevention Line (Telephone: 1800 629 826 or 21690 or Email: CorruptionPrevention@railcorp.nsw.gov.au).

Gifts and benefits

Examples

You are attending a working group that is being held at the offices of a consultant to RailCorp. The consultant has arranged for a light sandwich lunch to be brought in to enable the group to maximise the work time available. You may accept this hospitality.

You are invited to a private function being held by a contractor that includes drinks, dinner and entertainment. You refuse the offer because it could compromise you in your future dealings with the contractor or create the perception that you have been compromised. You complete a *Gifts and Benefits (including Hospitality) Declaration Form* and email it to the Corruption Prevention Unit.

A contractor who performs works for your team in the field offers to sponsor a golf day for your team. You politely decline the offer as it could compromise you in your future dealings with the supplier and you complete a *Gifts and Benefits (including Hospitality) Declaration Form* and email it to the Corruption Prevention Unit.

You have been working closely with a private company that supplies RailCorp with the majority of their stationery requirements. It is Christmas time and the company sends you a food hamper. You realise that if you accept the hamper you might be compromised in your future dealings with this company. You contact the company and thank them for their generosity but explain why you are unable to accept the gift and make arrangements for the hamper to be returned and keep a record of the return and you complete a *Gifts and Benefits (including Hospitality) Declaration Form* and email it to the Corruption Prevention Unit.

10. NSW Government Lobbyist Code of Conduct

RailCorp will engage with professional lobbyists, only if they are on the Department of Premier and Cabinet (DPC) Lobbyist register.

If you are approached by a lobbyist you are not permitted to engage with them, unless they are on the DPC Lobbyist register and you are a General Manager or above. If you do meet with a lobbyist it is preferable that another representative from RailCorp also be in attendance.

RailCorp employees, contractors and consultants who are involved in professional lobbying (ie are contracted or engaged to represent the interests of a third party to a Government Representative) must abide by the NSW Government Lobbyist Code of Conduct.

The Lobbyist Code of Conduct is available at:

http://www.dpc.nsw.gov.au/prem/lobbyist_register

11. Use of information and intellectual property

'We will maintain high levels of confidentiality'

You can use any common knowledge and experience you have gained during your employment or engagement with RailCorp but not specific information and techniques.

You must not use personal or business information about RailCorp or any information you have access to through your work for any personal gain or gain for others such as friends, relatives or business associates. You can only use RailCorp information when authorised to do so, and then you must keep to the facts and not give a personal opinion.

Confidential RailCorp information that must be protected may be in the form of:

- Personal information eg an employee's/contractor's or consultant's date of birth, private address or contact details, reasons for sick leave or membership of an Equal Employment Opportunity (EEO) group etc
- Files, plans, drawings, microfilm.
- Information about employees.
- Business strategies.
- Written records and documents (including those marked commercial-in-confidence).
- Computer records, databases, search engines, passwords.
- Information on systems management or maintenance.

You must:

- Take care when collecting, storing, using and disclosing personal information in order to protect individuals' privacy
- Safeguard your PC password
- Take care to keep RailCorp information secure and confidential if it is identified as being confidential.
- Routinely create appropriate records as part of your work.
- Use RailCorp record systems to store official RailCorp information.
- Handle records with care.
- Only destroy RailCorp records when proper authority has been given.
- Find out about and comply with RailCorp policies and procedures for managing records.
- Seek advice from appropriate RailCorp employees (eg Corporate Counsel or Risk and Insurance Division) before providing information or making comments about matters such as potential insurance claims or matters that concern legal liability. If you are not sure, ask your manager or supervisor.

You must not:

- Use or disclose personal information for a purpose other than that for which it was collected, unless consent for other uses or disclosure is obtained from the person to whom the information relates
- Use confidential RailCorp information for your own purposes.
- Reveal, trade or sell confidential information to other people, for example, potential or actual suppliers, external companies, banks or credit unions, insurance companies, relatives or friends.
- Use RailCorp information for personal gain or to cause harm to any person, organisation or to RailCorp.
- Use RailCorp information to help you speculate in shares, property or commodities.

RailCorp owns intellectual property developed, invented or created by you alone or in working with others, in the course of your employment or engagement with RailCorp.

Intellectual property includes copyright, trademark and design patent. It also includes specific information, techniques or knowledge such as RailCorp's methods in areas such as construction, the development of goods, maintenance or the provision of services. This is sometimes referred to as trade secrets and these must stay with RailCorp.

Use of Official Information

Example

In your role as a RailCorp employee you have access to personnel records. You are approached by a private advertising organisation and asked if you would be willing to provide information including the name and private addresses of all RailCorp employees. You are offered money for this information. You decline to provide the information and report the incident to your manager and the Corruption Prevention Line.

12. Conflict of interest

'We act in the best interests of RailCorp'

RailCorp employees, contractors and consultants have a duty to always put the public interest above their own personal or private interests when carrying out their official duties.

A conflict of interest exists where a personal interest, aim, goal, personal business interest or desired outcome influences or could be perceived to influence the way you carry out your duties as a RailCorp employee, contractor or consultant. You are to avoid situations where the way you do your job could be influenced, or seen to be influenced, by a personal or other interest outside of RailCorp. Potential conflicts of interest must be dealt with - if acted upon a potential conflict of interest becomes improper conduct.

Money does not have to change hands for there to be a conflict of interest - the benefit could be:

- an increase in the value of an asset (eg a house or business) owned by the employee, contractor or consultant or someone the employee, contractor or consultant knows; or
- an advantage received by the employee, contractor or consultant, or by a group to which the employee, contractor or consultant belongs.

Real, potential or perceived conflicts of interest can occur in many situations including as a result of an employee, contractor or consultant being engaged in secondary or voluntary work. For example, a conflict of interest can occur where:

- an employee, contractor or consultant is in a position at RailCorp where they can influence or make decisions that benefit their secondary employer, or a business in which they have an interest, or
- the secondary employment/voluntary work hours conflict with RailCorp working hours.

Examples of conflicts of interest include:

- having/setting up a business or business interest that supplies or wishes to supply RailCorp (see the Secondary Employment section of this Code for specific restrictions for employees who are directly involved in procurement; and the section below which applies to contractors and consultants).
- having a family member, friend or acquaintance who is involved financially or otherwise in a RailCorp matter.
- beliefs or attitudes that influence the advice you give.
- being part of the recruitment process when you have a personal relationship with an applicant (eg the applicant is a relative).
- having a second job that affects your ability to do your RailCorp work.

You must be extremely careful in dealings with ex-employees, contractors or consultants of RailCorp and make sure you do not give them favourable treatment or access to information that belongs to RailCorp. This is particularly important when a former employee, contractor or consultant is now involved in work or business that involves the same or similar work they did for RailCorp.

If an attempt to influence you is made by a former employee, contractor or consultant, you must report it to your supervisor or manager or the Corruption Prevention Line (Telephone 1800 629 826 or 21690 or email CorruptionPrevention@railcorp.nsw.gov.au).

You may often be the only person aware of the potential for conflict of interest. Remember to always act in the best interests of RailCorp. You must notify your General Manager or other senior manager immediately in writing if a private interest conflicts, could influence or may appear to conflict, with your RailCorp responsibilities.

Your General Manager or senior manager will look at whether the personal interest in question is likely to affect your ability to do your job in a fair and honest manner. He or she will also determine whether there will be any negative perceptions that may cause problems. Your General Manager or senior manager will decide with you whether a conflict of interest, perceived or actual, exists and how best to manage it.

General Managers/senior managers must advise the person notifying of a conflict of interest in writing of their decision and how the conflict will be managed. Complete records of the conflict of interest and how it will be managed must be kept.

Management options include:

- restricting the involvement of the affected person
- recruiting an independent third party to oversee some or all of a process
- removing the affected person from the matter completely
- relinquishing the private interest
- resigning from the RailCorp position.

Contractors and consultants directly involved in procurement

Contractors and consultants who are engaged by Strategic Procurement & Supply, Procurement Shared Services and Plant Hire Services, or are directly involved in procurement (eg as a member of a Procurement Cross Functional Team or Tender Evaluation Panel) must complete a comprehensive disclosure of conflicts of interest at the time of engagement and this disclosure must be updated to reflect any change in circumstances. A conflict of interest would include secondary employment with a supplier, or potential supplier, of goods or services to RailCorp.

For advice on conflicts of interest: contact the Corruption Prevention Line on 1800 629 826 or 21690 or by email to CorruptionPrevention@railcorp.nsw.gov.au.

Conflict of interest

Example

You are asked to be a member of a selection panel. When the list of applicants is finalised you realise that one of the applicants to be interviewed is your next door neighbour. You disclose the relationship and request to be removed from the selection process.

You are responsible for making recommendations about the purchase of equipment and you know that a good friend owns one of the companies that has submitted a tender for the job. You advise your General Manager in writing of this conflict of interest and request that you be removed from all involvement in the tender process for this work, including the tender evaluation process.

13. Secondary employment and voluntary work

'My work at RailCorp is my first priority'

Secondary employment means work other than your job with RailCorp and includes operating a private business and voluntary work. All of these may interfere with your ability to perform your RailCorp duties.

RailCorp requires every employee to complete a Secondary Employment *Declaration Form* each year. This will assist RailCorp to identify and manage potential conflicts of interest and other factors, such as fatigue, which may impact on RailCorp's efficiency, safety and reputation.

You should check the *Secondary Employment and Voluntary Work Procedure* for details about what must be declared.

Prior to undertaking secondary employment (whether paid or voluntary) you must have the written approval of your General Manager. The work must not:

- Cause a conflict of interest with your RailCorp duties
- Cause a conflict of interest with RailCorp working hours
- Interfere with or adversely affect your employment with RailCorp, eg working excess hours can lead to fatigue and result in workplace safety incidents

- Involve the use of RailCorp’s intellectual property, confidential information or RailCorp resources
- Involve lobbying RailCorp, any other government agency, or Member of Parliament, where that lobbying would conflict with the interests of RailCorp
- Involve claiming that you speak or act on behalf of RailCorp.

All requests for approval must be made on the current Secondary Employment and Voluntary Work *Application Form*. Employees will be notified in writing if their application is approved. This information will be stored and reviewed regularly.

If your RailCorp position changes, or your secondary employment or voluntary work changes in any way (for example changes to your actual job, hours worked, location of work), you must submit a new Application for approval. Approval of secondary employment/voluntary work will not be unreasonably withheld.

Specific restrictions for employees directly involved in procurement

To minimise the risk of conflicts of interest, RailCorp employees engaged by Strategic Procurement & Supply, Procurement Shared Services and Plant Hire Services, and other RailCorp employees who are directly involved in procurement (eg as a member of a Procurement Cross Functional Team or Tender Evaluation Panel) are prohibited from undertaking secondary employment with a supplier, or potential supplier, of goods or services to RailCorp. Further guidance on this matter may be sought from the Corruption Prevention Line (Telephone: 1800 629 826 or 21690 or email CorruptionPrevention@railcorp.nsw.gov.au)

It is your responsibility to ensure that RailCorp is fully informed and has approved any secondary employment or volunteering BEFORE you start additional work (paid or unpaid). If you are considering employment with RailCorp you must gain written approval for all secondary employment and voluntary work (as defined in the *Secondary Employment and Voluntary Work Procedure*) PRIOR to commencing your position with RailCorp.

Your work with RailCorp must always come first.

For more information, refer to the *RailCorp Secondary Employment and Voluntary Work Procedure* which is available on the intranet at My HR.

Secondary employment

Example

You are a full-time employee in a rail safety role that requires you to do shift work. You have been offered casual work as a builder’s labourer on your days off. You believe this casual work may expose you to fatigue issues because it could require you to work up to nine hours a day. You apply in writing to your manager who assesses the fatigue risk and determines approval/non approval.

You work in Presentation Services managing cleaning services procured by RailCorp. Your brother wants to set up a family cleaning company and compete for RailCorp work. You apply for approval for secondary employment/voluntary work ie to be one of the directors of the family company. Your manager explains that you could be perceived to have a conflict of interest as you may have access to confidential information regarding other cleaning providers’ prices or services which could be used to benefit your family company. Your application is not approved. You do not become a director of the company. Your brother’s company submits a tender to become a supplier of cleaning services to RailCorp. Even though you are not a director or employee of the company you know that your family connection to the company may create a perceived or actual conflict of interest. You therefore notify your senior manager in writing of the potential conflict (refer section 12 of this Code).

14. Public comment

'Only speak on behalf of RailCorp when authorised'

All enquiries from the media (including newspapers, radio, television, electronic or print media) about RailCorp must be forwarded to the Manager Media Unit (Contact (02) 8202 2228 - this line is available 24 hours a day).

Unless authorised by RailCorp to do so, you must not make any comment on behalf of RailCorp, claim to represent RailCorp, or give any impression whatsoever (such as wearing a RailCorp uniform or signing correspondence off with your RailCorp title) that you are representing RailCorp on any issue. This includes:

- Public speaking engagements.
- Making comments to the media.
- Giving opinions in letters, e-mails, newspapers, books, journals, or notices.

This does not prevent you making comment in such forums, as long as you do not represent yourself as a RailCorp employee, contractor, consultant or representative speaking on RailCorp's behalf.

As a general rule, you must not disclose information that is particular to RailCorp, unless it is through a recognised process such as:

- If required by law (eg Freedom of Information Act).
- To authorised persons in the course of your duties.
- If called to give evidence in court.
- If proper authority has been given for the disclosure.

You are not permitted to publicly endorse any private sector product or service on behalf of RailCorp (see example below).

If you are required to make any comments on RailCorp's behalf, provide only factual information and do not express an opinion on official policy or practice. If in doubt, talk to your supervisor, manager or the Manager Media Unit.

Public comment

Example

You are dressed in a RailCorp uniform and are approached by a TV crew for an interview. You correctly decline the interview and refer the interviewer to the Media Unit.

You attend a training course conducted by a private sector company. You praise the course on the course feedback form. The company later calls you and asks if they can quote you in their advertising material to promote the course to other people. You explain that you can not, as an employee of RailCorp, be seen to endorse a private sector organisation.

15. Corrupt conduct, maladministration or serious and substantial waste

'We will act in the best interests of RailCorp'

RailCorp will not tolerate any behaviour that is corrupt, involves maladministration, or serious or substantial waste.

Corrupt conduct is illegal and may have serious consequences such as dismissal and/or imprisonment. Corrupt conduct includes bribery, blackmail, fraud, the abusive or fraudulent use of official material or information, the dishonest use of a position of employment, or interference with the honest performance of another employee's duty.

Maladministration is a failure to comply with proper procedures or the law and may involve action or inaction and inefficient, bad or improper administration. Examples of maladministration would include failing to act on complaints about illegal activities, failing to comply with tendering processes or misusing confidentiality provisions.

Serious waste refers to uneconomic or ineffective use of RailCorp's resources, whether authorised or not, that leads to significant resources or money being wasted. Examples of serious waste include:

- Purchasing expensive materials and equipment that are never or rarely used.
- Spending extensively beyond the budget on a contract due to ineffective contract management.
- Misuse of RailCorp equipment resulting in unnecessary maintenance costs.

Reporting

If you know about possible corrupt conduct, maladministration or serious waste you must report it. You do not need proof that corrupt conduct is occurring, you merely need to suspect it on reasonable grounds.

You can report your suspicions internally to any of the following:

- Your supervisor or manager or another manager
- The Manager, Internal Audit
- The Corporate Counsel
- The Manager, Corruption Prevention or the Corruption Prevention Line 1800 629 826 or 21690 internally or email CorruptionPrevention@railcorp.nsw.gov.au
- The General Manager, Investigations
- The Chief Executive Officer.

While RailCorp strongly encourages the reporting of matters within RailCorp, reports may be made directly to an external investigating authority, such as the:

- Independent Commission Against Corruption (02 8281 5999 or 1800 463 909).
- NSW Ombudsman - to report maladministration (02 9286 1000 or 1800 451 524).
- Auditor General - to report serious and substantial waste (02 9275 7100).

Protected Disclosures

You may also be able to report possible corrupt conduct, maladministration or serious and substantial waste under the *Protected Disclosures Act 1994 (NSW)*. To do this you must be a public official as defined under the *Protected Disclosures Act 1994 (NSW)* and make the disclosure to a RailCorp-Nominated Disclosures Officer, the principal officer of a public authority or to one of the three investigative bodies: the Independent Commission Against Corruption, the Auditor General or the Ombudsman. RailCorp's Nominated Disclosures Officers are listed in the *Protected Disclosures and Reports of Corrupt and other Serious Misconduct/ Maladministration Procedure*. **Remember to tell the person you are making the report to that you would like it treated as a protected disclosure.**

The *Protected Disclosures Act* provides protection by imposing penalties on a person who takes detrimental action against another person substantially in reprisal for a protected disclosure. In addition, RailCorp is committed to protecting any employee, contractor or consultant who makes a bona fide disclosure, not just those who make disclosures covered by the *Protected Disclosures Act*.

Refer to the RailCorp *Protected Disclosures and Reports of Corrupt and other Serious Misconduct/Maladministration Procedure* for details on making a protected disclosure.

Further information regarding protected disclosures can also be obtained from the Corruption Prevention Line (Telephone 1800 629 826 or 21690 internally or email CorruptionPrevention@railcorp.nsw.gov.au).

Corruption

Examples

You are involved in making a decision to award a contract to a supplier and you indicate to the supplier that they will get the job if they 'look after' you by providing a gift or hospitality. This is soliciting a bribe and is corrupt conduct. The supplier reports you to the Independent Commission Against Corruption (ICAC) and you are investigated. You are dismissed from RailCorp and the media covers your attendance at ICAC.

You are working on a tender submission for the construction of a new station building. One of the tenderers phones and requests information regarding the other tenderers. You decline to give this information in accordance with your obligations outlined in the Code of Conduct and inform your supervisor of what has just happened.

You are responsible for awarding contracts to a company and in exchange you receive financial benefits. An investigation also reveals that you are a shareholder in the company. You are interviewed and consequently dismissed. RailCorp then commences legal action to recover the financial benefits obtained by you.

Protected Disclosures

Example

You become aware of a co-worker submitting false claims for overtime and travel expenses and using RailCorp equipment for their own private business. You read the *Protected Disclosures and Reports of Corrupt and other Serious Misconduct/Maladministration Procedure* and contact one of the RailCorp Nominated Disclosure officers and tell them that you wish to make a protected disclosure. The Nominated Disclosure Officer treats your report with strict confidence and a comprehensive investigation is conducted into your allegations. As a result the other employee is dismissed. RailCorp gives you full protection against any possible reprisal or detrimental action.

16. Child Protection in the Workplace

All employees, contractors and consultants have a responsibility to act appropriately when dealing with a child. Under the relevant legislation a child is defined as a person under the age of 18 years and so may include a customer or an employee (eg an apprentice). Appropriate behaviour includes (but is not limited to):

- Using appropriate language
- Not using communication devices to send inappropriate messages and images to or about a child
- Not giving or providing a child with drugs, alcohol or tobacco
- Only using reasonable force where required in the course of your duties.

17. Obligation after leaving RailCorp

'We have obligations if we leave RailCorp'

You must not use your current position to inappropriately gain opportunities for future employment.

If you leave RailCorp you must maintain the confidentiality of information gained in your RailCorp capacity.

Prior to leaving you must return all RailCorp equipment, property and documentation provided or obtained as part of your work. This includes instruction manuals, uniforms, identification or travel passes, corporate or procurement cards, keys, cab charge docketts, mobile phones, pagers, other communication devices, personal protective equipment, small tools, computer software and hardware.

You must repay any outstanding debts prior to leaving RailCorp (for example, personal calls from your mobile phone).

Obligation after leaving RailCorp

Example

On leaving RailCorp you realise you still have your uniforms. You consider donating them to a charity shop but think about how the uniforms could be inappropriately used by a member of the public pretending to be a guard. You contact the Human Resources Unit to arrange return of the uniforms.

18. Dealing with breaches of the Code

'Everybody is accountable for their actions'

The Code of Conduct sets out minimum standards of behaviour required of RailCorp employees, contractors and consultants. All RailCorp employees, contractors and consultants are accountable for their own actions and must comply with the Code and supporting policies, procedures and instructions.

If you believe there has been a breach of the Code you must report it to your supervisor, manager, or human resources representative.

RailCorp will investigate any alleged breach of the Code. This action will be fair and objective. Outcomes of an investigation may include:

- Counselling
- Caution or reprimand
- Regression
- Fine
- Transfer
- Suspension
- Dismissal
- Proceedings under legislation for example referring the matter to the police for potential criminal investigation.

If an employee, contractor or consultant intentionally acts in bad faith or acts maliciously, criminally or otherwise, in addition to other disciplinary action RailCorp may seek to recover from the employee, contractor or consultant the cost of any damages.

19. Applicable laws

The RailCorp Code of Conduct does not stand alone. It is consistent with relevant State and Federal legislation. Relevant legislation includes, but is not limited to, the following.

- *Anti Discrimination Act 1977 (NSW) and the Commonwealth discrimination laws (Race, Sex and Disability)*
- *Commission for Children and Young People Act 1998 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Fair Work Act 2009*
- *Fair Work Regulations 2009*
- *Freedom of Information Act 1989 (NSW)*
- *Independent Commission Against Corruption Act 1988 (NSW)*
- *Industrial Relations Act 1996 (NSW)*
- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety Regulations 2001 (NSW)*
- *Ombudsman Act 1974 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Protected Disclosures Act 1994 (NSW)*
- *Public Finance and Audit Act 1983 (NSW)*
- *Public Sector Employment and Management Act 2002 (NSW)*
- *Rail Safety Act 2008 (NSW)*
- *Rail Safety (General) Regulations 2008 (NSW)*
- *Rail Safety (Drug and Alcohol Testing) Regulation 2008 (NSW)*
- *Transport Administration Act 1988 (NSW) and Regulations*
- *Workplace Relations Act (Commonwealth) 1996.*

20. Relevant RailCorp policies and procedures

Current versions of all RailCorp policies and procedures can be located on the RailCorp intranet site.

21. Assistance

This Code is intended to provide you with practical assistance when faced with ethical challenges. No employee should ever be in a position of facing such ethical dilemmas without help. Assistance is available from within RailCorp or agencies outside of RailCorp.

Within RailCorp

- Your immediate supervisor or the manager of your work area
- Your Human Resources representative
- the Corruption Prevention Line - 1800 629 826 or 21690 or email CorruptionPrevention@railcorp.nsw.gov.au
- Employee Assistance Program (for confidential advice and counselling) - 1300 364 213 (24 hours a day)
- Safety Incident and Injury Hotline - 1800 772 779
- RailCorp Security Control Centre on (02) 9379 4444 or 94444 (24 hours a day)
- Media Unit - (02) 8202 2228 (24 hours a day)
- Investigations Unit hotline - (02) 8202 3187
- Grievance Advisory Service - 23500 or (02) 8202 3500 or 1800 015 743
- Your Occupational Health and Safety representative
- HR Policy Helpline (02) 8922 4499 or email hppolicy@railcorp.nsw.gov.au.

Outside RailCorp

- Alcohol and Drug Information Service - (02) 9361 8000 or 1800 422 599 (outside Sydney)
- Audit Office of NSW (if you are reporting serious and substantial waste) - (02) 9275 7100
- Greenline environmental issues - 1300 656 999
- Independent Commission Against Corruption - (02) 8281 5999 or 1800 463 909
- NSW Ombudsman (if you are reporting maladministration) – (02) 9286 1000 (Sydney metropolitan) or 1800 451 524 (Regional NSW)
- Office of Transport Safety Investigations Confidential Hotline - 1800 180 828

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1.3	21 December 2009	HR Planning and Policy	Revised
1.4	20 January 2010	HR Planning and Policy	Corrected error in Acceptable Behaviour and Responsibilities section to define serious criminal offence as one punishable by imprisonment of <u>six</u> months or longer (as per Transport Administration Regulation Cl.39(2))