

Governance and Management Framework

Standard HRS/STD/3500/SPT

Code of conduct

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TABLE OF CONTENTS

1.0 Purpose	3
2.0 Scope	3
3.0 Responsibilities	4
3.1 Direct reports to the Chief Executive Officer	4
3.2 Chief Human Resources Officer	4
3.3 Responsibilities of employees.....	4
3.4 Responsibilities of supervisors / managers.....	5
4.0 Requirements	5
4.1 Principles	5
4.2 Qld Rail's Values and Behaviours.....	6
4.3 Be responsible for safety, security and the environment	7
4.4 Be fit for work	7
4.5 Provide customer service excellence.....	8
4.6 Value equity and diversity	8
4.7 Make decisions objectively	9
4.8 Avoid any conflict of interest	9
4.9 Use Qld Rail resources, information and systems appropriately	9
4.10 Maintain privacy of personal information	11
4.11 Seek advice before making public comment	11
4.12 Behave appropriately as a Qld Rail employee.....	11
4.13 Be sensitive to cultural issues when working overseas	12
4.14 Disclose gifts and benefits offered	12
4.15 Ensure dress and appearance is appropriate	13
4.16 Maintain confidentiality on leaving Qld Rail	13
4.17 Use intellectual property appropriately.....	13
4.18 Report misconduct	13
5.0 Breaches of Qld Rail's Code of Conduct	14
Criminal actions against Qld Rail and its employees by Qld Rail employees.....	15
Criminal acts affecting employment with Qld Rail	15
6.0 Implementation	15
7.0 Associated Documents	16
8.0 Definitions	17
9.0 Guidelines	18
10.0 Appendices	18

1.0 Purpose

Qld Rail acknowledges the value of its workforce. The commitment, achievement, skill and contribution of each employee is required if Qld Rail's vision of 'performance' is to be achieved.

For Qld Rail to achieve this vision and to be chosen by its customers ahead of other transport options, it relies on its employees' performance and behaviour to achieve its business objectives.

This standard contributes positively to the culture of Qld Rail by outlining the conduct, values and behaviours expected of all Qld Rail employees.

The risks being managed by this standard are;

- Inappropriate behaviour and poor performance in relation to the Code of Conduct;
- Damage to Qld Rail's integrity and reputation;
- Breaches of legislation and legal liability;
- Ineffective management of employees and other Qld Rail resources.

The benefits of implementing this standard are;

- The direction to employees of expected behaviour;
- Encouraging respectful interactions between people;
- Support for the achievement of higher levels of customer satisfaction;
- Improvement of Qld Rail's ability to attract and retain quality employees;
- The achievement of Qld Rail's business objectives.

This standard supports Board Directive HRS/DIR/001.

2.0 Scope

This standard applies to all Qld Rail employees including:

- The Chief Executive Officer
- Members of the Senior Executive

For the purposes of this Standard the term 'employee' includes all Qld Rail employees.

In addition, this Standard will apply in relevant areas to all volunteers and contractors and consultants who are working on Qld Rail sites and/or interacting with Qld Rail employees.

It is the intention of the Qld Rail Board that all Directors comply with this Code of Conduct in addition to the Board Charter.

3.0 Responsibilities

3.1 Direct reports to the Chief Executive Officer

Direct reports to the Chief Executive Officer are responsible for discharging the requirements of this standard, and where necessary implementing business instructions within their areas of responsibility.

3.2 Chief Human Resources Officer

The Chief Human Resources Officer shall ensure this standard is monitored and formally reviewed within three years in line with Board Directive HRS/DIR/001.

Changes or additions to this Standard shall be endorsed by the Qld Rail Board through recommendation from the Chief Executive Officer. The Chief Human Resources Officer shall consult with the relevant Officers of employee representative organisations and any other appropriate parties on any proposed changes to the Standard.

3.3 Responsibilities of employees

All employees shall:

- Carry out their duties in a manner that is:
 - Safe
 - Alert
 - Honest
 - Diligent
 - Competent
- Treat other employees, customers, stakeholders, and members of the public with courtesy and respect
- Ensure they are familiar with relevant Qld Rail standards, specifications and related documents including business instructions that impact on their work
- Use their authority in a fair and unbiased way and not take improper advantage of their position
- Ensure compliance with relevant legislation, Workplace Agreements, policies, board directives, standards and specifications
- Comply with lawful and safe work instructions and directions concerning the performance of their duties, including position descriptions and agreed performance objectives where relevant.
- Understand the requirements of their position and seek clarification and assistance where necessary
- Avoid behaviours or situations that may reflect badly on Qld Rail
- Avoid behaviour against others that constitutes workplace harassment, violence, bullying, sexual harassment, unlawful discrimination or vilification
- Clearly understand and abide by the requirements set out in this Code of Conduct and if necessary seek assistance or clarification from their supervisor / manager. A “Guide to Qld Rail’s Code of Conduct” is available to all employees. This guide includes examples of behaviours or actions which illustrate compliance with the Code of Conduct. It also provides helpful contact details on particular sections throughout the Guide.

This Code of Conduct amended from time to time, forms part of an employee's employment contract with Qld Rail. Employees are responsible for their actions and / or any failure to take action.

Where an employee believes that a direction given is, improper, illegal or unsafe, they should raise the issue with their supervisor or manager, or the person responsible for the direction. The direction will not be acted upon until the supervisor or manager has sought and provided clarification. If the matter is not able to be resolved, then the resolution management process should be accessed.

3.4 Responsibilities of supervisors / managers

As well as their responsibilities as employees set out in section 3.3, managers / supervisors shall:

- Inform employees of the Code of Conduct
- Assist employees to understand the Code of Conduct taking into consideration literacy and language issues
- Lead by example by observing this Code of Conduct
- Manage any breaches of this Code of Conduct
- Ensure employees can access current standards, specifications and related documents including business instructions and are advised of relevant changes.
- Communicate position requirements and expectations to employees

Managers / supervisors may develop a Code of Practice, through a consultative process with employees. The Code of Practice is a workplace specific agreement between employees and supervisors that reflects how the Code of Conduct will be observed at that workplace. All employees at the workplace should be given the opportunity to contribute to its drafting and consensus agreement reached before a Code of Practice comes into effect. Codes of Practice should be reviewed annually through the above consultative process.

Without limiting employee responsibilities, supervisors / managers may be held accountable for the actions of their employees, particularly if the conduct is sufficiently serious, repeated or widespread. Such circumstances may include failing to communicate relevant standards and expectations or not taking action against unacceptable behaviour and work practices.

If supervisory directions are challenged by an employee on the grounds that they are illegal, improper and unsafe or contravene this Code of Conduct, supervisors / managers shall obtain advice as to the legality, safety or propriety of the directions before requiring the employee to proceed.

4.0 Requirements

4.1 Principles

Qld Rail and each employee has a responsibility for maintaining our reputation for safety, honesty and quality by observing the following principles upon which the Code of Conduct is based:

- (a) Observation of relevant legislation, the Award, the Enterprise Agreement, subsidiary agreements, board directives, policies, standards, specifications and position descriptions
- (b) Fairness and equity in all dealings with other employees, stakeholders, clients, customers and members of the public
- (c) Safe and healthy work practices and a concern for the welfare of employees and others
- (d) Honesty, mutual respect, courtesy and dignity are afforded to all
- (e) Acting in the best interests of Qld Rail and its customers
- (f) Recognising the importance of positive relationships with employees, unions, customers, suppliers, stakeholders and the communities in which Qld Rail operates and

- (g) Approaching business affairs ethically and with professionalism.

In some areas within this Standard examples of behaviour / actions illustrating compliance with the Code of Conduct are given. They are examples only and are provided as a guide. The examples are not definitive explanations of the Code of Conduct.

4.2 Qld Rail's Values and Behaviours

To support the ongoing success of Qld Rail, the Senior Executive has identified and committed to a set of core Qld Rail Values and Behaviours that will ensure that Qld Rail is able to achieve its vision of 'performance'. All employees are expected to display the behaviours consistent with Qld Rail Values and Behaviours as follows:

Leadership: "Inspiring and encouraging"

- We provide clear direction and manage performance for sustainable results.
- We champion high performance, potential and talent.
- We encourage and reward contributions made by others.
- We lead with integrity.

Customers: "We respond, we deliver"

- We make time to understand our customers' business and needs.
- We are solution focused.
- We ensure all interactions add value to the customer relationship.

Results: "Relentless pursuit of sustainable results"

- We do not accept complacency.
- We take responsibility for our own performance.
- We use teamwork for the best outcomes.

People: "Respect in all our actions"

- We do not condone actions that demean others.
- We support people with empathy, openness and honesty.
- We balance work and life.
- We keep commitments.
- We act ethically.
- We commit to equal employment opportunity.

Creativity & Innovation: "New ideas powering our future".

- We constructively challenge for a better way.
- We sponsor creativity and sharing of ideas.
- We embrace ideas for improvement.
- We proactively identify opportunities for growth.
- We capture and share knowledge.

Safety and Environment: "Everyone's responsibility"

- We ensure our own safety and the safety of others.
- We act with care for the environment.
- We make business decisions that respect safety and the environment.

4.3 Be responsible for safety, security and the environment

Safety, security and sound environmental practices are the responsibility of all employees.

Supervisors / managers have a responsibility to ensure that safe and environmentally sound systems of work are in place. Supervisors / managers shall ensure employees hold the mandatory qualifications or have received the necessary training to perform required tasks.

All employees shall carry out their duties in a way that minimises the impact of Qld Rail's operations on the environment.

All employees have a duty to minimise the potential of accidents, injuries and ill health and shall:-

- (a) Observe all rules, procedures and approved methods of work
- (b) Report any environmental incidents and complaints and unsafe or unhealthy work practices or conditions promptly
- (c) Wear Personal Protective Equipment / clothing and use equipment in accordance with Qld Rail safety requirements
- (d) Not smoke in any Qld Rail building, office, quarters, locomotive, vehicle or other areas where 'no smoking' signage is displayed, or when attending to members of the public
- (e) Observe all local security procedures such as procedures for entry to Qld Rail premises
- (f) Ensure that their work area is secure so that confidential material cannot be seen, copied or taken by unauthorised persons and
- (g) Prohibit and/or eliminate all forms of workplace harassment including sexual harassment, bullying and violence.
- (h) Consider environmental and safety risks when planning and undertaking work
- (i) Implement all reasonable and practical actions to prevent or minimise environmental impacts and take any necessary follow up action.

4.4 Be fit for work

Managers / supervisors should be aware of workplace health issues and where an issue has been identified take early action to intervene as necessary. Workplace health issues may include but are not limited to: heat stress, fatigue, alcohol and drug abuse and/or dependency, stress, injury and illness.

Employees must report for work in a fit and ready state to perform their duties.

If a manager / supervisor has a reasonable belief that an employee is not fit to commence duties they have a responsibility to ensure that the employee does not start work. In these circumstances the manager / supervisor shall take reasonable action to ensure the safety of the employee and the workplace.

Without limiting the above, employees shall:

- (a) not have recently consumed i.e. be affected by alcohol and other drugs when they;
 - sign on for duty;
 - are on duty'
 - are on call or are required to provide professional safety-related advice and give safety-related information when not on duty;
 - are acting on behalf of Qld Rail by carrying out functions or duties at the request of a principal contractor or third party operator;
- (b) advise their supervisor / manager of the side effects of any medication they are taking that may have an impact on their ability to do their job in a safe manner and where appropriate are in line with Medical Fitness Standards

- (c) advise their supervisor if they have a physical, psychological or psychiatric condition which limits the employee's ability to undertake work in a safe and effective manner
- (d) not undertake paid work outside Qld Rail which can impact on an employee's ability to perform their Qld Rail job (e.g. fatigue)
- (e) comply with the breath alcohol concentration limitations under the Fitness for Work: Alcohol and Other Drugs Management Standard:

Type of Worker	Breath Alcohol Concentration (BrAC)
All workers	0.00 BrAC

- (f) comply with Qld Rail's Fitness for Work Standards where it applies to them;
- (g) comply with reasonable alcohol and drug testing requirements and policies of any external customers whilst required to work on their premises
- (h) have a 0.00 BrAC when driving Qld Rail fleet motor vehicles in accordance with GEN/PRO/1006/SUP 'Motor Vehicle Fleet Procedures'

Any concerns of employees being not fit for work shall be managed in accordance with the:

- Health Management Administration Standard and/or
- Fitness for Work Standards and/or
- People Performance Framework.

4.5 Provide customer service excellence

A customer focus is essential to Qld Rail being a successful business. Customer service excellence is of prime importance to Qld Rail in achieving its vision of 'performance'. Focusing on the customer is the responsibility of all employees.

Our reputation and success as a business depends on how we offer our services and conduct ourselves when dealing with the public and more specifically our corporate, retail and internal customers.

Employees are expected to be helpful, courteous, respectful and timely in all their dealings with customers and stakeholders. Employees are expected to meet the commitments they make to customers.

Qld Rail provides products and services to a diverse range of customers and therefore employees must ensure the service provided is equitable and free from personal bias.

Employees are encouraged to use their initiative in line with business needs to improve the way things are done at work so that customers' changing needs and expectations are anticipated and fully met.

4.6 Value equity and diversity

Qld Rail is committed to preventing and eliminating unlawful and inappropriate workplace behaviours. Qld Rail employees shall observe the right of others to be treated with respect and fairness; to recognise, accept and demonstrate differences; and to be treated impartially.

Whilst it is critical for all employees to value equity and diversity, it is also important for all employees to understand that equity and diversity principles endorsed by Qld Rail are based upon a legislative framework. Employees are required to demonstrate behaviours that comply with these legislative requirements.

All employees shall uphold these principles and abide by the requirements of Qld Rail's Equity and Diversity Standards.

4.7 Make decisions objectively

Managers and employees are to make decisions, advise and behave in a manner that is free of favouritism, self-interest and preference.

It is important to treat people fairly by objectively considering all relevant facts and implementing Qld Rail board directives, policies, standards, specifications, programs and initiatives equitably.

Decisions shall be made in accordance with relevant legal, industrial, governance and management and administrative requirements.

4.8 Avoid any conflict of interest

Conflict of interest occurs where personal interests influence or appear to influence the impartial performance of an employee's duties and responsibilities.

To avoid conflict of interest, employees are required to disclose any private interests that may be perceived to conflict with the performance of their duties. This disclosure should be made to their supervisor / manager immediately on becoming aware that a conflict has arisen or is likely to arise.

Employees are expected to advise the supervisor / manager where they become aware that they are in a position to influence the appointment, advancement or reward of a person to whom they are married, closely related or have a close personal relationship.

Employees are required to advise their supervisor / manager prior to undertaking any paid work outside Qld Rail which may lead to a conflict of interest with their Qld Rail duties. This includes outside employment which could adversely affect Qld Rail's reputation, time or resources. The supervisor / manager will determine the extent of any conflict of interest and the action required to resolve the conflict.

4.9 Use Qld Rail resources, information and systems appropriately

(1) Resources

Qld Rail's resources include property, plant, and equipment, vehicles, information systems, computing resources, goods, products and valuables.

Employees shall use Qld Rail resources economically, carefully and for the purpose for which they are designed. Employees shall not misuse or allow others to misuse Qld Rail resources and ensure items are secured against theft and are properly stored, maintained and repaired.

Before using any Qld Rail resources the employee and their supervisor shall ensure they have the necessary qualification, license, permit or accreditation if applicable. The employee shall advise their supervisor if they do not hold or have lost necessary qualifications, licenses, permits or accreditation.

Qld Rail resources must only be used for work purposes unless there is written approval, where appropriate, from the supervisor or manager for personal use. Such approval shall not include the use of associated consumables with the Qld Rail resource eg. grinder discs with grinder or film with the use of camera. Private use shall not provide any financial benefit to an employee or another person.

Failure of an employee to take reasonable care may be considered a breach of the Code. Any employee found wilfully damaging or destroying Qld Rail resources or who is repeatedly negligent in the care of these resources shall be managed through the discipline process.

Any authorised private use of Qld Rail resources must not breach any Qld Rail standard or specification.

(2) Information

Employees shall respect all confidential information they may have access to in the course of their duties and shall not use or disclose this information except for Qld Rail work purposes.

Employees may, as a result of the tasks they perform or their association with Qld Rail obtain price-sensitive information relating to other companies which is not generally available in the market.

Employees shall not use price-sensitive information in deciding whether or not to acquire or sell shares or other securities. In addition such information shall not be disclosed to any third party who is likely to use it in deciding whether or not to acquire or sell shares or other securities.

At all times employees are to only divulge sensitive, confidential information (particularly financial and commercial information) for proper purposes and shall refuse to divulge information for such proper purposes if they have reason to suspect that the information will be used for improper purposes or the improper use of which could hurt, damage or hinder Qld Rail's commercial operations.

For more information see Board Directive GEN/DIR/0003 Trading in Securities by Qld Rail Officers and Employees.

Special attention shall be given to information with ringfencing implications (see Ringfencing Standard GEN/STD/1705/LEG).

Confidential information or information held in official records shall not be used to gain any personal advantage.

Employees shall ensure Qld Rail records and documents are stored and archived according to the Record Classification and Disposal Specification (GEN/SPC/1201/INF) Employees shall not destroy business documents and records that are required to be maintained for a statutory period nor must any records be falsified or manipulated.

Before leaving Qld Rail employees shall return all Qld Rail equipment, property and documentation provided or obtained while carrying out their duties. This includes but is not limited to, instruction manuals, identification, travel passes, uniforms, corporate or procurement cards, keys, cab charge dockets, mobile phones, pagers, other communication devices, personal protective equipment, tools, computer hardware and software.

Employees and supervisors / managers should refer to Security Manual GEN/RD/1933/SEC

Customers' property and information, while in the care of Qld Rail must be treated and handled with respect, care and confidentiality.

(3) Appropriate Use of Qld Rail's Electronic Communication Systems

Employees are to ensure that electronic communication systems are used in an appropriate and ethical manner. Electronic communication systems include computers, computer networks, internet, intranet, telephones, mobile phones, email, PDAs, blackberries, faxes, radio networks and any other communications device or service provided by Qld Rail.

Such information and communication systems shall not be used for inappropriate purposes.

Inappropriate use of Qld Rail's systems may include accessing, creating, copying, downloading, displaying, storing or sending the following inappropriate material:

- Pornographic or sexually explicit material
- Sexually implicit material
- Cruel, malicious or violent material
- Material that may cause offence or intimidation or may amount to harassment, discrimination or vilification under the Anti-Discrimination Act (Qld) 1991
- Material that threatens, bullies, harasses or defames any person or organisation
- Other material that is offensive and/or unethical i.e. breaches the Code of Conduct

- Material that may breach copyright (or putting unauthorised software or software/programs used to copy copyright material on Qld Rail's systems)
- Material that interferes with or potentially risks the security of Qld Rail's systems
- Material for personal commercial purposes or personal gain
- Unsolicited bulk email
- Material that uses more space on the network than is appropriate
- Illegal/criminal material
- Material such as Qld Rail's intellectual property, commercial or financial information which if released inappropriately could hurt, damage or hinder Qld Rail's commercial operations.

The inappropriate material described above is also inappropriate if it is in paper/hard copy format.

Employees and supervisors / managers should refer to the following documents for further information:

- Appropriate Use of Electronic Communications Systems HRS/SPC/1008/SPT
- Inappropriate Material Website

4.10 Maintain privacy of personal information

Employees shall ensure that the confidentiality of personal information collected and held by Qld Rail is maintained in accordance with the:

- Privacy of Personal Information Standard GEN/STD/1703/LEG and
- Guidelines for Protecting Personal Information GEN/RD/1700/LEG.

Personal information relating to customers or individual employees shall not be provided (unless permitted by law) to other employees unless it is required to perform their jobs. Personal information shall not be provided to employees or to any other person without the prior consent of the employee.

Information relating to employment records, salaries, addresses etc shall not be released to external parties unless required by law or upon informed consent of the relevant employee.

4.11 Seek advice before making public comment

Before making any work-related public comments or publishing official information, approval from the appropriate supervisor / manager is required.

Employees shall consult Corporate Affairs before making any comment to the media about any Qld Rail-related issue. Corporate Relations shall advise employees in cases where there may be media or political implications.

If a statement is made on an official matter as a private citizen, employees must declare this to their audience. It must be made clear that the comments are made on their own behalf or those of other entities and are not made on behalf of Qld Rail.

4.12 Behave appropriately as a Qld Rail employee

Employees shall observe all policies, board directives, standards and specifications, including this Code of Conduct, where Qld Rail requires them to work or participate in activities outside Qld Rail premises and / or outside normal working hours.

This includes but is not limited to conferences / seminars, entertaining clients, taking part in familiarisation tours and visits to other workplaces. It may also apply to social activities with Qld Rail employees, suppliers or members of the public, whether or not the activity is endorsed by Qld Rail but that may have a negative impact on the workplace.

In some cases an employee's behaviour out of work hours may also reflect on both the employee and Qld Rail. Employees must avoid situations where their personal behaviour reflects badly on Qld Rail and/or impacts negatively upon the workplace.

Further, where overnight accommodation is provided by Qld Rail, any inappropriate behaviour that occurs may be deemed to be work related if it impacts on another employee and / or reflects adversely on Qld Rail.

Any inappropriate behaviour that is deemed to be work related may be a breach of this Code of Conduct and may result in discipline action.

4.13 Be sensitive to cultural issues when working overseas

Employees shall comply with Qld Rail policies, board directives, standards and specifications, including this Code of Conduct, where Qld Rail business requires them to work overseas.

One of the greatest challenges of expanding globally is the cultural complexity of the international environment. Employees who understand host country cultural and business norms enable Qld Rail to operate effectively in international environments and attract new international business.

Employees who are working overseas are representing Qld Rail and shall behave at all times in a manner that upholds the good reputation of Qld Rail. While overseas, employees shall respect the law of the country they are working or travelling in. Employees shall be culturally sensitive to the people of the country they are working in and observe local customs, including personal behaviour. Styles of interpersonal behaviour and conduct that are acceptable in Australia may be inappropriate or misinterpreted in other countries. Actions of family or household members of the employee can also impact on the reputation of Qld Rail.

Employees working overseas must not improperly use their position or status to obtain or seek to gain a benefit or advantage for them, or another person. If refusing to accept a gift is likely to cause offence to the extent that it could adversely affect Qld Rail's interests, the employee should accept the gift and then disclose this to their supervisor / manager (see section 4.14).

Assistance in cross cultural issues including appropriate training can be obtained from Diversity and Wellbeing.

4.14 Disclose gifts and benefits offered

Employees should not request, encourage or accept gifts or benefits in connection with their duties, other than proper remuneration entitlements or benefits given under a Qld Rail recognition program except as in circumstances stated below. Recognition programs are defined under the Recognising Outstanding Performance specification.

Employees may accept gifts of a token nature such as coffee mugs, T Shirts, caps or pens, acts of moderate hospitality or the provision of moderate meals during genuine business meetings, only if it is unlikely to be seen as compromising themselves or Qld Rail.

Employees are required to disclose to their supervisor / manager a gift or benefit offered or suggested to them, whilst carrying out their duties that may be outside a token nature. Examples of such gifts may include (but not be limited to): conference / seminar costs, travel, entertainment, alcohol, lotto / casket tickets, books, sporting tickets or equipment.

Under no circumstances should an employee accept gifts of cash.

Supervisors / managers may authorise the acceptance of a gift or benefit, where they are satisfied that acceptance does not amount to a perceived, potential or actual conflict of interest, where acceptance is considered reasonable and/or necessary as a consequence of their employment with Qld Rail. Assistance may be sought from their next level manager.

Where approval to accept a gift or benefit is granted the supervisor / manager shall determine the appropriate method of distribution of the gift or benefit. For example the gift may be shared within a team, allocated to a deserving individual, donated to a charity, or any other appropriate method as designated by the supervisor / manager.

4.15 Ensure dress and appearance is appropriate

Dress and appearance needs to be suited to the employee's duties and work environment, whilst acknowledging cultural and religious differences and the professional image required by Qld Rail.

To create a positive public image, employees shall maintain a clean and tidy appearance while on duty and wear the full, current uniform where it is required. Any special circumstances which restrict an employee's ability to wear the full uniform will where possible be accommodated by Qld Rail (e.g. pregnancy, medical and cultural circumstances).

Employees shall ensure that their personal hygiene does not affect the comfort of others.

Employees who wear a Qld Rail uniform or any clothing which can identify them as a Qld Rail employee shall ensure that both during and outside of work hours they do not engage in conduct adversely affecting Qld Rail.

4.16 Maintain confidentiality on leaving Qld Rail

As a general principle, where employees leave Qld Rail they shall not give unfair competitive advantage to a future employer, or disadvantage Qld Rail in commercial or other relationships, through the disclosure of confidential information.

Employees who are offered employment, or who intend to take up other employment shall not use confidential information gained as a result of their position/s while employed by Qld Rail.

Employees shall advise their supervisor / manager if they are leaving Qld Rail for other employment that is similar to or is sensitive to their Qld Rail work, so that any potential conflict can be managed.

Qld Rail has the right to take legal action against former employees in instances where they disclose confidential information.

Employees shall keep in mind when dealing with former employees of Qld Rail that they shall not be given favourable treatment or access to confidential Qld Rail information.

4.17 Use intellectual property appropriately

Any intellectual property invented or created by an employee in the course of their employment with Qld Rail shall remain the property of Qld Rail unless otherwise agreed in writing between the parties. Qld Rail has the right to take legal action against present or former employees in instances where they disclose confidential information or breach Qld Rail's intellectual property. Employees and supervisors / managers shall take appropriate steps to protect Qld Rail's valuable intellectual property and confidential information.

An employee must not copy, quote, or reproduce work from other agencies unless they or Qld Rail have been given permission to do so and acknowledge the source appropriately.

4.18 Report misconduct

If employees observe, or have good cause to suspect that misconduct is occurring, Qld Rail expects that they report it to the relevant contact listed below:

- their supervisor / manager or
- their local Human Resources Adviser / Manager or
- Group General Manager or other members of the Executive or
- Chief Human Resources Officer or
- Chief Executive Officer or
- Chief Internal Auditor or
- Qld Rail's Corporate Counsel.

Misconduct includes:

- a) wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment
- b) conduct that causes imminent and serious risk to:
 - the health or safety of a person
 - the reputation, viability or profitability of the employer business
- c) theft
- d) fraud
- e) assault
- f) the employee being intoxicated at work or under the influence of a drug
- g) the employee refusing to carry out a lawful and reasonable instruction that is consistent with their contract of employment
- h) other misconduct prescribed under a legislative regulation.

An employee may also report instances of theft, fraud or corruption to the Qld Rail Whistleblowers Hotline on 1800144774. The Whistleblowers Hotline is a confidential phone hotline that is available to report improper activities within Qld Rail specifically relating to theft, fraud or corruption.

Reprisal taken against a person who has reported misconduct shall not be tolerated. Qld Rail will take all reasonable steps to protect its employees from reprisals that are, or may be, taken against them for reporting misconduct.

Employees who take reprisal action and/or make vexatious and/or frivolous reports shall be managed through the Discipline Process Specification (HRS/SPC/1004/SPT) discipline process.

5.0 Breaches of Qld Rail's Code of Conduct

All employees are accountable for their actions and there are consequences for breaches of this Code of Conduct. Breaches of the responsibilities and requirements outlined in this Code of Conduct shall be managed by applying one or more of the following specifications:

- Performance Management Process HRS/SPC/1003/SPT
- Managing Unsatisfactory Performance Process HRS/SPC/1002/SPT
- Discipline Process HRS/SPC/1004/SPT

Advice may be sought from a Human Resources Adviser in determining which appropriate specification should be accessed.

The type of action taken will depend on the facts and circumstances of each case. Supervisors / managers have an obligation to manage breaches of this Code of Conduct as soon as practicable after the incident is observed or reported. All the facts and circumstances of the incident shall be considered and where necessary appropriate action taken.

Serious or numerous breaches of this Code of Conduct which result in discipline action may lead to dismissal. The manager shall seek advice from a Human Resources Adviser in determining if a breach is of a serious nature.

Where the breach is also unlawful it may lead to criminal prosecution (where applicable) and/or civil action (where applicable).

Criminal actions against Qld Rail and its employees by Qld Rail employees

The supervisor / manager shall inform Corporate Counsel of suspected criminal actions against Qld Rail or its employees which are perpetrated by Qld Rail employees.

In the case of criminal action against Qld Rail, Corporate Counsel may report the action to the police or may instruct the supervisor / manager to report the action.

At any time Qld Rail employees may report criminal actions against themselves to the police.

In an emergency, or where Corporate Counsel is unavailable (e.g. over a weekend, public holiday) the supervisor / manager may report a suspected criminal action against Qld Rail or Qld Rail employees to the police before informing Corporate Counsel, which must occur as soon as possible.

Examples of criminal actions include (but are not limited to): fraud, theft, assault, misuse of Qld Rail resources and malicious damage.

Qld Rail may conduct its own investigation into the matter independently of the criminal investigation conducted by the police. Furthermore Qld Rail may apply the Discipline Process Specification HRS/SPC/1004/SPT which may result in dismissal prior to criminal findings.

Criminal acts affecting employment with Qld Rail

Employees shall advise their supervisor / manager of any criminal conviction or charge that may impact on their ability to perform their duties that is;

- 1) recorded on their criminal history, and
- 2) falls within the rehabilitation period as defined by the Criminal Law (Rehabilitation of Offenders) Act 1986.

This does not affect an employee's obligation to disclose full past and present criminal history as required by any other legislation.

Discipline procedures may be used in cases of criminal acts which are not directed against Qld Rail or its employees but which affect the employment contract or reflect badly on Qld Rail.

This may include criminal acts in connection with an employee's private interests in or away from the workplace.

In these circumstances advice shall be sought from Human Resources or Corporate Counsel prior to accessing the Discipline Process Specification HRS/SPC/1004/SPT.

6.0 Implementation

This standard takes effect from 19 August 2010.

Managers / supervisors shall take reasonable steps to ensure employees are provided with the necessary information on the Code of Conduct.

7.0 Associated Documents

- Anti-Discrimination Act (Qld) 1991
- Corporations Act (Cth) 2001
- Criminal Law (Rehabilitation of Offenders) Act (Qld) 1986
- Environmental Protection Act (Qld) 1994
- Freedom of Information Act (Qld) 1992
- Fair Work Act (Cth) 2009
- National Privacy Principles, made under the Privacy Act (Commonwealth) 1988
- Transport Operations (Road Use Management) Act (Qld) 1995
- Workplace Health and Safety Act (Qld) 1995
- Relevant Collective Workplace Agreements
- HR Policy POL 09
- Board Directive HRS/DIR/001
- Fitness for Work: Alcohol and other Drugs Management Standard SAF/STD/0109/COM
- Equity and Discrimination Standard HRS/STD/3501/SPT
- Resolution Management Process Specification HRS/SPC/1005/SPT
- Alternative Methods for Dispute Resolution Protocols and Workplace Facilitators Specification HRS/SPC/1006/SPT
- Workplace Investigations and Investigators Protocol HRS/SPC/1007/SPT
- Qld Rail People Performance Framework Standard HRS/STD/3507/SPT
- Privacy of Personal Information Standard GEN/STD/1703/LEG
- Ringfencing Standard GEN/STD/1705/LEG
- Sexual Harassment in the Workplace Standard HRS/STD/3502/SPT
- Unlawful Harassment, Bullying and Workplace Violence Standard HRS/STD/3504/SPT
- Work and Life Standard HRS/STD/3506/SPT
- Appropriate Use of Electronic Communications Systems Specification HRS/SPC/1008/SPT
- Health Management Administration HRS/SPC/3601/HLT
- Reasonable Adjustment HRS/SPC/3511/SPT
- Union Encouragement HRS/SPC/3601/HLT
- Management of Vital Records GEN/SPC/1204/INF
- Security Management PRI/0023/COR
- Discipline Process Specification HRS/SPC/1004/SPT
- Management of Fitness to Work Standard Specification SAF/SPC/0023/COM
- Performance Management Specification HRS/SPC/1003/SPT
- Managing Unsatisfactory Performance Process Specification HRS/SPC/1002/SPT
- Recognising Outstanding Performance Specification HRS/SPC/1001/SPT
- Guidelines for Protecting Personal Information GEN/RD/1700/LEG.
- Security Manual GEN/RD/1933/SEC
- Codes of Practice (where relevant)

8.0 Definitions

With the exception of the following definitions, which are specific to this Standard, all terminology used within this standard is in accordance with GEN/STD/1002/ADM Qld Rail's Terminology and Definitions.

affected by alcohol or other drugs	refers to a state in which a person's judgement or perception or coordination or reaction time may be affected and thereby render them unable to do their job safely or efficiently.
confidential information	refers to information, which is not known to the public at large and / or is commercially sensitive. This may include trade secrets, techniques, administration, marketing and business methods, unpublished financial information about Qld Rail and any other unpublished official information. Generally, information will be considered confidential if its improper use could adversely affect Qld Rail or its stakeholders.
gift or benefit	refers to gratuity, remuneration, allowance, discount, fee, subsidy, consideration, hospitality, goods or other services received by employees, their associates or their families.
intellectual property	refers to the property of the mind or intellect. In business terms this also includes proprietary knowledge.
misconduct	misconduct includes: <ul style="list-style-type: none"> a) wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment b) conduct that causes imminent and serious risk to: <ul style="list-style-type: none"> • the health or safety of a person • the reputation, viability or profitability of the employer business c) theft d) fraud e) assault f) the employee being intoxicated at work or under the influence of a drug g) the employee refusing to carry out a lawful and reasonable instruction that is consistent with their contract of employment h) other misconduct prescribed under a legislative regulation.
official records	refers to paper and electronic files and data, such as certificates, working papers, diagrams, plans, jottings, work diaries, computer printouts and discs, maps, films, photographic films and video recordings.
performance	refers to level of achievement of work duties / objectives and the standard of work-related behaviour as outlined in the Code of Conduct.
private interest	refers to personal, financial, commercial, political, religious or other interest. Private interests may also include undertaking outside employment.
QLD RAIL resources	refers to both tangible and intangible assets such as physical and intellectual property, facilities, materials, equipment, tickets, money, computer programs, <i>employee's</i> time and confidential information.
recently consumed	use of alcohol and/or other drugs to the extent that it is detectable in excess of the prescribed limit.

reprisal	refers to any form of: <ul style="list-style-type: none">• detriment• threat of detriment• attempt to cause detriment• attempt to induce a person to cause detriment• conspiracy to cause detriment against an individual who has made a genuine report of misconduct.
ringfencing	refers to the structural and procedural controls implemented to separate the provision of a monopoly service from the provision of contestable services by an integrated organisation such as Qld Rail, and, whilst taking into account Qld Rail's obligations under the Access Undertaking and under the Queensland Competition Authority Act 1997, still being able to utilise the benefits of being an integrated organisation. Ringfencing is a means of avoiding situations that might give rise to a conflict of interest or breach of confidentiality in an integrated organisation.
volunteer	refers to a person who undertakes activity without monetary reward, of their own free will, and activity that is of benefit to the local community and Qld Rail (eg students).
zero limit worker	a worker who has been identified as: a safety critical worker; holding certification for and performing 'prescribed occupations' as described in Schedule 5 of Queensland Workplace Health and Safety Regulations 1997; drivers of vehicles as described in section 79 of Queensland Transport Operations (Road Use Management) Act 1995; and drivers of Qld Rail Fleet Motor Vehicles as described in GEN/PRO/1006/SUP 'Motor Vehicle Fleet Procedures'.

9.0 Guidelines

The Code of Conduct Guide is a plain English summary of this standard.

10.0 Appendices

There are no appendices applicable to this standard.