

## 1 PURPOSE

TurksLegal's ('the firm') Code of Conduct outlines the standard of behaviour expected of employees and partners ('staff') of the firm.

The Code of Conduct is designed to assist staff to understand their responsibilities and obligations and provide guidance on expected behaviour in the workplace, or if faced with an ethical dilemma or conflict of interest in their work.

The Code of Conduct does not seek to encompass all possible scenarios arising in employment with the firm; it provides a set of principles to guide staff on acceptable and unacceptable behaviour.

The Code of Conduct should be read in conjunction with the firm's policies, procedures and the individual's employment contract.

## 2 SCOPE

This policy applies to all staff.

## 3 DEFINITIONS

'**Conflict of Interest**' is assessed in terms of the likelihood that staff members possessing a particular interest could be improperly influenced, or might appear to be improperly influenced in the performance of their duties.

'**Disciplinary Action**' means the measures taken by the firm in relation to unsatisfactory performance, misconduct or serious misconduct and includes but is not limited to:

- Formal counselling of staff by an appropriate supervisor or internal or external counsellor;
- Giving staff a written warning (including where appropriate, a final warning);
- termination of employment.

'**Ethics**' means the guiding values, principles and standards that enable people to determine how things should be done and how they should act. Ethics refers to the judgements that people make and the process that determines those judgements. It is the process by which people make value based decisions which ultimately guides their actions and behaviours.

'**Gifts/benefits**' means a gift in its broadest context (e.g. tickets, lunches, vouchers, jewellery etc.). The firm does not encourage the proffering of gifts in the workplace.

If an acceptance of a gift may be regarded as acceptance of inducement to act in a certain way, thereby creating a real or perceived conflict of interest, a member of the firm should not accept the gift.

Receipt of a gift does not encompass:

- standard promotional material distributed by an organisation, or business, free of charge, equally to all, where its primary purpose is to promote the organisation or business; or
- a small gift or gesture of goodwill given solely in the spirit of a festive celebratory event that could not be reasonably deemed as a conflict of interest.

'**Misconduct**' means dereliction of duty or unacceptable behaviour. This includes:

- conduct which is an impediment to the satisfactory performance of the work of the staff member or other staff in the firm;

- failure to comply with a reasonable instruction given by a person in the line management of the staff member;
- behaviour that may be reasonably perceived as bullying, harassing, intimidating, overbearing or physically or emotionally threatening;
- an action of the staff member which is prejudicial to the health or safety of other staff or members of the public;
- conduct of the staff member that results in a conviction, sentence or other order imposed by a court which restricts the activities of a staff member in a manner that constitutes an impediment to the staff member carrying out their duties;
- deceptive behaviour of a minor nature related to research, learning and teaching.

**'Serious misconduct'** means misconduct of such a nature that it would be unreasonable to require the firm to continue the employment of the staff member, and is conduct of a kind which constitutes:

- a recurrence or continuation of conduct which has been found to be misconduct on the part of the staff member;  
and/or
- serious misbehaviour, which may be a single occurrence, of a kind which constitutes:
  - a serious impediment to the carrying out of a staff member's duties, or to other staff carrying out their duties;
  - a serious risk to the safety of staff;
  - a serious risk to the firm's property;
  - dishonest behaviour;
  - a serious dereliction of duties; or
  - a conviction by a court of an offence which constitutes a serious impediment to the carrying out of their duties.

## **4 POLICY**

### **Personal and professional conduct**

- In the performance of their duties associated with their position, staff should;
- act diligently, impartially, conscientiously and to the best of their ability;
- behave honestly and with integrity;
- treat colleagues with dignity, courtesy and respect;
- keep up-to-date with advances and changes in the body of knowledge and the professional and ethical standards relevant to their area of expertise;
- avoid undertaking any activity that could potentially compromise the performance of their duties;
- be aware of and comply with the firm's policies, procedures, operating manuals and any workplace agreement or employment contract applicable to their role;

- perform the duties of their role to the standards required by the firm and to the best of their ability;
- work in a safe, responsible and effective manner that ensures not just a staff member's own safety but the safety of others;
- comply with any lawful and reasonable direction given to them;
- obey all Laws relevant to their employment (for example, complying with work health and safety laws, environmental laws and anti-discrimination laws);
- respect and safeguard the property of clients, suppliers and colleagues;
- not take advantage of the firm or information for personal gain or to cause detriment to the firm or its clients; seek further guidance as required about their responsibilities through supervising partners and management; ensure they notify supervising partners or management if colleagues are not behaving in accordance with the Code of Conduct;
- be proactive in protecting and furthering the firm's best interests and always act in the best interests of the firm;
- act in a manner that reflects and upholds the firm's brand, reputation and values;
- ensure personal business, financial and other outside interests do not conflict with their duty to the firm.

### **Equity, diversity and social inclusion**

Staff will act to create a fair, inclusive and safe environment, where diversity is valued and unlawful discrimination, bullying, harassment and victimisation in any form are unacceptable.

Staff will seek to understand their rights and responsibilities in relation to State and Federal anti-discrimination legislation and integrate the principles of equality of opportunity, natural justice and inclusivity into their day-to-day practices and behaviours.

### **Conflict of interest**

The potential for a conflict of interest arises when staff members have private interests that could influence or appear to influence judgments made during the course of their professional duty. Conflicts of interest or perceived conflicts of interest must be declared and managed to ensure integrity and transparency.

The following are examples of, but not limited to, activities or actions which must be questioned and considered by staff to determine a conflict of interest;

- Accepting gifts, benefits, discounted goods or services
- Purchasing discounted goods or services
- Social interactions
- Making decisions and providing advice
- External, private work
- Use of confidential information.

### **Gifts, benefits and hospitality**

Staff have a responsibility to behave with integrity and impartiality. This includes responding appropriately to offers of gifts, benefits and hospitality.

Staff must not seek or accept gifts that could be reasonably perceived as influencing them, particularly from people or organisations for which they are likely to be involved in decision making.

Gifts of money must not be accepted in any circumstances. If a staff member is offered a bribe, the incident must be reported to the relevant supervising partner or HR Manager immediately. If a staff member is unsure how to respond to an offer of a gift, benefit or hospitality, they should seek advice from their supervising partner or the HR manager.

### **Outside activities, employment and private practice**

The firm encourages staff to contribute and engage with the community. In undertaking these activities, staff must observe the following requirements:

Staff members must have approval from their supervisor for activities undertaken during normal working hours and/or if these activities could conflict with their employment at the firm; Outside activities must not involve the use of firms resources.

### **Use of social media**

Staff members must be mindful of their use of social media and ensure their interactions are respectful to the firm and in accordance with relevant policies and procedures. Staff are required to comply with the firm's Acceptable Use Policy and a breach of the policy may result in disciplinary action.

### **Compliance/breaches/complaints**

If a staff member knows of an actual or possible breach of the Code of Conduct, they should report their concerns to their supervising partner or the HR Manager.

The firm takes commitment to its Code of Conduct seriously. Any breach of this policy or act of misconduct or serious misconduct may result in disciplinary action, up to and including termination.