



**TE MARAE ORA
MINISTRY OF HEALTH
COOK ISLANDS**

CODE OF CONDUCT

Foreword

It gives me great pleasure to present the Te Marae Ora Ministry of Health (“the Ministry”) Cook Islands Code of Conduct 2009.

The Ministry’s strength relies upon the professionalism and integrity of all staff. It is therefore important that we define the standards of behaviour expected of Ministry staff so that as an organization, we can continue to be proud of the way we do our work.

This Code is one of the documents that defines our expectations. Other points of reference are the Health Strategy (2006), the Ministry’s vision, mission and values; corporate policies; employment agreements; and any other operational policy that is developed.

You are an important part of the Ministry. The way you conduct yourself reflects on you as an individual, your colleagues and the Ministry as a whole. As a public servant you have, or are perceived to have, the capacity to affect the lives of many people through your advice and actions. I ask that you read this document carefully and continue to refer to it in your work. Discuss it with your manager and colleagues – it may have specific implications for your area of work.

Kia Rangatira

Dr. Roro Daniel
Secretary of Health

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Why do we have a Code of Conduct?

This Code of Conduct sets out the standards of behaviour required from you as a Ministry employee. The Ministry is a public agency, and it is important that we are highly professional when dealing with government and the public. This requires a high standard of integrity from employees.

It is therefore necessary to set rules governing conduct, and policies and procedures to ensure everything runs as efficiently as possible. Conduct which threatens personal health, well-being or security of staff, or which endangers, plant, property or product, is unacceptable. In addition, we cannot tolerate any action which might damage our relationship with clients and potential clients; with our suppliers; indeed with any person or related party with our organisation.

The Ministry produces this Code so that you can be sure about standards and so that you can continue to meet them throughout your employment with the Ministry. It is also important that you are aware that any breach of the Code is likely to result in formal disciplinary action. This may, in the case of serious breaches, include dismissal from employment. The Ministry produces updates of this Code from time to time. The most recent version of the Code is accessible to all staff via the Ministry's shared directory.

How Do I Use the Code?

Read the Code to familiarise yourself with it and keep it to refer to in the future. If you are ever uncertain about any aspect of the Code or feel that you may be at risk of breaching the Code, talk to your Manager.

Employer and Employee Expectations

As your employer, the Ministry of Health has the obligation to provide you with:

- impartial selection and appointment procedures
- good and safe working conditions
- equal employment opportunities
- opportunity for the enhancement of individual abilities
- clear statements of your duties and the Ministry's expectations of you
- appropriate feedback and communication on work performance
- fair rates of remuneration for skills, responsibilities and performance
- freedom from harassment or discrimination in the workplace
- appropriate disciplinary and dispute procedures, and the opportunity for redress against unfair or unreasonable treatment by the Ministry.

Your obligations to the Ministry are to:

- be honest, diligent and perform to the best of your ability
- maintain the Ministry's reputation through your own professionalism and work standards
- work as part of a team and promote the efficient operation of your team and other teams within the Ministry
- undertake training as required by the Ministry and seek and take other opportunities to gain extra skills and knowledge
- maintain proper standards of integrity, conduct and concern for the public interest
- raise and address issues of concern promptly and appropriately in accordance with Ministry policies

- demonstrate professionalism, coherence, consistency and commitment towards the Ministry's objectives and values of Respect, People focused, Equity, Quality, Integrity, and Accountability

The Code

This Code of Conduct is based on three principles for all the Ministry employees.

- Employees should fulfil their lawful obligations to Government with professionalism and integrity.
- Employees should perform their duties honestly, faithfully and efficiently, respecting the rights of the public and their colleagues.
- Employees should not bring their employer into disrepute through their private activities.

The Code adopts a positive principle-based approach when describing the behaviour expected of you, rather than attempting to list all the things that you should or should not do. The Code is supported by Ministry policies and procedures.

Principle One

Employees should fulfil their lawful obligations to Government with professionalism and integrity

This principle is about your obligation to Government in your work. In broad terms, your first priority is to carry out Ministry functions in accordance with the Minister's wishes, as reflected in the Ministry's Health Strategy (2006). In doing so, you are expected to act in a manner that will stand up to the closest public scrutiny.

Political Neutrality

Public servants are required to serve the Government and Ministers of the day. The Ministry must also serve future Governments and Ministers who may be from different political parties. You must act not only to ensure that the Ministry maintains the confidence of the Minister, but also that the Ministry can establish the same relationship with future Ministers. This means that you need to be politically neutral in your work.

If you find yourself in a situation where your personal views conflict with the views of the Government or Minister and you are not prepared to carry out an instruction, then you should discuss the circumstances and options available with your manager. Ultimately however, you are required to carry out lawful and reasonable instructions as a condition of your employment.

Free and Frank Advice

Providing advice to the Minister is an important role of the Ministry. It is your responsibility to provide honest, impartial and comprehensive advice to Ministers, and alert them to the possible consequences of following particular policies, whether or not this advice accords with Ministers' views. This advice must be consistent with the Ministry's policies and any other advice the Ministry has provided to the Minister, unless a departure is specifically approved by the Secretary of Health.

The final decision on policy is the Minister's prerogative. You may not withhold relevant information from Ministers, nor seek to obstruct or delay a decision, nor attempt to undermine or improperly influence Government policy (for example, by the unauthorised release of official information). Once the Minister has made a decision on policy, it is your duty to implement that decision within the law, whether or not you personally agree with it.

If you find yourself in a situation where your conscience demands that you should decline to carry out any work, discuss your circumstances and options with your manager.

Consultation

Many of the Ministry's services require consultation with external organisations or groups. When you are consulting with the public, you need to ensure that the consultation process gives them an effective opportunity to give their views. Any resulting policy advice should record the public's input and the impact it has had on policy development.

Media and Public Comment

The Ministry has authorised certain people to respond to media requests for comment about aspects of Government policy, or its implementation or administration by the Ministry. You may only officially comment on behalf of the Ministry if you are authorised to do so.

Individual Public Comment

You have the same rights of free speech and independence in the conduct of your private affairs as other members of the public. However, you have a duty, both while employed by the Ministry and afterwards, not to compromise the Ministry by publicly criticising, or commenting on, policies with which you have been professionally involved or associated. Your contribution to any public debate or discussion must maintain the discretion appropriate to your position, and be compatible with the need to maintain a politically neutral public service. If you hold a senior position or work closely with Ministers, you need to exercise particular care in this regard.

Generally, you must be careful that you do not:

- reveal any advice given to the Minister
- use or reveal any information gained in the course of official duties that is not readily available to the public, nor has previously been published, as part of your personal contribution to any public debate
- criticise (or offer alternatives to) a proposed or actual ministerial policy or Ministry programme, including that of any other Minister or department with which you have worked
- purport to express or imply a Ministry view when you are expressing a personal view
- give openly partisan support to, or criticism of, a political party when your comments could be associated with your employment in the Ministry
- make a personal attack on a Minister or a departmental colleague or an employee of another public sector agency
- make comment that involves sufficiently strong and/or persistent criticism so as to call into question your ability to impartially implement, administer or advise on a Government policy.

Any of the above actions could be considered misconduct depending on the circumstances of the case.

Private communications with Ministers and Members of Parliament

You have the same rights of access to your political representatives as other members of the public. However, given the requirement for public servants to remain politically neutral in their work, you need to approach such communications with special sensitivity.

As a general guide:

- you may communicate as a private individual with any Minister or Member of Parliament about matters outside your employment, but if you occupy a senior position or work closely with the Minister, you should exercise particular care with such communications
- you may communicate as a private individual with the Minister about matters concerning the Ministry, but this must first be raised with your manager
- you are entitled to the same information or level of detail in a response as any member of the public under the Official Information Act 2008.

Enquiries from Members of Parliament and other Politicians

Members of Parliament and party candidates may contact the Ministry. Any contact you have with political parties or their representatives must be consistent with your obligation to serve the Government in a politically neutral way. You must seek the advice of your manager to ensure that you respond to these queries appropriately. The usual procedure is for such enquiries to be referred to and through the Minister's office.

Specific advice is given to all public servants in the lead-up to an election. You need to familiarise yourself with this guidance and ensure that your actions comply with it.

Political Participation

You need to ensure that participation in political matters does not bring you into conflict with your primary duty as an employee of the Ministry. This is important in order to maintain ministerial and public confidence in the impartiality of advice given, and actions taken, by public servants. Determining what is appropriate depends on the extent of your political participation, the nature of the issue and the position you hold in the Ministry.

Participation in Public Bodies or Voluntary Associations

You are free to stand for or be appointed to any office or position on any public or voluntary body. However, you should first inform your manager of your intentions to ensure they do not conflict with your duties and responsibilities as a Ministry employee. Where the Ministry considers there would be a conflict of interest, appropriate arrangements need to be made to avoid or resolve the conflict. You may be requested not to stand for office, or to resign a position already held.

Standing as a Member of Parliament

If you wish to offer yourself as a candidate for Parliament in either a general or by-election, you should advise the Secretary of Health. You need to conform with all the requirements of the Electoral Act 2004. Therefore, it is important to notify the Secretary of Health early.

Dealings with the Public

It is important to maintain the professional image of the Ministry when dealing with the public. This means that you:

- are professional, courteous and helpful
- provide information where appropriate
- ensure that you are aware of and are consistent with other advice provided by the Ministry
- maintain the political neutrality required of you as a public servant.

Handling Official Information

Release of information and access to and handling personal information about any individual are governed by the Official Information Act 2008. You should make yourself familiar with these acts as they apply to your work. You should also be aware of any codes of ethics by which you are professionally bound in respect of the confidentiality of patient information.

If you have been authorised by the Ministry to respond to requests made for information, you should exercise proper care and discretion in applying Ministry procedures. If in doubt, seek the guidance of your manager. Always ensure that the Minister is kept fully informed if you are intending to release potentially politically sensitive material.

It is unacceptable for any employee or former employee to make unauthorised use or disclosure of information to which you have had official access. Whatever your motives, this action betrays the trust put in you, and undermines the relationship that should exist between Ministers and the public service. Depending on the circumstances of the case, the unauthorised disclosure of information may lead to disciplinary action, including dismissal.

Using Electronic Information

Work in progress within the Ministry is widely available to staff electronically. You must be careful about how you use work authored by other employees. If you use a document authored by another employee, consult with them so that you are clear about both the context and any access restrictions on the information.

Using Ministry Resources

The Ministry provides resources to help employees in their work. These include stationery, postage, courier services, photocopying, computers, printers, telephones, faxes, vehicles, rentals, taxis, travel facilities, computer disk space and email and Internet access. Staff are expected to use these resources responsibly with regard to what is appropriate and the cost of using these facilities.

Personal use of these resources should be kept to a minimum. Any excessive use of resources such as bulk copying or printing of personal material will be regarded as misconduct. You must get agreement from your manager before you make personal use of Ministry resources other than for local telephone calls and email, and you should make arrangements to pay for this use. Ministry resources may not be used for illegal purposes or activities.

Internet and Email

Communication tools are not to be used in any way that may reasonably cause offence to others or bring the Ministry into disrepute. It is important to remember that emails are official information and are discoverable under the Official Information Act 2008.

You must not use your Ministry email to send, forward or receive messages including jokes that are discourteous, vexatious, defamatory, fraudulent, pornographic, offensive or inappropriately disclose Ministry information. If you receive such emails, it is your responsibility to advise your manager, dispose of the email and, where appropriate, ask the sender not to submit any similar material. Staff must not use Ministry technology to view or download information from the Internet that is pornographic or otherwise offensive. All Ministry Internet use is monitored, and any breaches of these restrictions are likely to result in disciplinary action. It is not appropriate to be participating in chat rooms, using Ministry computers. You must comply with the policies issued by the Ministry on the responsible use of the Internet and email.

Copyright and Intellectual Property

Any work (including processes, programs and systems) developed by you or that you become aware of while working for the Ministry must be fully disclosed. This work is owned fully by the Crown and may not be used by you privately except when authorised by the Ministry. If you are responsible for negotiating and contracting for services on behalf of the Ministry, you must ensure that you do not concede copyright or intellectual property rights without the prior approval of the Secretary of Health.

Principle Two

Employees should perform their official duties honestly, faithfully and efficiently, respecting the rights of the public and their colleagues.

This principle covers your general obligation to give quality service, to respect the rights of the public, colleagues and clients, and to refrain from conduct that might lead to either conflicts of interest or your integrity being compromised.

Performance of Duties

You should carry out your duties in an efficient and competent manner in compliance with the policies and processes of the Ministry.

You are expected to:

- maintain confidentiality of patient medical information at all times, release of any patient information must be authorised and in adherence to the Ministry Health Information policy.
- be familiar with, and consistently apply, the acts and regulations that directly affect your work and legal principles that apply to your work (eg, judicial review)
- comply with all lawful and reasonable instructions and work as directed by your manager
- not take or perform any action or inaction which may result in the unnecessary death of a patient or which may unnecessarily place a patients life at risk"
- ensure competence and efficiency in the performance of assigned duties
- refrain from conduct (such as the use of alcohol or drugs) that might impair work performance
- adhere to your delegated authority without exploiting or abusing any power or authority given to you in your role
- not give any false information or make any false declaration
- maintain any requirements for your position, such as practicing certificate or driver's licence, and declare to your manager anything that might affect these requirements
- show reasonable care and neither use nor allow the use of Ministry property, resources or funds for anything other than authorised purposes
- contribute to a safe workplace by knowing and carrying out your responsibilities
- incur no liability on the part of the Ministry without proper authorisation; for example, do not sign an order or contract above your financial delegation or give guarantees or indemnities whether under contract or otherwise
- maintain the standard of dress and general appearance required in your workplace
- obtain permission from your manager if you need to be absent from your workplace during work hours.

Fraud

Workplace fraud is any activity by a staff member that incurs a cost to the Ministry that is not a legitimate part of the normal operational cost of the Ministry's activities.

Workplace fraud involves someone knowingly deceiving or misrepresenting information to gain an unjust advantage. Any case of dishonesty in employment could result in dismissal.

The key elements are:

- intention: a premeditated event
- deception: involves deceit
- advantage: value is gained by the perpetrator
- disadvantage: there is a loss (to the organisation).

You have a responsibility to minimise the risk of fraud. If you suspect, in good faith, that someone is defrauding the Ministry or helping someone else to do so, you must immediately inform your manager and note the date that you did so. If you wish to approach someone outside your immediate work area, you should contact your Director or the Secretary of Health.

Secondary Employment

You may only take on other employment outside your main Ministry role with the permission of your manager, including self-employment such as running a business. This is so any potential conflicts of interest or any impact on your health or safety can be considered. You must not be involved (either directly or indirectly) in:

- any other employment or business that may affect or compromise your ability to perform your duties
- an activity that could be in conflict with the interests of the Ministry. Discuss the issue with your manager if you are in any doubt.

Respecting the Rights of Others

You are expected to treat your colleagues, clients and any people with whom you have official dealings with dignity and respect. You may not discriminate on the basis of a person's sex, marital status, religious or ethical belief, colour, race, ethnic or national origin, disability, age, political opinion, employment status, family status or sexual orientation.

You are expected to:

- avoid behaviour that might endanger or cause distress to other employees or otherwise disrupt the workplace
- resolve differences appropriately and professionally without resorting to personal abuse or violence
- help keep the workplace free from confrontational, abusive or harassing behaviour, including sexual and/or racial harassment
- remind others when their behaviour undermines the positive working environment
- refrain from allowing workplace relationships to adversely affect the performance of official duties
- respect the privacy of individuals when dealing with personal information
- respect the cultural background of colleagues and clients.

Conflicts of Interest / Workplace Relationships

You must perform your duties honestly and impartially and avoid situations that might compromise your integrity or otherwise lead to a conflict of interest. If there are any private issues that may possibly impact on the work environment, you need to identify these early and discuss them with your manager.

You should declare any personal relationships at work that may impact on the Ministry. Relationships include romantic relationships, family members and close friendships. The other person may be a colleague, potential employee, client or professional contact.

You should ensure that you do not give preferential treatment to an individual or organisation you may be involved with, such as access to 'inside information' for example. In addition, you should avoid any financial or other interest or undertaking that could compromise the performance of your duties, or the standing of the Ministry in its relationships with the public, clients or Ministers. This includes any situation where actions that are taken in an official capacity could be seen to influence or be influenced by your private interests (eg, political pressure groups).

Inform your manager promptly if you are involved in any activity or have a commitment that may be seen by others to conflict with the performance of your duties or the goals of the Ministry. Specifically you must advise your manager:

- of any involvement in health related lobby groups or in the governance or operation of health or disability support providers, or other community groups that may have dealings with the Ministry
- if you become a member of any voluntary organisation, nongovernmental provider organisation, professional association or lobby group that you may be expected to represent publicly
- if the nature of your work is such that you are required to abide by a professional code of ethics/practice/conduct and there are, or may be seen to be, conflicts between that code and the duties you are required to perform
- of any involvement with organisations or individuals who contract to the Ministry.

It is important that you and your manager discuss the issues and work out the best course of action to resolve any potential conflict of interest. This may include you changing your current work mix or moving to a different role in the Ministry. If you and your manager are unable to agree, your manager will decide on the best way to address the situation.

Where the matter involves a code of ethics, your manager will obtain advice from the relevant professional body before making any decision. The manager will not unnecessarily place you in a position that is prejudicial to you.

Employee Responsibilities

You must also ensure that you:

- do not approve your own employment-related expenditure (eg, travel expenses, overtime)
- do not use the Ministry's equipment or facilities to carry out work for your own benefit or for the benefit of relatives and friends
- do not abuse the advantages of your official position for personal gain or solicit or accept gifts, rewards or benefits that might compromise or be seen to compromise your integrity. If you are unsure about an offer or gift received, you should discuss this with your manager, who will determine the appropriate response
- declare to management any personal relationships with colleagues, potential colleagues or other people that you may be required to work with during your employment in the Ministry to avoid any potential conflicts of interest. The Ministry can decide that it is inappropriate for an employee to have line management responsibility for another employee with whom they are in a close personal relationship or to whom they are related.

A potential area of conflict exists for employees who may have to deal directly with Members of Parliament who have approached the Ministry in a private capacity. It is important for both the Member of Parliament and the employee that any such dealings be addressed, and be seen to be addressed, on the basis of strict impartiality. In the first instance, all such requests must be made through the Minister's office. Where a Member of Parliament directly approaches the Ministry, redirect the query to the Minister's office via the Secretary of Health.

Principle Three

Employees should not bring their employer into disrepute through their private activities.

This principle is about not compromising the Ministry through your personal behaviour.

Personal Behaviour

You should avoid any activity (work-related or private) that could reflect badly on the Ministry or jeopardise its relationships with Ministers, other organisations or the general public. Whether an activity constitutes misconduct depends on the circumstances of the case and your position, duties and responsibilities. If, for instance, you hold a high-profile position within the Ministry, you must have particularly high standards of personal behaviour and compliance with the law. Minor offences against the law outside your work may be of no concern to the Ministry where they do not involve breaches of trust or otherwise impair your ability to carry out your duties. However, other cases may be of concern and may call into question your fitness for continued employment.

You must inform your manager immediately where any criminal charges are laid against you. Your manager will decide whether this will have any impact on your employment with the Ministry, pending the outcome of court proceedings and any Ministry investigation. Your manager may consider some difference in duties or in more serious cases may move you to different duties or suspend you from employment. Your manager should take into account:

- the nature and circumstances of the activity
- your position, duties and responsibilities
- the consequences of the activity on your ability to fulfill your duties and responsibilities
- the effects of the activity or its consequences on Ministry relationships with clients, Ministers or the general public.