

# Conflict of Interest Policy

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Policy Owner:

Head Employee Relations

ABC People 82 5160

# Policy Statement

The activities of employees, including financial, personal and political relationships, must not constitute a conflict of interest compromising the accountability, integrity, independence or impartiality of the ABC.

# Purpose of this Policy

Ensuring effective management of conflicts of interest contributes to the ABC's strategic goal of being responsible.

To protect the independence, integrity, impartiality and high standards of the ABC and ensure effective management of conflicts of interest.

# Who it applies to

All workers.

# Consequences of breach

Breaches of this policy may lead to disciplinary action including possible termination of employment. A breach of this policy may also be a breach of the PGPA Act. For contractors who are found to have breached this policy, there may be consequences including termination or non-renewal of contract.

# **Definitions**

Employee: Any person engaged by the ABC as an ongoing, fixed term, specified task or casual employee

PGPA Act: Public Governance, Performance and Accountability Act 2013

**Worker:** Any person who carries out work in any capacity for the ABC, including work as: an employee; a contractor or subcontractor; an employee of a labour hire company who has been assigned to work at the ABC; an outworker; an apprentice or trainee; a student gaining work experience; or a volunteer.

# **Details of Policy**

# Background

Conflicts of interest are an inevitable part of organisational life and can arise intentionally or inadvertently. Given the ABC's status as the national public broadcaster and the expectations of public accountability and integrity that come with that status, it is important that the ABC and its workers take the necessary steps to effectively manage the risks associated with conflicts of interest.

The ABC's integrity and accountability can be undermined where a real, perceived or potential incompatibility exists between a person's duty as a worker within the ABC and their personal interests. A conflict of interest may arise regardless of any intention held by the worker.

This policy outlines six (6) principles which workers are expected to apply to all facets of their employment or engagement and where a sufficient connection exists, to a worker's personal interests, to avoid conflicts of interest.

For those workers involved in content making, this policy is to be read in conjunction with the Editorial Policies, however it is not intended to replace or affect any part of the Editorial Policies and the Editorial Policies prevail to the extent of any inconsistency.

#### What is a conflict of interest?

A conflict of interest is a real, perceived or potential incompatibility between a worker's duty to the ABC and their personal interests. Conflicts of interest are unique to each individual job and whether a worker's political, financial, familial, or other personal interests are incompatible with their employment or engagement depends on the nature of their work. For a conflict of interest to exist there has to be a sufficient connection or relevance between the workers duties and their personal interests.

## Policy principles

There are six (6) policy principles that must be applied to all facets of a worker's employment or engagement with the ABC to avoid a real, perceived or potential conflict of interest.

## A worker must:

- 1. Uphold the ABC's independence, integrity and high standards.
- 2. Understand the requirements of their role, their broader duties as a worker within the ABC and the role of the ABC within the community.
- 3. Carry out their duties in a careful and competent manner, to the best of their skill and ability, and in the best interests of the ABC.

- 4. Ensure legitimate use of their position, time and the ABC's confidential information and resources.
- 5. Disclose any conflict of interest, real, perceived or potential.
- 6. Make decisions fairly, transparently and on proper grounds.

Compliance with this policy is necessary in order for Employees to meet their obligations under the PGPA Act. Each Employee has a statutory obligation under the PGPA Act to:

- perform functions, discharge duties and exercise powers with care and diligence, in good faith, and for a proper purpose
- not improperly use their position or any information they obtain to gain an advantage for themselves or another person
- disclose any material personal interest that relates to the ABC's affairs.

# Disclosure procedures and guidelines

This policy is underpinned by disclosure procedures [PDF 110 Kb] as well as a series of guidelines.

While not an exhaustive list, the guidelines listed below address some of the more common areas of conflict:

- a) External Work [PDF 140 Kb]
- b) Standing for or Holding Political or Public Office [PDF 116 Kb]

The guidelines provide more specific details on how the six (6) policy principles apply. Also relevant is the <u>Personal Use of Social Media Policy</u> [PDF 360 Kb].

Workers must be familiar with and adhere to this policy, the disclosure procedures and guidelines. Failure to comply with the disclosure procedures or these guidelines constitutes a breach of the Conflict of Interest Policy.

# Related Policy Information

### **Procedures and Guidelines**

- Conflict of Interest Disclosure Procedures [PDF 110 Kb]
- Conflicts of Interest Guidelines: <u>External Work</u> [PDF 140 Kb], <u>Standing for or Holding Political or Public Office</u> [PDF 116 Kb]

# Other relevant Policies and Information

- Editorial Policies
- Workplace Behaviour Policy
- Fraud Policy

- Procurement policy
- Delegations policy
- Workplace Values and Standards [PDF 76 Kb]
- Public Interest Statement Form [PDF 133 Kb]

# **Document History**

- Reviewed 2011 (Endorsed by PRG 16 Mar 2011; Approved by OSG 24 Mar 2011)
- Reviewed 2014 (Endorsed by PRG 29 Apr 2014; Approved by Executive 9 May 2014)
- Updated 2014 (Policy updated July 2014 to refer to the PGPA Act)

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# CONFLICT OF INTEREST GUIDELINES: EXTERNAL WORK

#### WHICH POLICY IS THE GUIDELINE RELATED TO?

Policy title	Conflict of Interest Policy
Document Number	D11/10596
URL	http://myabc/~/media/Documents/Policies/PeopleAndLearning/PALPolicies/ConflictofInterestPOLpdf.ashx

## **PURPOSE OF GUIDELINE**

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This is a guide on how employees who wish to undertake external work can satisfy their obligations to disclose and effectively manage conflict of interests in accordance with the ABC's Conflict of Interest Policy.

Employees who are considering undertaking external work must ensure that they are fully aware of and understand their obligations as outlined in this Guideline. Failure to comply with this Guideline constitutes a breach of the Conflict of Interest Policy.

### **EXTERNAL WORK**

External work is employment or the conduct of a business, trade or profession that an employee undertakes for another business, organisation or for themselves. External work can be paid or unpaid.

Employees are responsible at all times for managing any actual, potential or perceived conflict of interest that exists between their external work and their employment by the ABC or the ABC's editorial independence and ensuring that such a conflict is immediately notified to their manager.

#### APPROVAL AND DISCLOSURE

In addition to the general disclosure procedures outlined in Conflict of Interest Policy, employees who wish to undertake external work must obtain prior written approval from the relevant Divisional Director(s) (or another appropriate person who holds a position which has the necessary delegation) before undertaking or engaging in any external work. This should be done by completing the <u>Outside work Approval Form</u>. Employees should be aware that conflict of interest is one of several factors that will be taken into account when considering a request for external work approval. If there is any doubt about whether the external work may create an actual, potential or



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perceived conflict of interest, the matter must be referred up to the next most senior person for 30 advice or decision.

Employees need to obtain approval for external work regardless of whether or not the external work will be undertaken whilst the employee is on leave.

At the time of seeking approval for external work, the employee must disclose whether or not the external work will be paid.

Any employee who has engaged in external work and has not obtained the required approval prior to the commencement of the Conflict of Interest Policy must do so as soon as practicable. 40

# **VOLUNTARY OR CHARITY WORK**

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Prior approval is not required to undertake voluntary work for charitable or social activities where there is no actual, potential or perceived conflict of interest. Prior approval is also not required if the outside work is voluntary and is an extension of the employee's role with the ABC.

Employees must always ensure, when undertaking voluntary work for charitable or social activities which is an extension of their role with the ABC that no actual, potential or perceived conflict arises. If a conflict does arise then it must be immediately referred in writing to their manager, prior to undertaking or continuing that work.

#### **CONSIDERATION OF REQUESTS**

In considering requests to undertake external work, the delegate must be confident that the outside work will not result in an actual, potential or perceived conflict of interest or adversely affect the employee's employment with the ABC.

Approval for external work will not be unreasonably withheld. Where an employee believes that approval has been unreasonably withheld the normal referral upward mechanisms apply and the issue can also be raised via the Workplace Behaviour Policy.

### ACCEPTANCE OF GIFTS AND HOSPITALITY

If there are any free and/or discounted services or products provided to ABC employees undertaking external work the approval process detailed in the Conflict of Interest Guideline on Gifts and Hospitality, once endorsed, must be followed. Until that guideline is available, guidance should be sought from the relevant manager.

## **COPYRIGHT**

Any approval for external work shall not be taken to waive ABC Copyright. If any external work involves use of ABC copyright material it must be subject to a separate written application to the relevant Director or nominated delegate.

# **BREACH OF POLICY AND GUIDELINES**



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A failure to adhere to this Guideline constitutes a breach of the ABC's Conflict of Interest Policy, breaches of which will be dealt with in accordance with the relevant ABC employment agreement and may lead to disciplinary action including possible termination of employment.



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