



ACT
Government

Justice and Community Safety



ACT Emergency Services Agency

Volunteer Code of Conduct and Ethics

The Code in Practice



ACT Emergency Services Agency (ACT ESA)

Volunteer Code of Conduct & Ethics - Volunteer Code in Practice

Commissioners Forward

The ACT Emergency Service Agency (ACT ESA) is a unique and diverse workplace where volunteers work side-by-side with paid employees to protect life, property, and the environment in and for our ACT community.

Our ACT ESA volunteers are greatly valued both by their paid colleagues and the ACT community. As an integral part of our business, training, administration, and operations, it is imperative that we ensure a safe, inclusive, and supportive culture in which they can give their best.

The ACT ESA Commissioner's Guidelines – Volunteer Code of Conduct & Ethics (the Volunteer Code) provides the authority to determine the conduct of our staff and volunteers under the provisions of the ACT Emergencies Act 2004. The Volunteer Code sets the conduct requirements and behavioural standards of ACT ESA volunteer membership.

The ACT ESA Volunteer Code of Conduct & Ethics - The Code in Practice outlines the ACT ESA commitment to providing a practical framework of behavioural requirements. These requirements will ensure a respectful, safe and inclusive culture for all our ESA volunteers, that enables best practice in community service.

This Code in Practice will guide our relationships with each other, and our ACT ESA paid staff. These relationships are the cornerstone of our work and are essential in our service to the community in times of need.

Georgeina Whelan AM CSC and Bar

Commissioner

ACT Emergency Services Agency

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1. Dictionary

- ACT ESA Delegate:** The ACT ESA employee who is authorised, under a delegation of power made by the ACT ESA Commissioner, to make a decision in relation to a matter of volunteer conduct
- Chain of Command:** Reporting through the hierarchy of leadership
- Volunteer:** A person who freely gives their time for the common good and without financial gain
- Volunteer Leader:** Refers to appointed positions by the Chief Officer or Executive given to a volunteer member:
- CFU – Team Leader
 - MAPS – Team Leader
 - RFS – Captain, President, Deputy Captain
 - SES – Commander, Deputy Commander
- Volunteer Service:** Refers to one of the following ACT ESA volunteer services,
- ACT Community Fire Unit (CFU), ACT Fire and Rescue
 - ACT Fire and Rescue Historical Society
 - ACT Rural Fire Service (ACTRFS)
 - ACT State Emergency Service (ACTSES)
 - ACT ESA Mapping and Planning Support (MAPS)

2. Introduction

The [ACT Emergency Services Agency Commissioner’s Guidelines - Volunteer Code of Conduct and Ethics](#) (the Volunteer Code) is issued under Section 11 (4) (d) of the *Emergencies Act 2004* (the Act).

This ACT ESA Volunteer Code of Conduct and Ethics – Code in Practice (the Code in Practice) provides ACT ESA volunteers with a clear framework for the application of the ACT ESA Values and the 10 conduct principles of the Volunteer Code.

The conduct of ACT ESA volunteers has implications for the confidence the community has in the administration of the Volunteer Service or the ACT ESA.

This Code in Practice informs the conduct of ACT ESA volunteers with each other, the community, paid employees, contractors, and consultants whilst undertaking volunteering with the ACT ESA.

3. ACT ESA Values

The ACT ESA Values and Signature Behaviours apply to all volunteers and paid employees of the ACT ESA. The Values and signature behaviours are as follows:

RESPECT

ACT ESA Volunteers are to demonstrate respect by taking pride in their work; valuing the contributions of others; and relating to others in a fair, conscientious, courteous, and professional manner.

Volunteers **are to** demonstrate respect by:

- Taking pride in their volunteer work
- Valuing the contribution of others
- Relating to colleagues and the community in a fair, decent, and professional manner.

INTEGRITY

ACT ESA volunteers are to be honest, dependable, and accountable in all dealings, recognise achievement, not shirk from uncomfortable conversations and ensure consistency in dealing with others. Volunteers **are to** demonstrate integrity by:

- Doing what we say we'll do, and respond appropriately when the unexpected occurs
- Taking responsibility and are accountable for our decisions and actions
- Engaging genuinely with the community and managing the resources entrusted to us honestly and responsibly.

COLLABORATION

ACT ESA volunteers are to actively share information and resources, working together to reach shared goals with colleagues in the ACT ESA and with the broader community. Volunteers **are to** demonstrate collaboration by:

- Working openly and sharing information to reach shared goals
- Taking on board other views when solving problems and welcoming feedback on how we can do things better.

INNOVATION

ACT ESA volunteers are to demonstrate innovation by actively seeking out new and better ways of operating, empowering colleagues at all levels to raise new ideas. Volunteers **are to** demonstrate innovation by:

- Looking for ways to continuously improve our services and skills
- Being open to change and new ideas from all sources

4. ACT ESA Governance, Policy, and Procedures

The *Emergencies Act* s38 (1) provides the standards and protocols relating to the operation of the Services. ACT ESA volunteers are required to comply with all State, Territory and Federal laws, including subordinate legislation.

The ACT ESA Commissioner and/or relevant ACT ESA Chief Officer direction under the provisions of the Act, and/or reasonable direction or instruction, ACT ESA volunteer policies and procedures relating to standards and protocols, are binding on Volunteers.

Where conflict arises between the provisions of any Act, Regulation, or ACT ESA Commissioner direction, the most recent provisions will be applicable.

5. Accountability

All ACT ESA volunteers are accountable for ensuring their conduct, actions, behaviours, and decisions are consistent with the Volunteer Code.

ACT ESA volunteers **are to** demonstrate their accountability by:

- acting in accordance with legislative obligations, laws, ACT ESA and Volunteer Service policies and procedures
- ensuring decisions and actions taken are appropriately evidenced and documented
- actively implementing the objectives of the ACT ESA and their Volunteer Service
- demonstrating probity and fiscal responsibility in the use of ACT ESA resources and public monies in accordance with the:
 - *Financial Management Act 1996* (FM Act),
 - *Associations Incorporation Act 1991* (AI Act) and the
 - *Charitable Collections Act 2003* (CC Act).

5.1 Volunteer Delegations and Powers

ACT ESA volunteers are afforded delegated powers by the ACT ESA Commissioner and/or Chief Officer under the *Emergencies Act 2004* (the Act).

ACT ESA Volunteers **must** not make decisions or take action outside their delegations.

Each of ACT ESA's volunteer services has differing delegations, duties and validity periods under the Act. The relevant ACT ESA Delegate is responsible for advising the delegated powers afforded to each volunteer and ensuring volunteers understand their responsibilities in relation to the exercise of delegations.

5.2 Public Interest Disclosure

Under the Public Interest Disclosure Act 2012 (PID Act), a Public Interest Disclosure (PID) is the mechanism for reporting serious allegations of wrongdoing within a government agency, inclusive of corruption, maladministration, or serious/substantial resource waste.

Under the PID Act a person who acts honestly and reasonably in making a PID receives protection from attacks or reprisal resulting from the disclosure, but not where the allegation is made vexatiously or with malicious intent.

A PID should be made immediately to the ACT ESA Delegate (ACT ESA Commissioner or Chief Officer), or the Director-General JACS. The Director-General is responsible for reporting to external entities on behalf of the JACS Directorate.

Further information can be found on the ACT Ombudsman website (<https://www.ombudsman.act.gov.au/>).

5.3 Reportable Conduct Scheme

ACT ESA Volunteers are subject to the obligations of the Reportable Conduct Scheme. Reportable conduct covers allegations or convictions of child abuse, or misconduct, toward children.

ACT ESA volunteers must report allegations of reportable conduct by an employee, volunteer, or member of the community including:

- ill-treatment of a child (such as emotional abuse or use of force)
- neglect
- psychological harm
- misconduct of a sexual nature
- sexual or physical offences and convictions where a child is a victim or is present

- inappropriate discipline or not protecting children from harm.

For more information see the [ACT Ombudsman Practice Guide No. 2: Identifying Reportable Conduct](#).

If a volunteer is charged with an offence or has a conviction relating to reportable conduct, they **must** inform the ACT ESA Delegate of the relevant Volunteer Service immediately, but no later than forty-eight (48) following charges being laid or a conviction being recorded.

Further information on the reportable conduct scheme can be found through the ACT Ombudsman website (<https://www.ombudsman.act.gov.au/>).

5.4 Political Activity

Volunteer membership **requires** individuals to manage their views and minimise insensitivity or offence to others.

ACT ESA as part of the ACT Government has an obligation to serve the government of the day. However, ACT ESA acknowledges, and respects volunteers have individual opinions on a range of matters, including political views.

Volunteers are **not** to:

- provide unauthorised comment, represent the ACT ESA or their Service in any political matter, or
- disclose official information to anyone and avoid any public political debate relating to that information, or
- display political or social interests such as signage or clothing in the course of their volunteering activities, and
- issue political comment that could be perceived as the official comment of the ACT ESA and Volunteer Service.

5.5 Alcohol, Prohibited Substances, Other Drugs, & Medications

All ACT ESA volunteers **are to** comply with their obligations under the *Work Health and Safety Act 2011* (the WHS Act), policies and procedures, and laws related to the consumption of alcohol and other drugs while undertaking volunteering activities.

A volunteer will not be under the influence of prohibited substances or drugs and must have a blood alcohol concentrate of 0.00% whilst carrying out operations, operating machinery, training, or performing any other ACT ESA Volunteer Service operational activities.

Where an ACT ESA volunteer has consumed alcohol and is requested to participate in unscheduled operational activities such as emergency and/or incident response, the volunteer **must** disclose to the relevant officer if they have consumed alcohol. The relevant officer will usually be the operational service Duty Officer.

ACT ESA Volunteers need to be aware they are **not** to consume, store or supply alcohol, or be under the influence of prohibited drugs:

- when on any ACT ESA or ACT government premises, unless consumption of alcohol is sanctioned as part of a sponsored event
- when driving or as a passenger in any ACT ESA or ACT government vehicle
- while wearing Volunteer Service uniform or clothing unless consumption of alcohol is sanctioned and approved in writing by the ACT ESA Commissioner

- by keeping alcohol, or drugs other than required and prescribed medications, at any ACT ESA or ACT government premises.

5.5.1 Alcohol at Sponsored Events

Volunteers **are to** follow directions from the Commissioner regarding the responsible consumption of alcohol at official and sponsored events.

Application to supply or consume alcohol during an event must be made through the Chief Officer or ACT ESA Executive to the ACT ESA Commissioner. If approved, the relevant Volunteer Service will provide further guidance on requirements.

5.5.2 Prescribed Medications

Where medications prescribed by a registered health care provider have the potential to impact the volunteer's ability to safely undertake their volunteering duties, they must act in accordance with medical advice.

Where a volunteer is affected by prescribed medications which impact their volunteering activities, they should advise the relevant ACT ESA Delegate and their volunteering Team Leader.

Adjustments may be made to provide alternate volunteering duties that ensure the safety of the individual, and broader team members.

5.5.3 Prohibited Substances & Other Drugs

Territory and Federal Laws apply to all ACT ESA volunteers regarding prohibited substances, and drugs.

Under law a volunteer **must not** use, supply, or possess any prohibited substance, plant, or drug including modern synthetic types of prohibited and/or illicit drugs.

Cannabis is **not legal** in the ACT, it has been decriminalised and it is a criminal offence to drive with any cannabis in your system.

All volunteers must have 0.00% of any prohibited substance or illicit drug in their blood or oral fluid when volunteering.

5.6 Environmental Protection

ACT ESA Volunteers are to ensure that as far as is practicable, reasonable steps are taken to prevent or minimise environmental harm or environmental nuisance by:

- actively supporting and contributing to ACT ESA initiatives dedicated to an ecologically sustainable future
- complying with statutory responsibilities to protect the environment and our lands of importance in nativity and ancestry
- working to minimise environmental impacts in the workplace by reducing use of consumables, reusing and recycling where practical.

6. Representing the ACT ESA as a Volunteer

Volunteers representing the ACT ESA or their Volunteer Service at official functions, or when deployed overseas, or interstate **are to**:

- comply with all directions relating to the function or deployment

- not misrepresent the ACT ESA or Volunteer Service with personal or political views or statements that do not represent the official views of the ACT ESA or Volunteer Service.

When a volunteer performs any duties for ACT ESA or their Volunteer Service, their service membership is to be clearly identified by wearing uniform and their conduct must align with the Volunteer Code.

6.1 After Hours Conduct

Volunteers must ensure that when conducting themselves as private citizens, their comments or actions are not interpreted by others as being representative of the ACT ESA and their Service.

Volunteers must clearly state their actions and opinions are from an individual perspective only. It must be clear that they are not speaking or acting on behalf of the ACT ESA.

6.2 Primary Employment of Volunteers

Volunteers who are paid employees (not self-employed or retired) have an obligation to inform their employer of their volunteering service.

This allows the employer to:

- understand the obligations of the volunteer to their Volunteer Service
- establish an agreement with their employee regarding their volunteering.

6.3 ACT ESA or ACT Public Sector (ACTPS) Employees as Volunteers

An ACT ESA or other ACT Public Sector employee is eligible to become a member of one or more ACT ESA Volunteer Services. The employee **must** comply with ACTPS secondary employment requirements and leave provisions for voluntary emergency management.

ACT ESA employees are to ensure they are clearly identified as a volunteer when performing volunteer roles. Employees are to refer to their relevant [Enterprise Agreement](#) for further details.

6.4 Volunteer Injury & Illness

Where a Volunteer is unable to participate in operational volunteer activities as a result of injury or illness, the volunteer **must** advise their chain of command or the Volunteer Service directly, notifying the Volunteer Service of the expected length of unavailability.

The Volunteer Service will determine:

- service roster coordination and management
- provision of alternate duties to accommodate the injury or illness if appropriate, and
- a return to volunteering activity program to support a full, fit, return to operational service or other volunteering duties, where appropriate.

6.5 Public Comments and Social-Media

Only the ACT ESA Commissioner, Chief Officer, ACT ESA Executives, or other delegated persons are authorised to speak on behalf of the ACT ESA or the Volunteer Service. This is to ensure clarity for the ACT community.

Public comment includes:

- comments made in the context of public speaking engagements

- comments on radio, television, the Internet or other collaborative or social networking sites and other online media applications
- print media including letters to newspaper, books, journals or other written publications

6.5.1 Making public comments in an official capacity

Where a volunteer is authorised by the ACT ESA Delegate to speak on behalf of the ACT ESA, they will be given directions to ensure that messaging is appropriate to the situation and consistent with ACT ESA messaging. All operational comments **must** be cleared through the ACT ESA Delegate.

6.5.2 Requests for unofficial public comment

Where a volunteer is approached to make a statement as a private citizen regarding matters other than their ACT ESA volunteer service, they **must not** wear an ACT ESA Volunteer Service uniform, or identify as an ACT ESA Volunteer.

7. Ethics and Ethical Decision Making

The ACT ESA's ethical standards are outlined in the ACT ESA Volunteer Code of Conduct & Ethics. The ethical standards are based on the ACT Government's performance of service to the public; responsiveness to the government and community needs; accountability; fairness and integrity; and efficiency and effectiveness.

7.1 Guidance: Working through an Ethical Dilemma

ACT ESA volunteers faced with an ethical dilemma can use the following prompts can be used to guide decision making when faced with an ethical dilemma.

- Is the action or decision within the letter and spirit of the law?
- Is what I am proposing to do aligned with the ACT ESA?
- Is what I am proposing to do consistent with the Volunteer Code of Conduct & Ethics and ACT ESA and Volunteer Service policies and procedures?
- Is what I am proposing to do in the best interests of the ACT ESA, the Volunteer Service, and the community?
- Is this a decision I have the authorisation to make, or should it be referred to a more senior volunteer or the Volunteer Service?
- Which options support procedural compliance, integrity, transparency, and fair treatment of those affected by any decision?
- Is the decision being made impartially? Would it stand up to sound reasoning of others?
- Is the decision lawful?
- Could the decision lead to myself, or a family member, friend or associate benefiting at the expense of the Volunteer Service, ACT ESA or the Community?
- Will the decision bear up to scrutiny by the community, the media, or a watchdog organisation like the ACT Integrity Commission?
- Is there potential for an adverse impact on the membership of the Volunteer Service, ACT ESA and/or Government finances, infrastructure, and other assets?

- l) Does the decision support delivery of services to the ACT Community by the Volunteer Service?

To establish if the option selected is consistent with the ACT ESA values and the Volunteer Code, test it against the following:

Impartiality – am I acting objectively, regardless of my personal beliefs and preferences, or personal relationships? Am I unbiased and free from prejudice, and treating others fairly?

Efficiency and Effectiveness – am I making the best use of the resources available to me, avoiding waste or improper use, and maintaining high standards of probity and performance?

Procedural Fairness – are my decisions transparent, fair and reasonable and evidence based? Can I explain my decisions and actions? Have I given others the opportunity to contribute their views?

Avoiding Conflicts of Interest – do my responsibilities conflict or appear to conflict with my personal or financial interests? Have I declared an actual, perceived, or potential conflict of interest to the ACT ESA Delegate?

Accountability – am I upholding my responsibilities and any authority given to me under the Emergencies Act? Am I upholding the law and adhering to the relevant policies and guidelines? Am I maintaining clear records of decisions made in the decision-making process?

Responsiveness – am I working as part of a team or as an individual to deliver a service to the public and to my peers in a professional and sensitive manner?

Avoiding Discrimination and Harassment – do I contribute to a harmonious workplace? Do I avoid unlawful discrimination towards others including on gender, race, identity, linguistic or cultural background and disability? Am I aware when to report inappropriate behaviour, how and where?

Reasonable Care and Skill – do I act with reasonable care and skill while performing my volunteering duties? Do I appreciate the skills, special needs and support requirements of different groups or individuals?

7.2 Conflicts of Interest

Conflicts of interest arises where a conflict exists between the performance of a duty or responsibility (public duty) and private and personal interests. This includes gaining a personal advantage, avoiding or minimising personal disadvantage such as a loss, expense or something else that has a negative impact on personal or private interests.

Where a conflict of interest arises, it must be dealt with in a transparent manner and a management plan implemented to manage and/or mitigate the conflict.

Volunteers **must**:

- declare any perceived, potential, or actual conflict of interest to the ACT ESA Delegate
- avoid situations during the conduct of their volunteering duties where they could be influenced or be seen to be influenced by their private interests.

7.3 Gifts and Benefits – Money and Donations

ACT ESA Volunteers are **not** to seek any individual or personal reward for services provided to the community or accept gifts, benefits, money, or donations without ACT ESA Delegate approval.

Money, goods, or services solicited or received by ACT ESA are considered donations. Legislation has been developed to protect the volunteer, the ACT ESA, and the ACT government in these circumstances.

Where a volunteer or a group of ACT ESA volunteers receive financial support or donations, they must ensure the transaction is actioned according to the Commissioner's Directions for such matters. Items donated must be approved through the ACT ESA Delegate to ensure the item integrity and any fit for purpose requirements, including any ongoing financial, or other liability to the ACT ESA.

Any gifts, benefits, money, and donations gained by a volunteer representative entity such as a volunteer association, is to be managed in accordance with the AI Act and CC Act (Section 5).

8. Working with the Public

8.1 Our Service to the Community

ACT ESA volunteers provide support to the ACT community in the protecting life, property, and the environment in times of emergency.

In doing this our people will:

- work in partnership with the community to build resilience
- demonstrate their commitment to minimising the loss of life, injuries, and property by being responsive and adapting to the environment
- work cohesively as a team and comply with the values of the ACT ESA.

8.2 Managing Difficult Situations

Where during their volunteering activities, volunteers are confronted with a difficult situation and/or negative interaction with members of the public, they are to:

- remain calm and avoid confrontation
- document the incident, noting witnesses, and
- report incidents through the chain of command to the ACT ESA Volunteer Service.

The ACT ESA Commissioner, Chief Officers and Executives have a duty to manage risks to the health and safety of their workers and offer support programs across the ACT ESA volunteer membership for dealing with such issues.

9. Managing Information

9.1 Confidentiality, Privacy and Records

ACT ESA volunteers with access to, or who may obtain confidential information during their volunteering activities **must not** misuse or disclose that information. The *Commonwealth Privacy Act 1988* and the *ACTPS Privacy Principles* govern the protection of individual's personal information.

Volunteers **are required** to follow the JACS Privacy policy and ACT ESA procedures for:

- the collection, use and storage of personal and private information from other volunteers or the public
- treating the management of corporate information created, received, or collected in the course of their duties in a confidential manner
- managing all confidential information collected for the purposes of the operation of the ACT ESA.

9.2 Managing Territory Records

ACT ESA volunteers **are to** comply with Territory and Federal laws relating to managing information and records. This includes the requirements for the creation, management, protection, preservation, storage, access and disposal of records of the ACT ESA and their Volunteer Service.

Volunteers **are to**:

- comply with ACT ESA procedures relating to the management of volunteer service records
- make accurate and full records as evidence of their activities
- identify and provide records including electronic records, for maintenance by ACT ESA and ACT government paid employees

9.3 Providing References for Volunteers

An ACT ESA or Volunteer Service employee or ACT ESA Volunteer may provide a written or verbal reference to support job, loan, or rental applications using official ACT ESA letterhead only where that comment:

- provides a statement of their service including the tenure of that service
- comments on the skills and capabilities of the volunteer in relation to their volunteering service, and
- makes reference to their good character in undertaking their volunteering activities.

References **must only** be provided as a private citizen and not as an ACT ESA Volunteer or employee, where a volunteer has requested a personal reference for any type of court proceedings, or other legal proceedings.

Requests for ACT ESA Volunteer service references must be referred to the Chief Officer or ACT ESA Executive or their nominated delegate.

10. Contributing to a Safe, Respectful and Inclusive Workplace

The ACT ESA takes a zero-tolerance approach to matters of inappropriate behaviour, including but not limited to bullying and harassment, discrimination, victimisation, and vilification, and takes all matters relating to ACT ESA volunteer and employee conduct seriously.

Volunteers are to ensure a safe and inclusive environment that supports all volunteers to contribute positively to their Services by:

- ensuring collaboration with and inclusion of all when organising events
- leading by example demonstrating good examples of how to deal with conflict,
- embracing change and difference
- calling out behaviour that contrasts with the expected standards of behaviours
- celebrating and embracing diversity and difference

10.1 Fairness and Equity

The ACT community, our stakeholders, employees and other ACT ESA volunteers have a right to expect fairness and equity in all matters.

In demonstrating fairness and equity ACT ESA volunteers are to:

- act honestly, in good faith, reasonably, and with integrity
- perform duties impartially, particularly when exercising delegated authority
- inform others of their rights, procedures to be followed and the criteria that inform decisions
- provide opportunity for others to respond and/or put forward alternative viewpoints and give genuine consideration when making decisions.

10.2 Wellbeing and Welfare

ACT ESA Volunteers may access support through the People, Culture & Training Branch. The support structures and resources in place for volunteers are:

- a) **Peer Support Officers (PSOs)** – assist other volunteers and their families who may be in distress, through confidential welfare and emotional support.
- b) **ACT ESA Chaplains** – ACT ESA volunteer chaplains come from different faith backgrounds, observe confidentiality and professional ethics.
- c) **Employee Assistance Program** –ACT ESA volunteers and immediate family members have access to a maximum of six (6) Employment Assistance Program (EAP) sessions free of charge per financial year.
- d) **Respect Equity and Diversity Contact Officers (REDCOs)** – provide information resources for workplace issues or situations, inappropriate behaviour, or misconduct. REDCOs do not provide specific advice and are not advocates.
- e) **Safer Families** – provides information on preventing and responding to domestic and family violence in our community and workplaces. Safer Families initiatives can be found through the Community Services website <https://www.communityservices.act.gov.au/safer-families> .

10.3 Working with Vulnerable People

ACT ESA volunteers **must** obtain and maintain an ACT Working with Vulnerable People (WWVP) registration at all times during their volunteer membership.

If a volunteer is unable to obtain and/or maintain a WWVP registration, they are **required** to notify the relevant ACT ESA Delegate in writing at the earliest possible time.

For further information on WWVP contact the relevant Volunteer Service.

11. Workplace Health and Safety

The ACT ESA has a legislated duty of care under the ACT Work Health and Safety Act 2011 (the WHS Act) to provide a safe working environment for all volunteers and staff.

ACT ESA commits to ensuring the health, safety and wellbeing of Volunteers by:

- meeting or exceeding its legislative duties under the *WHS Act*

- ensuring that a risk management approach is used to identify and eliminate or manage hazards and risks
- consulting with ACT ESA volunteers in accordance with the *WHS Act*
- providing relevant WHS training and information to ACT ESA volunteers.

The training and operational activities undertaken by ACT ESA volunteers can be inherently dangerous and often performed during extreme conditions.

ACT ESA volunteers are **required** to:

- take reasonable care for their own health and safety
- ensure their actions do not adversely affect others physical and emotional health and safety
- declare known physical or emotional health issues, health, that may adversely affect the person or team
- perform all tasks in accordance with instructions, procedures, guidelines, and within the scope of training
- correctly use or wear personal protective equipment provided
- follow all reasonable instructions concerning WHS matters
- report all faulty equipment as soon as reasonably practicable
- report all hazards, incidents and near misses to the appropriate chain of command and complete an incident report in RiskMan as soon as practicable

11.1 Supporting Injuries and Illnesses

Where a volunteer has a known medical ailment, injury or illness which may impact their ability to carry out their volunteer role, they are to declare this to their Volunteer Service. This information will be held securely by ACT ESA and confidentiality maintained in relation to the declaration.

An individual volunteer's medical information will only be disclosed at Unit, Brigade, or Team level with the permission of the individual volunteer.

The health and safety of volunteers declaring medical conditions will be managed through allocation of appropriate volunteer roles and activities, where possible.

12. Alleged or Suspected Misconduct

12.1 Breach of the ACT ESA Volunteer Code of Conduct and Ethics

Behaviour inconsistent with the Volunteer Code may be considered a breach and constitute volunteer misconduct.

If it is alleged that a volunteer has acted in a way that is inconsistent with the Volunteer Code, the [ACT Emergency Services Agency Commissioner's Guidelines - Volunteer Code of Conduct and Ethics](#) will govern the management of allegations of ACT ESA volunteer misconduct.

ACT ESA Volunteers subject to allegations of behaviour inconsistent with the Volunteer Code, misconduct, or serious misconduct will be provided with procedural fairness and natural justice in accordance with the ACT ESA Commissioner Directions.

Where a finding of misconduct is determined by the ACT ESA Delegate, sanctions consistent with the nature and seriousness of the breach will be applied to the volunteer.

The ACT ESA Commissioner is required by law to report breaches to an external agency such as ACT Policing and/or WorkSafe ACT, where conduct may constitute a criminal offence.

12.2 Reporting Inappropriate Behaviour or Misconduct

ACT ESA volunteers are advised to identify, and report conduct of staff and/or volunteers that is inconsistent with the ACT ESA Volunteer Code in a timely manner.

If a volunteer witnesses or suspects wrongdoing, they are to report the matter utilising the chain of command in the first instance.

Where an allegation involves the Chain of Command the report is to be made to the ACT ESA Delegate or an appropriate Volunteer Service employee.

ACT ESA volunteers may also raise their concerns with the ACT ESA People, Culture & Training Branch.

12.3 Procedural Fairness

ACT ESA volunteers making or subject to allegations of inappropriate behaviour or misconduct, will be provided procedural fairness.

Procedural fairness includes the right to be:

- heard and treated without bias
- informed of allegations being made
- afforded opportunity to respond
- advised of the status of the complaint, and
- afforded confidentiality throughout the process.

The ACT ESA Volunteer Misconduct & Discipline Procedure [HYPERLINK] will be applied to the management of reports or allegations of volunteer misconduct.

12.4 Assessment and Investigation of Allegations

The ACT ESA Delegate will determine the most appropriate manner of initial assessment of allegations. The initial assessment will inform the ACT ESA Delegate whether it is necessary to proceed to an investigation.

How an allegation will be assessed and/or investigated and who will undertake the assessment or investigation, will depend on the circumstances and the nature of the allegations.

Wherever practicable the assessment and/or investigation will be undertaken by an independent and suitably experienced person in accordance with the ACT ESA Volunteer Misconduct & Discipline Procedures available on the ACT ESA website under the ACT Government Open Access provisions.

12.5 Suspension of ACT ESA Volunteers

Where allegations of misconduct are determined to be of a serious nature, the ACT ESA Delegate may determine that it is appropriate to suspend the membership of the volunteer in whole or part.

13. Findings of Misconduct and Sanctions

Where allegations of misconduct are upheld following an investigation, a volunteer may have a sanction imposed on their membership status. The sanctions may include:

- Written admonishment

- Demotion
- Transfer to another Unit/Brigade
- Suspension for a defined period
- Disqualification from leadership positions
- Termination of volunteer status

Where a volunteer is a member of more than one Service the ACT ESA Delegate may recommend that the penalty imposed be applied to all ACT ESA volunteer memberships for that volunteer. The Act provides for the ACT ESA Commissioner and Chief Officers to end the engagement of a volunteer.

13.1 Misconduct and Sanctions for Volunteers that are ACTPS Employees

Where the ACT ESA volunteer's conduct impacts their paid employment within the ACT Public Sector or is determined to be inconsistent with the obligations of an ACT Public Sector employee, the appropriate processes of the ACT Public Sector employment framework may be applied.

13.2 Self-Reporting

A volunteer may self-report their inappropriate behaviour or misconduct to their Volunteer Service. Under these circumstances the volunteer will be afforded support and the same access to procedural fairness in determining an appropriate course of action.

Self-reporting may include:

- a breach of the Volunteer Code, and/or
- pending or actual criminal offences.

13.3 Reporting Criminal Offences

Where criminal charges are laid against an ACT ESA volunteer the volunteer **must** inform the ACT ESA Delegate at the earliest opportunity, but no later than five (5) business days following the laying of the charges.

Depending on the nature of the charges the volunteer membership may be terminated immediately, or a period of suspension applied.

Where a volunteer is convicted of a criminal offence (including if a non-conviction order is made) the volunteer is **must** contact the ACT ESA Delegate at the earliest opportunity, but no later than five (5) business days following the laying of the charges.

The ACT ESA Commissioner or Chief Officer may impose an immediate sanction up to and including terminating the membership of the volunteer.

14. Appeals

An ACT ESA volunteer has the right to appeal against a finding of misconduct and any decision to apply a sanction.

Appeals will be managed in accordance with the provisions of the Commissioner's Guidelines - Volunteer Code of Conduct and Ethics and the ACT ESA Volunteer Misconduct and Discipline Procedure.

15. Using Government Resources

ACT ESA volunteers **are to** ensure that ACT ESA and ACT Government resources are used efficiently and effectively for the purposes of the function and duty required.

15.1 Use of ICT, Internet and Email

ACT ESA volunteers are to use all ICT equipment and software in accordance with ACT ESA policy.

ACT government monitors usage of all ACT Government ICT assets and resources and notifies the ACT ESA Commissioner of improper use.

ACT ESA Volunteers **must**:

- report any misuse or privacy breaches through the chain of command
- use the ICT resources for valid volunteer purposes
- not use email or Internet to cause harm to another person
- not download large amounts of video, music or graphics for any purpose
- not use the Internet to access or display offensive or inappropriate material
- not use ICT for personal gain, storage and information downloads unrelated related to their volunteer activities.

16. Leaving the ACT ESA

A volunteer's membership with the ACT ESA may cease by:

- a. notice of resignation
- b. inactivity as outlined in Service requirements
- c. termination as a result of misconduct.

On cessation of an individual's volunteer status all ACT ESA Volunteer Service equipment provided during their ACT ESA membership **must** be returned to their place of volunteering or the ACT ESA Headquarters. This includes uniforms, identification card, keys and training materials.

The ACT ESA may also request that a volunteer participate in an optional exit survey to provide reasons why they have decided to leave.

Exit information gathered will be held in confidence by the ACT ESA and assist with identifying areas for improvement and service by and to volunteers.