

Standards of conduct

Note

This policy was reviewed as part of the implementation of the Fire and Emergency New Zealand Act 2017. No substantive amendments to content were considered necessary before 1 July 2017 therefore only superficial updates were made.

Introduction

When to use	<p>This policy sets out the minimum standards of behaviour expected of all personnel.</p> <p>Apply this policy:</p> <ul style="list-style-type: none"> for the duration of your employment, contract or volunteer work when an allegation has been made that could result in disciplinary action. 													
Purpose	<p>The aim of this policy is to ensure we all:</p> <ul style="list-style-type: none"> maintain proper standards of integrity, conduct and concern for the public interest act with a spirit of service to the community perform our duties fairly, impartially, honestly and responsibly have an inclusive, safe and supportive environment where we all feel valued and can perform at our best comply with the Standards of integrity and conduct for the State Services. 													
Who it applies to and contents	<p>This policy contains the following content and applies to the following people:</p> <table> <tr> <th>Contents</th><th>Who it applies to</th></tr> <tr> <td>Work duties</td><td>Employees only Note: Volunteers should refer to the standards of conduct for their brigade or fire force.</td></tr> <tr> <td>Personal behaviour</td><td rowspan="4">All personnel</td></tr> <tr> <td>Rights of others</td></tr> <tr> <td>Conflicts of interest</td></tr> <tr> <td>Use of official information</td></tr> <tr> <td>Failure to comply and disciplinary action</td><td>Employees only Note: Volunteers should refer to the rules of association for their brigade or fire force.</td></tr> <tr> <td>Related information</td><td>All personnel</td></tr> </table>	Contents	Who it applies to	Work duties	Employees only Note: Volunteers should refer to the standards of conduct for their brigade or fire force.	Personal behaviour	All personnel	Rights of others	Conflicts of interest	Use of official information	Failure to comply and disciplinary action	Employees only Note: Volunteers should refer to the rules of association for their brigade or fire force.	Related information	All personnel
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Work duties

Who it applies to	This section applies to employees only. Volunteers should refer to the standards of conduct for their brigade or fire force.
Work responsibilities	<p>You have a responsibility to the Chief Executive to:</p> <ul style="list-style-type: none"> • carry out the duties for which you are paid in an efficient and competent manner • avoid behaviour which might impair your effectiveness • act at all times in the best interests of Fire and Emergency New Zealand.
Carrying out your work duties	<p>You have an obligation to:</p> <ul style="list-style-type: none"> • be present at the workplace at all times during working hours, except with the permission of your manager or officer in charge • be capable of performing work in compliance with all lawful instructions and legal requirements • work as directed • work to the best of your abilities • work to improve the performance and efficiency of Fire and Emergency • comply with the requirements of the Fire and Emergency New Zealand Act 2017, operational instructions, standard operating procedures, brigade/fire force orders and any other lawful and reasonable instruction given in the course of duty by an officer in charge, or issued by or on behalf of the Chief Executive or the National Commander • maintain the standard of physical competency necessary to perform the duties that might reasonably be required of you from time to time • wear uniform or protective clothing during working hours as set out in dress instructions • take reasonable care and not use or allow the use of Fire and Emergency property, resources and funds for anything other than authorised purposes • take reasonable care of public property and the property of other personnel • incur no liability or make any purchase on behalf of Fire and Emergency unless it's properly authorised or within your delegated authority • ensure all required reports and document entries are correctly completed • ensure that all Fire and Emergency documents and information are: <ul style="list-style-type: none"> ○ kept safe ○ used for proper purposes ○ not disclosed to any third person without prior authorisation from Fire and Emergency and in compliance with other legal requirements, including the Official Information Act and the Privacy Act • bring to the notice of a manager any matter or situation which impairs, or could impair Fire and Emergency operations, the public trust or confidence in Fire and Emergency, or otherwise adversely affect the public interest • be professional and responsive • be objective • work to make government services accessible and effective

Carrying out your work duties, continued	<ul style="list-style-type: none">• strive to make a difference to the wellbeing of New Zealand and all its people• maintain a healthy and safe working environment, including complying with all health and safety instructions.
Common law obligations	<p>Under common law, you must satisfactorily perform duties for which you are paid. This includes the obligations to:</p> <ul style="list-style-type: none">• obey the law• refrain from conduct or behaviour which might impair work performance or damage the reputation of Fire and Emergency New Zealand• behave reasonably• exercise reasonable care• comply with reasonable and acceptable standards of dress during working hours• respect and comply with any authority given to you.
Safety, health and wellbeing at work	<p>Under the Health and Safety at Work Act 2015, you must take all practical steps to ensure:</p> <ul style="list-style-type: none">• your own safety whilst at work• that no action by you at work or your inaction at work causes harm to any person or may expose any person to the risk of harm.
Manager and officer obligations	<p>Managers, officers and those placed in authority over other personnel have additional obligations:</p> <ul style="list-style-type: none">• not to abuse any authority given to them through oppressive conduct, or otherwise• to oversee the wellbeing and interests of those over whom control or responsibility is exercised• to report matters that it is their duty to report.

Personal behaviour

Who it applies to	This section applies to all personnel.
Expectations	You're expected to maintain appropriate standards of personal behaviour at work or on duty.
Unacceptable behaviour	<p>Behaviour that could be considered unacceptable includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Consuming, or being under the influence of, any alcoholic beverage, drugs, or any other substance during working hours or on duty. • Falsifying Fire and Emergency New Zealand records. • Giving false information. • Releasing Fire and Emergency New Zealand information to any third party without the prior express authorisation of Fire and Emergency and in breach of legal requirements, e.g. Official Information Act or Privacy Act. • Being charged or convicted with driving with excess breath or blood alcohol, particularly (but not limited to) offences where you're on duty, travelling to work or when driving a Fire and Emergency New Zealand vehicle. • Failing to comply with our rules on the use of ICT equipment, data, email and the Internet. See policy: ICT acceptable use.
Unacceptable behaviour outside work or when not on duty	<p>As a general principle, personal behaviour outside the workplace, which does not affect the performance of your duties or the reputation of Fire and Emergency New Zealand, is not of concern to us. However, we do have a legitimate interest in your private activities where they either:</p> <ul style="list-style-type: none"> • affect the performance of your duties • call your employment or brigade/fire force membership into question • damage the standing or reputation of Fire and Emergency New Zealand.
Criminal and other offences	<p>You have an obligation to declare to your manager any criminal or other offence you are charged with, admit to, or are convicted of which may affect your employment or brigade/fire force membership.</p> <p>Traffic and criminal offences of lesser significance will not normally impact on the employment or brigade/fire force relationship, except in circumstances where any penalty imposed:</p> <ul style="list-style-type: none"> • affects attendance at your normal place of work • directly affects your ability to carry out prescribed duties • brings Fire and Emergency New Zealand into disrepute. <p>Offences that negatively impact on the employment or brigade/fire force relationship may result in termination of employment or discharge from the brigade/fire force.</p>

Rights of others

Who it applies to	This section applies to all personnel.
Respect for the rights of others	In performing your duties, you must treat everyone fairly and respect the rights of other Fire and Emergency New Zealand personnel and the public.
Your obligations	<p>In addition to maintaining satisfactory personal performance, you also have a duty to contribute to the efficiency, effectiveness and smooth running of Fire and Emergency New Zealand. In meeting these obligations, you're expected to:</p> <ul style="list-style-type: none"> • respect the privacy of individuals when dealing with personal information, as required by the provisions of the Privacy Act 1993 • refrain from discriminating against or harassing other personnel Note: Refer to the 'Prohibited grounds of discrimination' section below. • respect the cultural background of other personnel and all members of the public • avoid behaviour that might endanger or cause stress or anxiety to other personnel, or otherwise contribute to any disruption of the workplace, e.g. workplace bullying • consider the safety of others in the use of Fire and Emergency New Zealand property and resources • refrain from allowing workplace or personal relationships to be put at risk, or to adversely affect Fire and Emergency New Zealand or its interests, or the performance of official duties.
Prohibited grounds of discrimination	<p>Under s 21 of the Human Rights Act 1993 and s 105 of the Employment Relations Act 2000, you must not discriminate against someone on any of the prohibited grounds of discrimination, which include:</p> <ul style="list-style-type: none"> • sex • marital status • religious and ethical beliefs • colour, race and ethnicity • disability • age • political opinion • employment status • family status • sexual orientation • union membership. <p>Note: We must be mindful of our other, and primary, statutory obligations under the Fire and Emergency New Zealand Act 2017. This will sometimes require the careful balance of obligations with the capabilities required for readiness for and responses to fires and other emergencies.</p>

Conflicts of interest

Who it applies to	This section applies to all personnel.
Definition	<p>A conflict of interest is where you are compromised when your personal interests or obligations conflict with the responsibilities of your role. It means that your independence, objectivity or impartiality can be questioned.</p> <p>A conflict of interest can be either positive or negative. You could be seen to favour or benefit someone, or be against them or disadvantage them.</p> <p>Any situation where there is an opportunity for you or an organisation you are connected with to gain an advantage or benefit could be a conflict of interest. This does not necessarily have to be a financial benefit.</p> <ul style="list-style-type: none"> • Note: Conflicts of interest are not wrong in themselves, but they should be properly identified and effectively and transparently managed. When a conflict of interest has been ignored, improperly acted on or influenced actions or decision-making, the conduct (not the conflict itself) can be seen as misconduct, abuse of office or even corruption.
Your obligations	<p>You must perform your duties honestly and impartially. You must:</p> <ul style="list-style-type: none"> • maintain the political neutrality required to enable Fire and Emergency New Zealand to work with current and future governments • carry out the functions of Fire and Emergency New Zealand, unaffected by your personal beliefs • support Fire and Emergency to provide robust and unbiased advice • respect the authority of the government of the day. <p>You must also avoid or manage situations which might compromise, or be perceived to compromise, your integrity or otherwise lead to conflicts of interest. You must:</p> <ul style="list-style-type: none"> • be honest • work to the best of your abilities • ensure your actions are not affected by your personal interests and relationships • never misuse your position for personal gain • decline gifts or benefits that place Fire and Emergency New Zealand under any obligation or perceived influence • avoid activities, work or non-work that may harm the reputation of Fire and Emergency New Zealand or that of the State Services. <p>For more information, see policy: Conflict of interest, gifts, prizes and hospitality.</p>

Close personal relationships	<p>There is a potential conflict of interest if you work with someone who has a close personal relationship with you (i.e. a relative or close personal friend) and:</p> <ul style="list-style-type: none"> • there is a management line reporting relationship between you • the relationship has the potential, or may reasonably be perceived as having the potential, to compromise either person's ability to discharge their duties effectively and impartially. <p>Note: A 'close personal relationship' is a relative or close friend. This includes children, parents, uncles, aunts, cousins, nieces and nephews. It also includes a spouse, partner by marriage or civil union, being in a relationship in the nature of a marriage or civil union, or a long or short-term intimate relationship.</p> <p>For more information, see policy: Conflict of interest, gifts, prizes and hospitality.</p>
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Use of official information

Who it applies to	This section applies to all personnel.
Definition	<p>Official information is any information created or obtained by:</p> <ul style="list-style-type: none"> • Fire and Emergency New Zealand in the course of carrying out its functions • by personnel in the course of, or as a result of, their duties for Fire and Emergency New Zealand .
Your obligations	<p>You must not disclose to any other person any information which has come into your knowledge in the course of, or as a result of, your duties with us, except so far as may be necessary for the proper performance of duties, or as may be required by law.</p> <p>You should note that:</p> <ul style="list-style-type: none"> • Official information should only be released by personnel authorised to deal with requests for information. In all other circumstances information is to be used by personnel for official purposes only and is to be treated as confidential. • Other information that you come across in the course of your duties, which is not Fire and Emergency New Zealand information in origin, e.g. information from the Police or ambulance service, is still official information. This information must: <ul style="list-style-type: none"> ○ only be used for the purpose for which it is supplied ○ not be accessed unless you have a Fire and Emergency New Zealand-related need to do so ○ not be released without authorisation from the primary owner of that information and Fire and Emergency New Zealand. • You must comply with these obligations even after your employment with us, or brigade/fire force membership, ends.
Penalties for failure to comply	<p>It's unlawful for you to make unauthorised disclosure of official information to which you have access. Charges can be laid under:</p> <ul style="list-style-type: none"> • s 20A of the Summary Offences Act 1981 for the communication of official information without proper authority. • ss 105 and 105A of the Crimes Act 1961 for bribery and the disclosure of information acquired in an official capacity for personal advantage.

Protected disclosure

Where you propose to disclose information about serious wrongdoing under the Protected Disclosures Act 2000, you must strictly comply with the terms of that Act and our [Protected disclosure](#) policy.

Failure to comply and disciplinary action

Who it applies to	<p>This section applies to employees only.</p> <p>For misconduct or serious misconduct by an volunteer, refer to the brigade Rules of Association and the Chief Fire Officer Personnel Resource Kit, if it's applicable.</p>										
Disciplinary matters	<p>Failure to observe these standards of conduct, or other unacceptable behaviour, may result in disciplinary action.</p> <p>Disciplinary matters need to be judged on their individual merits, and on the basis of what might be expected of a reasonable and responsible employee. We have an obligation to employees to ensure that all necessary guidance, counselling and warnings are given before any other action is taken, unless the failure is sufficiently serious to warrant summary dismissal, i.e. instant termination of employment.</p> <p>When an allegation has been made that could result in disciplinary action, the manager and decision-maker must follow the applicable process:</p> <table><tr><th>If the nature of the allegation is...</th><th>then follow the steps in ...</th></tr><tr><td>an employee not performing their job to a reasonable standard</td><td>process: Manage poor performance</td></tr><tr><td>misconduct or serious misconduct by an employee</td><td>process: Report and investigate alleged misconduct</td></tr><tr><td>an employment relationship problem, e.g. personal grievance, dispute</td><td>process: Raise and resolve employment relationship problem</td></tr></table>			If the nature of the allegation is...	then follow the steps in ...	an employee not performing their job to a reasonable standard	process: Manage poor performance	misconduct or serious misconduct by an employee	process: Report and investigate alleged misconduct	an employment relationship problem, e.g. personal grievance, dispute	process: Raise and resolve employment relationship problem
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Misconduct and serious misconduct	<table><tr><th>Term</th><th>Definition</th><th>Some examples</th></tr><tr><td>Misconduct</td><td>Misconduct is behaviour that breaches the standards of conduct or the law, but is unlikely to justify dismissal on the first occasion.</td><td></td></tr><tr><td>Serious misconduct</td><td>Serious misconduct is behaviour that breaches the standards of conduct or the law, and which may justify instant dismissal. It must be sufficiently serious to undermine the trust and confidence in the employee so that dismissal is what a fair and reasonable employer would do in the circumstances.</td><td><ul style="list-style-type: none">• Dishonesty, e.g. bribery, corruption, theft, falsification of records• Deliberate destruction of our property• Fighting at work or on duty• Sexual or other assault• Harassment of co-workers or the public• Being under the influence of drugs or alcohol at work or on duty• Conduct that brings Fire and Emergency New Zealand into disrepute</td></tr></table>	Term	Definition	Some examples	Misconduct	Misconduct is behaviour that breaches the standards of conduct or the law, but is unlikely to justify dismissal on the first occasion.		Serious misconduct	Serious misconduct is behaviour that breaches the standards of conduct or the law, and which may justify instant dismissal. It must be sufficiently serious to undermine the trust and confidence in the employee so that dismissal is what a fair and reasonable employer would do in the circumstances.	<ul style="list-style-type: none">• Dishonesty, e.g. bribery, corruption, theft, falsification of records• Deliberate destruction of our property• Fighting at work or on duty• Sexual or other assault• Harassment of co-workers or the public• Being under the influence of drugs or alcohol at work or on duty• Conduct that brings Fire and Emergency New Zealand into disrepute	
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Types of disciplinary action

The decision-maker may take the following disciplinary action, after following due process, when they find that a breach of the standards of conduct has occurred:

Action	Description
Suspension	<p>Suspension from duties pending investigation into allegations of serious misconduct is usually only considered when one or more of the following applies:</p> <ul style="list-style-type: none">the alleged serious misconduct, if proven, could mean that the employee shouldn't have direct contact with their co-workers or the publicthere are reasonable grounds that the employee's presence in the workplace could hamper a full and fair investigationthere's a risk that the employee could influence co-workers who will or are likely to give evidencethe employee's presence in the workplace poses a threat to standard operating procedures, e.g. the employee is apparently under the influence of drugs or alcohol.
Formal warnings	<p>A formal warning can be a verbal or written warning for:</p> <ul style="list-style-type: none">misconduct or serious misconductpoor performance, where informal counselling has failed. <p>Formal warnings should inform the employee:</p> <ul style="list-style-type: none">what type of warning it isthe reason for the warningwhat behaviour or improvements are expected of themthe agreed steps to be taken to achieve the expected conduct and timeframe for reviewing progress, if applicablehow long the warning will remain in forcethe consequences of breaching the warning.
Dismissal	<p>Dismissal is a last resort, after other disciplinary action has failed, or where the breach amounts to serious misconduct. There are two types of dismissal:</p> <ul style="list-style-type: none"><i>Dismissal with notice</i> may occur when unacceptable behaviour or poor performance persists, following a final warning.<i>Summary dismissal</i> may occur without the need to give notice when serious misconduct has been proven.
Other sanctions	<p>Other possible sanctions include, but are not limited to:</p> <ul style="list-style-type: none">ReprimandTransfer to other duties, by agreementRedeploymentWithdrawal of privileges, e.g. flexitimeLeave without pay, by agreementDemotion.

Decision-making authority

The decision-maker must have the authority to issue the disciplinary action being considered and must follow the relevant disciplinary procedures.

This table shows who has the authority to issue the disciplinary action:

Disciplinary action	Roles with authority
Suspension	<ul style="list-style-type: none"> • The relevant on-duty executive officer, but only in the situation where the employee is at work while apparently under the influence of alcohol or drugs • The relevant Fire Region Manager or Regional Manager Rural • The relevant Director • Director, People & Capability • National Commander Urban • National Manager Rural • Chief Executive.
Verbal or written warning, excluding final written warning	<ul style="list-style-type: none"> • The relevant Assistant Area Manager, Deputy Principal Rural Fire Officer or non-operational manager • Someone in a higher position to the above. <p>Note: The authority to issue verbal warnings may be extended to another individual if their Fire Region Manager, Regional Manager Rural or Director has obtained approval from the Director, People & Capability.</p>
Final written warning	<ul style="list-style-type: none"> • The relevant Fire Region Manager or Regional Manager Rural • The relevant Director • Director, People & Capability • National Commander Urban • National Manager Rural • Chief Executive.
Dismissal	
Other sanctions	

Related information

Topics	<p>Refer to these intranet topics to help you apply and comply with this policy:</p> <ul style="list-style-type: none"> • Make protected disclosure about serious wrongdoing • Manage poor performance • Raise and resolve employment relationship problem • Report and investigate alleged misconduct • Report and manage conflict of interest • Report and manage, gift, prize or hospitality • Respond to bullying • Respond to request for information
Standards	<p>State Services Commission:</p> <ul style="list-style-type: none"> • Standards of integrity and conduct • Understanding the code of conduct – guidance for State servants
Policies	<p>Related policies:</p> <ul style="list-style-type: none"> • Conflict of interest, gifts, prizes and hospitality • Fraud • Good employer and equal employment opportunity • ICT acceptable use • Personnel records management • Protected disclosure • Safety, health and wellbeing
Legislation	<p>We must comply with legislation, including the following:</p> <ul style="list-style-type: none"> • Crown Entities Act 2004 • Employment Relations Act 2000 • Fire and Emergency New Zealand Act 2017 • Health and Safety at Work Act 2015 • Human Rights Act 1993 • Privacy Act 1993 • Public Records Act 2005 • Section 57 of the State Sector Act 1988

Document information

Owner	Director, People & Capability
Last reviewed	1 July 2017
Review period	Every second year

Record of amendment

Date	Brief description of amendment
August 2015	This policy replaces the following policies: Standards of conduct (POLHR1.7), Management of disputes and personal grievances (POLHR1.5), Management of employment relationship problems (POLHR1.11), Managing misconduct (POLHR1.8A), Managing poor performance (POLHR1.8B), Sexual and racial harassment (POLHR1.8C), Workplace bullying (POLHR1.8D). Note: The UFBA has not yet provided feedback on this policy.
1 July 2017	This policy was reviewed as part of the implementation of the Fire and Emergency New Zealand Act 2017. No substantive amendments were considered necessary before 1 July 2017 therefore only superficial updates were made. Any outdated references and links will be updated when the policy is reviewed.
8 May 2018	The Conflicts of interest section was updated to match the updated Conflicts of interest, gifts, prizes and hospitality policy. The remainder of this policy has not been reviewed.