

Pathways News



Spring 2018

Priceless

SPECIAL EDITION

Background to Pathways ETS offering ethics training

In late 2012, Pathways ETS received approval from the Public Sector Commissioner to use the WA Public Sector Commission (PSC) materials developed for *Accountable and Ethical Decision Making (AEDM)* training. As you are probably aware, it is a requirement that all state government employees receive awareness training in AEDM and that this be updated on an on-going basis (please see Commissioner's Instruction No.7 issued in July 2012).

Our workshop titled "Just Ethics - Essentials" is facilitated by our Principal Director Clem Wright, an experienced AEDM trainer and course developer who has been involved in this area since 2008 when AEDM training commenced across the sector.

If you do not have an existing in-house capability to deliver AEDM training to your staff, we can help. We'll consult your staff trainer and help them develop materials customised to the needs of your organisation and/or we can deliver the customised training for you. Our *Just Ethics* course which is based on the PSC materials contains all seven AEDM elements : Personal Behaviour, Communication and Official Information, Fraud and Corruption, Use of Public Resources, Recordkeeping, Conflicts of Interest, and Reporting Misconduct.

STOP PRESS:

New probe in wake of WA Health Department

CCC investigation reveals WA
Health Department corruption

What goes around comes around in
NSW, the corruption state

**"Perceptions of corruption" survey of
Victorian state government employees
– September 2017**

**The CCC's latest report on
serious misconduct in the WA
Public Sector is now available**

**CCC MEDIA RELEASE - HORIZON POWER
EMPLOYEE AND CONTRACTOR CHARGED
WITH CORRUPTION OFFENCES**

Are headlines like these (all in the past year) becoming too familiar ? Whilst the general public are understandably very concerned (or, what's worse, becoming more and more cynical) with each revelation, what about the people who work in our public services ? How do they feel being associated with corruption allegations in their departments ? What should they say when quizzed in social settings ?

If you manage staff in a public sector setting, these headlines may be a timely reminder to ensure that those staff have a clear understanding of their responsibilities as public servants under the Public Sector Management Act and the principles of Accountable and Ethical Decision Making. Help is at hand courtesy of Pathways Education and Training Solutions. Contact us on 08 9840 8817, mob 0411 844 420, email: pathwaysets@westnet.com.au, or visit our website: www.pathwaysets.com.au

Face-to-face or online training ?

In recent years, government agencies have responded to the mandated requirement to ensure that their staff receive training in Accountable and Ethical Decision Making by putting information online (via internet or the agency's intranet). The onus is then placed on each staff member to read the material and comprehend it. If misconduct occurs, each agency then has a 'get-out' clause by saying that staff were told what was expected of them and if they didn't do the right thing, then it's their problem !

The rationale for using online learning to convey such complex and nuanced material about ethical behaviour in the workplace is of course nothing to do with this being the most effective means of getting staff to fully understand their responsibilities and obligations. It's all about budgets and finances.

Most, although not all, agencies baulk at the cost of engaging human trainers to facilitate ethical workplace training. Such human-led workshops offer the opportunity for participants to undertake group discussions, compare experiences both good and bad, and analyse case scenarios. The aim is to promote real attitudinal change on the part of staff rather than just a 'tick the box' compliance exercise. Hitting buttons in response to multiple choice questions is no substitute for human interaction raising real life issues when faced with ethical dilemmas. Apparent budget savings by choosing online AEDM training may look good on spreadsheets but are illusory if the agency believes that staff are equipped to properly deal with ethical questions which they face on a daily basis.

Cases in Point

In a recent Fair Work Australia case, an unfair dismissal application was not upheld in part because of the strong policies held by the company. The employee had been sacked for serious misconduct after posting derogatory comments about the employer on his FaceBook profile. Despite the employee making the comments on a personal computer outside of work hours, the court found in favour of the company, largely because the company had a clear and comprehensive employee handbook covering the way staff should communicate with each other as well as spelling out firm bullying and harassment policies.

In another Fair Work Australia case, the Commission upheld the dismissal of an employee for serious misconduct out-of-hours. The work performance of the employee – a hairdresser - was adversely affected by his drug use and his dismissal was deemed to be fair. However, FWA noted that not all out-of-hours misconduct justifies dismissal. Generally, employers do not have the right to control or regulate an employee's out-of-hours conduct. But where the employee's conduct outside the workplace has a "significant and adverse effect" on the workplace, then the consequences become a legitimate concern of the employer.

It is clear, from this decision, that in some cases, employees will be justifiably dismissed for their out-of-hours conduct. Employees should be made aware that where their out of work misconduct has an adverse effect on the workplace, there may be reasonable grounds for dismissal pursuant of the relevant Fair Dismissal Code.

Employee quick survey :

These issues were covered in my online AEDM training : Yes No

These issues were not covered in my online AEDM training : Yes No