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James

By email: fyi-request-22223-513523af@requests.fyi.org.nz
Ref: H2023022429

Tēnā koe James

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 23 March 2023 for:

“A copy of the Ministry of Health Code of Conduct that is provided, made accessible or is applicable to all Ministry of Health staff at Senior Management, Director level and above.”

The Code of Conduct for the Ministry of Health (the Code) is attached to this letter and is released to you in full. The Code applies to all Ministry employees, permanent, temporary, or casual.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Elisabeth Brunt
Group Manager, Government Services
Government and Executive Services | Te Pou Whakatere Kāwanatanga

Code of Conduct

for the Ministry of Health

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

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Foreword

New Zealanders justifiably expect public servants to observe the highest standards of impartiality, integrity and honesty in their work. As public servants in the Ministry of Health, it is essential that we meet this expectation in order to maintain confidence in the Ministry and the wider Public Service.

This Code of Conduct applies the State Services Commission's Standards of Integrity and Conduct to our work and provides detail on issues specific to the Ministry. As the Government's principal advisor on health and disability, the Ministry is committed to upholding the highest standards of the Public Service: respecting others, fairness, impartiality, confidentiality, honesty and the provision of free and frank advice.

Our Code of Conduct follows these four principles, taken from the SSC's Standards of Integrity and Conduct.

- **Fairness:** we treat everyone fairly and with respect to make a difference to the wellbeing of all New Zealanders.
- **Impartiality:** we maintain political neutrality and provide robust, unbiased advice in order to respect the authority of the government of the day.
- **Responsibility:** we act lawfully, objectively, confidentially and with care. We respect our organisation's resources.
- **Trustworthiness:** we are honest, ensure we are not influenced by personal interests, relationships or gifts, and work to uphold the reputation of the Ministry.

Please take the time to read this Code of Conduct and refer to it often. By consistently applying its principles, we can continue to be proud of the way the Ministry works.

Dr Diana Sarfati
Director-General of Health

Contents

Foreword	iii
Purpose	1
The Ministry's obligations	2
The four standards of integrity and conduct	3
Fair	3
Impartial	3
Responsible	3
Trustworthy	3
Respecting others	4
Fairness and impartiality	5
Confidentiality and security	6
Honesty and trust	7
Breaches of the Code of Conduct	8
Misconduct	8
Serious misconduct	8
Acceptance of Code of Conduct	9

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Purpose

This Code of Conduct has been produced to help you understand the standards of behaviour expected of all Ministry of Health staff. It builds on the Standards of Integrity and Conduct issued by the State Services Commissioner under section 57 of the State Sector Act 1988.

The Code applies to all Ministry employees, permanent, temporary, or casual.

The Code also applies to persons engaged by the Ministry of Health (including contractors, consultants and volunteers) and will form part of the contractual arrangements between those persons and the Ministry.

It is essential to the proper operation of government that members of the public service act in a way that maintains the confidence of Ministers and the public. We can ensure this by adhering to the Code, and the Standards of Integrity and Conduct, at all times.

It should be noted the Code does not operate in isolation and needs to be read in conjunction with your employment agreement, and the Ministry's Internal Policy Framework, policies and business rules.

If you are ever uncertain about any aspect of the Code or feel that you or someone you work with may be at risk of breaching the Code, talk to your manager.

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The Ministry's obligations

The Ministry is committed to applying the Code in a fair, reasonable and objective manner. The Ministry is obligated to act as a good employer and deal with employees in good faith.

The Ministry will:

- take all practicable steps to provide a healthy and safe working environment
- meet all legal requirements as an employer
- respect your right to privacy
- treat people with dignity
- value equity and diversity, including recognising the aims and aspirations of Māori and ethnic or minority groups, and the employment needs of Māori, women and people with disabilities
- maintain open communication, ensuring you are informed and listened to when decisions are made that could affect your work
- ensure the workplace is free from harassment, bullying and discrimination
- follow a fair and impartial selection and appointment process
- provide a written employment agreement setting out the terms and conditions of your employment
- provide a clear description of your duties and the Ministry's expectations of you
- provide a rewarding work environment, with opportunities for development
- give appropriate feedback on your work performance
- offer fair remuneration for skills, responsibilities, and performance
- provide appropriate performance management, disciplinary and dispute procedures
- provide the opportunity for redress against unfair or unreasonable treatment by the Ministry.

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The four standards of integrity and conduct

This Code builds on the four standards of integrity and conduct for all public service employees defined by the State Services Commission. These standards are set out below.

Fair

We must:

- treat everyone fairly and with respect
- be professional and responsive
- work to make government services accessible and effective
- strive to make a difference to the wellbeing of New Zealand and all its people.

Impartial

We must:

- maintain the political neutrality required to enable us to work with current and future governments
- carry out the functions of our organisation, unaffected by our personal beliefs
- support our organisation to provide robust and unbiased advice
- respect the authority of the government of the day.

Responsible

We must:

- act lawfully and objectively
- use our organisation's resources carefully and only for intended purposes
- treat information with care and use it only for proper purposes
- work to improve the performance and efficiency of our organisation.

Trustworthy

We must:

- be honest
- work to the best of our abilities
- ensure our actions are not affected by our personal interests or relationships
- never misuse our position for personal gain
- decline gifts or benefits that place us under any obligation or perceived influence
- avoid any activities, work or non-work related, that may harm the reputation of our organisation or of the state services.

Respecting others

As a Ministry employee, it is expected that you treat your colleagues, members of the public and anyone else you deal with in your official capacity with dignity and respect. You must not discriminate based on a person's sex, marital status, religious or other belief, race, ethnicity, nationality, disability, age, political opinion, employment status, family status or sexual orientation.

You should:

- respect the rights of all persons, and treat your colleagues and members of the public with courtesy and respect
- avoid behaviour that causes distress or disruption to colleagues
- avoid aggressive, overbearing and harassing behaviour and language, including discriminatory behaviour or language
- respect the privacy of others and the confidentiality of their information
- maintain the Ministry's reputation through your own professionalism and work standards
- be honest, diligent and perform your work to the best of your ability.

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Fairness and impartiality

Following the Code is everyone's responsibility. As a Ministry employee, you should take responsibility for your own actions and decisions, and challenge inappropriate or unprofessional behaviour in others.

You should:

- remain politically neutral in any contact with political parties or their representatives, or members of the public
- be aware that your personal activities could be seen to reflect on the Ministry's ability to fulfill its obligations
- ensure actual, perceived or potential conflicts of interest are reported and managed appropriately
- declare to your manager any personal relationships with colleagues, potential colleagues, clients or professional contacts who you may be required to work with during your employment in the Ministry
- provide honest, impartial and comprehensive advice to Ministers and alert them to the possible consequences of following particular policies, even if this advice does not accord with their own views
- provide advice that is consistent with the Ministry's policies and business rules, as well as any other advice the Ministry has provided to Ministers
- not withhold relevant information from Ministers, seek to obstruct or delay a decision, or attempt to undermine or improperly influence Government policy
- comply with relevant Ministry policies when participating in public bodies or voluntary associations or standing for elected roles in local or national government. If the organisation is active in the health sector, you will need to manage the perception of conflict of interest carefully
- ensure that your participation in political matters does not conflict with your primary duty as an employee of the Ministry.

Note: District Health Boards (DHBs) present special challenges for Ministry employees. If you are considering standing for or are approached about possible appointment to the board of a DHB, you must notify your manager as soon as possible.

Confidentiality and security

Ministry employees are responsible for protecting the security of people, information, and the physical workplace and its assets. You must not communicate any information in any way that may reasonably cause offence to others or bring the Ministry into disrepute.

You should:

- take care when handling information, and only use it in accordance with applicable legislation, and Ministry policies and business rules
- exercise proper care and discretion when responding to requests made under the Official Information Act 1982
- be familiar with the Official Information Act 1982, the Health Information Privacy Code 1994 and the Privacy Act 1993 as they apply to your work
- not comment on Government policy, its implementation or administration by the Ministry to any media unless you are authorised to do so
- take good care of Ministry IT systems and equipment, limiting any damage and inappropriate access
- not use Ministry technology to distribute or obtain material that is discourteous, vexatious, defamatory, fraudulent, pornographic, or offensive
- not inappropriately disclose Ministry information
- ensure that you have undertaken all necessary steps to prevent information from being accessed by others before, during and after disposal
- not give any false information or make any false declarations.

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Honesty and trust

Just as the Ministry is obligated to you as an employee, you have an obligation to perform your duties honestly and impartially. Avoid situations that might compromise your integrity, reflect badly on the Ministry, or jeopardise the Ministry's relationships with Ministers, other organisations or the general public.

You should:

- show reasonable care and neither use nor allow others to use Ministry property, resources, or funds for anything other than their authorised purposes
- carry out your duties in an efficient and competent manner
- refrain from any conduct that impairs your work performance (for example, drug or alcohol use)
- not exploit or abuse any power or authority given to you in your role for personal gain
- maintain any requirements for your position (for example, practicing certificate or driver's licence)
- maintain the standard of dress and general appearance appropriate for your workplace
- immediately inform your manager if you suspect that someone is defrauding or helping someone else to defraud the Ministry
- inform your manager if any criminal charges are laid against you
- get permission from your manager before taking on other employment outside your main Ministry role, including self-employment such as running a business.

Breaches of the Code of Conduct

This Code sets out the standards of behaviour required of Ministry employees. To illustrate these standards, some examples of behaviours and activities that are not acceptable are provided below.

A breach is defined as a situation when an employee behaves in a manner which is inconsistent with the Code. The seriousness and consequences of any breach of the Code depends on the circumstances in which it occurred.

Please note this list of not exhaustive. Just because a breach is not listed here does not mean that the Ministry condones it.

Misconduct

Following are some specific examples of behaviours and actions which may be considered misconduct and could lead to a formal warning or dismissal, following due process.

- Impairment in the performance of duties due to consumption of alcohol or other drugs.
- Unexplained absence from work, or repeated absenteeism without just cause.
- Failure to declare an actual, perceived or potential conflict of interest.
- Behaving in a manner that causes unreasonable distress to other employees.
- Using abusive or offensive language.
- Wilful misuse of Ministry equipment and property.
- Undertaking secondary employment without approval.
- Disclosing official information without authorisation.

Serious misconduct

Following are some specific examples of behaviours or actions which may be considered serious misconduct, and which may justify dismissal without notice, following due process.

- Using racially offensive language and/or demonstrating racially offensive behaviour.
- Use of excessive force.
- Removing or taking possession of another employee's or the Ministry's property.
- Sending or saving inappropriate emails and/or their attachments
- Unauthorised access or disclosure of any matter or information in relation to Ministry business.
- Wilfully damaging Ministry property.

Acceptance of Code of Conduct

I, _____

employee of the Ministry of Health, state that:

I have received a personal copy of the Code of Conduct issued by the Director-General of Health.

I understand that it is my obligation to read and understand the Code of Conduct, and that I may be subject to the disciplinary procedures of the Ministry of Health for breaching the Code.

Signature: _____

Date: ____/____/____

Please complete, detach and send to HR.

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