



Code of Conduct

POLICY NUMBER	1.0.0
TOPIC	Code of Conduct
OWNER	Deputy Chief Executive – People and Culture
DATE APPROVED	September 2022
APPROVER	Board
DATE OF NEXT REVIEW	September 2025

1 Code Statement

ACC is charged with the implementation of the Accident Compensation Act 2001. In fulfilling this duty, ACC's vision is to create a unique partnership with every New Zealander, improving their quality of life by minimising the incidence and impact of injury.

As a Crown entity, ACC is part of the Public Sector and contributes to building the trust and confidence of citizens in the institutions of government.

All Public Sector organisations are expected to work with a spirit of service to the community, to make our services accessible and effective to those who need them, and to strive to make a positive difference to the wellbeing of New Zealanders.

Everyone who works for ACC has an important role to play in making sure we achieve our vision, and in ensuring we maintain our reputation and standing in the perception of the public. Our actions and behaviours must be consistent with these expectations at all times.

2 Objective

This Code governs the behaviours of all employees of ACC, to enable us to meet the expectations placed upon us as a Crown Entity. These standards are based on the standards that apply to all Public Servants, detailed in the [Te Kawa Mataaho a guide on Integrity and Conduct](#).

The Code of Conduct:

- can be used to provide coaching on appropriate conduct.
- enables recognition of those who model the desired standard of conduct.
- reflects and reinforces the ACC values and behaviour required.
- outlines inappropriate behaviour and its consequences.

3 Scope

All ACC employees and contractors are expected to maintain the highest standards of integrity, discretion and ethical conduct when performing duties or representing ACC in any way.

All employees of ACC must read, understand, and follow our Code of Conduct.

4 Code standards

You are expected to exercise good judgement to determine what action to take in a given situation.

Your actions need to be able to withstand scrutiny from internal and external parties. Our behaviour and actions must be seen to be fair, impartial, responsible and trustworthy at all times.

In order to achieve the high standards of behaviour expected of us, as an employee or contractor you must:

Be honest and act with integrity.

In all aspects of your employment (e.g. in your work with clients and levy payers, with regard to work attendance, requests for financial reimbursement, use of sick leave etc).

Respect the rights of others.

- Treat others fairly, courteously, equally, and without discrimination or harassment.
- Uphold the rights of clients, as specified in the [Code of ACC Claimants' Rights](#).
- Respect and respond to all cultures, values and beliefs, particularly Māori and minority groups.
- Promote the principles of [Equal employment opportunity](#).

Perform your duties to the best of your ability.

- Prioritise your primary role as an ACC employee over any secondary interests, commitments, values or beliefs you hold personally, and declare any potential [Conflict of interest](#) immediately.
- Show commitment to a high quality of work.
- Adhere to the ACC [Health, Safety and Wellbeing policy](#) in all areas of work.
- Comply with all ACC policies, processes and standards.
- Model and demonstrate [ACC values](#) and behaviours, which underpin decisions about what we do, and how we operate and behave.
- Comply with the code of any professional body that you are registered or affiliated with, where this impacts upon your work with ACC.
- Show initiative and creativity when resolving problems, seek to maximise productivity, and identify opportunities for improvement.
- Make decisions appropriate to your role and be responsible for those decisions and the actions that result from them.
- Be supportive of changes made by ACC, as change is necessary for the organisation's success.
- Be supportive of your colleagues and accept your responsibilities as a team member.

- Manage your personal and workplace relationships appropriately so they do not adversely affect your work.

Uphold the reputation and standing of ACC.

- Act with integrity in any personal dealings you may have with ACC as a client.
- Obtain your manager's approval before commencing any activity, business interest or employment that has the potential to conflict with ACC business (e.g. acting as an advocate for a client, undertaking secondary employment).
- Ensure your behaviour in relation to [gifts and gratuities](#), managing contracts and [purchasing](#), and other [Sensitive Expenditure](#) does not compromise (or appear to compromise) your personal integrity or ACC's.
- Maintain appropriate professional behaviour when travelling on ACC business.
- Maintain appropriate professional behaviour in any situation where you may be perceived as representing ACC.
- Have an appropriate standard of dress.
- Engage with the Media team about any media enquiries you receive.
- Ensure that your behaviour will not bring ACC into disrepute.
- Advise your manager of any convictions or charges laid against you whilst employed by ACC.
- Maintain appropriate boundaries and relationships with clients and any other people you may work with.

Act in a politically neutral manner.

- Ensure that your behaviour maintains Ministerial and public confidence in the impartiality of advice given and actions taken.
- Ensure that your comments do not bring ACC or the Minister into disrepute, or compromise the perception of ACC as politically neutral (e.g. stating or implying your personal view on an issue as ACC's view).
- Ensure that your personal participation in political matters does not conflict with (or appear to conflict with) your duty to act in a politically neutral manner.

Use ACC information and property appropriately.

- Be responsible for the security and confidentiality of all information that you deal with during your employment with ACC.
- Use financial and non-financial information gathered by ACC and your knowledge of ACC's systems and processes only to perform ACC's business.
- Treat all ACC assets and property with care and respect.
- Respect the privacy of ACC's clients, staff, and stakeholders and keep their personal information confidential.
- Take all reasonable steps to protect the privacy of our clients, customers, employees and other stakeholders.
- Only access client, colleague, and stakeholder personal information for ACC purposes related to your role (in particular, do not access information for non-work purposes).

- Report any actual or potential privacy breaches to your manager immediately.

Act within the law.

- In particular, the Accident Compensation Act 2001, Official Information Act 1982, Privacy Act 2020, Health Information Privacy Code 2020, Human Rights Act 1993, Employment Relations Act 2000 and any other relevant legislation.

5 Accountabilities

The Deputy Chief Executive - People and Culture is responsible for ensuring organisational controls are in place in support of this policy.

6 Roles and Responsibilities

Role:	Responsibility
Our People	<ul style="list-style-type: none"> • Read, understand and follow this Code of Conduct. • Undertake training or confirm your understanding of the Code of Conduct when requested by ACC. • Remain up to date with the current Code of Conduct expectations. • Discuss any concerns about what may be considered unacceptable behaviour with your manager. • Discuss with your manager before you take any course of action that you are not entirely sure falls within the bounds of acceptable behaviour. • If you believe someone in ACC is acting unethically, or has been involved in serious wrongdoing, you should report this confidentially through OK2Say and receive protection under the Protected Disclosure Act. For more information, visit Making a protected disclosure.
Contractors	<ul style="list-style-type: none"> • Maintain the highest standards of integrity, discretion and ethical conduct when performing duties or representing ACC in any way.
Managers	<p>Managers are representatives of ACC both when dealing with external customers or stakeholders, and when dealing with internal employees and contractors.</p> <p>Managers have a lead role in establishing and promoting our expected standards of behaviour and integrity. Managers are expected to conduct their behaviour, actions and decisions consistently with their duty to be fair, impartial, trustworthy and responsible at all times.</p> <p>As a manager you are expected to:</p> <ul style="list-style-type: none"> • establish and promote ACC's expected standards of behaviour and integrity. • consider your behaviour, actions and decisions in terms of the expectation to be fair, impartial, trustworthy and responsible at all times. • manage employees in accordance with the Code of Conduct, and any other ACC policies, processes, standards and systems in place to support you as a manager (e.g. development programme, performance management processes).

	<ul style="list-style-type: none"> • lead, model and promote the expected standards of behaviour and integrity within the Code of Conduct and other internal policies and processes. • provide employees with education and coaching on expected standards of behaviour and integrity where needed. • represent ACC positively when interacting with staff, and deliver our policies, changes, initiatives or decisions in a manner consistent with ACC’s intentions. • take ultimate responsibility for work quality, actions and decisions of employees in your team by addressing concerns. • manage within your capabilities and take ownership of your own development, and that of your team. • manage within the delegated authorities framework as specified in the Delegations Manual.
Deputy Chief Executive - People and Culture	<ul style="list-style-type: none"> • Monitor the effectiveness of the Code of Conduct. • Ensure organisational controls are in place in support of this policy.
Executive	<ul style="list-style-type: none"> • Model the highest standard of behaviours according to this Code of Conduct. • Ensure Code of Conduct behaviours are integrated into all aspects of ACC business.
Board	<ul style="list-style-type: none"> • Approve the Code of Conduct and ensure it is consistent with ACC’s strategic direction.

7 Measures of success and compliance management

The Policy Owner will assess the effectiveness of this Code of Conduct based on the following measures of success:

- Our people refer to their obligations under the Code of Conduct.
- There are no or very few instances of non-compliance with the Code of Conduct, where there are instances, these are dealt with fairly and quickly.

The Policy Owner will monitor compliance with this policy as follows:

- Completion of mandatory training modules.
- Any guidance developed to help staff understand and comply with this Code of Conduct is made available on Te Pātaka and provided directly to relevant staff as appropriate. Reminders are issued to staff about this Code of Conduct and their obligations under it.
- The Enterprise Risk team will provide guidance on first-line control and compliance testing for compliance requirements and monitor the completion and timeliness of testing for group reporting.
- A central register to record breaches of the Code of Conduct held by the policy owner.

8 Non-compliance

Our Code of Conduct requires our people to comply with all our policies. Breaches of this policy may result in disciplinary action.

Behaviour or actions that are investigated and found to be in breach of the Code of Conduct may result in disciplinary action. Where breaches are found, ACC's [Disciplinary procedure](#) will be followed and the employee will have an opportunity to provide an explanation for their actions or behaviours and have the right to representation.

The action taken will depend on the severity of the breach:

- Breaches of the Code of Conduct that are deemed 'misconduct' may lead to disciplinary action up to and including a final warning.
- Breaches of the Code of Conduct that are deemed 'serious misconduct' may lead to disciplinary action up to and including summary dismissal. Summary dismissal is termination of employment without notice or prior warnings.

If any breaches normally considered to be misconduct are very serious or repeated, these may be deemed serious misconduct.

Misconduct

Misconduct occurs when an employee does something wrong (namely, breaches this Code of Conduct or other ACC policy) either by: doing something, omitting to do something, or through their behaviour.

The lists below of actions considered to be misconduct or serious misconduct are intended as a guide for employees and are examples only. They do not constitute an exhaustive list of breaches of the Code of Conduct.

Examples of misconduct include:

- Any act of negligence harming ACC.

- Disobeying a lawful and reasonable instruction from a manager.
- Failure to meet the standards of performance and behaviour expected of ACC employees.
- Inappropriate behaviour or relationships.
- Any action which may in any way damage the relationship of trust and confidence between ACC and government, other agencies or the community.
- Allowing unauthorised access to, or disclosure of, any matter or information in relation to ACC business.
- Misuse of ACC internet and/or email systems.
- Inappropriate use of purchasing card or expenses.
- Absence from duty or place of work without proper reason or authorisation.
- Repeated lateness for work, or repeated absenteeism without just cause.
- Failure to comply with any ACC policy or procedure.
- Any behaviour of a similar type.

Serious misconduct

Serious misconduct occurs when the misconduct could have the effect of destroying or undermining the relationship of trust and confidence between an employee and employer.

Examples of serious misconduct include:

- Dishonesty.
- Theft.
- Fraud.
- Handling a claim relating to oneself, a relative, acquaintance or friend without the express approval of the manager, or taking a role as an advocate for a client without approval.
- Corruption – accepting a bribe, inducement, reward or gift, or complying with a request or threat to use your position to provide a benefit to any person or third party, which has the effect of allowing inappropriate activity or compromising the impartial performance of your duties.
- Failure to declare any activity, business interest or employment that has the potential to conflict with ACC business.
- Accessing ACC information relating to family, friends, acquaintances or clients without legitimate cause.
- Criminal conviction leading to imprisonment or adversely affecting your ability to carry out your work.
- Misuse or unauthorised possession or sharing of ACC property and/or information (e.g. misuse of financial information or client information).
- Harassment of anyone you work with (e.g. client, employee, contractor).
- Abusive or discriminatory statements or practices.
- Assaulting or abusing another person.
- Allowing work performance to be affected by drug, alcohol or substance abuse (including abuse during work hours).

- Dangerous or unsafe work practices, including non-compliance with ACC Health and safety policies, and Health and Safety legislation.
- Any act that has the potential to bring ACC into disrepute.
- Significant failure to comply with any ACC policy or procedural requirements.
- Any behaviour of a similar type.

9 Contacts

Contact [HR Help](#) regarding this policy.

10 References

Te Kawa Mataaho [guide on integrity and conduct](#).

Policies:

[Respectful and Inclusive Workplace Policy](#)

[Conflict of interest Policy](#)

[Speak Up at ACC \(including Protected disclosures\)](#)

[Equal Employment Opportunity Policy](#)

[Sensitive Expenditure Policy](#)

[Health, Safety and Wellbeing Policy](#)

[Information Security Policy](#)

[Use of the Internet Policy](#)

[Email and Instant Messaging Policy](#)

[Media Policy](#)

[Social media Policy](#)

[Personal Information and Privacy Policy](#)

[Procurement Policy](#)

[Corporate Delegations](#)

11 Policy review dates

Last review: September 2022

Next review: September 2025

12 Version Control

Version	Date	Change reason	Who
1.0.0	8/09/22	Code of Conduct released	[Out of Scope]
1.0.0	/12/23	Update monitoring responsibilities and add measures of success	Compliance team
1.0.0	8/03/24	Policy Owner, roles and links updated	[Out of Scope]



Discipline Policy

POLICY NUMBER	2.4.0
TOPIC	Discipline Policy <i>Subordinate to Code of Conduct</i>
OWNER	Head of People and Culture (People Excellence) People and Culture Group
DATE APPROVED	June 2022
APPROVER	Deputy Chief Executive – People and Culture
DATE OF NEXT REVIEW	June 2025

1 Objective

Where conduct concerns arise, ACC's objective is to manage these in a fair and consistent manner, ensuring people get the chance to appropriately participate in the process, provide information and explanations.

2 Scope

This policy applies to all of ACC's employees when performing their duties, representing ACC in any way, or where their conduct has a bearing on their role at ACC.

ACC has developed a [Disciplinary procedure](#) to guide leaders and employees in applying these standards.

3 Policy statement

All ACC employees have a role to play in maintaining our reputation and standing in the public's perception. Our actions and behaviours must be consistent with the standards outlined in the Code of Conduct at all times. Conduct concerns will be managed through fair and reasonable processes. Behaviour or actions that are investigated and found to be misconduct or serious misconduct may result in disciplinary action.

4 Policy standards

This policy supports the [Code of Conduct](#).

- 4.1 Allegations of misconduct or serious misconduct will be dealt with in a procedurally fair manner.
- 4.2 There may be events or situations where an investigation into the employee's conduct is warranted. The potential outcome of such an investigation could include disciplinary action.
- 4.3 ACC will determine the process for conducting disciplinary investigations on a case-by-case basis. Investigations will be full and fair and compliant with natural justice.
- 4.4 Employees have the right to request assistance or support from representatives, including their union, at any stage of the disciplinary process.
- 4.5 Matters of concern will be discussed with employees in a clear and timely manner, giving the employee a reasonable opportunity to explain or respond.
- 4.6 ACC will genuinely consider any explanation provided by the employee before making any decision or taking any disciplinary action.
- 4.7 Employees are entitled to all the relevant information that ACC uses to make any decision.
- 4.8 Support is available to all employees through the [Employee Assistance Programme \(EAP\)](#).
- 4.9 The action taken in any case will depend on the circumstances, including the seriousness of the substantiated conduct and could include written warnings or dismissal (with or without notice). Previously issued warnings may be taken into account in determining the appropriate outcome.
- 4.10 Disciplinary processes are managed confidentially.
- 4.11 The process and its outcome will generally be recorded in writing, with copies provided to the individual and placed on their personal file.
- 4.12 Warnings will specify the misconduct, so the employee understands what corrective action is needed.

5 Accountabilities

The Deputy Chief Executive People and Culture is responsible for ensuring organisational controls are in place in support of this policy.

6 Roles and Responsibilities

Role	Responsibilities
Employees	<ul style="list-style-type: none"> • Behave consistently with expected standards, including complying with the Code of Conduct. • Raise any concerns you have with meeting these standards with your leader, including any potential breaches of the Code of Conduct. • Engage appropriately engage in any disciplinary process.
Leaders and/or investigators	<ul style="list-style-type: none"> • Follow this policy at all times. • Advise employees of their rights, including their right to support and representation. • Ensure that expected standards of conduct are clearly communicated to all employees. • Provide guidance to employees on how to reach expected standards. • Contact the People and Culture Group if you require advice or guidance.
Senior leaders	<ul style="list-style-type: none"> • Take appropriate steps to manage the workplace while allegations of misconduct are being investigated, if appropriate • Be a consistent point of contact for the leader and employee involved • If employees raise an issue with the disciplinary policy or procedure, ensure this policy and associated procedures are being followed.
People and Culture business group	<ul style="list-style-type: none"> • Monitor, update and communicate ACC's policy and procedures for managing discipline to ensure these remain relevant, appropriate and effective • Provide advice to leaders and employees on the application of this policy.

7 Measures of success and compliance management

The Policy Owner will assess the effectiveness of this policy based on the following measures of success:

- Instances where conduct is a concern are dealt with in accordance with this policy and associated procedure.
- Our people understand their rights in a discipline situation.

The Policy Owner will monitor compliance with this policy as follows:

- Completion of mandatory training modules.
- Any guidance developed to help staff comply with this policy is made available on Te Pātaka and provided directly to relevant staff as appropriate.
- The Enterprise Risk team will provide guidance on first-line control and compliance testing for compliance requirements and monitor the completion and timeliness of testing for group reporting.
- A central register of disclosed conflicts of interest is maintained by the policy owner.
- A central register to record breaches of the policy is held by the policy owner.

8 Non-compliance

Failure to comply with this policy may be considered a breach of the Code of Conduct.

Any action taken as a result of a breach (actual or potential) of any obligations set out in this policy will be conducted in good faith, fair process will be followed, and the person involved will have a full opportunity to respond to the concerns or allegations and have access to appropriate support, advice or representation.

9 Contacts

Contact [HR Help](#) for any information regarding this policy.

10 Definitions

See the [Code of Conduct](#) for definitions of misconduct and serious misconduct.

11 References

[Code of Conduct](#)

[Leaving ACC Policy](#)

[Performance Improvement Policy](#)

[Disciplinary procedure](#)

[Employment Relations Act 2000](#)

12 Version control

Version	Date	Change reason	Who
1.0	21.12.17	Updated existing policy into new template	[Out of Scope]
2.0	23.08.18	Slight changes following feedback from [Out of Scope]	[Out of Scope]
3.0	19.09.18	Changes following feedback from the working group	[Out of Scope]
4.0	20.09.18	Added monitoring and oversight section. Added responsibilities for senior managers and Talent. Reworded policy statement. Included right to EAP support as a standard.	[Out of Scope]
5.0	25.09.18	Updated to Disciplinary policy, removing dismissal and adding Investigator to responsibilities.	[Out of Scope]
6.0	28.09.18	Updated following working group	[Out of Scope]
7.0	03.09.18	Added 4.9 Disciplinary processes are managed confidentially	[Out of Scope]
8.0	04.03.22	Reviewed as part of review cycle and updated to reflect change in owner and following consultation with Risk and Compliance Policy working group. Disciplinary procedure updated.	[Out of Scope] [Redacted] [Redacted]
8.0	14.06.22	Approved by [Out of Scope], Deputy Chief Executive, People and Culture	
8.0	December 2023	Updated monitoring responsibilities and add measures of success	Compliance team
8.0	18/03/24	Policy Owner, roles and links updated	[Out of Scope] [Redacted] [Redacted]



Speak Up Policy

POLICY NUMBER	1.3.0
TOPIC	Speak Up Policy
OWNER	Head of Integrity Services
DATE APPROVED	8 September 2022
APPROVER	Board
DATE OF NEXT REVIEW	8 September 2025

1 Objective

This policy sets out how ACC facilitates the disclosure and investigation of potential wrongdoing (serious or otherwise) in or by ACC (also known as whistleblowing), and provides protection for ACC people who report potential wrongdoing.

This policy applies to all potential wrongdoing (not just serious wrongdoing under the Protected Disclosures (Protection of Whistleblowers) Act 2022). This means that the procedures for receiving and handling information about potential wrongdoing and the protections for disclosers set out in this policy apply even if the potential wrongdoing isn't covered by the Protected Disclosures (Protection of Whistleblowers) Act 2022.

2 Scope

This policy applies to all ACC people, including current and former employees, secondees, and independent contractors, together with Board and Board committee members.

3 Policy statements

3.1 We'll have a culture that promotes speaking up about potential wrongdoing

We have policies and processes that encourage our people to report potential wrongdoing.

3.2 We have procedures for receiving and handling information about potential wrongdoing

We have speak up procedures that:

- comply with the principles of natural justice;
- set out the process for what we'll do as the receiver of a protected disclosure;

- identify who in ACC a protected disclosure of potential wrongdoing in or by ACC may be made to;
- include reference to the requirement to not retaliate, or threaten to retaliate, against the discloser or treat them less favourably than others;
- describe the circumstances when the protected disclosure might be referred to an appropriate authority;
- describe how we'll provide practical assistance and advice to disclosers; and
- describe how we'll meet the duty of confidentiality.

We'll publish widely (and republish at regular intervals) information about the existence of the speak up procedures and adequate information on how to use the procedures.

3.3 We'll keep information that might identify the discloser confidential

We'll use our best endeavours to keep information that might identify the discloser confidential. The exceptions are if the discloser consents to the release of the identifying information, or if there are reasonable grounds to believe that the release of the identifying information is essential:

- for the effective investigation of the disclosure; or
- to prevent a serious risk to public health, public safety, the health and safety of any individual, or the environment; or
- to comply with the principles of natural justice; or
- to an investigation by a law enforcement or regulatory agency for the purposes of law enforcement.

We'll consult with disclosers in these cases (if practicable in respect of serious risk to public health, public safety, the health and safety of any individual, or the environment; or to an investigation by a law enforcement or regulatory agency for the purposes of law enforcement).

3.4 We'll not retaliate, or threaten to retaliate, against a discloser or treat them less favourably than others

We'll not retaliate or threaten to retaliate against a discloser because they intend to make or has made a protected disclosure.

Retaliate means to dismiss the discloser, treat them less favourably than other similar ACC people, or subject them to any detriment or disadvantage.

We'll not treat a discloser or someone who supports a discloser less favourably than others in the same or similar circumstances. We'll not retaliate in court or bring disciplinary proceedings against a discloser.

The protections set out above won't apply where the discloser:

- committed or played a part in the potential wrongdoing; or
- knows the allegations are false or otherwise acts in bad faith; or
- discloses information publicly or through the media.

4 Accountabilities

The Deputy Chief Executive – Service Delivery is responsible for ensuring this policy is implemented and for authorising investigations into protected disclosures.

The Chief Executive is responsible for authorising investigations into protected disclosures where the disclosures relate to the Deputy Chief Executive – Service Delivery.

The Chair of the Risk Assurance and Audit Committee is responsible for authorising investigations into protected disclosures where the disclosures relate to the Chief Executive.

The Head of Integrity Services is responsible for managing protected disclosures and for overseeing any investigations of protected disclosures.

The General Counsel/Head of Legal is responsible for managing protected disclosures and for overseeing any investigations of protected disclosures where the disclosures relate to members of the Integrity Services team or where a conflict of interest means the Head of Integrity Services should not manage the disclosure or oversee the investigation.

5 Roles and Responsibilities

ROLE	RESPONSIBILITY
Board	<ul style="list-style-type: none"> Seek assurances from the business that this policy and the speak up procedures are robust, fit for purpose, and comply with the Protected Disclosures (Protection of Whistleblowers) Act 2022, and the Public Service Commission's guidance on the Act and speaking up about potential wrongdoing.
Risk Assurance and Audit Committee	<ul style="list-style-type: none"> Receive and review regular reports on compliance with this policy.
Executive	<ul style="list-style-type: none"> Reinforce and demonstrate a culture that encourages our people to report potential wrongdoing.
Policy Owner	<ul style="list-style-type: none"> Ensure our people who make disclosures under this policy are protected in accordance with this policy. Ensure investigations of protected disclosures are undertaken by the people best equipped to do so. Ensure the people undertaking investigations of protected disclosures have the resources they need to complete these investigations thoroughly and promptly. Maintain and refine this policy, the speak up procedures and the speak up guidelines. Liaise with subject matter experts and relevant groups and committees, including the Integrity Services team and external stakeholders. Ensure this policy, the speak up procedures and the speak up guidelines are communicated and training activities are in place to

	<p>support the implementation of this policy and the speak up procedures.</p> <ul style="list-style-type: none"> • Ensure mechanisms are in place to monitor compliance with this policy.
Subject Matter Experts (SMEs)	<ul style="list-style-type: none"> • Participate in investigations of protected disclosures as required, and in the development and review of this policy, the speak up procedures and the speak up guidelines. • Ensure the policy owner is informed of any potential future changes that may affect this policy, the speak up procedures and the speak up guidelines.
Business Group Managers	<ul style="list-style-type: none"> • Ensure all our people within their business group are aware of this policy, the speak up procedures and the speak up guidelines.
Our people	<ul style="list-style-type: none"> • Comply with this policy and report potential wrongdoing.

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6 Monitoring and Oversight

ACC’s risk governance model reflects a three lines model, with ACC’s Board sitting above the three lines. The table below sets out how the various lines and roles will carry out monitoring and oversight of this policy. Further detail on the three lines model is available in the Enterprise Risk Management & Compliance Framework.

LINE	MAIN PURPOSE OF THE LINE	ROLE	MONITORING AND OVERSIGHT RESPONSIBILITIES
Executive	Ensures that actions are taken (including managing risk) to achieve ACC’s objectives	Chief Executive Executive team	<ul style="list-style-type: none"> Overall responsibility for managing risks related to our speak up arrangements. Leading and directing action to ensure that integrity activities support ACC to achieve its objectives. Maintain an ongoing dialogue with the Board. Ensure the business has sufficient emphasis on risk management and meeting compliance obligations. Allocate sufficient resources to support effective and efficient execution of integrity activities.
			<ul style="list-style-type: none"> Ensure effective processes and monitoring are in place to meet compliance obligations under this policy. Act in an appropriate and timely manner in response to reports received that alert the Executive to opportunities to improve compliance activities relating to this policy.
1 st Line	Provide ACC services to customers and manages the risks related to providing those services	Our people People Leaders	<ul style="list-style-type: none"> Maintain our structures and processes for the management of operations and risks relating to speaking up. Ensure people in their teams are aware of this Policy. Actively encourage compliance with this Policy/ Remain alert to potential instances of potential wrongdoing and support people to make protected disclosures under this policy. Promote speaking up about potential wrongdoing.
		Risk community	<ul style="list-style-type: none"> Provide coordination, support, advice and reporting regarding risk, compliance and controls. Support our people to determine whether events constitute breaches of

			the Policy and escalates breaches when appropriate.
		Policy owner	<ul style="list-style-type: none"> • Provide pragmatic advice to relevant Business Groups (and other parts of ACC if applicable) to increase the likelihood that responses to Policy breaches are appropriate (timely, proportional, consistent, and well informed). • Consider Business Group requests for Policy exemptions and assess any risk mitigation impact alongside operational efficiency and effectiveness benefit assertions before granting or declining any such request.
2 nd Line	Lead oversight, challenge and advice on risk-related matters	Integrity Services team	<ul style="list-style-type: none"> • Perform periodic oversight activities designed to assess the effectiveness of the protected disclosure system and develop proportionate recommendations to address identified weaknesses or progress general opportunities for improvement, • Perform periodic oversight activities intended to assess and/or provide insights into any trends relating to protected disclosures and investigations of protected disclosures. • Report to the Risk Assurance and Audit Committee and Executive on the outcomes of such activities.
		Enterprise Risk team	<ul style="list-style-type: none"> • Provide pragmatic, actional advice on risk, compliance and controls relevant to our speak up arrangements, and respectfully challenges when necessary.
3 rd Line	Provide independent and objective assurance and advice focussed on achieving ACC's objectives	Internal Audit	<ul style="list-style-type: none"> • Perform periodic audit activities intended to assess and/or provide insights into (among other things) compliance with this policy and the adequacy and effectiveness of the business' practices to monitor compliance and deal with breaches. • Report to the Board, Risk Assurance and Audit Committee, and Executive on the outcomes of such activities.
External Assurance Providers	Provide additional assurance that complements internal sources of assurance	External assurance	<ul style="list-style-type: none"> • Provide additional assurance to satisfy legislative/regulatory requirements and obligations and the Board's expectations as to the efficacy of our speak up arrangements.

Governance	Acts to provide the point of accountability to stakeholders for organisational oversight and provision of integrity, leadership	Risk Assurance and Audit Committee	<ul style="list-style-type: none"> Recommend any material changes to this policy. Monitor compliance with this policy.
		Board	<ul style="list-style-type: none"> Overall accountability for oversight of ACC. Ensure that effective protected disclosure risk management arrangements are in place, including governance structures and processes that are being managed by other lines. Approve any material changes to level 1 policies, including text related to the monitoring and oversight of compliance with this policy. Act in an appropriate and timely manner in response to reports received that alert the Board to opportunities to improve compliance activities relating to this policy.

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7 Breaches of Policy

Our Code of Conduct requires our people to comply with all our policies. Breaches of this policy may result in disciplinary action.

8 Contacts

The Head of Integrity Services is the main point of contact for questions regarding this policy and our approach to managing and investigating protected disclosures.

The General Counsel/Head of Legal is the main point of contact for questions regarding this policy and our approach to managing and investigating protected disclosures where the questions relate to matters involving members of the Integrity Services team or where a conflict of interest means the Head of Integrity Services should not manage the disclosure or oversee the investigation.

9 Definitions

In this policy:

discloser means the person that reported the potential wrongdoing.

wrongdoing means

- a breach of our Code of Conduct or policies; or
- a breach of law or offence; or
- a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment; or
- a serious risk to the maintenance of the law, including the prevention, investigation and detection of offences or the right to a fair trial; or
- an unlawful, corrupt or irregular use of public funds or public resources; or
- oppressive, unlawfully discriminatory, or grossly negligent or that is gross mismanagement by a public sector employee or a person performing a function or duty or exercising a power on behalf of a public sector organisation or the Government.

10 References

This policy should be read in conjunction with our Code of Conduct, our speak up procedures, our speak up guidelines, and the Public Service Commission's guidance on the Protected Disclosures (Protection of Whistleblowers) Act 2022 and speaking up about potential wrongdoing.

11 Version Control

Version	Date	Change Reason	Who
1.0	08/09/2020	Policy updated to new template	Chief Risk and Actuarial Officer
2.0	08/09/2022	Policy updated to reflect Protected Disclosures (Protection of Whistleblowers) Act 2022	Deputy Chief Executive – Service Delivery

2.0	29/11/2023	Administrative update (3 Lines risk governance model)	Compliance Lead
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Disciplinary procedure

ACC is committed to being a good employer. Where any conduct issues arise, ACC will genuinely consider any explanation provided by the employee and determine the outcome in a fair and reasonable way, in line with our disciplinary policy.

In some circumstances, ACC may determine that further investigation into conduct issues is warranted, before a disciplinary process is undertaken.

Disciplinary action may be taken where, following the completion of a fair process, an ACC employee's substantiated conduct is found to amount to misconduct, serious misconduct or otherwise be a breach of their obligations as an employee.

Every leader has a responsibility to make sure expected conduct standards are clear to employees.

The process

In addition to any other steps ACC takes, a disciplinary process may include the following steps:

1. Leader becomes aware of a potential conduct issue and determines whether further investigation is required. Leader may seek advice about how to proceed, including from People & Culture.
2. Leader invites employee to a meeting. The nature of the meeting needs to be clearly disclosed to the employee prior to it occurring. The invitation must provide reasonable notice in advance, detail the specific concern (and any information relevant to the concerns), and let the employee know they can bring a support person or representative.
3. The meeting is held and employee is given reasonable opportunity to respond to concerns. Notes will be taken at this meeting and a copy provided to the employee.
4. Leader considers the employee's explanation and any other relevant information.
5. ACC makes a decision and tells employee the outcome.
6. Leader confirms the outcome in writing and ensures this is noted on the employee's file.

The above steps are a guide and a different process may be adopted provided the process followed is fair and reasonable.

Suspension

In some circumstances it may be appropriate to propose an employee be suspended from work while an investigation into an allegation of misconduct or serious misconduct is undertaken. Such action does not indicate predetermination or amount to disciplinary action. A leader must always consult People & Culture when suspension is being considered.

Suspension will generally be on pay unless there are circumstances that justify the imposition of unpaid suspension.

Unless the circumstances preclude it, where suspension is contemplated, the individual concerned must be given the opportunity to comment on the proposal, before a decision is made.

Determining an outcome

The decision-maker will usually be the employee's direct leader or one up leader. When determining an outcome, they will have regard to the relevant information including any reasonable explanation offered by the employee. The employee is entitled to all the relevant information considered by the decision maker in determining an outcome.

Possible outcomes include:

- no further action
- a letter of expectation
- a first written warning
- a final written warning
- dismissal (with or without notice)
- any other action that may be deemed appropriate in all the circumstances.

The appropriate outcome will depend on careful consideration of all the circumstances.

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Solving employment relationship problems in ACC

What is an employment relationship problem?

An employment relationship problem is a problem between you and your manager or between you and another ACC employee or between you and ACC. It includes a personal grievance, dispute or other problem relating to or arising out of your employment relationship.

An employment relationship problem does not include any problem concerning the setting of new terms and conditions of your employment. Nor does it include an issue you may have with the tasks, responsibilities and functions of your position or with your manager expecting you to achieve these duties.

Listed below are examples of employment relationship problems:

- You think you have been treated unfairly;
- A breach of your employment agreement;
- A personal grievance;
- A dispute over the interpretation, application or operation of your employment agreement;
- A question about whether you are an employee or an independent contractor;
- A disagreement about arrears of wages or holiday pay etc;
- You're not being allowed to attend union meetings or take employment related education leave; or
- You get a warning, or are dismissed and you believe it was unjustified.

What is a personal grievance?

A personal grievance means any grievance that you have against ACC because of a claim that:

- You have been unjustifiably dismissed;
- Action ACC has taken disadvantages you in your employment or a term of your employment is unjustifiable;
- You are discriminated against in your job;
- You are sexually harassed in your job;
- You are racially harassed in your job; or
- You have been pressured in your job because of your membership or non-membership of a union or employees' organisation.
- A personal grievance must be raised with your Manager within 90 days of the event.

Employment relationship problem resolution process in ACC

Step 1 Clarify the problem

If you believe there may be a problem in the employment relationship, the first step is to check the facts and make sure there really is a problem, and not simply a misunderstanding.

You might want to discuss a situation with someone else to clarify whether a problem exists, but in doing so you should take care to respect the privacy of other employees and managers, and to protect confidential information belonging to the employer. For example, you could seek information from:

- friends and family
- the Ministry of Business, Innovation and Employment (call them on 0800 20 90 20 or through their website at ([How to resolve problems | Employment New Zealand](#))
- pamphlets/fact sheets from the Department of Labour
- your union (if you are a union member), a lawyer, a community law centre or an employment relations consultant.
- You raise an allegation against a colleague or manager which is of a disciplinary nature; and
- there is some evidence that can be referred to, to support the allegation you have made.

An investigation will not normally be appropriate if the problem you raised relates to a decision ACC made to issue a warning or to dismiss.

If we are not able to resolve the problem through the steps above, a number of options exist:

Step 2 Discuss the problem

If you believe there is a problem, raise it as soon as possible. This can be done in writing or verbally. Provided you feel comfortable doing so, you should ordinarily raise the problem with your direct manager. If this is not possible, you may raise the problem with their manager, or another appropriate manager.

A meeting will usually then be arranged where the problem can be discussed between appropriate parties. You are entitled to bring a representative or support person with you to the meeting if you wish.

When raising a problem for discussion it is helpful if you can do so in writing and outline solutions that you consider may resolve it.

The parties will then try to establish the facts of the problem and discuss possible solutions. This is likely to include an exchange of views about the nature of the problem and possible solutions.

Your manager (or other appropriate manager) may wish to seek advice or consider further information to assist them in addressing your problem. They may seek assistance or information from People Services, their own manager, a specialist (if applicable), or another

person involved in the problem. They may also wish to gather information including documentation to understand the issue you have raised. It may be that discussions take place over more than one meeting if progress is being made.

The manager may refer the problem on to a more senior manager or People Services if they believe someone more independent would be better placed to resolve it.

If you agree to a solution it is helpful if this is documented so it can be referred back to if required. If you are satisfied with the solution this is the end of the process.

Step 2a Investigation of the problem

Depending on the nature of the problem, it may be appropriate for an investigation to be conducted into the issues you have raised. An investigation is likely to be appropriate in the following circumstances:

- You raise an allegation against a colleague or manager which is of a disciplinary nature; and
- there is some evidence that can be referred to, to support the allegation you have made.

An investigation will not normally be appropriate if the problem you raised relates to a decision ACC made to issue a warning or to dismiss.

If we are not able to resolve the problem through the steps above, a number of options exist:

Next steps

- Either party can contact the Ministry of Business, Innovation and Employment, who can provide information and/or refer the parties to mediation.
- Depending on the nature of the problem, the issues involved may also be ones that the Labour Inspectors employed by the Ministry of Business, Innovation and Employment can assist with, ie minimum statutory entitlements such as holiday, leave or wages provision.
- Either party can take part in mediation provided by the Ministry of Business, Innovation and Employment (or the parties can agree to get an independent mediator).
- If the parties reach agreement, a mediator provided by the Ministry of Business, Innovation and Employment can sign the agreed settlement, which will then be binding on the parties.
- The parties can both agree to have the mediator provided by the Ministry of Business, Innovation and Employment decide the problem, in which case that decision will be binding;
- If mediation does not resolve the problem, either party can refer the problem to the Employment Relations Authority for investigation.
- The Employment Relations Authority can direct the parties to mediation, or can investigate the problem and issue a determination.

- If one or other of the parties is not happy with the Employment Relations Authority's determination, they can refer the problem to the Employment Court.
- In limited cases, there is a right to appeal a decision of the Employment Court to the Court of Appeal and to the Supreme Court.

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