POLICY 1.10: GIFTS, BENEFITS, AND HOSPITALITY

1. Purpose

When performing public duties, it is vital that decision-making is impartial so as to maintain the public's trust in Respect Victoria and prevent corruption.

When offering or receiving gifts, benefits and hospitality, employees may encounter situations where they are not sure if they are doing the right thing. This policy sets out how Respect Victoria and its employees must:

- respond to offers of gifts, benefits and hospitality
- provide gifts, benefits, and hospitality.

Respect Victoria's Gifts, Benefits and Hospitality Policy is in accordance with the Victorian Public Sector Commission's (VPSC) model Gifts, Benefits and Hospitality Policy and will be updated as required when the model policy is amended.

2. Scope

The policy applies to:

- employees of Respect Victoria
- members of the Respect Victoria Board
- contractors, consultants and labour hire employees required as part of their contract to comply with this policy.

For ease of reading, in this policy we use the term 'employee' to cover anyone the policy applies to, as set out above, regardless of their employment or engagement status.

3. Definitions

Benefits	Preferential treatment, privileged access, favours or other advantage. For example, invitations to sporting, cultural or social events, access to discounts and loyalty programs, or the promise of a new job.
Business associate	An individual, group or organisation that Respect Victoria has, or plans to have, a business relationship with, or who may seek commercial or other advantage.
Conflict of interest	A conflict of interest exists if employees have a private interest that could influence, or reasonably be seen to influence, how they perform their public duties. The conflict can be actual, potential or perceived.
Gifts	Items or services that are free, discounted, or would generally be seen by the public as a gift. E.g. Vouchers, gift cards, artwork, chocolates, flowers or car

	repair. The monetary value of a gift is its estimated market value. Gift cards and vouchers are treated the same as money.
Hospitality	The friendly reception and entertainment of guests. Ranges from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.
Non-token offer	An offer worth $50 or more.
Official gifts and items	Items with cultural, ceremonial, religious, historic, or other significance. Sometimes accepted or given on behalf of our organisation as part of business with official delegates or representatives of a community group, organisation, or government.
Public register	The official record of information made public from Respect Victoria's internal register. It is published online.
Token offer	An offer worth less than $50.

4. Gifts, benefits and hospitality principles

4.1 Employee must not solicit offers

Employees must not solicit (seek) any gift, benefit or hospitality, for themselves or others, if the offer could reasonably be seen as connected to their employment.

4.2 Employees must refuse offers that do not pass the integrity test

Employees must refuse a gift, benefit or hospitality (token or non-token), if it:

4.2.1 Is **money**, used in a similar way to money, or easily converted to money.

4.2.2 Gives rise to a **conflict of interest** (actual, potential or perceived).

4.2.3 Could compromise the public's trust of Respect Victoria or the public sector.

4.2.4 Non-token unless there is a legitimate business reason to accept e.g. so as to further the conduct of official business or other legitimate goals of Respect Victoria or the State.

4.2.5 Could reasonably be seen as a bribe or other inducement. All such offers should be reported to the CEO, or the Board where it pertains to the CEO

4.3 Offers that may be accepted

Only accept offers if they are:

4.3.1 A token gift, benefit or hospitality (a basic courtesy).

4.3.2 A learning opportunity, such as a webinar, and all of the following apply

- it is relevant to your work duties
- it has a legitimate business reason (benefit)
- it is free for all attendees
- additional costs (travel, accommodation) are not covered or discounted
- it is consistent with community expectations.

4.4 Declining offers

If an offer must be refused, it should be declined at the time it is made, wherever possible.

4.5 Declaring offers

All Gifts, Benefits and Hospitality offers weather accepted or declined must be declared using a Respect Victoria prescribed form.

Details of all Gifts, Benefits and Hospitality offers will be recorded in the **internal register** managed by the Office of the CEO. Respect Victoria's gifts, benefits and hospitality public register will be published in line with the requirements of the Financial Management Compliance Framework.

4.6 Minimum accountabilities

Respect Victoria will comply with the **minimum accountabilities** for the management of gifts, benefits, and hospitality as set out by the VPSC.

When undertaking work on behalf of Respect Victoria, employees must act with integrity and impartiality, in accordance with the Code of Conduct for Victorian Public Sector Employees. This includes prioritising the public interest over personal or private interests.

4.7 Moving to 'thank you is enough'

Respect Victoria's will encourage employees to develop a culture of **'thank you is enough'**, with the aim to move to a culture in which offers are not accepted, even if they are permitted under this policy.

Respect Victoria must take steps to communicate to external stakeholders that employees are subject to this policy and this aim including discouraging gift offers.

4.8 Implementing these principles

Respect Victoria will develop guides, procedures, and examples to support employees in understanding and applying the principles outlined in this policy. These resources will incorporate materials provided by the VPSC where relevant.

Refer to the appendices for the current and applicable guides, procedures, and examples.

5. Gifts, benefits and hospitality responsibilities

5.1 Employees

All employees must comply with this policy when:

- are offered gifts, benefits or hospitality
- provide gifts, benefits or hospitality
- If not sure, seek advice from their manager, Director, or the Office of the CEO.

5.2 Managers

In addition to complying with this policy as employees (see 4.1 above) all managers must:

- be aware of the gifts, benefits and hospitality risks inherent in their direct reports' roles
- oversee direct reports' compliance with this policy
- promote awareness and give advice
- model good practice.

5.3 The CEO

In addition to complying with this policy as an employee and a line manager (see 4.1 & 4.2 above) the CEO must:

- fulfill the obligations under the guidance of the VPSC minimum accountabilities.

6. Breaches to the policy

Any breach to this policy must be notified to the employee's manager immediately.

If a criminal offence is suspected, Respect Victoria may refer the matter to the Victorian or Federal Police, who may investigate and pursue prosecution as appropriate.

7. Governance and reporting

Under the Instructions supporting the Standing Directions of the Minister for Finance 2018, Respect Victoria must develop policies and procedures to manage its gifts, benefits and hospitality processes.

Respect Victoria's gifts, benefits and hospitality register will be published annually on our public website. The register will include all offers over $50, whether accepted or declined.

8. Policy Review

This policy will be reviewed at least once every three years, or when the VPSC model policy is updated.

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Approved:

Kate Fitz Gibbon, Chairperson Respect Victoria

Date:

APPENDIX A – QUICK GUIDE

1.1 Key points of this policy

- The nominal value threshold for accepting a gift, benefit or hospitality is $50.
- Any offer with a value of $50 or more, whether accepted or not, must be declared and recorded on Respect Victoria's internal register.
- An adapted version of the internal register is published on Respect Victoria's website annually.
- To accept an offer of gifts, benefits or hospitality where the value is over $50 employees must:
  - seek the CEO's approval before accepting (where possible)
  - demonstrate that there is no actual, perceived or potential conflict of interest
  - demonstrate that there is a legitimate business benefit to Respect Victoria
  - complete and submit a declaration form with the CEO's endorsement.
- Where the employee is unable to seek the CEO's approval prior to acceptance, approval must be sought within five business days.
- Employees must refuse all offers of gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions involving:
  - tender processes, including managing a contract once the tender process has ceased
  - procurement
  - enforcement
  - licensing or regulation
  - awarding grants, sponsorship or funding allocations.
- Employees must refuse offers that:
  - are made by a current or prospective supplier
  - are likely to influence them, or be perceived to influence them, in the course of their duties, or raise an actual, potential or perceived conflict of interest
  - are likely to be a bribe or inducement to make a decision or act in a particular way
  - have no legitimate business benefit
  - extend to their relatives or friends
  - constitute money or can be used in a similar way to money, or something easily converted to money
  - involve events and hospitality Respect Victoria will already be sufficiently represented at to meet its business needs
  - could be perceived as endorsement for a product or service, or where acceptance would unfairly advantage the sponsor in future procurement decisions.
- If you are unsure about how to respond to an offer of a gift, benefit or hospitality, seek advice from your manager, Director, or the Office of the CEO. Members of the Board should seek advice from the Chair of the Board.

1.2 Quick guide flowchart

Have you been offered a gift, benefit, or hospitality?

Offers include:

- items or services (e.g., chocolates, bottle of wine, door prize, free training course)
- benefits (e.g., promise of new job, discounted services)
- hospitality (e.g., food, drink, travel, accommodation, attending sporting or cultural events)

YES ↓

Is it prohibited?

- Is it money or like money (e.g., gift vouchers) or easily converted to money (e.g., shares)?
- Would accepting the offer create a conflict of interest (e.g., perceived as influencing your decision to award a contract, set policy, or regulate a service)?
- Would accepting the offer bring your integrity, or that of your organisation, into disrepute?

YES ↓

Is it a token offer?
(i.e., of inconsequential value – under $50)

YES ↓

Refuse the offer

If cannot immediately refuse, either return the offer or transfer ownership to the organisation.

NO ↓

Refuse and declare the offer[1]

If cannot immediately refuse, either return the offer or transfer ownership to the organisation.

NO ↓

Is it a token offer?
(i.e., of inconsequential value – under $50)

NO ↓

Does it have a business benefit?

NO → **Refuse and declare the offer**[1]

YES ↓ **May accept & then declare the offer**[2]

YES ↓

Have you received multiple offers from the same source?

NO ↓ **May accept the offer**

YES ↓ **May refuse the offer**[3]

1. Generic, bulk event invitations that are declined (e.g., spam email offers) do not need to be declared.
2. Hospitality from Victorian public sector organisations does not need to be declared.
3. More than one token offer may be accepted. However, care should be taken to ensure that multiple offers are not used as a device to avoid offers being recorded on the register.

APPENDIX B – RESPONDING TO WITH GIFT, BENEFIT & HOSPITALITY OFFERS

1. Declining offers

In most cases where the offer should or must be refused, you should decline it at the time the offer is made to you. Sometimes this can be difficult, for example:

- The offer may have been delivered via mail, making declining difficult.
- Declining the offer may cause offence or even be unsafe in the moment for the employee being offered it.
- There may be some other reason why, in the moment, you are unable to decline the offer.

1.1 Gifts

This is most common with gifts. In the case of gifts, declare the offer as normal and make it clear to your manager or the appropriate delegate that you were unable to decline the offer in the moment, but you have not accepted it.

You or our organisation will return or dispose of the gift and an explanation and rejection will be sent to the offeror, where appropriate.

1.2 Benefits and hospitality

In the case of benefits and hospitality, it is very unusual for a situation to arise where you cannot decline an offer. The most obvious, but still extremely unlikely, scenario is that refusing would offend the offeror in a way that would make you feel unsafe.

In such cases, as soon as possible declare that you accepted the offer and why. Respect Victoria will take action to ensure our employees are not placed in such situations in the future.

2. The GIFT Test

You can use the following GIFT questions to help assess whether to accept or refuse a particular gift, benefit or hospitality.

G	**Giver**	• Who is providing the gift, benefit or hospitality and what is their relationship to me? • Does my role require me to select suppliers, award grants, regulate industries or determine government policies? • Could the person or organisation benefit from a decision I make?
I	**Influence**	• Are they seeking to gain an advantage or influence my decisions or actions? • Has the gift, benefit or hospitality been offered to me publicly or privately? • Is it a courtesy or a token of appreciation or a valuable non-token offer? • Does its timing coincide with a decision I am about to make?
F	**Favour**	• Are they seeking a favour in return for the gift, benefit or hospitality? • Has the gift, benefit or hospitality been offered honestly? • Has the person or organisation made several offers over the last 12 months?

		• Would accepting it create an obligation, or feeling of obligation, to return a favour?
T	**Trust**	• Would accepting the gift, benefit or hospitality diminish public trust? • How would the public view acceptance of this gift, benefit or hospitality? • What would my colleagues, family, friends or associates think?

3. Token offers

If you receive a token offer (valued less than $50):

- You can only accept the offer if it passes the ‘integrity test’ (see section 6.2 above).
- Remember, thanks is enough. Do you need to accept?
- You do not need to declare the offer.
- You do not need a legitimate business reason to accept.
- You do not need approval from the CEO to accept.
- You are the owner of the gift, benefit or hospitality.

4. Non-token offers

If you receive a non-token offer (value $50 or more):

- You must declare the offer even if you refuse it.
- Remember, thanks is enough. Even if you have a legitimate business reason, do you need to accept?
- You can accept the offer if it passes the ‘integrity test’ (see section 6.2 above).
- As part of the integrity test, you must have a legitimate business reason to accept.
- You must have prior approval in writing from the CEO to accept.
- If you accept the offer you do so on behalf of Respect Victoria. It is not usually yours to keep. Some exceptions exist, but you will need to apply to see if you qualify in the circumstances. For more information see ‘applying for ownership of a non-token gift’ below.
- The offer and outcome are recorded in the internal register. Certain information may also be published in the online public register.

5. Declaring offers

To declare an offer:

- Use the Gifts, Benefits and Hospitality Declaration Form.
- If you accept the offer, record the business reason on the form in enough detail to link it with your duties and the benefit to Respect Victoria, the public sector or the State.
- The form outlines what to do with your completed form, and what will happen with the information you provide.

When completing the Declaration Form, ensure you record the legitimate business reason in enough detail. Examples are provided below.

Unacceptable

- ‘Networking’
- ‘Maintaining stakeholder relationships’.

Acceptable

- 'I am responsible for evaluating and reporting on the outcomes of our organisation's sponsorship of Event A. I was offered a free ticket by the event organisers. I accepted so I could attend Event A in an official capacity and reported back to our organisation on the event.'
- 'I presented to a visiting international delegation. The delegation presented me with a cultural item which, consistent with our organisation's policy on official gifts and items, I accepted on behalf of the organisation.'

5.1 Internal register and public register

Access to the internal register is managed by the Office of the CEO. Certain information from the internal register is published online in the public register, consistent with VPSC guidance on gifts, benefits and hospitality. Note that the published register includes the position title of the person who received the offer (no names are included).

6. Applying for ownership of a non-token gift

Usually, a non-token gift belongs to Respect Victoria. However, if the gift was given to you specifically in recognition of your work or contribution, you may retain it provided that:

- it is not an official gift
- it is unlikely to bring you or Respect Victoria into disrepute
- it would be consistent with community expectations, and
- the CEO gives written approval.

7. Retrospective approval

If you cannot obtain approval before accepting an offer, in limited circumstances you can obtain retrospective approval. Apply within five business days of receiving the offer. For example:

- it was reasonable to be unaware the gift was non-token – such as a wrapped gift
- it would have caused serious offence to refuse – but remember, except for official gifts or items, this is not usually sufficient reason.

8. Offers made in a personal capacity

It is normal to receive offers of gifts, benefits and hospitality in your personal life that are unconnected to your work.

You can accept these offers, provided you believe on reasonable grounds that the offers are made in a personal capacity.

If you are unsure whether an offer is being made to you in a personal capacity or because of your role with our organisation, apply the integrity test, consider the GIFT questions and follow this policy as you would in your professional capacity.

9. Non-token offer from a government department

In the course of your work as an employee of our organisation, you might be offered a non-token gift, benefit or hospitality by a Victorian government department or administrative office, or the VPSC.

If this occurs, you can accept the offer if it complies with the 'Integrity test' (see section 6.2 above) and you do not need to declare the non-token offer. However, if the offer does not meet the 'Integrity test', it must be refused and declared.

10. Non-token offer from a public entity or other public sector organisation

In the course of your work as an employee of our organisation, you might be offered a non-token gift, benefit or hospitality by another Victorian public sector organisation, such as a public entity.

For example, you might be offered free tickets to an event where our organisation has helped to organise the event or otherwise actively supports the event or the organisation.

If this occurs:

- you can accept the offer if it complies with the 'Integrity test' (section 6.2)
- regardless of whether you accept the non-token offer, you must declare it.

11. Non-token offers of uncertain origin

If you receive an offer via a work colleague and you believe they may be offering on behalf of a third party with the possible intention of influencing you:

- refuse the offer and declare it, and
- report it to the CEO, as it may need to be referred on to an integrity body or the police.

12. Offers from interstate or Commonwealth public sector organisations

Offers from public sector organisations that are part of a different state or part of the Commonwealth public sector should be treated the same as those from any other organisation that is not a Victorian public sector organisation.

13. Exceptions to declaration rule

13.1 Generic offers that are refused

In the course of your public duties you may receive generic offers of non-token gifts or benefits. For example:

- emails targeting our employees with offers to attend a seminar or webinar at a discount rate
- SPAM email.

You don't need to declare a generic non-token offer if you refuse it. If you want to accept it, the usual restrictions in the 'Integrity test' (section 6.2) apply as to whether you can do so.

13.2 Targeted email blasts

Often, generic offers may appear personalised by being addressed to you directly, or through the use of generative language tools that can quickly and believably personalise the body of emails while still sending them to a large number of people.

If you receive an email and you are unsure if it is a generic offer, talk to your manager to determine if you need to declare it. Some useful questions to ask when unsure are:

- Do I have a relationship with the person who sent the email?
- Do I have a relationship with the organisation who sent the email?
- Is the offer related to my work or the work of my area of the organisation?

If the answer to all of the above is 'no' then it is likely a generic offer.

13.3 Multi-employee declaration

Sometimes, Respect Victoria will make a non-token declaration on behalf of all or some of our employees. If this happens, we will let the relevant employees know, as it means they don't need to make an individual declaration of a non-token offer. This can be a multi-employee refusal or multi-employee acceptance, depending on the offer. These declarations will be made by the person who received the offer on behalf of the organisation or, if it was sent to multiple employees, the relevant Director.

Employees are still responsible for declaring any actual, potential or perceived conflicts of interest that they might have in relation to the offer.

14. Official gifts and items

If you accept the following you do so on behalf of Respect Victoria:

- official gift
- official item (item with cultural, ceremonial, religious, historic, or other significance).

Official gifts and official items (for example a culturally significant gift from an official delegation) are an exception to our usual 'thanks but no thanks' approach.

Regardless of its monetary value, an official gift or official item:

- must be declared
- will be recorded in the internal register
  - will not usually be published in the online public register
- belongs to our organisation, not you.

Some exceptions exist (see below).

14.1 Applying for ownership of an official item

If an official item was given to you specifically in recognition of your work or contribution, you may retain it provided that:

- it is the express wish of the giver
- it benefits Respect Victoria's relationship with the giver
- it is appropriate given the significance and value of the item
- it would be consistent with community expectations
- it is unlikely to bring you or Respect Victoria into disrepute
- the CEO gives written approval.

You cannot retain the gift unless it meets all the above requirements.

15. Offers to our organisation

Sometimes offers are made to Respect Victoria itself. For example, offers of equipment. In deciding whether to accept such an offer, we will take into account:

- whether the offer passes the ‘Integrity test’
- the people or organisation making the offer
- the nature and circumstances of the offer
- the level of public benefit if the offer is accepted.

Respect Victoria must reject any offer that is not consistent with community expectations.

15.1 Official items

If an offer of an official item is accepted by one of our employees, it becomes the property of our Respect Victoria, with some exceptions (see above). Respect Victoria will decide what to do with each official item that comes into its possession according to the nature of the item and our own policies.

15.2 Reward and recognition offers

Sometimes, an offer is made to provide our organisation with a benefit like discounts, free tickets or equipment for employees.

Sometimes, our organisation may decide to accept the offer for reward and recognition purposes after taking into account:

- the above factors, and
- any other relevant requirements of this policy.

15.3 Donations or gifts given on our organisation’s behalf

Sometimes an individual or business that has a relationship with Respect Victoria may seek to donate or gift to a third party, like a charity, in our name or on our behalf. Often this happens without seeking our prior approval or giving us any opportunity to accept or refuse the gift or donation.

There are reputational risks associated with any donation or gift made on our behalf, even where this is well meaning. For example, it can be seen as preferencing one charitable organisation over another and can impact the perception of and trust in the Victorian Government as a whole. There are other risks associated with allowing a commercial partner to donate or gift in this manner, including the impact that this may have on future procurement or work activities.

Respect Victoria expects that everyone who works with us is made aware of our expectations around donations made in our name. While there is no opportunity to refuse the donation or gift once made, the commercial partner should be informed that no gift or donation should be made on our behalf in future without a formal offer and approval.

Where a gift or donation has been made without prior approval, that gift or donation should be listed on the gifts, benefits and hospitality register, noting that there was no opportunity to accept or refuse.

APPENDIX C – PROVIDING GIFTS, BENEFITS AND HOSPITALITY

1. Providing gifts, benefits and hospitality

This section sets out the requirements for providing gifts, benefits, and hospitality.

1.1 Integrity test

When providing a gift, benefit or hospitality on behalf of Respect Victoria, you must ensure all of the following apply.

10.1.1 Business reason

Ensure it is for a business reason. There must be a legitimate business benefit that furthers the conduct of official business or other legitimate goals of Respect Victoria, the public sector or the State.

Some examples of legitimate business reasons are to:

- welcome guests
- facilitate the development of business relationships and outcomes
- celebrate achievements.

10.1.2 No conflict of interest

Ensure it does not raise a conflict of interest (actual, potential or perceived).

10.1.3 Proportionate costs

Ensure that any costs incurred are proportionate to the benefits obtained for the State.

10.1.4 Consistent with community expectations

Ensure that the event would be considered reasonable and consistent with community expectations.

1.2 The HOST Test

You can use the following HOST questions to help you assess if providing a particular gift, benefit or hospitality would comply with the 'Integrity test' above.

H	**Hospitality**	• To whom is the gift or hospitality being provided? • Will recipients be external business associates, our employees, or a mixture of both?
O	**Objectives**	• What is the business reason for providing the hospitality? • Will it further the conduct of official business? • Will it promote and support government policy objectives and priorities? • Will it contribute to employee wellbeing and workplace satisfaction?
S	**Spend**	• Will the cost be proportionate to the benefits obtained? • What type of hospitality will be provided? • Will the hospitality be modest or expensive? • If alcohol is to be provided, why? Would it be a courtesy or indulgence? • Is an external venue necessary or can our organisation host the event? • Is the catering or hospitality proportionate to the number of attendees?

		• Does the size of the event and number of attendees align with the intended outcomes? • If a gift is to be given, is it symbolic rather than financial in value?
T	**Trust**	• Will public trust be enhanced or diminished? • Will the gift, benefit or hospitality be proportionate to public expectations or seen as excessive? • Is there a conflict of interest? • Could you publicly explain the rationale for providing the gift, benefit or hospitality? • Will the event be conducted in a manner which upholds the reputation of the public sector? • Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

1.3 Alcoholic beverages

Alcohol may only be provided in conjunction with evening meals at the discretion and approval of the CEO, depending on the level and nature of the event. At any event, Respect Victoria may only provide alcohol for consumption at responsible levels (for catering purposes, this will be at an average of no more than two standard drinks per person).

Outside the dinner period, attendees must pay personally for any alcoholic drinks. Arrangements with respect to charges for alcohol consumption should be negotiated in advance with venue management. Personal expenses must not be paid with a Respect Victoria procurement card. Individuals must pay personally for the portion of the invoice that relates to personal expenditure.

1.4 Gifts, benefits and hospitality for employees

Respect Victoria may fund modest and reasonable gifts, benefits and hospitality for employees as part of any reward and recognition program, which recognises and thanks employees for significant achievements and contributions, or approved health and wellbeing activities and supports.

Employees must not use public funds for gifts and celebrations to mark events such as birthdays, marriages or the birth of children, or for condolences.

1.4.1 Venue hire and catering

For all internal events, on-site premises should be used as the first choice rather than venue hire. Director approval is required for events that cost over $5,000.

Catering for lunches during workplace meetings or training (on or off-site) is generally not appropriate.

In limited circumstances where it may be appropriate to cater for internal events, use social enterprises and/or Aboriginal and Torres Strait Islander businesses where possible, consistent with Respect Victoria's Social Procurement Strategy. Refer to the Administration and Travel Procedure for further detail.

1.4.2 Conduct during hospitality

If you participate in hospitality in your public sector role you must demonstrate professionalism in your conduct and uphold your duty of care to other participants.

1.5 Providing official gifts and items

Before providing an official gift or item, make reasonable enquiries to ensure it will be appropriate to do so. For example, before providing a ceremonial gift to an official representative of an Aboriginal or Torres Strait Islander group, reasonable enquiries could include making enquiries with:

- the group that the person represents
- an organisation such as the Victorian Aboriginal Heritage Council or the local Registered Aboriginal Party (RAP) or Traditional Owner Organisation.

APPENDIX D – MANAGEMENT OF ALLEGED BREACHES

1. Alleged breaches

1.1 Management of an alleged breach

If you may have breached this policy notify your manager in writing immediately. This enables us to assess how best to mitigate the risk – for example, we may arrange to return the gift.

Respect Victoria will respond to alleged breaches of this policy consistent with the public sector code of conduct, this policy and any other obligations that apply. We will take a graduated approach. Our response will be fair, reasonable and proportionate. In some instances, no action will be taken. In others, we will deal with the matter:

- on an informal basis, for example, through education or counselling
- through a performance management process or similar
- if other methods are not appropriate, through a misconduct process.

A finding of misconduct may amount to a breach of the code of conduct. Serious misconduct can result in termination of employment. Contractors may be subject to contract renegotiation or termination.

If a criminal offence may have occurred, the Victorian or Federal Police may investigate and prosecute.

1.2 Speak up

We encourage you to speak up if you believe a breach of this policy:

- has happened
- is happening
- might be about to happen.

You can do so by notifying your manager, Director, or the CEO.

1.2.1 IBAC and the Victorian Ombudsman

Alternatively, if you believe corrupt or improper conduct is occurring, you can make a complaint directly to the Independent Broad-based Anti-corruption Commission (IBAC) or the Victorian Ombudsman.

Sometimes this can occur on a whistle-blower basis as a public interest disclosure.

1.2.2 How Respect Victoria must respond

Respect Victoria must always:

- actively support and protect employees who speak up in good faith
- take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith
- respond in a constructive manner to the information provided.

APPENDIX E – EXAMPLES OF OFFERS EMPLOYEES MUST REFUSE

This section sets out examples for scenarios in which employees must refuse offers of gifts, benefits or hospitality.

Conflict of Interest

Sally is involved in managing a tender for a major contract. Part of doing so involves interviewing each applicant.

One applicant offers to host Sally at their office for the interview and provide her with food.

Even if the value of the meal was well below $50, it would be reasonable for people to believe that it could influence how Sally performed her public duty of impartially awarding the contract. Sally must refuse and declare the offer.

Non-token offer without a legitimate business reason

James is required to meet with a supplier to conduct business. The supplier invites James to meet him at a corporate box during a sporting event (at no cost to James but at a cost to the supplier).

There is no legitimate business reason for the meeting to take place in this way.

James must refuse and declare the offer.

Repeat offers that cause a conflict of interest

Rachael is responsible for managing a relationship with one of our suppliers. She often meets with the supplier's representative at a café because it's a convenient place for both parties to meet.

The supplier has offered to pay for Rachael's coffee. It may be appropriate for Rachael to accept the offer a single time or perhaps occasionally. However, the supplier offers every or most times.

It would not be appropriate for Rachael to accept each time or more than occasionally, because it could create the perception of influence. A member of the public could reasonably infer that Rachel expects suppliers to pay for her food and drink when they meet and that this may influence her decision making.

Offers by suppliers or contractors

An organisation you are likely to make, or influence, a decision about in the foreseeable future offers you a learning opportunity that is relevant to your work duties and has a legitimate business benefit. It is free for all attendees.

You can accept the offer if it is also consistent with community expectations.

An offer to attend a free webinar is far more likely to be consistent with community expectations than an offer to attend a conference – particularly if the latter includes accommodation, travel or related benefits, such as a gala dinner.

Refuse the offer if it is made by a person, group or organisation whose primary purpose is to lobby ministers, members of parliament or public sector agencies.

Endorsement

An organisation is offered several vehicles to use by a dealership. The dealership is making the offer on the basis that it can include advertising indicating that it is the preferred dealer of vehicles to Government. In this instance the offer should be refused.

Advantage to a supplier or sponsor

Eman is attending a conference, paid for by her organisation, as part of her work. At the conference she should avoid accepting offers from the sponsors of the conference or any exhibitors. A member of the public might see this as an attempt by the offeror to make Eman more favourable to them in the future.