

Communications Policy

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1 AUTHORITY & APPLICATION

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| Date of approval | 21/01/2016 |
| Source of approval | Flinders Council |
| Start date | 22/01/2016 |
| Related Council Documents | <p>This Policy should be considered in conjunction with the following policies and procedures:</p> <ul style="list-style-type: none"> • <i>Employee Employee Code of Conduct</i> • <i>Disciplinary</i> • <i>Fitness for Work</i> • <i>Issue Resolution</i> • <i>Performance Management</i> • <i>Work Health & Safety</i> • <i>Workplace Behaviour</i> |

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| Date of review | 1 October 2017 |
| Previous policies replaced by this Policy | HR2 Computer and Telephone Usage Policy |
| Publication of Policy | Policy Manual |
| Definitions | |
| <u>Term</u> | <u>Meaning</u> |
| Applicable Laws | <p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004</i>(Cth) • <i>Anti-Discrimination Act 1998</i>(TAS) • <i>Australian Human Rights Commission Act 1986</i>(Cth) • <i>Disability Discrimination Act 1992</i>(Cth) • <i>Fair Work Act 2009</i>(Cth) • <i>Local Government Act 1993</i>(TAS) • <i>Racial Discrimination Act 1975</i>(Cth) • <i>Sex Discrimination Act 1984</i>(Cth) • <i>Work Health & Safety Act 2012</i>(TAS) • <i>Workers Rehabilitation & Compensation Act 1988</i>(TAS) |
| Business Use | Any Use of a Communication Device that is required for work purposes. |
| Communications Devices | Any device used for any communication purpose by a Worker and may include but is not limited to: telephones/smartphones (both landline and mobile devices), |

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| | | computers, walkie-talkies, radios, copiers, facsimiles, or equivalent of all of the preceding and their respective hardware, software and applications including email, electronic data, internet services and Social Media. |
| Council | | Flinders Council |
| Councillor | | An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the <i>Local Government Act 1993</i> (TAS) |
| Council Owned Communication Devices | | Any Communication Device owned or supplied by the Council |
| Employee | | A person who carries out work for Council as an employee of Council. |
| General Manager | | The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS). |
| Infringing Workplace Behaviour | | Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law. |
| Manager/Supervisor | | A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate. |
| Other Persons at the Workplace | | Any person, other than a Councillor, at the Workplace who is not a Worker including visitors and ratepayers. |
| Personal Use Policy | | Any use that is not Business Use. |
| Social Media | | This Communications Policy including the 'Authority and Application'. |
| | | Online platforms that promote social and professional |

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| | <p>networking and sharing of information. Social media does not just involve text commentary or statements it can also involve audio, multimedia pictures, movies, and photos. Social Media includes:</p> <ul style="list-style-type: none"> (a) social networking sites (e.g. Facebook, MySpace, LinkedIn, Bebo, Yammer); (b) video and photo sharing websites (e.g. Flickr, Youtube, Instagram); (c) blogs, including corporate blogs and personal blogs; (d) micro-blogging (e.g. Twitter); (e) wikis and online collaborations (e.g. Wikipedia); (f) forums, discussion boards and groups (e.g. Google groups, Whirlpool); (g) vod and podcasting; (h) instant messaging (including SMS); and/or (i) any successor or equivalent to the above |
| Use | <p>To deploy, create, store, communicate, transmit or access any material, information, image or the like by any communication device.</p> |
| Worker | <p>A person, other than a Councillor, who carries out work in any capacity for Council, including work as:</p> <ul style="list-style-type: none"> (a) an Employee; (b) a contractor or subcontractor; (c) an employee of a contractor or subcontractor; (d) an employee of a labour hire company who has been assigned to work at Council; |

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| <p>Workplace</p> | <ul style="list-style-type: none"> (e) an outworker; (f) an apprentice or trainee; (g) a student gaining work experience; (h) a volunteer. <p>A place where work is carried out for Council.</p> |
| <p>Training</p> | <p>Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.</p> |
| <p>Amendment</p> | <p>Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.</p> |
| <p>Interpretation of Policy</p> | <ul style="list-style-type: none"> (a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them. (c) A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated. (d) 'Including' and similar expressions are not words of limitation. (e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated. |

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| | <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.</p> <p>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p> |
| Reporting of Breaches | Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows: |

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| | <p>For breaches by</p> <p>(a) an Employee (other than the General Manager), or other Workers, the report must go to the reporting person's applicable Manager/Supervisor; and/or</p> <p>(b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and</p> <p>as otherwise required or permitted by Applicable Laws</p> |
| <p>Breach of Policy</p> | <p>Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees), or removal from the Workplace or termination of services (Workers [other than Employees] and Other Persons at the Workplace). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <p>(a) exposing individuals to legal proceedings; and</p> <p>(b) making Council vicariously liable for the conduct of others.</p> |

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2 PURPOSE

The aims of this Policy are to:

- (a) provide a framework for decisions, and standards relating to the Use of Communications Devices and Social Media;
- (b) confirm that Council will not tolerate the Use of Communications Devices and Social Media which is unlawful or a risk to health and safety of Workers or Other Persons at the Workplace;
- (c) recognise Council's commitment to provide a safe and healthy workplace for Workers and Other Persons at the Workplace relating to the Use of Communications Devices and Social Media;
- (d) instruct and guide Workers and Other Persons at the Workplace regarding the Use of Communications Devices and Social Media;
- (e) outline the standards expected at all times in relation to the Use of Communications Devices and Social Media;
- (f) operate with the Applicable Laws and policies; and
- (g) recognise that all Workers are accountable for their own behaviour relating to the Use of Communications Devices and Social Media.

3 COVERAGE

- (a) This Policy covers and applies to Workers in relation to:
 - (i) behaviour at the Workplace;
 - (ii) the performance of work for or in connection with Council; and
 - (iii) conduct outside the Workplace or working hours if the acts or omissions:
 - (A) are likely to cause serious damage to the relationship between Council, Councillors, Workers or Other Persons at the Workplace; or

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- (B) are incompatible with a Worker's duty to Council or employment relationship or engagement; or
 - (C) damage or are likely to damage Council's interests or reputation.
- (b) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4 REQUIREMENTS

- (a) Workers must comply with this Policy.
- (b) Workers must not Use Communication Devices or Social Media in any way which:
 - (i) breaches this Policy or any other policy or procedure including the Workplace Behaviour Policy or Employee Code of Conduct Policy;
 - (ii) breaches Applicable Laws or is otherwise unlawful; or
 - (iii) fails to comply with a lawful and reasonable direction by Council.
- (c) Managers/Supervisors are required to promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

5 GENERAL PRINCIPLES

- (a) Council may provide Workers with Communication Devices for Business Use only or Business Use and reasonable personal Use at Council's discretion. Such authority will be provided in writing on an individual basis.
- (b) In determining whether a Worker will be provided with Communication Devices and to what extent Council at its complete discretion will take into consideration all relevant matters including, Council's network and other system storage, security and usage requirements, the Worker's

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personal circumstances and work requirements and the nature and topic of the Use.

- (c) The requirements set out below in paragraph 4 (Requirements) apply equally to Business Use and Personal Use of Communication Devices.
- (d) Council may remove, restrict or change a Worker's authority to Use Council owned or supplied Communication Devices or Worker owned or supplied Communication Devices where used for Business Use or in the Workplace at Council's discretion.
- (e) Council will, through authorised personnel, monitor and if necessary copy, delete, remove or quarantine any information, data, transmissions or files (incoming and outgoing) or like materials arising out of the Use of Communications Devices from the Council's information technology system or network, or any Worker's Council provided Communication Device without notice.

6 USE OF COMMUNICATION DEVICES

In relation to the Use of Communication Devices, Workers must:

- (a) not divulge passwords or user identification to other persons;
- (b) not alter a Council owned Communication Device without prior written approval from their Manager/Supervisor;
- (c) not allow any person to Use a Council Owned Communication Device without prior written approval from the their Manager/Supervisor;
- (d) maintain Council Owned Communication Devices they Use in accordance with the manufacturer's specifications;
- (e) take all reasonable care to ensure the Communication Device is securely kept;
- (f) immediately advise their Manager/Supervisor of any damage to or theft of the Communication Device;

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- (g) not install any software on a Council Owned Communication Device (with the exception of Council nominated Applications downloaded from the App Store) without written prior approval from their Manager/Supervisor;
- (h) comply with Applicable Laws including not engaging in, for example:
 - (i) defamatory comments (e.g. falsely naming a person as a criminal);
 - (ii) inappropriate or unlawful workplace behaviour comments (e.g. discriminatory, harassing, bullying or repeated unreasonable behaviour);
 - (iii) misleading and deceptive conduct (e.g. 'our product will give you 150% improvement in profit with no reasonable basis');
 - (iv) contempt (e.g. publicising court orders or matters under consideration);
 - (v) infringements of intellectual property rights (e.g. breach of copyright by copying information without referencing the source, or downloading movies, TV shows, music and other entertainment or similar); or
 - (vi) privacy issues such as disclosing personal or sensitive information (e.g. 'a person lives at ABC Street and has 4 children with a particular medical condition');
- (i) not Use another person's identification (electronic or otherwise) to Use a Communication Device;
- (j) not obscure or attempt to obscure the origin of any Use of a Communication Device in the Workplace or a Council Owned Communication Device;
- (k) not access, send, receive, download, store or distribute gambling, pornographic, obscene, defamatory, discriminatory, harassing, unlawful or inappropriate materials of any kind;

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- (l) not disclose Council's confidential information or damage or engage in Use likely to damage Council's interests or reputation;
- (m) not gain or attempt to gain unauthorised access to Council's, information technology system or network, or any other Worker or Other Person in the Workplace's Communication Device; and
- (n) not interfere or alter with any of the Council security measures provided for the Council's, information technology system or network, or any other Worker or Other Person in the Workplace's Communication Device.

7 BUSINESS USE OF SOCIAL MEDIA

In relation to Business Use of Social Media, Workers must:

- (a) adhere to any communication protocols, authorisations or requirements of their role or position description or contractual arrangements and apply any warnings, notices, protocols or other identifications as required by Council from time to time;
- (b) not breach or engage in activity that has the capacity to breach any contractual requirements with third parties;
- (c) act honestly, with integrity, courtesy and professionalism;
- (d) comply with Applicable Laws including not engaging in, for example:
 - (i) defamatory comments (e.g. falsely naming a person as a criminal);
 - (ii) inappropriate or unlawful workplace behaviour comments (e.g. discriminatory, harassing, bullying or repeated unreasonable behaviour);
 - (iii) misleading and deceptive conduct (e.g. 'our product will give you 150% improvement in profit with no reasonable basis');
 - (iv) contempt (e.g. publicising court orders or matters under consideration);

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- (v) infringements of intellectual property rights (e.g. breach of copyright by copying information without referencing the source, or downloading movies, TV shows, music and other entertainment or similar); or
- (vi) privacy issues such as disclosing personal or sensitive information (e.g. 'a person lives at ABC Street and has 4 children with a particular medical condition');
- (e) only use Council logos, branding, photos/images or trademarks with prior Council approval;
- (f) not 'air' personal campaigns and keep personal opinions separate from professional;
- (g) avoid political bias and real or potential conflicts of interest;
- (h) not establish fictitious names or identities deliberately intended to deceive, mislead or lie;
- (i) adhere to Council's style guide as set by the Council from time to time;
- (j) notify their Manager/Supervisor of any activity that occurs whilst using the Communication Device or Social Media that has the potential to affect the integrity of the Council's information technology system or network, or any Council Representative or other person's communication device;
- (k) not disclose Council's confidential information or damage or engage in Use likely to damage Council's interests or reputation;
- (l) should be respectful of others using language that is polite, courteous appropriate to the circumstances; and
- (m) should not be disrespectful of others including using obscene, defamatory, discriminatory, threatening, harassing, insulting or offensive language..

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8 PERSONAL USE OF SOCIAL MEDIA

In relation to Personal Use of Social Media, Workers:

- (a) are permitted to Use Communication Devices or Social Media where authorised by Council for non-work related purposes during work time that is reasonable and does not negatively impact on work or the Workplace;
- (b) must not disclose Council's confidential information or damage or engage in Use likely to damage Council's or Workers' or Other Persons at the Workplace interests or reputations or engage in conduct in breach of paragraph 3(a)(iii) (Coverage);
- (c) may disclose they are Workers, provided they make it clear that that they do not speak on behalf of the Council and their views are personal only and do not represent the views of Council including where they are likely to be identified as a Worker;
- (d) must not cite, reference or identify (including conduct that is likely to identify) other Workers or Other Persons at the Workplace without their prior approval;
- (e) must avoid using business email addresses for personal Social Media logins; and
- (f) must not start or participate in a Facebook group, online club or any other community using Council's name;

9 MONITORING AND PRIVACY

- (a) Workers should be aware that information, data, transmissions or files (incoming and outgoing) or like materials arising out of the Use of Communications Devices are capable of being monitored by authorised persons nominated by Council and intercepted, traced or recorded by others.
- (b) Privacy using Communications Devices cannot be guaranteed.

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- (c) Council may monitor the Use of Communication Devices at any time including randomly or where Council considers it appropriate to:
- (i) ensure compliance with Applicable Laws, policies and procedures and reasonable directions;
 - (ii) compile or audit data or information regarding the Use of Communication Devices;
 - (iii) investigate suspected behaviour that may be contrary to or in breach of Applicable Laws, policies and procedures or reasonable directions; or
 - (iv) prevent unauthorised or unlawful Use of Communication Devices.
- (d) Council may appoint any person to monitor the Use of Communication Devices on its behalf or with Council. Where it does, Council will advise Workers of this appointment.

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