

POLICY AND PROCEDURES

Giving & Receiving Gifts Policy

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Relevant Rule:	HSU Rule 89
Relevant Legislation:	Fair Work Act (2009); Fair Work (Registered Organisations) Act (2009)
Scope:	This policy, or parts of this policy have application to all HSU Branches

Introduction

The Health Services Union (HSU) is the union representing members employed or usually employed in the health and human service industries in Australia.

In this Policy, the HSU includes the following Branches:

- New South Wales
- South Australia/ Northern Territory
- Tasmania Branch (Trading as Health & Community Services Union)
- Victoria No.1 Branch (Trading as Health Workers Union)
- Victoria No.2 Branch (Trading as Health & Community Services Union)
- Victoria No.3 Branch (Trading as Victorian Allied Health Professionals Association)
- Victoria No.4 Branch (Trading as Medical Scientists Association of Victoria)
- Western Australia

Policy Statement

HSU National Officers and employees are expected to uphold the integrity of the Union in the highest manner when undertaking their duties and in their undertakings with members, employers, outside organisations and suppliers.

HSU National Officers and employees must behave honestly and with integrity in the course of their employment or duties.

HSU National Officers and employees must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with Union employment or duties.

HSU National Officers and employees must not make improper use of inside information or use their duties, status, power or authority in order to gain, or seek to gain, an improper benefit or advantage for themselves or for any other person.

HSU National Officers and employees must at all times observe The Financial Responsibilities of Officers as determined by the Rules of the Union.

Branch Policy

Where a Branch does not have a policy consistent with this policy, this policy will apply to that Branch substituting the Branch structures, officers and employees with those contained in this policy where appropriate.

Definitions

'conflict of interest' includes:

- a) an actual conflict of interest, where a material interest interferes with the proper performance of the duties of the employee or member, and
- b) an apparent conflict of interest, where it could be perceived by others that the material interests of the member interferes with the proper performance of the duties of the member, whether or not this is in fact the case, and
- c) a potential conflict of interest, where the material interests of the member could interfere with the proper performance of the duties of the member in the future.

'gift' means present, benefit, offering, or token of appreciation from a member, employer, vendor, supplier, potential employee, or potential vendor or supplier and includes, but is not limited to, cash, merchandise, services, hospitality or social invitations whether offered free or discounted.

'employee' means HSU National employee.

'immediate family' means any child, stepchild, parent, stepparent, spouse (including defacto), sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, and any person (other than a tenant or employee) sharing the household of the National Officer or employee.

'National Officer' or **'Officer'** whether paid or not, has the same meaning as the phrase 'officer of an organisation' in Division 3A of Part 2 of Chapter 5 of the *Fair Work (Registered Organisations) Act 2009*.

Policy

1. Receiving Gifts

- 1.1 As a matter of course employees and National Officers should attempt to discourage a person from providing a gift as a result of them performing their duties. Judgment should be exercised so not to offend well-meaning intention.
- 1.2 Under no circumstance must an employee or National Officer initiate, suggest or encourage a member, employer or supplier to offer or provide a gift. Such action will be treated as a disciplinary offence for employees or a misconduct offence under the rules for a National Officer.
- 1.3 An employee or National Officer must decline a gift if they believe that the gift is being provided to secure some special benefit or to influence some decision, or that acceptance of the gift would undermine the integrity and impartiality of the Union, or that the acceptance of such a gift could be construed by others in this way.
- 1.4 All gifts offered or received by an employee or National Officer, or to a member of an employee's or National Officer's immediate family, over an estimated value of \$75, must be declared to the National Secretary in the case of an employee or the National President in the case of the National Secretary or a National Officer. Where the gift is in the form of an invitation to a hospitality or social event, the invitation should be disclosed to the National Secretary in the case of a National Office employee or the National President in the case of the National Secretary or a National Officer. This applies to gifts whether they are accepted or rejected.

Meals associated with pure entertainment, where Union business is not discussed, are considered to be gifts.
- 1.5 In the event that a gift is disproportionate to the reason provided or is excessive in magnitude, a judgment will be made by the National Secretary or National President as to whether the employee or National Officer may retain that gift. In the event that the National Secretary or National President decides that an employee or National Officer may not retain a gift, that gift will be returned to the giver, used for the benefit of the membership or donated to an appropriate charity.
- 1.6 The National Secretary must maintain a Register of Gifts for all gifts declared in accordance with sub-clause 1.4 and shall provide the National Finance Committee and the National Executive with a copy of the Register in December and July each year. The register should include information such as the date the gift was offered, who offered to, offered by, the reason the gift was offered, description of gift, estimated value of gift, whether the gift was accepted or declined, and the decision by the National Secretary or National President regarding gift.
- 1.7 This policy extends to members of an employee's immediate family where the gift is offered in or in connection with the National Office employee's employment or the National Officers duties with the Union.

1.8 For the purpose of this policy, the following are exempt:

- A plaque or an award;
- A non-cash raffle prize or draw at a conference or similar events, where the employee or National Officer is representing the Union; (Any cash prizes must be used to offset the expenses associated with attendance at the event/conference.)
- Meals with a supplier, prospective vendor or at professional meetings and conferences are not considered gifts if the Union gains from such attendance and or the invitation to attend is in the employee's or National Officer's capacity as an employee or National Officer and is consistent with their role.

2. Accepting fees

Generally, it is expected that employees and National Officers will not accept outside payment for activities considered part of their normal duties. If an employee or National Officer is offered a fee to speak at a work-related conference in their capacity as an employee or National Officer, it may be accepted providing the Union receives the benefit, not the individual.

3. Sponsored travel

Situations may arise, where an external organisation or Government Department pay's for travel for an employee or National Officer to attend a meeting or function. Where the Union is the sole beneficiary of such sponsored travel, it is not considered to be a gift under this policy.

Where an employee or National Officer benefits personally from sponsored travel, then it is considered to be a gift under this policy and such offers of sponsored travel should be reported as a gift and recorded on the gift register.

4. Compliance and Review of this Policy

- 4.1 A substantial or repeated breach of this policy by an employee or National Officer covered by the scope of this policy will be deemed to be a disciplinary offence, in the case of an employee, or misconduct under the rules of the Union, in the case of a National Officer.
- 4.2 At least biannually, the National Finance Committee will undertake a review of the operation of this Policy and Procedures to ensure that the policy is adequately regulating the financial governance of the Union and that the policy is being fully complied with and report the findings of the review to the National Executive.
- 4.3 The National Finance Committee and the National Executive will each have a standing 'Governance Issues' agenda item for each meeting to provide a regular forum for the discussion of union governance issues.
- 4.4 The National Secretary will ensure that all relevant policies and procedures are made available to employees and National Officers and that appropriate training (including an induction process) is offered to ensure they understand the union's financial policies and procedures and their own responsibilities.

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