

Executive Summary

An employee's prime responsibility is to place the public interest above their own personal interests and to demonstrate the core values of the Public Sector and Landscape at all times:

- Integrity
- Trust
- Service
- Accountability
- Respect

In addition to demonstrating the core values of the Public Sector all employees should demonstrate values of ethical and honest behaviour; professionalism and responsibility; fairness and equity; learning and innovation; and collaboration.

The Code does not attempt to provide a detailed and exhaustive list of what to do in every aspect of our work instead it represents a broad framework that will help all employees decide on an appropriate course of action when faced with an ethical issue or professional decisions.

23 November 2020

TABLE OF CONTENTS

1.	SCOPE AND PURPOSE	4
2.	ROLES AND RESPONSIBILITIES	4
	2.1 <i>Human Resources Division are required to:</i>	4
	2.2 <i>Senior Executives or delegated roles are required to:</i>	4
	2.3 <i>Employees are required to:</i>	4
3.	WHAT DRIVES OUR CONDUCT	4
	3.1 <i>Who does the code apply to?</i>	5
	3.2 <i>What happens if an employee breaches this Code?</i>	5
	3.3 <i>Procedural fairness</i>	6
	3.4 <i>Unlawful or criminal conduct</i>	6
	3.5 <i>Principles for professional behaviour</i>	6
4.	PROFESSIONAL AND ETHICAL DECISION MAKING.....	7
	4.1 <i>Conflict of interest</i>	7
	4.2 <i>What is a conflict of interest?</i>	7
	4.3 <i>Resolving conflicts of interest</i>	7
5.	PROFESSIONAL BEHAVIOUR.....	8
	5.1 <i>Treating people with dignity and respect</i>	8
	5.2 <i>Working with children</i>	8
	5.3 <i>Professional behaviour towards employees and others</i>	9
	5.4 <i>Respectful language in the workplace and in public</i>	9
	5.5 <i>Confidentiality, privacy and appropriate records</i>	9
	5.6 <i>Signature</i>	10
	5.7 <i>Use of alcohol, drugs and tobacco</i>	10
6.	REPRESENTING THE ORGANISATION.....	10
	6.1 <i>Conduct while off duty</i>	10
	6.2 <i>Public Comment</i>	11
	6.3 <i>Social media and public websites</i>	11
	6.4 <i>Political and community participation</i>	12
	6.5 <i>Personal references</i>	12
	6.6 <i>Who the code applies to</i>	12
	6.7 <i>Dress and presentation</i>	12
	6.8 <i>After separation</i>	12
7.	ACCOUNTABILITY	13
	7.1 <i>Departmental resources</i>	13
	7.1.1 <i>Electronic communication devices</i>	13
	7.1.2 <i>Intellectual property</i>	14
8.	REPORTING SUSPECTED WRONG DOING	14
	8.1 <i>Duty to report corrupt conduct</i>	14
	8.2 <i>Corruption</i>	14
	8.3 <i>Corrupt conduct</i>	14
	8.4 <i>Serious and substantial waste of public resources</i>	14
	8.5 <i>Fraud</i>	15

9. COMPLIANCE.....15
10. MONITORING AND REVIEW15
11. DOCUMENT INFORMATION16
12. DOCUMENT HISTORY16

1. SCOPE AND PURPOSE

This document and the Code of Ethics and Conduct for Landscape Mauritius, also referred to as the 'Organisation' employees sets out the standards of conduct, ethics and behaviour required of all employees and a process for managing non-compliance.

This Code supersedes all divisional or agency-based documents on Code of Ethics and Conduct.

Heads of departments must be aware of their responsibilities under this Code and align operational documents to the Organisation Code of Ethics and Conduct.

This Code will apply from the date of effect.

2. ROLES AND RESPONSIBILITIES

2.1 Human Resources Division are required to:

- monitor and maintain the Code.
- provide advice and guidance to the Department and individuals and ensure that training and support is provided to employees.

2.2 Senior Executives or delegated roles are required to:

- ensure that employees are aware of and understand the principles of this Code and their obligations in relation to the Code.
- refer issues or non-compliance to Human Resources for action.

2.3 Employees are required to:

- comply with this Code.
- seek supervisor/manager advice and guidance when required.
- commit to the Code through signing the agreements.
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3. WHAT DRIVES OUR CONDUCT

The people of Mauritius have a right to expect Landscape employees to work with a high level of efficiency, fairness, impartiality and integrity.

An employee's prime responsibility is to place the public interest above their own personal interests and to demonstrate the core values of the Public Sector and Organisation at all times:

- Integrity
- Trust
- Service
- Accountability
- Respect

In addition to demonstrating the core values of Landscape, all employees should demonstrate values of ethical and honest behaviour; professionalism and responsibility; fairness and equity; learning and innovation; and collaboration.

The Code does not attempt to provide a detailed and exhaustive list of what to do in every aspect of our work instead it represents a broad framework that will help all employees decide on an appropriate course of action when faced with an ethical issue or professional decisions.

3.1 Who does the code apply to?

The Code applies to all employees of Landscape and Senior Executives.

By accepting employment with Landscape, employees must be aware of and comply with this Code.

Therefore, employees must:

- engage in personal and professional conduct that upholds the reputation of Landscape;
- apply Landscape's policies, procedures and guidelines;
- act ethically and responsibly; and
- be accountable for actions and decisions made.

Contractors, consultants, volunteers and students must be aware of this Code and act in line with the conduct described in it. While contractors, consultants, volunteers and students are not subject to misconduct action, conduct that would be assessed as being a serious breach of the Code may result in their contract/placement being terminated.

When engaging or managing external consultants, contractors, volunteers or students, it is an employee's responsibility to make them aware of Landscape's expectations during the period of their engagement. It is also an employee's responsibility to take the necessary action to address any concerns about their conduct.

3.2 What happens if an employee breaches this Code?

When deciding what, if any action should be taken in relation to a breach of this Code, each case should be considered on its own facts and circumstances.

The options to consider when deciding what action to take include:

- the seriousness of the breach; the likelihood of the breach occurring again;
- whether the staff member has committed the breach more than once;
- the risk the breach poses to staff, clients or any others; and
- whether the breach would be serious enough to warrant misconduct action.

Employees must report breaches of the Code by colleagues to their supervisor or manager. If the breach is by their supervisor or manager then it should be reported to the next line manager.

Matters involving a breach of the Code may constitute misconduct and may be managed as a Professional Standards matter.

The subject matter of any misconduct by an employee may relate to an incident or conduct that happened while the employee was not on duty or before his or her employment.

If a matter proceeds to an inquiry, the inquiry is to be conducted in accordance with the Landscape Employee disciplinary procedures, which require compliance with the principles of procedural fairness.

3.3 Procedural fairness

Procedural fairness, also known as natural justice, applies in situations where a decision is to be taken which could have a detrimental effect on the rights, interests or legitimate expectations of an employee. Any employee who might suffer detriment as a result of a decision (be they the complainant or the relevant employee) should be afforded procedural fairness.

Procedural fairness refers to a process that provides fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond to them and the right to be advised of the status of the complaint.

3.4 Unlawful or criminal conduct

Unlawful or criminal conduct at work or whilst off duty may also involve a breach of the Code and may constitute misconduct.

Employees convicted of a serious offence/s may be liable to court imposed sanctions and may also be liable to misconduct action.

Given the nature of risk to Landscape and the high level of expectation of ethical behaviour by employees, breaches of this Code may result in suspensions from duty. Depending on the nature and/or seriousness of the breach and/or offence suspension may be with or without pay.

3.5 Principles for professional behaviour

Employees must be aware of Landscape's policies, procedures, guidelines and delegations, particularly those that apply to their work and/or their exercising of authority or authority to act. Many of these are available online; others may be made available to employees through induction and training and development programs. If employees are uncertain about the scope or content of a policy, procedure or guideline with which they must comply, they should seek clarification from their supervisor.

Employees must also be familiar with the legislation and/or regulations under which they are employed as this may specify requirements with which they need to comply.

Employees are expected to:

- perform their duties to the best of their ability and be accountable for their performance;
- adhere to all reasonable instructions and/or directions;
- comply with lawful directions;
- carry out their duties in a professional, competent and conscientious manner;
- act in good faith in providing advice or service that is honest, impartial and comprehensive, irrespective of their personal views;
- be courteous, respectful and responsive in dealing with their colleagues, clients, their families and members of the public;
- work collaboratively with their colleagues; and
- be mindful of their duty of care and safety of themselves and others; and be aware that if their conduct has the potential to damage the reputation of the organisation, even if it is in a private capacity, this could lead to further action.

4. PROFESSIONAL AND ETHICAL DECISION MAKING

4.1 Conflict of interest

A conflict of interest occurs when an employee is in a position to be influenced by their private interests when doing their job. Real or perceived conflicts of interest exist when it is likely that an employee could be influenced or could be perceived to be influenced by a personal interest when performing their official duties. Conflicts of interest may lead to biased decision making, which may constitute corrupt conduct.

4.2 What is a conflict of interest?

Examples of conflict of interests relating to a personal interest may include (but are not limited to) situations where an employee may have:

- a financial interest or the employee is aware that a family member, relative, friend or associate has a financial interest in a matter they deal with in the course of their work;
- a personal relationship that could be seen to unduly affect the employees decision, for instance, when conducting a job selection;
- a close personal relationship with another staff member;
- personal beliefs or attitudes that could influence, or may be perceived to influence, the employees impartiality;
- other paid employment which conflicts with the employees duties; and
- participation in political activities or making political comments that may relate to, or be seen as relating to, the work of the Organisation.

Conflicts of interest, whether real or perceived, must be reported to the employees' supervisor and recorded.

4.3 Resolving conflicts of interest

To resolve or manage a conflict of interest which occurs or could occur, a range of options is available depending on the significance of the conflict. These include:

- the supervisor/manager recording the details of the conflict and taking no further action in relation to the conflict because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
- the supervisor/manager removing the employee from the particular activity or decision where the conflict arises and documenting this;
- the employee transferring from the area of work or particular task where the conflict arises without disadvantage;
- the supervisor/manager of the employee with the conflict checking and endorsing (if appropriate) all action with respect to the matter creating the conflict;
- the supervisor/manager referring the decision to a senior manager;
- the employee relinquishing the personal interest; and
- the employee restricting their personal interest so that it does not impinge on the workplace.

To ensure that honesty and integrity is not questioned, it is an employee's responsibility to:

- recognise and disclose any actual, potential, or perceived conflict of interest to their supervisor, manager or another appropriate more senior manager;
- take appropriate steps to resolve the conflict of interest in accordance with policy prior to engaging in the affected work; and
- not knowingly make decisions or convey information that may obtain, or may appear to obtain, a personal benefit or a benefit for family members, relatives, close friends, business partners of associates, unless it is a benefit received in common with a class of people who would ordinarily receive the benefit.

All supervisors/managers are additionally responsible for facilitating compliance by those they supervise by:

- being aware of the risks of conflicts inherent in the work of the employees they manage;
- advising employees on appropriate ways to manage a conflict of interest;
- recording the receipt of disclosures of conflicts of interest as reported to them by employees, using the Conflict of Interest Form at attachment 1. This is to be kept confidential in a secure place by the supervisor/manager for future reference if necessary; and
- a copy is to be provided to the employee who made the disclosure, to the Director, Human Resources (HR) for approval and to the Director, Ethics, Safety and Industrial Relations for review and recording on the Conflict of Interest Register.

The ultimate decision concerning the appropriate course of action to take over a real, perceived or potential conflict of interest rests with the relevant manager.

5. PROFESSIONAL BEHAVIOUR

5.1 Treating people with dignity and respect

All employees have the right to be treated with respect, and it is everyone's responsibility to ensure this occurs. Employees are to treat their colleagues, clients, their families and members of the public with respect, fairness and consistency. Employees are to be courteous and sensitive to the needs of others and provide all necessary and appropriate assistance as practicable.

5.2 Working with children

It is important that employees working with children understand and observe child protection legislation. Pursuant to Part 3A of the Ombudsman Act 1974, all employees working with children must report to their supervisor/manager if they or a colleague are convicted of, or an allegation has been made against them or a colleague relating to, reportable conduct involving children (i.e. a person under the age of 18 years). This applies to situations at work or in their private life.

Reportable conduct means any sexual offence or sexual misconduct committed against, with or in the presence of a child, including child pornography offences, or any assault, ill-treatment or neglect of a child, or any behaviour that causes psychological harm to a child.

All employees working with children have an obligation to ensure the Organisation is made aware of any convictions or allegations of reportable conduct as soon as practicable.

Employees working with children should report this information to their supervisor or directly to the respective Head of Department.

Employees working with children must not develop a relationship with any client that is, or that can be misinterpreted as having a personal rather than a professional interest. To do so raises serious questions of conflict of interest, trust, confidence, dependency, and of equality of treatment.

Employees working with children must not enter into a romantic or sexual relationship with any client or former client. It is a breach of this Code and unprofessional for an employee to engage in sexual activity of any kind with clients or former clients, regardless of whether the person is now over the age of consent.

5.3 Professional behaviour towards employees and others

As professionals employees must strive at all times to relate professionally to colleagues, clients, their families and members of the public and to act with courtesy and fairness. In dealings with others, staff should ensure that they do not prejudice the operations, security or reputation of the Organisation.

In performing their duties, all employees must act consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures and in a non-discriminatory manner.

Acts of unfairness involving favouritism, inconsistency or discrimination adversely affect morale and good working relationships and should not occur in the workplace.

5.4 Respectful language in the workplace and in public

Employees must use courteous and respectful language in their interactions with colleagues, clients, their families and members of the public.

Everyone has the right to expect that they will be spoken to in a reasonable manner by colleagues and managers. Coarse and obscene language is inappropriate in any workplace, as is sexual banter and suggestive language.

No employee should tolerate such language and if witnessed, must report it to a supervisor/manager.

5.5 Confidentiality, privacy and appropriate records

Employees have a right to expect that their personal information is private and confidential.

In acting with a high level of professionalism employees must ensure that information about their colleagues remains confidential and private. Employees should always exercise caution and sound judgment in discussing other peoples' personal information with other staff.

Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist in carrying out our work because of their expertise. Gossiping about other employees or unauthorised disclosure of private information (personal phone numbers, address etc) is considered to be unprofessional and a breach of this Code.

In relation to the maintenance of appropriate records, a record serves an essential administrative, legal and historical purpose. Records may be (but not limited to) emails, electronic documents, digital images and audio recordings, correspondence and files.

Managers and Supervisors have a responsibility to ensure that all employees reporting to them comply with their records management obligations. Employees must not destroy records without appropriate authority.

Employees must maintain the confidentiality of all official information and documents which are not publicly available or which have not been published.

The Organisation may utilise and collect employment related data in accordance with legislative requirements and privacy considerations.

5.6 Signature

Employees are accountable for any documents that they sign. Therefore, employees should carefully read all documents they are asked to sign. Employees must not sign a document, which they know is not factual.

Employees must only sign their own name and must never permit or encourage anyone to sign a name other than their own.

Employees must only use their own name when, for example, sending emails, and should not give the impression that they have the authority of another person without their permission. In addition, when using electronic signatures of a manager or supervisor, an employee must have their express approval on each occasion the electronic signature is used.

5.7 Use of alcohol, drugs and tobacco

The Department is committed to providing a productive, safe and healthy workplace. Employees are responsible for ensuring that their capacity to perform their duties is not impaired by the use of alcohol or drugs, and that the use of such substances does not put them or any other person's health and safety at risk.

Employees must:

- not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances;
- not endanger their own safety or the safety of any other person in the workplace by consuming alcohol, illegal drugs or non-prescribed and/or restricted substances;
- notify their supervisor/manager if they are aware that work performance or conduct could be adversely affected as a result of the effect of a prescribed drug;
- take action to resolve any alcohol or other drug-related problems that exist; and
- consult a supervisor/manager if there is concern about working with other employees who are perceived to be affected by drugs or alcohol.

6. REPRESENTING THE ORGANISATION

6.1 Conduct while off duty

As members of a public sector organisation all employees must, even when off duty, act in accordance with the law and the content of this code. In so doing employees must ensure that they do not bring discredit to themselves as private citizens or to the Organisation, and that they model exemplary behaviour and act as a positive influence in the community.

Employees should be aware that unlawful or unprofessional conduct, even in a private capacity, which may damage, or has the potential to damage, the reputation of the Organisation, may constitute misconduct and attract action by the Landscape in accordance with the Employment Rights Act.

If an employee is charged and receives a court attendance notice in relation to a serious offence or is declared bankrupt, they are required to immediately notify their supervisor/manager. A serious offence is an offence that is punishable by imprisonment for 12 months or more.

It should be noted that employees may be suspended with or without pay as a result of being charged.

A conviction for a serious offence (or a finding of guilt that does not proceed to conviction) may constitute misconduct, whether or not the offence was committed in the course of employment.

6.2 Public Comment

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes (but not limited to) the following:

- speaking engagements;
- comment made on social networking sites (such as “Facebook,” “Linked In,” and “Twitter”); on radio, television or in newspapers (including letters to the editor); in books, journals or notices; on the internet, including media-related websites that seek comments on their stories ‘anonymously’ e.g. where a face on the television is obscured; and in e-mail messages.
- As a private individual, employees have the right to participate in public debate on political and social issues. In exercising this right, they also have the responsibility to make it very clear they are speaking as private individuals and not representing the official views of Landscape.

In participating in any political, community and personal activity, employees must:

- not make any comment where it could be inferred that the public comment, although made in a private capacity, is in some way an official comment of Landscape;
- not make public comment, where the comment, even though unrelated to their normal duties, amounts to criticism sufficiently strong or persistent to give the impression that they are not prepared to implement or administer the policies, procedures and guidelines objectively of Landscape;
- not participate in private political activities in the work environment;
- not use the Organisation’s resources to assist political, community or personal activities;
- not use information obtained through their work at the Organisation to assist their political, community or personal activities, or make the information known to any other person; and
- not misrepresent the position of the Organisation on any issue.

All employees must have the approval of a delegated manager or senior executive before agreeing to address or be involved in seminars or conferences by professional associations, other organisations or non-profit bodies where the program is relevant to the public sector. Employees must also have the approval of a delegated manager or senior executive before making a written submission to such associations or organisations.

As a general rule, employees may only disclose official information that is already in the public domain, such as the Annual Report or official media releases and avoid offering a personal comment. The provision of information should also be consistent with the Organisation and Government policy.

The Organisation’s Media Policy outlines circumstances where it is and is not appropriate to make comment to media. Employees must not approach the media on Organisation-related matters, or discuss the Organisation business with the media unless authorised to do so by the Corporate Communications Unit.

6.3 Social media and public websites

When engaging in social media employees must make it very clear they are engaging in discussion as a private individual and not representing the official views of Landscape Mauritius.

Only official information that is already in the public domain and does not breach confidentiality requirements may be disclosed.

Unlawful or unprofessional conduct, even in a private capacity, which may damage, or has the potential to damage the reputation of the Organisation, may attract misconduct action by the Organisation. This includes comments made in social media or public websites in which employees are representing the

Organisation or it may be perceived that they are representing the Organisation. This extends to comments made on sites including Facebook or Twitter which, because of employment with the Organisation, is inconsistent with professional responsibilities or has the potential to adversely affect the reputation of the Organisation.

6.4 Political and community participation

As public servants, employees are free to take part in lawful political activity outside of working hours, so long as it does not interfere with normal duties.

However, employees need to be mindful that in their public life, they are required to serve the government of the day in an impartial manner. Where any political activity may create, or has created, a potential or actual conflict of interest, employees must discuss this with their supervisor/manager immediately.

Special arrangements apply to public employees who have been pre-selected as candidates for, or who propose to contest, local or general elections.

6.5 Personal references

Employees are not permitted to use the Organisation letterhead when writing a personal reference for another employee that is considered the employee's personal assessment or opinion, and not those of the Organisation.

Employees are not permitted to supply references to other employees who are the subject of misconduct action.

If asked to provide a referee report in relation to a recruitment action, the employee is responsible for completing the report honestly and should be based on information that can be verified. False or derogatory statements should not be made about an individual.

6.6 Who the code applies to

Contractors, consultants, volunteers, students and employees of other organisations with which Landscape has contracts or agreements must be aware of this Code and act in line with the conduct described in it. Where the contract or agreement refers to this Code then this Code applies.

6.7 Dress and presentation

All employees should be mindful of the way in which they present themselves in the workplace, particularly if they are in contact with clients, offenders or members of the community. Clothing should always be appropriate to the workplace, consistent with work health and safety standards and enable employees to respond in an emergency.

Dress and presentation should at all times project an image that is consistent with accepted community standards and the work of Landscape.

6.8 After separation

When employees cease employment with Landscape, they should not use or take advantage of any confidential information obtained in the course of their official duties unless it has become publicly available.

Current employees must be careful in their dealings with former employees of the Department and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

Employees should report to their supervisor or line manager any attempts made by former employees to influence or lobby current employees about the Organisation's activities.

7. ACCOUNTABILITY

Whilst at work an employee's primary responsibility is to perform their official duties efficiently and use Landscape resources economically.

7.1 Departmental resources

Employees must be familiar with the procedures relating to:

- management of finances;
- use of motor vehicles;
- use of meeting rooms and equipment;
- completion of time & attendance records (if relevant to an employee's role); and
- must not use their work e-mail to conduct personal business. In the event of an emergency then staff must ensure that they do not include the standard departmental footer denoting their position.

Employees should also be vigilant in ensuring that the Department's resources are not misused including responsibly using work computers, internet access and email facilities. For further information, please refer to Landscape's Internet Usage Policy, Mobile Devices Policy and Information Security Policy.

7.1.1 Electronic communication devices

The Organisation provides electronic communication facilities for administrative purposes. The Organisation reserves the right to monitor and view any data stored or transmitted using the Organisation's facilities. By its nature, electronic communication is a fast and informal way of communicating.

Employees must:

- exercise good judgment when using electronic mail, following the principles of ethical behaviour;
- use appropriate language in electronic mail messages;
- be aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be 'discoverable': that is, the court and all parties to the dispute would be entitled to see them;
- not send messages that are harassing, defamatory, threatening, abusive or obscene;
- not invite clients and former clients into personal social network site;
- remember transmission, storage, promotion or display of inappropriate, offensive, defamatory, or harassing material is strictly forbidden; and
- report any situations of inappropriate use of electronic communication and social networking sites.

The Organisation's networks must not be used to view, upload, download or circulate any of the following materials:

- inappropriate material;
- sexually related or pornographic messages or material;

- violent or hate-related messages or material;
- racist or other offensive messages aimed at a particular group or individual;
- malicious, libellous or slanderous messages or material; and
- subversive or other messages or material related to illegal activities.

7.1.2 Intellectual property

Documentation such as policies, programs, manuals, courses, training resources, written, developed or produced by an employee or a colleague during the course of the employee's employment with the Organisation remains the property of the Organisation. Employees must not use such material for personal benefit or without the expressed approval of an appropriately delegated manager.

8. REPORTING SUSPECTED WRONG DOING

If an employee witnesses wrong-doing or suspected wrong-doing they should discuss the matter with their supervisor or manager.

8.1 Duty to report corrupt conduct

Employees have a public duty to report any corrupt conduct, maladministration and serious and substantial waste of public resources.

The Organisation will not accept any level of corruption.

Misconduct action will be considered in all instances of corruption and criminal referral will be considered in all instances of corruption identified.

The Organisation is committed to ensuring that opportunities for corruption are minimised, mitigated against and regularly monitored.

8.2 Corruption

Corruption means conduct of an employee, which could adversely affect the honest and impartial exercise of official functions by a public official.

It involves improper acts or omissions, improper use of influence or position, or improper use of information. It does not necessarily involve material gain for the employee or material loss to the Organisation.

8.3 Corrupt conduct

Corrupt conduct is more particularly defined in sections 7, 8 and 9 of the Independent Commission Against Corruption Act 1988 and includes the conduct of any person whether or not a public official that could adversely affect the exercise of an official function including conspiring or attempting to commit corrupt conduct. For further information please refer to the *ICAC* website.

8.4 Serious and substantial waste of public resources

Serious and substantial waste of public resources is defined as that which encompasses 'uneconomical, inefficient or ineffective use of resources authorised or unauthorised, which results in significant loss or wastage of public funds or resources'. In addressing any complaint of serious or substantial waste, the nature and materiality of the waste is considered.

8.5 Fraud

Fraud means dishonestly obtaining a benefit by deception or other means.

It is deliberate and involves the use of misrepresentations, dishonest or deceitful conduct in order to obtain some unjust advantage over another or to cause disadvantage to the Organisation or others through actions, omissions or false statements. It includes the theft or improper use of the Organisation's resources and can be committed by employees or persons external to the Department.

9. WHISTLE BLOWING

Landscape endeavours to achieve a culture of integrity and good governance. Employees who have genuine concerns about any wrongdoing including but not limited to corruption, illegal, fraudulent or hazardous activities and/or violations of law, regulations, the code of ethics or company policies, are encouraged to promptly report them.

An internal grievance procedure and form have been established and shared with all employees. They may first raise any concern verbally or in writing with their direct manager or the HR Department. If for any reason, they feel that it is not appropriate to make such a report to the above-mentioned person or department, they may address their report to the Chief Executive Officer or to the Chairperson of the Audit and Risk Committee.”

10. COMPLIANCE

All employees have a responsibility to comply with legislation, policies, procedures, guidelines, this Code and perform their duties effectively.

11. MONITORING AND REVIEW

Human Resources is responsible for reviewing the Code and for amending the Code in relation to issues raised across the Organisation.

This Code will be reviewed if any significant new information or legislative or organisational change warrants a change in this document. Reviews will be completed in consultation with the appropriate stakeholders for relevance and effectiveness.

Feedback, comments and suggestions about this Code can be directed to your respective Head of Department or HR.

12. DOCUMENT INFORMATION

Title: Code of Ethics and Conduct

Document Number:

Policy Owner:

Policy Custodian:

Approver:

Classification:

Date of Effect:

Next Review Date:

File Reference:

Key Words:

13. DOCUMENT HISTORY

Version	Date	Reason for Amendment
1.0		
2.0		

Printed copies of this document may not be up to date.
Ensure you have the latest version before using this document.