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1. **Introduction**

Waterway Ireland’s Code of Conduct sets out the standards required from all employees in order to support its commitment to excellence and the provision of a high quality service to its sponsoring departments, its customers and the general public. This code provides information and guidance on a range of issues, to ensure that all employees are aware of the standards expected from them and are able to apply these standards in their day to day work.

All employees are required to read the code of conduct and be familiar with its terms and abide by it throughout their time with Waterways Ireland. This includes any staff who may be employed through an agency. Employees are also required to sign a declaration stating that they have read and understood the Code.

Any queries on the Code of Conduct should be raised with an employee’s line manager or the Human Resources Section, who will provide assistance and support on the correct application of the terms of the code.

Employees should also familiarise themselves with Waterways Ireland’s Disciplinary Policy and Procedure, which will be used to deal with any cases of alleged misconduct that may arise.

2. **DUTIES AND RESPONSIBILITIES**

All Waterways Ireland employees, including agency employed staff, have a duty to:

- Discharge public functions in a reasonable manner and in accordance with the law;
- Uphold ethical standards governing their profession;
- Conduct themselves with integrity, impartiality and honesty;
- Observe the terms of relevant statutes, North and South; and
- Not deceive or knowingly mislead the institutions of Government, North and South; the sponsoring departments, Department of Culture, Arts and Leisure (DCAL) and Department of Arts, Heritage and the Gaeltacht (DAHG); the Department of Finance; Department of Finance & Personnel; the North/South Ministerial Council (NSMC) or the public.

Waterways Ireland’s Chief Executive, who is the designated accounting officer, has overall responsibility for propriety within the organisation, including conduct and discipline.

3. **ACCOUNTABILITY**

Waterways Ireland employees must be aware:

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That Waterways Ireland is accountable to the NSMC; and

Of the respective roles of the sponsoring departments (DCAL & DAHG), the Department of Finance, Department of Finance & Personnel and Waterways Ireland as set out in the Financial Memorandum, which is available from the Chief Executive or the Directors.

4. AIMS AND VALUES

Waterways Ireland aims to provide the highest possible standard of service at all times to the public. This applies in particular to Waterways Ireland’s customers, who use the waterways for recreation and other valid purposes.

5. EQUALITY

Waterways Ireland is fully committed to promoting equality of opportunity. Waterways Ireland employees must treat members of the public, colleagues and all other people encountered through work with the same high level of courtesy and respect, and must not discriminate against people on the grounds of religious belief, political opinion, race, age, marital status, sexual orientation, gender, disability, family status or membership of the Travelling Community. Employees should refer to Waterway Ireland’s Equal Opportunities Policy, which is issued to all employees, for more information on equality in Waterways Ireland. It is also available on the public share drive or from the Human Resources Section.

6. OBLIGATION TO THE PUBLIC

Waterways Ireland employees who deal with the public shall do so efficiently, promptly and without bias or maladministration. Waterways Ireland employees shall offer the public the highest levels of conduct and service. In particular, they shall bear in mind that customer care is a priority and that assistance should always be provided in a timely and courteous manner. All members of the public, with whom employees come in contact, shall be treated with courtesy and respect.

Employees should refer to Waterway Ireland’s Code of Practice for Quality Customer Care for more information in this regard. All employees are issued with this Code and any queries should be addressed to the Marketing & Communications Division.

7. OBLIGATIONS TO COLLEAGUES

Waterways Ireland employees shall show courtesy and consideration in their dealings with colleagues and be willing to assist and co-operate with their colleagues at all times.

Waterways Ireland employees must at all times be free to work without the threat of bullying or harassment from colleagues or managers. Employees shall ensure that their behaviour does not endanger or cause distress to their colleagues, and shall familiarise themselves with Waterways Ireland’s policy on the Protection of Dignity at work.

1.0 Code of Conduct May 2006
8. CONFLICTS OF INTEREST

A conflict of interest may arise if employees use or are in a position to use information or knowledge that they acquire through working in Waterways Ireland, for the purpose of furthering their own private interests or interests of others.

Waterways Ireland employees need to be aware that their private interests or any activity that they may be involved in outside of work, should not give rise to a conflict of interest with their public duties and role within Waterways Ireland. Employees shall not misuse their official position or any information acquired in the course of their official duties to further their private interests or those of others, or engage in any activity which could create a conflict of interest.

Any employee who is concerned about a conflict of interest arising should inform their immediate manager or the Chief Executive. In particular, the Chief Executive, Directors, Regional Managers, Heads of Function, and employees working directly with clients and contractors have a responsibility to ensure that any possible conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them.

Employees who are involved in roles in Waterways Ireland that are more likely to give rise to a conflict of interest are required to sign an annual Conflict of Interest disclosure.

9. POLITICAL ACTIVITY

The rules regarding employees engaging in political activity vary between North and South. In the South, employees above the level of clerical officer are prohibited from standing for local, national or European election or engaging in any form of political activity. All other employees, North or South, may engage in political activity provided that it does not infringe on their public duties or role in Waterways Ireland. Employees who are involved in political activity shall always be conscious of their public duties and exercise proper discretion, in order that no conflict of interest arises. Employees shall not use their position in Waterways Ireland for party political gain or personal political gain and shall not deliberately associate Waterways Ireland with any specific political party.

10. INTEGRITY

Waterways Ireland employees shall not use their official position to receive; to agree to accept; or to attempt to obtain any payment or other consideration for doing, or not doing, anything to show favour, or disfavour, to any person. Any offer of such payment or inducement must be reported immediately to the Chief Executive. Employees shall not receive benefits of any kind from a third party, which might
reasonably be seen to compromise their personal judgement and integrity. Employees will be subject to anti-corruption legislation in the respective jurisdictions, as appropriate.

11. **USE OF RESOURCES**

Waterways Ireland employees shall endeavour to ensure that organisational resources are utilised efficiently and economically and not misused.

12. **OFFICIAL INFORMATION & CONFIDENTIALITY**

Waterways Ireland employees owe a general duty of confidentiality to their employer. They are required, therefore, to protect official information held in confidence. Nothing in this code shall override existing statutory or common law obligations to keep confidential or, in appropriate cases, to disclose certain information. Where employees are in doubt about providing information to an enquiry, from whatever source, they should consult their line manager for advice.

Waterways Ireland employees should continue to observe the above duty of confidentiality after they have ceased employment with Waterways Ireland. Individual employees will be made aware of any rules on the acceptance of business appointments after resignation or retirement that may apply to them specifically.

13. **SAFETY**

In accordance with the Waterways Ireland Safety Statement, employees are obliged to comply fully with all safety procedures and to use plant and equipment in a safe manner in line with relevant procedures, including the use of required personal protective equipment. Employees are also required to report without delay accidents and incidents, defects to plant and equipment, deficiencies in workplace safety or in work systems.

14. **REPORTING OF MISCONDUCT**

As outlined in the Code of Conduct, Waterways Ireland is firmly committed to maintaining the highest standards of ethics, honesty, openness and accountability. Employees who have concerns about matters at work can usually resolve them easily by discussing them with their immediate line manager. However, when concerns arise about potential breaches of the law, health and safety issues or financial malpractice, it can be difficult to know what to do. This policy enables any such concerns to be raised in an appropriate and effective way.

*All matters raised will be treated in the strictest confidence, in so far as reasonably possible.*

It should be noted that this procedure is not a substitute for the Waterways Ireland Grievance & Disputes Procedure or Protection of Dignity At Work, A Policy & Procedure for dealing with bullying & harassment. It is not a channel for employees 1.0 Code of Conduct May 2006
to raise matters in relation to their terms and conditions of employment nor is it a substitute for the role of trade unions in pursuing matters on behalf of their members through normal industrial relations channels.

14.1 EMPLOYEE’S RIGHTS

An employee who raises a genuine concern will not be at risk of damaging their position as a result. It does not matter whether or not the concern proves to be well founded, provided they have acted in good faith and have not raised the concern for their own personal gain. Waterways Ireland does not extend this assurance to anyone who acts for an improper motive. Anyone who knowingly misuses this procedure (e.g. maliciously raising a concern which they know to be untrue) will be subject to disciplinary action. Anyone who victimises a colleague for raising a concern through this procedure will be subject to disciplinary action.

The procedure outlined in this section of the Code outlines what steps all employees may take to report suspected wrong doings.

14.2 WHAT TYPE OF MISCONDUCT SHOULD BE REPORTED?

The following types of misconduct should be reported following the steps outlined below.

When an employee believes they and/or others are being required to act in a way which:

- is illegal, improper or unethical;
- is in breach of a professional code; or
- may involve possible maladministration, fraud or misuse of public funds.

or when an employee believes:

- that a criminal offence has been committed, is being committed or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with a legal obligation which they are subject to;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health and safety of an individual has been, is being or is likely to be endangered;
- that the environment has been or is likely to be damaged;
- that information tending to show any matter falling within the matters above has been, is being or is likely to be concealed.

14.3 INTERNAL REPORTING

Employees who wish to report suspected misconduct should either raise the matter through their line manager or else approach one of the nominated internal contacts, listed below, who have been given the responsibility to investigate and deal with
concerns that employees believe contravene the Code of Conduct or that may constitute improper, illegal or unethical behaviour.

Managers notified of a concern:

- have a responsibility to ensure that concerns raised are taken seriously;
- should ensure that the concern is passed on to one of the internal contacts to deal with; and
- should keep the employee advised of progress.

The nominated internal contacts are:

1. **Libby Armstrong**  
   Head of Human Resources  
   2 Sligo Road  
   Enniskillen  
   Co Fermanagh  
   BT74 7JY  
   (028) 66346206  
   Email: libby.armstrong@waterwaysireland.org

2. **Colin Brownsmith**  
   Director of Finance & Personnel  
   2 Sligo Road  
   Enniskillen  
   Co Fermanagh  
   BT74 7JY  
   (028) 66346207  
   Email: colin.brownsmith@waterwaysireland.org

Matters of alleged misconduct may be raised either verbally or in writing, stating the facts of the matter as clearly as possible. If an employee has a direct or personal interest in the matter, they should state so at this stage.

If an employee wants to raise a matter in confidence, Waterways Ireland will ensure that practical measures in so far as possible are put in place to protect the identity of the employee, unless there is a requirement under law to disclose someone’s identity. This does not cover a situation where information about malpractice or misconduct is received anonymously. Discretion will be used in the investigation of such information.

**14.4 WHAT HAPPENS ONCE A MATTER IS REPORTED?**

When a concern is reported, one of the nominated internal contacts will investigate the matter and assess what action should be taken. They will initiate the appropriate enquiries and / or investigations and will let the employee who raised the concern know:

- who is dealing with the matter and how he/she can be contacted;
- whether further assistance may be required; and

1.0 Code of Conduct May 2006
• if requested, write to the employee with a summary of the concern and an outline of how Waterways Ireland propose to handle it.

Please note, however, that it may not be possible to outline the precise details of the matter, where this would infringe a duty of confidentiality owed to someone else.

If the concern should be dealt with under another Waterways Ireland policy (e.g. Grievance & Disputes Procedure or Protection of Dignity At Work, A Policy & Procedure For Dealing With Bullying & Harassment) an employee will be advised on the appropriate procedure to use.

An employee may also lodge a final internal appeal in writing to the Chief Executive, if they are unhappy with how a matter that they have reported, has been dealt with.

14.5 EXTERNAL REPORTING

Where an employee has reported a matter as outlined above and believes that the response from Waterways Ireland is not reasonable, they may report the matter in writing to nominated officials in each of the sponsoring departments North and South.

Principal Officer (Inland Waterways)
Dept of Culture, Arts and Leisure
Causeway Exchange
1 – 7 Bedford Street
BELFAST
BT1 7FB
Tel: (028) 90 515108

Principal Officer (North/South Affairs)
Department of Arts, Heritage and the Gaeltacht
7 Ely Place
Dublin 4
Tel (00 353) 1 888 3245

Disclosure of information other than through this Code of Conduct or under the protection of legislation may be an act of misconduct which will lead to disciplinary action.

14.6 LEGISLATION

Legislation regarding the reporting of misconduct only exists in Northern Ireland. The act of reporting misconduct in the workplace and protection from the potential implications of doing so has been enshrined in the Public Interest Disclosure Act 1998 (commonly known as the ‘Whistleblowing Act’). This Act enables employees who report wrongdoing (referred to as ‘whistleblowing’) to complain to an Employment Tribunal if they are dismissed or suffer any other form of detriment for doing so. (Additional information in respect of this legislation is attached in Appendix 1).
Appendix 1

Legislation Summary (North)

Detailed below is a summary of the main information contained in the Public Interest Disclosure Act 1998, that applies to staff in Northern Ireland.

Protected Disclosures

A disclosure will qualify for protection if, in the reasonable belief of the employee making it, it shows that one or more of the following apply:

- that a criminal offence has been committed, is being committed or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with a legal obligation which they are subject to;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health and safety of an individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged;
- that information tending to show any matter falling within the matters above has been, is being or is likely to be concealed.

The legislation covers:

- internal disclosures to the employer;
- disclosures to prescribed persons such as regulatory bodies; and
- wider disclosures, e.g. to the police, the media or MPs.

In order to benefit from the protection of the legislation, certain conditions must be satisfied.

- Disclosure to the employer will be protected, provided that it is made in good faith and the whistleblower has a reasonable suspicion that the alleged malpractice has occurred.
- Disclosure to a regulator (e.g. Health and Safety Executive, Environment Agency, OFWAT, etc) will be protected where, in addition, the whistleblower honestly and reasonably believes that the information and any allegation in it are substantially true.
Disclosure to other bodies is protected if, in addition to the tests for regulatory disclosures, it is reasonable in all the circumstances and is not for personal gain.

The whistleblower must also meet one or more of the following conditions:

- They reasonably believed that they would be victimised if they raised the matter internally;
- There was no prescribed regulator and they reasonably believed the evidence was likely to be concealed or destroyed;
- The employee had already disclosed substantially the same information to the employer or a prescribed person.

In addition, the disclosure itself must be 'reasonable'. In deciding the reasonableness of the disclosure, a tribunal will consider all the circumstances. This will include the identity of the person to whom the disclosure was made, the seriousness of the concern, whether the risk or danger remains, and whether the disclosure breached a duty of confidence which the employer owed to a third party.
Appendix 2

I have read and understood the contents of Waterways Ireland’s Code of Conduct.

Name in Block Capitals:_______________________________________

Section:___________________________________________________

Signature:___________________________________________________

Date:_______________________________________________________
1. Introduction

This explanatory memo provides additional information and references in respect of specific issues raised during the trade union consultation process. This is to ensure that employees understand the background to the content of the Code and also where they can go to for further information. This memorandum is for internal use by employees only and should be read in conjunction with the Code of Conduct.

2. General Reference Materials

The Waterways Ireland Code of Conduct is issued to all Waterways employees and is based on relevant civil service guidelines that govern the conduct and behaviour of employees in public bodies, as follows:

North – Chapter 1 & Various Annexes – Conduct & Discipline Section – NICS Staff Handbook

South – Circular 26/04, The Civil Service Code of Standards & Behaviour

The standards outlined in these respective guidelines provide an overall framework, within which public employees are required to act, to ensure that the highest level of transparency and responsibility are exercised in the use of public money and public resources.

Any deviations from these guidelines, that are proposed for the Waterways Ireland Code of Conduct are subject to full review and approval from the NSMC.

3. Political Activity

Different guidelines are in place in the North & South with regard to the participation of employees at different levels in political activity and a number of restrictions exist. In the South, staff above clerical level are not allowed to engage in any form of political activity.

The Code outlines the general principle and then requires an employee to seek clarification in respect of their particular position vis a vis the relevant more detailed civil service guidelines.

The following may be referred to further information:

North – NICS Handbook - Conduct Chapter 1.18.1 & Annex 8

South - Circular 26/04
4. **Integrity**

Whilst, the giving of gifts or benefits of some kind is often a common feature of the business world, it is critical that the receipt of such gifts or benefits by employees of Waterways Ireland from third parties does not set an expectation of reciprocity in respect of business dealings. Waterways Ireland is obliged to ensure that all its dealings, particularly in respect of the procurement of services using public money, are fully transparent and cannot be attributed to any form of influence.

To avoid employees being put in this position, where they may feel “obliged” to “return a favour” in some way or which could create perceptions of favouritism, employees are not allowed to receive gifts or benefits above a certain level. Waterways Ireland’s detailed guidelines in this regard on the receipt of and giving of hospitality and gifts should be read.

In addition, Section 1.9 Conduct Chapter NICS Handbook and Circular 26/04 – Section 16 Gifts should be referenced.

5. **Reporting of Misconduct**

The identity of an employee who reports alleged misconduct under the Code of Conduct may not necessarily be protected as the disclosure may be of a public nature or statutory provisions may apply. This cannot be controlled by Waterways Ireland.