

Gifts, Benefits and Hospitality Policy

Issuing division: Human Resources

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1 Purpose

This policy establishes guidelines for best practice with regard to gifts, benefits and hospitality (GB&H) that may be offered to or provided by Commercial Passenger Vehicles Victoria (CPVV) employees and others engaged by CPVV.

This policy is intended to support individuals and CPVV to avoid conflicts of interest and maintain high levels of integrity and public trust.

This policy supports behaviour consistent with the *Code of Conduct for Victorian Public Sector Employees* (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.

This policy has been developed in accordance with requirements outlined in the [minimum accountabilities](#) for the management of GB&H issued by the Victorian Public Sector Commission.

2 Scope

This policy applies to all employees, on-hire contractors engaged by CPVV and any other workplace participants.

3 Definitions

Audit and Risk Management Committee	A committee with responsibilities that include assuring the adequacy of CPVV's risk management framework, operational performance of business areas, and integrity of management reporting.
Benefits	Preferential treatment, privileged access, favours or other advantage offered to an individual. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of future employment. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.
Employees	For the purpose of this policy, defined as casual, fixed term and on-going employees.
Ceremonial gifts	<p>Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government.</p> <p>Ceremonial gifts are the property of the public sector organisation, irrespective of value, and should be accepted by individuals on behalf of the public sector organisation. The receipt of ceremonial gifts should be recorded on the register but does not need to be published online.</p>

Gifts	Free or heavily discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. a small bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.
Gifts, Benefits and Hospitality Declaration	The declaration of reportable gifts, benefits and hospitality that are included in the GB&H Declaration. Information on the form is transferred to a GB&H Register.
Gifts, Benefits and Hospitality Register	A register of reportable GB&H. It records the date a GB&H was offered, information about the donor and recipient, the nature of the GB&H, its estimated value and how it was handled. The register is reviewed by CPVV Executive Management Team and Audit Risk and Management Committee.
Hospitality	The friendly reception and entertainment of guests, ranging from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.
Non-token offers	Gifts, benefits or hospitality valued at \$50 or more
On-hire contractors	Individuals employed by an external recruitment agency who have been engaged to work at CPVV.
Token offer	A token offer is a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). The minimum accountabilities state that token offers cannot be worth more than \$50.

4 Principles

The community expects high standards of integrity, impartiality and responsible use of public resources from VPS employees.

They are expected to:

- earn and sustain public trust
- be honest, open and transparent in their dealings
- make decisions and provide advice without bias
- avoid any real or apparent conflicts of interest
- use their powers responsibly
- report improper conduct
- seek to achieve best use of resources
- submit themselves to appropriate scrutiny

Public trust depends on honest dealings. Employees must not accept GB&H from people seeking to influence their decisions unfairly. When providing hospitality, employees need to ensure that it reflects prudent use of public resources and does not compromise the real or perceived integrity of recipients. There should also be a clear 'line of sight' between the hospitality provided, its benefits to the organisation and the government, and ultimately to the community.

In accordance with this framework, heads of public sector bodies are required to regularly review their organisation's GB&H policies and processes.

The CEO is required to provide an annual attestation to the Victorian Public Sector Commissioner regarding the review, communication and scrutiny of appropriate CPVV GB&H policies and processes.

5 Process

5.1 Receiving gifts, benefits and hospitality

Employees should:

- not, for themselves or others, seek or solicit gifts, benefits and hospitality.
- refuse all offers of gifts, benefits or hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money
 - give rise to an actual, potential or perceived conflict of interest;
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
 - are non-token offers (valued at \$50 or more) without a legitimate business benefit
- declare all offers of GB&H (whether accepted or declined), and seek written approval from their manager or organisational delegate to accept any non-token offer; and
- refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission).

If employees are unsure about how to respond to an offer of GB&H, advice should be sought from their manager or Human Resources.

5.2 Providing gifts, benefits and hospitality

Employees must:

- ensure that any GB&H is provided for a business purpose in that it furthers the conduct of official business, or promotes and supports government policy objectives and priorities
- ensure that any costs are proportionate to the benefits obtained for CPVV, and would be considered reasonable in terms of community expectations
- ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants

5.3 Breaches of Gifts, Benefits and Hospitality policy

Any breach of the GB&H policy or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.

6 Responsibilities

6.1 Employee responsibilities

- consider offers and provision of GB&H in consultation with their manager
- declare all offers and provision of GB&H by completing a GB&H Declaration
- politely refuse, where appropriate, all offers of GB&H

6.2 Manager responsibilities

- ensure all team members are aware of the GB&H policy
- manage offers of GB&H with team members in accordance with this policy

6.3 HR responsibilities

- provide advice to employees on managing offers and provision of GB&H
- ensure copies of completed declaration and related documentation are kept on GB&H register
- publish CPVV's GB&H policy and the current and previous financial year's register on CPVV's public website
- six monthly Gifts Benefits and Hospitality Register reporting to CPVV Executive Management Team

7 Case studies

The following case studies are examples of when the GB&H policy is applied and the action to be taken by employees and managers.

Scenario 1. Lunching with potential suppliers

Michelle is responsible for awarding a training contract to improve the computer literacy skills of her staff. She meets with most potential providers in her office. However one provider asks if she would like to meet at their training centre in a beautiful tourist location to talk about the project over a light lunch.

What should Michelle do?

The offered hospitality is likely of minimal monetary value. However it would not be appropriate for Michelle to accept this offer, as it could be seen as an inducement that could influence her decision to award the contract. Michelle should politely decline the offer and arrange to meet the potential provider in her office.

Scenario 2. Conference presentation

Matthew had spent the past week composing and then rehearsing his presentation for the international conference on sustainable development. As Matthew makes his closing remarks, the audience applauds and the MC steps forward to thank him for an engaging presentation, and presents him with a modest box of chocolates.

What should Matthew do?

The MC is presenting Matthew with chocolates to say thanks for his presentation. Matthew's organisation categorises such gifts as token offers, so Matthew could accept the chocolates and declare them.

In future, when accepting a speaking engagement Matthew should speak to the event organisers about his organisation's gifts, benefits and hospitality policy to avoid potential conflicts of interest.

Scenario 3. A day at the tennis

Olivia is responsible for her organisation's marketing and promotions team, including for approving sponsorship funding for local events. While attending an event that her organisation sponsored, Olivia was invited by the event organiser to attend the upcoming Australian Open tennis tournament.

What should Olivia do?

It was appropriate for Olivia to attend the event her organisation sponsored so that she could report back to her employer on the outcome. However, it would not be appropriate for Olivia to attend the Australian Open event, as there is no business benefit for her organisation in her attending. It could also raise a perceived conflict of interest, as the person making the offer could be seeking to influence Olivia's future sponsorship decisions. She should decline the invitation and declare the non-token offer of Australian Open tickets. This offer would be recorded on the gifts, benefits and hospitality register.

Scenario 4. Coffee connoisseur

Mohammed regulates the activities of various organisations. He gets along well with some of the owners of the organisations he regulates and often has coffee with them, for which the owner usually pays.

What should Mohammed do?

Accepting one coffee is unlikely to cause a conflict of interest in how Mohammed carries out his duties. However receiving regular coffees can quickly amount to considerable monetary value, which may be perceived as influencing how Mohammed regulates these organisations. Mohammed should ensure that he pays for his own coffee, and ideally, ensure he spends equitable time with all the organisations he regulates.

8 Grievances

CPVV employees may lodge a grievance about any management decision or action taken under this policy (except a decision to terminate employment) if they consider that the policy has been applied unfairly.

An employee should seek advice from the Director Human Resources prior to lodging a grievance.

9 Related policies

- Conflict of Interest Policy
- Grievance Resolution Policy

10 Resources

- Victorian Public Sector Commission Gifts, Benefits and Hospitality Policy Resource Suite
- Conflict of Interest Guidance for Organisations released by the Victorian Public Sector Commission
- Code of Conduct for Victorian Public Service Employees 2015
- *Public Administration Act 2004* (Vic)