Coimisiún um Iomaíocht agus Cosaint Tomhaltóirí | Competition and Consumer Protection Commission

CODE OF CONDUCT for

All Competition and Consumer Protection Commission staff

1. SCOPE

1.1 The purpose of this Code of Conduct (the "Code") is to set down the general principles and standards which govern the professional activities and conduct of persons working in the Competition and Consumer Protection Commission (the "CCPC") thereby maintaining a high level of public confidence in the organisation as a public body and employer.

1.2 This Code applies to all CCPC staff. The word "staff" for the purposes of this code includes but is not limited to: the Chairperson, the Members of the Commission, permanent and temporary staff, agency workers, interns, secondees and outsourced workers. The Chairperson and Members of the Commission are also subject to specific contractual and statutory obligations. In the event of any conflict between this Code and a contractual or statutory obligation of the Chairperson and Members of the Commission, the contractual or statutory obligations prevail.

1.3 The provisions of this Code of Conduct are ancillary to the requirements set out in the Department of Public Expenditure and Reform's *Code of Practice for the Governance of State Bodies 2016* (the "*Code of Practice*") and form part of the Terms and Conditions of Employment for all staff. The CCPC is required to comply with the Code of Practice.

1.4 In order to ensure compliance with the Code of Practice, the CCPC has issued this Code of Conduct for Employees.

1.5 This Code of Conduct forms part of the Terms and Conditions of employment and should be adhered to by all staff, including those on leave, career breaks etc. The Code also applies to staff when attending functions and related social events of the CCPC.

2. INTRODUCTION and GENERAL PRINCIPLES

2.1 The Code of Conduct is to be issued to all staff at induction, with a declaration of understanding of the Code to be completed by all new staff. The declaration form is set out as an appendix (1) to this Code.

2.2 The Code of Conduct relates both to internal and external activities of the CCPC. Wherever we operate, we must ensure that our business is conducted and managed effectively, efficiently and objectively in the public interest, in a manner consistent with the highest professional standards of accountability and responsibility and in accordance with the law.

2.3 It is not possible for the Code to provide for all situations which may arise and employees should bear in mind that it is primarily their responsibility to ensure that all their activities whether covered specifically by this code or otherwise, are governed by the ethical and other considerations implicit in it. It is essential that employees conduct themselves and are seen to conduct themselves and all activities to the highest standards possible.

2.4 This Code is complementary to other procedures and policies already in operation in the CCPC, including those relating to conditions of employment, attendance, sick leave, procurement, etc. Links to the relevant documents can be found on the intranet on the Policies and Procedures page. It is the responsibility of all staff to ensure they read and understand these documents.

2.5 The Code should be read in conjunction with the legislative provisions which govern the CCPC. Existing legislative provisions applying to a State body on matters that are also the subject of the Code continue to apply. In the event of any conflict or inconsistency between the Code and these legislative provisions, the legislative provisions prevail. On this basis it should be noted that where the provisions in the Competition and Consumer Protection Act (the "2014 Act") govern matters which are the subject of the Code, such matters will continue to be governed by the 2014 Act.

2.6 Breaches of this Code will be considered as serious matters and could result in disciplinary action up to and including dismissal.

3. STANDARDS

3.1 The CCPC is committed to honesty, integrity and transparency in all its dealings. Therefore, it is essential that all staff conduct, and are seen to conduct, themselves and all activities to the highest standard possible. To achieve this, we are committed to developing the necessary competence and confidence in our people to enable them to carry out their work in a professional manner. The values adopted by the CCPC are:

Values	**Supporting Behaviours**
We communicate openly	• We are accountable and transparent in our work • We are honest about our decisions • We are open and approachable with each other • We acknowledge our mistakes, and learn from them
We believe in empowerment	• We show that we respect and value all of our roles and contributions • We support each other's learning and development • We encourage each other to take ownership and demonstrate accountability. • We define roles and responsibilities and delegate clearly and supportively
We act independently	• We make decisions based on expert assessment of available evidence • We serve the public interest • We stand by our decisions and we are prepared to defend them • We are rigorous and unbiased in our approach to investigations
We have ambition to make a difference	• We have pride in our work and our mission • We are prepared to confront vested interests and challenge the status quo • We prioritise work that will have the most impact for consumers and the economy as a whole • We focus on achieving results and are flexible and creative in our approach to work

We work to achieve excellence	• We take personal responsibility for the quality and impact of our work • We are receptive to, and willing to give, open feedback to improve our performance • We seek to continuously strengthen all areas of our organisation • We are vigilant to developments in the market and strategically respond in a changing environment

4. OBLIGATIONS

4.1 Staff have an obligation to attend at work as required and perform their official duties honestly, faithfully and efficiently in accordance with their contract of employment and associated terms and conditions of employment. Staff must always act with personal integrity and their actions should be able to bear the closest public scrutiny respecting the rights of the public and their colleagues.

4.2 There are common law obligations of loyalty, fidelity, confidentiality, and staff are obliged to properly perform the duties for which they are employed including:

- to obey the law,
- to obey all lawful and reasonable instructions from the CCPC and to work as directed ,
- to be competent and efficient in the performance of assigned duties,
- to refrain from conduct which might impair work performance,
- to show reasonable care, and neither use nor allow the use of CCPC's property, resources, funds for anything other than authorised purposes, and
- to incur no liability on the part of the CCPC without proper authorisation.

4.3 Staff have a duty to contribute to the smooth running of the workplace by treating colleagues, stakeholders and the public with courtesy and respect. This means that CCPC staff are expected to:

- avoid behaviour which might endanger or cause distress to colleagues, or contribute to disruption of the workplace,
- respect the privacy of individuals when dealing with sensitive information,
- behave in accordance with the *Dignity At Work* policy which includes not to harass, bully or otherwise intimidate colleagues or members of the public, and
- have due regard for the safety, health and welfare of others in the use of CCPC property and resources .

4.4 Staff should be aware of and fulfil all regulatory and statutory obligations of the CCPC and enforce them in a fair, responsible and consistent manner acting within the legal authority given to them having due regard for the powers assigned them as Authorised Officers, *the Delegations Protocol* and other procedures relating to the CCPC's functions.

4.5 **Members of the Public**

In accordance with the CCPC's *Quality Customer Service Action Plan* staff should deal with members of the public with integrity, diligence and impartiality and with courtesy, consideration, fairness and promptness. Staff should respect the principle of non-discrimination and equal treatment for all members of the public and must ensure that their needs are met insofar as it is legally and economically possible.

4.6 **Personal Appearance**

While the CCPC does not enforce a strict dress code, it asks that staff use good judgement in their professional dress and appearance at work and not to dress in any way that might be offensive to colleagues or visitors to the office or that might give a negative impression of the CCPC.

Occasionally staff will be expected to dress more formally: at internal/ external meetings, on searches and inspections, or on other occasions when they are representing the CCPC inside or outside of the office. Staff should be prepared for occasions where representing the CCPC is required at very short notice.

5. CONFLICTS OF INTEREST

5.1 In engaging in activities outside of work, staff must avoid the risk of conflict with their official duties, avoid any impropriety and comply with all CCPC disclosure requirements.

5.2 Staff should be mindful that perceived and potential conflicts can be as damaging to the integrity and reputation of the CCPC as actual conflicts; therefore, the same consideration should be given to these situations.

5.3 The Chairperson and Members of the Commission are, in addition to this Code, bound by the *Commission Conflicts of Interest Policy and Protocols* and Legal Advisors are additionally bound by the *Conflict of Interest Policy for CCPC Legal Advisors*.

5.4 Some staff have statutory obligations under the *Ethics in Public Office Acts 1995 and 2001*. Separate to those obligations, no staff member may allow a situation to arise where there is a conflict or potential for conflict between his/her own interests and the interests of the CCPC.

5.5 Any staff member who is involved with any outside organisation, whether economic, social, voluntary, cultural or political, has the responsibility to ensure that such involvement is not prejudicial to the interests of the CCPC and that it does not create a conflict of interest or potential conflict with the CCPC. Any staff member becoming aware of such a conflict/potential conflict must declare this to his/her Manager immediately who will decide how the situation should be dealt with.

6. SPEAKING ENGAGEMENTS, GIFTS AND HOSPITALITY

6.1 It is recognised that employees are likely to be offered speaking engagements, gifts and hospitality during the course of their official duties in the CCPC. These areas must be governed by the highest standards and should bear the closest possible scrutiny so that the CCPC is not exposed to suggestions of improper influence or conflicts of interest.

6.2 Invitations to speaking engagements which would be considered in any way connected to the work of the CCPC should be reviewed by the relevant Divisional Director and Communications and Policy Division to ensure they are appropriate to the CCPC and that no perceived conflict of interest could occur. The rules that apply to acceptance of gifts or business hospitality also cover those involved in

the delivery of lectures or speeches as part of their official duties. Please consult the CCPC *Speaking Engagements Policy* for further details and ensure that all invites are dealt with as set out in that policy.

6.3 Gifts and hospitality include but are not limited to: gifts; discounts; items less than commercial price; meals; favours; services; travel; entertainment, or anything of monetary value or conferring any benefit or advantage.

6.4 Under no circumstances may a staff member, spouse, partner, child, family member or close associates **solicit**, directly or indirectly, gifts and hospitality (as defined) for personal use, gain or benefit **or** for the use, gain or benefit of the CCPC.

6.5 You may not **accept** gifts or hospitality from any person or organisation that does, or seeks to do, business with the CCPC. This rule applies even after performance of the function (by reason of which the gift, benefit or hospitality is offered) has ceased. The offer of any **unsolicited** gifts or hospitality as defined of significant value, or benefits-in-kind on any scale, must be declined by the staff member and notified to his/her manager immediately.

6.6 The following **exceptions** are allowed and employees are permitted to accept:

- Gifts of a **modest** value e.g. diary, pen or similar type products;
- Business hospitality in the form of a working meal; and
- Meals that are provided as part of training courses, business meetings and business conferences.

6.7 **Frequent** modest gifts and/or hospitality (as outlined above) from the same source should be declined and reported to the manager.

6.8 Offers of gifts and hospitality from **any external party** should be carefully managed. Specific Guidelines are set out as at Appendix 1 and should be adhered to in all cases.

6.9 **Lobbying**

Staff should also exercise particular caution in accepting gifts from someone who has, or might later lobby them. The *Code of Conduct for Persons carrying on Lobbying Activities* (the "Lobbying Code of Conduct") was published by the Standards in Public Office Commission pursuant to Section 16 of the Regulation of Lobbying Act 2015 (the "2015 Act"). The Lobbying Code of Conduct entered into effect on 1 January 2019. Any office holder who is a designated public official for the purposes of the 2015 Act (e.g. a secondee who was so designated prior to their secondment to the CCPC) should familiarise themselves with the Lobbying Code of Conduct. Principle 6 of the Lobbying Code of Conduct deals with avoiding improper influence. Specifically, the Lobbying Code of Conduct states that "[a] person carrying on lobbying activities should not, in the course of their lobbying activities, seek to create a sense of obligation on the part of the elected or appointed official by making any offer of gifts or hospitality." All staff should ensure that they fulfil their professional obligations impartially and free of improper influence, whether actual or perceived.

6.10 Staff should also be aware that activities outside of their employment may give rise to obligations under the 2015 Act. It is for individual staff members to ensure that they comply with any such obligations and that any such activities do not give rise to a potential or actual conflict of interest with the CCPC.

6.11 Benefits under **frequent flier** schemes may be retained by individual employees in recognition of the fact that official travel is disruptive to personal and family life. However, frequent flier points are not permitted to be an influencing factor in the choice of airline.

7. DEALING WITH THE PUBLIC

7.1 Staff members who deal with the public on behalf of the CCPC should do so sympathetically, efficiently, promptly and without bias or maladministration. The public should always receive the highest standards of conduct and service following best practice as set on in our *Customer Service Charter*. In accordance with our values employees should ensure that they deal with queries from members of the public in an open, helpful and responsible way.

8. DISCLOSURE OF CONFIDENTIAL INFORMATION and FREEDOM OF INFORMATION

8.1 Employees are under a statutory duty to respect the confidentiality of CCPC activities. The unauthorised release of confidential information directly or indirectly to third parties, including the media and staff associations, is strictly prohibited. Staff should also respect the confidentiality of information within the CCPC and ensure that confidential information is shared only with colleagues who have a legitimate interest in receiving such information.

8.2 *Section 25 of the 2014* Act prohibits any person from disclosing confidential information which has come into that person's possession while performing duties as a staff member of the Commission. It is a criminal offence, punishable by fine and/or imprisonment, for anyone to disclose such information save in circumstances provided for in the Act. The unauthorised use or disclosure of confidential information to which they have had access may also lead to disciplinary action.

8.3 Employees should comply with the *ICT Policy* and must not access confidential information other than that required to perform their normal duties.

8.4 If staff leave employment with the CCPC (e.g. resignation, retirement, termination of contract of employment etc.) they are obliged by law to protect and respect the confidentiality of CCPC information. This obligation also applies to staff who avail of any form of leave of absence.

8.5 Particular attention is also drawn to the *Official Secrets Act 1963*, as amended, which applies to all staff.

8.6 Particular care should be taken to safeguard information concerning the private affairs of members of the public or concerning the commercial affairs of companies or organisations which has been submitted in connection with official business on condition, or on the reasonable assumption, that it

would remain confidential. It is recommended that all members of staff refer to data protection legislation[1] for further information on data protection obligations.

8.7 Under the *Freedom of Information Acts 1997 to 2014* (the "FOI Acts"), members of the public enjoy a legal right of access to information held by Government Departments/Offices and other public bodies, subject to certain defined exemptions. Certain officers are given explicit responsibility for the provision of information to members of the public on foot of requests under the FOI Acts.

8.8 A staff member who is convicted of a criminal offence or given the benefit of the *Probation of Offenders Act 1907* when charged with a criminal offence must report the fact to the Head of OD. In certain circumstances, this could have implications for their official position. Such information will be treated in strict confidence and no record of it will be kept unless the information is considered relevant to the official position of the staff member.

9. OUTSIDE OCCUPATION

9.1 Staff are obliged to give their full commitment to their duties and responsibilities in the CCPC. In no circumstances should a staff member engage in matters unconnected with his/her duties and responsibilities during work hours.

9.2 Staff should not engage in work outside of the CCPC to the extent of impairing the staff member's work performance with the CCPC. There must be no conflict of interest or potential conflict between a staff member's CCPC work/responsibilities and his/her involvement in any employment (including self-employment) outside of work.

9.3 Permission must be sought and obtained from the relevant Director, Member or the Chairperson before engaging in any outside work.

10. USE OF CCPC/PUBLIC RESOURCES

10.1 Limited personal use of CCPC facilities such as electronic mail and telephone is permissible, provided that such use does not interfere with work and is not connected with private business interests.

10.2 In performing their CCPC duties staff must apply public resources prudently and only for the purpose for which they are intended. They must not use their position in the CCPC to pursue private interest using public resources. Staff should ensure that resources provided are used economically for the purpose for which they were provided, treated with care, maintained and properly secured against theft or misuse.

10.3 CCPC/ Public resources include material and financial resources, staff time and skills, intellectual property and official information.

[1] Relevant data protection legislation includes: the General Data Protection Regulation (Regulation (EU) 2016/679), the Data Protection Act 2018, the Data Protection Acts 1988 and 2003, and the Law Enforcement Directive (Directive (EU) 2016/680).

11. DEALING WITH IMPROPER CONDUCT

11.1 The CCPC encourages a culture of 'speaking up' whereby staff can raise concerns regarding serious wrongdoing in the workplace without fear of reprisal. If a staff member believe they are being required to act in a way which:

- Is illegal, improper or unethical;
- Is in breach of a professional code;
- May involve possible maladministration, fraud or misuse of public funds;
- Is otherwise inconsistent with this Code;

They should raise the matter, in confidence, to their Director or the Chairperson. Staff should draw attention to cases where there is evidence of criminal or unlawful activity by others and may also report cases where they believe there is evidence of irregular or improper behaviour elsewhere in the organisation but where they have not been personally involved or if they are required to act in a way which, for them raises a fundamental issue of conscience.

11.2 Where a member of staff has reported a matter covered above and believes that the response does not represent a reasonable approach to their concern or if they believe that they cannot report it internally, they should consult the *Protected Disclosure Policy* for further guidelines.

12. FOLLOWING EMPLOYMENT IN THE CCPC

12.1 Staff should continue to observe their duties of confidentiality as set out after they have left the employment of the CCPC. Staff should be made aware of any rules on the acceptance of business appointments after resignation or retirement.

As it is not possible for this Code of Conduct to provide for every situation which may arise, staff must bear in mind that it is primarily their personal responsibility to ensure that all their activities, whether covered specifically or otherwise in this Code of Conduct, are governed by the ethical considerations implicit in the Code.

Appendix 1

Guidelines in relation to offers of gifts and hospitality from any external party

Further to the provisions set out in **Section 6** of this Code, the following guidelines should be applied to gifts/ hospitality:

1. In the first instance, other than gifts as described in Section 6.6, offers of **gifts** should be refused. If such refusal of a gift is impractical or would cause offence, it should be accepted as a gift to the CCPC and given to the Head of Administration.

2. The Head of Administration will keep a register of the gifts handover by staff. The Head of Administration will liaise with senior management in agreeing how gifts accepted by the CCPC should be handled. If appropriate, such gifts, of a pecuniary value, may be raffled for charity or amongst staff.

3. Under no circumstances should any offers of **financial gifts** (cash, vouchers, gift cheques) be accepted regardless of the amount. The Head of Administration should be informed in writing of any such offers.

4. In the first instance, other than hospitality as described in Section 6.6, **hospitality** from external parties should not be accepted e.g. invitation to sporting or cultural event. If in doubt as to whether an invitation of business hospitality should be accepted or not employees should consult with their manager or the Head of Administration. They may elaborate further rules in relation to the acceptance of business hospitality should this be deemed necessary.

5. Divisional management shall keep an official record of any business hospitality accepted by their team other than that outlined in Section 6.6 and report this to the Head of Administration, if required.

6. Employees should not accept gifts or hospitality from third parties under consideration as part of any procurement process within the CCPC.

7. Employees are not permitted to approach any business with which they have contact through their official duties **soliciting sponsorship or support** for themselves, for any individual, club, charitable organisation, association, trade union or other organisation.

8. Corporate Services will keep an official record of the **central registry** of gifts which will reported to the Audit Committee by the Head of Administration on an annual basis.

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Appendix 2

Form of Understanding and Acknowledgement

- CODE OF CONDUCT -

All Competition and Consumer Protection Commission staff

In line with the Code of Practice for the Governance of State Bodies 2016 I confirm that I have read the CODE OF CONDUCT for all Competition and Consumer Protection Commission staff. I understand fully that it applies to me in relation to my employment with the Competition and Consumer Protection Commission and thereafter.

Signed: _____

Date: _____

NAME (in block capitals): _____

ADDRESS: _____

_____

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