



GIFTS, BENEFITS & HOSPITALITY POLICY

Policy Category: Board

ESSSuper

EMERGENCY SERVICES SUPERANNUATION BOARD
GIFTS, BENEFITS & HOSPITALITY POLICY

Effective Date: 20 February 2020

POLICY DETAILS

Policy Name	Gifts, Benefits & Hospitality Policy
Responsible Person	Board Secretary
Accountable Person	Board Secretary
Effective Date	20 February 2020
Review Date	By 20 February 2021
Approved By	Board

VERSION HISTORY *(if relevant)*

No.	
v1	Updated August 2018 with updated 2018 VPSC guidance
v2	New Policy template and title changes

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1. PURPOSE

- 1.1. This Policy outlines ESSSuper’s approach to governing the receipt and provision of gifts, benefits & hospitality.
- 1.2. The objective of this Policy is to ensure that the Victorian public sector codes of conduct and industry best practice standards are being met in relation to the receipt and provision of gifts, benefits & hospitality.

2. SCOPE

- 2.1. This Policy applies to Board Members and Deputy Board Members, and all ESSSuper employees.
- 2.2. The Victorian Public Sector Commission (VPSC) publishes a Gifts, Benefits & Hospitality Policy Guide (the Guide). This sets binding minimum accountabilities for the appropriate management of gifts, benefit and hospitality. Heads of public sector bodies (such as ESSSuper) are required to ensure their organisation’s gifts, benefits & hospitality policies are consistent with the VPSC’s guidance.
- 2.3. The minimum accountabilities for managing gifts, benefits and hospitality are binding on Victorian public officials and their employers under the Standing Directions of the Minister for Finance.

3. POLICY TYPE

- 3.1. This Policy is approved by the Board.

4. DEFINITIONS

- 4.1. Definitions used in this Policy are as follows:

“Bribes” – are money or other inducements given or promised to persons to corruptly influence the performance of their role.

“Employee” – includes all ESSSuper staff and contractors.

“Gifts” – are free or heavily discounted items, intangible benefits or hospitality exceeding courtesy that are offered to persons in association with their role. They may be enduring such as a work of art or consumables such as a bottle of wine. They range in value from nominal to significant and may be offered or given for different reasons.

“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. Ceremonial gifts are the property of the public sector organisation, irrespective of value, and should be accepted by individuals only on behalf of the public sector organisation. The receipt of ceremonial gifts should be recorded on the Register but does not need to be included in the public Register.

“Benefits” – are the preferential treatment, privileged access, favours or other advantage offered to a person in association with their role. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs.

“Hospitality” – is the friendly reception and treatment of guests in association with their role. Hospitality can range from offers of light refreshments at a business meeting to restaurant meals and sponsored travel and accommodation.

“Legitimate business benefit” – where gifts, benefits and hospitality are accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals (eg. training or developing business relationships).

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“Management Team” – ESSSuper managers.

“Register” – means the Gifts, Benefits & Hospitality Register.

“Offer” – means an offer of a gift, benefit or hospitality.

“Token offer” – an offer of a gift, benefit or hospitality that is offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual.

“Non-token offer” – an offer of a gift, benefit or hospitality that is, or may be perceived by the recipient, or the person making the offer of having more than inconsequential value. Any offer valued at \$50 or more is a non-token offer and must be recorded on the Register.

“Victorian public sector codes of conduct” – Codes of Conduct issued for Victorian public sector directors and employees (including the Directors Code of Conduct, Code of Conduct for Victorian Public Sector Employees, The Victorian Public Service Executive Employment Handbook and Conduct of Commercial Engagements).

5. POLICY

Receipt of Gifts & Hospitality

- 5.1. The general principle to be followed is that all employees, Board Members and Deputy Board Members should exercise prudence and care prior to accepting gifts, benefits & hospitality from anyone who could benefit by influencing that individual.
- 5.2. Employees, Board Members and Deputy Board Members should not solicit gifts, benefits or hospitality from any parties.
- 5.3. Employees, Board Members and Deputy Board Members should refuse all bribes and report these matters to the CEO or Board President. It will be necessary to determine whether this matter should be reported to the Victoria Police.
- 5.4. Under no circumstances should employees, Board Members or Deputy Board Members accept a cash amount (or an item convertible for cash) as a gift, benefit or hospitality.
- 5.5. When considering accepting offers of gifts, benefits or hospitality, employees, Board Members and Deputy Board Members must consider factors such as the relationship they have with the person/organisation making the offer, whether the person or organisation could benefit from a decision that they make, and whether the person or organisation is seeking to influence decisions or actions. For example this may include (but not be limited to) people or organisations about whom they are likely to make decisions involving:
 - tender processes;
 - procurement; and
 - member benefits (including death benefits and appeals of decisions).
- 5.6. Offers of gifts, benefits or hospitality (regardless of value) should be refused where they:
 - Give rise to an actual, potential or perceived conflict of interest (see Conflicts Management Policy for guidance);
 - May bring ESSSuper’s reputation into disrepute as a statutory authority; or
 - are non-token offers without a legitimate business benefit.
- 5.7. The VPSC guidance notes that where an offer is part of a generic, bulk event invitation that is declined, it does not need to be declared or recorded on the Register. For example, ‘spam’ email offers.

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- 5.8. Any offer of a gift, benefit or hospitality of \$50 or more in value is classed as a non-token offer which must be declared and reported to the Board Secretary for inclusion in the Register.
- 5.9. Any gift, benefit or hospitality offered to an employee that exceeds \$300 in value from any other person or organisation, on any one occasion, must be approved by the CEO in advance of acceptance.
- 5.10. Any gift, benefit or hospitality offered to the CEO, a Board Member or Deputy Board Member which exceeds \$300 in value from any other person or organisation, on any one occasion, must be approved by the Board President (for the CEO, a Board Member or Deputy Board Member), or the Chair of the Governance, Risk & Compliance Committee (for the Board President) in advance of acceptance of the gift, benefit or hospitality.
- 5.11. Where the value of the offer of the gift, benefit or hospitality is not readily apparent, the General Manager Trustee Services will be consulted to determine the value of the gift, benefit or hospitality.
- 5.12. An employee may accept a token offer of gift benefit or hospitality without approval or declaring it on the Register. This is provided the value of the offer does not exceed \$50, and is subject to the considerations discussed in this section 5. It should be noted that for token offers made by the same person or organisation the cumulative value of the offers, or the perception that they may influence the recipient, may be prudent grounds to refuse an offer.
- 5.13. Raffle prizes (regardless of value) do not need to be approved prior to acceptance. However, raffle prizes of \$50 or more in value must be reported to the Board Secretary for inclusion in the Register.
- 5.14. As part of their functions, Victorian public sector organisations may provide hospitality to other Victorian public sector officials. If you are offered such hospitality you should consider the minimum accountabilities, in particular whether accepting the offer could create a conflict of interest, or bring yourself, ESSSuper or the public sector into disrepute.
- 5.15. Employees, Board Members and Deputy Board Members do not need to declare or record hospitality accepted from Victorian public sector organisations if: it is offered as part of official business; and the reason for attending is consistent with ESSSuper’s functions and objectives and the individual’s role.

Provision of Gifts & Hospitality

- 5.16. The VPSC also provides guidelines on the provision of gifts, benefits and hospitality. In summary, when considering whether to provide a gift, benefit or hospitality on any particular occasion, ESSSuper should ensure that Board Members/employees consider the likely benefits to the organisation, in particular:
 - ensure that any gift benefit or hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational goals, promotes and supports ESSSuper policy objectives and priorities, and upholds and where possible enhances the reputation of the public sector;
 - ensure that any costs are proportionate to the benefits obtained for the organisation and the State, and would be considered reasonable in terms of community expectations; and
 - would not give rise to an actual, potential or perceived conflict of interest.
- 5.17. In line with the VPSC guidance, gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

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- 5.18. Given that ESSSuper does not provide a large number of gifts, benefits & hospitality items, the Policy on the provision of gifts benefits and hospitality is not intended to restrict provision of some items – such as token gifts and modest hospitality that are provided to employees, for example; the Reward & Recognition program, Social Club or Values and Behaviours initiatives or formal business initiatives.
- 5.19. Where alcohol is provided at functions such as team or Board and Executive lunches, employees, Board Members and Deputy Board Members must be aware of their obligations including under Victorian public sector codes of conduct and workplace safety legislation. At such functions, appropriate care and responsibility must be exercised in respect of the consumption of alcohol and the potential increased risks from the supply of alcohol.
- 5.20. Where there is uncertainty around the provision of gifts, benefits or hospitality, the matter should be referred to the CEO or the General Manager Trustee Services.

Compliance with this Policy

- 5.21. The obligation rests on each individual (Board Members, Deputy Board Members, employees) to report offers for inclusion on the Register in a timely manner. On a quarterly basis, the Register will be tabled at the Board meeting as will the Register for the provision of gifts, benefits and hospitality.
- 5.22. Multiple provisions to or offers from one source are required to be closely monitored and reported, and reported to the Board.
- 5.23. Exceptions to this Policy must be approved in writing by the CEO for employees, or the Board President for Board Members, Deputy Board Members and the CEO, or the Chair of the Governance, Risk & Compliance Committee in respect of the Board President.
- 5.24. If individuals are unsure how to respond to a gift, benefit or hospitality offer, they should seek advice from the General Manager Governance and Product.
- 5.25. The Register must be complete at each quarter of the year with information provided promptly by all Board Members, Deputy Board Members and the Management Team. All fields of the Register must be completed for each offer listed.
- 5.26. All other employees are required to report relevant offers to their Manager for inclusion on the Register on their behalf.
- 5.27. At least annually, a report will be provided to the Governance, Risk and Compliance Committee on the administration and quality control of this Policy, associated processes and the Register. This must include analysis of ESSSuper’s gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
- 5.28. Consistent with VPSC guidance, the Policy and a copy of the current and previous financial year’s Register will be published on the organisation’s public website. The public version of the Register will generally be published after the end of the financial year, and will have regard to the VPSC guidance as to information to be included in a public register.
- 5.29. All employees, Board Members and Deputy Board Members are required to comply with this Policy. If a breach of this Policy occurs, disciplinary action may be taken. In serious cases, this may include termination of employment. The process for dealing with alleged breaches of this Policy will be in accordance with the applicable enterprise agreement, workplace policies or appointment contract.

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6. HUMAN RIGHTS IMPLICATIONS (By Exception)

6.1. In developing this Policy Management have considered the Human Rights and Responsibilities Act 2006 (the Charter) and have determined that there is no identified incompatibility with the Charter.

7. REVIEW

7.1. This policy is effective from 20 February 2020 and is reviewed annually. The next review is due by February 2021.

8. ACCOUNTABLE OWNER

8.1. The Board Secretary is accountable for the Policy.

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