

POLICY: MEDIATORS' CODE OF PROFESSIONAL CONDUCT

Purpose

To provide an ethical framework for the decisions, actions and behaviours of CJC mediators, as well as to set out a method for dealing with any workplace concerns that may arise.

Many obligations in the Code of Conduct are based on legislation, including:

Independent Commission Against Corruption Act 1988; Public Sector Management Act 1988 (including Public Sector Management (General) Regulation 1996); Industrial Relations Act 1996; Crimes Act 1900; Anti-Discrimination Act 1977; Occupational Health and Safety Act 2000; Occupational health and Safety Regulation 2001; Public Finance and Audit Act 1983; Freedom of Information Act 1989; Ombudsman Act 1974; Privacy and Personal Information Protection Act 1998; Protected Disclosures Act 1994; and Disability Discrimination Act 1992.

Professional Conduct

CJC mediators are to abide by *The Community Justice Centres Act, 1983*, as well as the principles and procedures of CJC model of mediation as outlined during mediation training. In particular mediators must have regard to their;

- Responsibilities toward parties
- Role in a mediation
- Commitment to being impartial and neutral
- Obligations to ensure that agreements reached between parties are fair and equitable.
- Responsibility not to criticise a co-mediator during a mediation and
- Responsibility to give open and honest feedback to co-mediators during debriefing or at supervision sessions arranged specifically for that purpose and
- Responsibility to CJC's Staff.

In addition, mediators are to abide by the Attorney General's Code of Conduct and Ethical guidelines at all times.

In accordance with CJC's high ethical and professional values, mediators are required to:

Maintain client and colleague confidentiality at all times and be aware of their requirements pursuant to the Community Justice Centres Act 1983 in that regard.

Act within and uphold the law.

Observe the duties and obligations of public sector employees as detailed in the *Public Sector Management Act 1988* and other relevant legislation.

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Act honestly, impartially and without discrimination.

Act ethically and professionally and maintain integrity.

Disclose, and take reasonable steps to avoid, any conflict of interest whether real or apparent.

Not abuse our official position or connection with the Department by making use of that official position or connection for personal gain.

Report through appropriate channels, as detailed in the Corruption Prevention Strategy, any instance of suspected improper conduct.

Not solicit gifts of any kind.

While on duty, not consume alcohol to excess, not abuse prescription drugs and not use any form of illegal drugs or substances.

Keep up to date with the policies and procedures which are relevant to a mediator's position and this includes but is not limited to reading any Practice Alerts, Fact Sheets and/or newsletters sent by CJsCs.

Not use offensive or obscene language.

Present in appropriate attire which reflects public expectation and community standards for each work location.

Communicate with all CJsCs staff in a respectful and professional manner.

The CJsCs shares responsibility for mediator training and development needs. As individuals mediators are responsible for maintaining their own professional competency and development.

Although the CJsCs recognises that honest mistakes happen, mediators should not act outside your level of competency and authority. If practicable, mediators have a duty to consult colleagues or Co-ordinators if in any doubt about how to fulfil their duties.

Grievances

CJC recognises the rights of mediators to express any concerns they may have about work related issues and to be able to raise a workplace concern within a procedure designed to resolve the problem.

All grievances raised by a mediator will be handled in accordance with the Attorney General's Procedures for Raising and Resolving Workplace Concerns.

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This procedure details both an informal and formal method of resolving workplace concerns. If mediation services are to be utilised under this procedure, CJC will consider any request that an external mediation provider be approached.

Non-CJC Mediations

If mediators should mediate for organisations other than CJC they must:

- not represent themselves as CJC Mediators while working in a private arrangement; and
- understand that they are not covered by the privileges set out under the CJC Act which protect information obtained in mediation from being used in legal proceedings.

References

Attorney General's Code of Conduct and Ethics booklet.
Attorney General's Workplace Relationships' Guidelines
Attorney General's Procedures for Raising and Resolving Workplace Concerns

Date: April 2006

Signed: Deborah Sharp
Director, CJC _____

Review Date: April 2008

Responsible Officer: Management Team