

Gifts and Donations Policy Adopted by Executive 2 June 2017

Introduction

The UNION is committed to conducting business in an open and accountable way. The UNION strives to maintain a high standard of integrity, community confidence and good corporate governance. This can only be achieved and maintained where there is confidence that officers and staff are not influenced by gifts or benefits.

This policy sets out the UNION's requirements regarding the management of gifts and donations, which protects our reputation and minimises potential negative consequences.

1.1 Policy

Officers¹ and staff² must not give or accept gifts and benefits that will compromise, or appear to compromise, their integrity and objectivity in performing their duties, or cause, or appear to cause a conflict of interest.

This policy applies globally. If travelling outside of Australia, Officers and staff are subject to the laws of the country they are in, however, the principles of this policy must be followed regardless of whether that country has specific bribery and corruption laws.

Gifts and Hospitality

Officers and staff must declare and report gifts and/or benefits, either offered or accepted and valued at \$100 or more (this is based on the reasonable person test, ie if the value is not known, what value would a reasonable person place on the gift?). The gifts and/or benefits must be recorded in the UNION Gift and Entertainment Register to safeguard and make transparent relationships and dealings with individuals and organisations. A benefit includes the value of a discount not available to general public and not provided as part of a discount scheme (eg through Union Shopper)

The UNION Gift and Entertainment Register will be maintained by the Policy Advisor.

¹ Officers are those elected to hold an "office" as defined by the Fair Work (Registered Organisations) Act and include Executive members and Branch delegates to Federal Council.

² Staff refers to all Branch employees who do not hold an elected "office".

Officers and staff must notify the Secretary or Deputy Secretary of the fact that they have received or been offered the gift or benefit valued at \$100 or more and must make the entry within five working days of receiving/being offered the gift or benefit. The entry must be made in person or by email to the Policy Advisor.

Executive members should discuss the offer or receipt of gifts or benefits with the President or Secretary to determine whether registration is required.

If it is known in advance, the receipt of the gift or benefit should be discussed with the Secretary or Deputy Secretary prior to acceptance. Gifts should not be accepted on a recurring basis or broken down into parts of less than \$100. Gifts and genuine hospitality and entertainment expenditure that is reasonable and proportionate is allowable provided it complies with the following:

- Made for the right reason – it should be clearly given as an act of appreciation or common courtesy associated with standard business practice
- No obligation – it does not place the recipient under any obligation
- No expectation – expectations are not created by the giver or an associate of the giver or have a higher importance attached to it by the giver than the recipient would place on such a transaction
- Made openly – if made secretly and undocumented then the purpose will be open to question
- Reasonable value – its size is small and in accordance with general business practice
- Appropriate – its nature is appropriate to the relationship
- At "arm's length" – all transactions/gifts should be at an "arm's length" basis with no special favours and no special arrangements
- Legal – it complies with relevant laws
- Documented – the expense or gift, if valued at \$100 or more is fully documented in the UNION Gift and Entertainment Register.

These circumstances are NEVER acceptable:

- Gifts in the form of cash and/or cash redeemable vouchers or certificates
- "Quid pro quo" (a benefit or advantage offered for something in return)
- Entertainment of a sexual or similarly inappropriate nature
- Making incomplete, false or inaccurate entries in the UNION's books and records, eg the UNION Gift and Entertainment Register
- Where there is a credit voucher, benefit of gift certificate arising from Union purchases, the benefit must be declared and must be used for Union purposes.

Officers and staff of the UNION may:

- a) Accept token gifts/benefits where the gifts/benefits are offered in business situations or to all participants and attendees (eg seminars, conferences, trade and business events). These items are not given as a personal gift for use outside the business environment and a reasonable person would not perceive token gifts as items designed to influence or win favours. Token gifts could include pen, cap, stationery, coffee mug, stress ball, mouse pad, corporate umbrellas and memory sticks. You do not need to declare and report token gifts on the UNION Gifts and Entertainment Register.
- b) Accept a gift/benefit for presenting at a conference, seminar, and or business event. You must declare and report the gift/benefit on the UNION Gifts and Entertainment Register if a reasonable person would value the gift over the amount of \$100.
- c) Accept a ceremonial gift from another organisation on behalf of the UNION. Ceremonial gifts belong to the UNION. You must declare and report the item on the UNION Gifts and Entertainment Register and arrange to display the item in the UNION where appropriate.
- d) Accept a gift/benefit given in gratitude when hosting business events or overseas delegations only where refusal would be unreasonable and unnecessarily offensive. You must declare and report the gift/benefit on the UNION Gifts and Entertainment Register.
- e) Accept light refreshments (eg tea, coffee) or catering during a meeting or as a participant of a working group. This is considered a basic courtesy and under similar circumstances, the UNION would reciprocate by providing similar catering to attendees at meetings or working groups hosted by the UNION. You do not need to declare and report basic courtesy on the UNION Gifts and Entertainment Register.
- f) Accept prizes at conferences or events where participants are invited to enter competitions (eg lucky door or business card draws). You must declare and report the prize on the UNION Gifts and Entertainment Register if a reasonable person would value the benefit over the amount of \$100.

Political contributions and involvement

The UNION does not make donations to political parties in any circumstances, nor does it have any involvement, financial or otherwise, in internal union elections.

In exceptional circumstances where it is strategically important for the UNION, the Secretary may, for example, authorise the purchase of a table at a fund-raising lunch.

Charitable contributions

Charitable support and contributions are permitted by the UNION and may take the form of in-kind services, knowledge, time, or direct financial contributions.

All charitable donations must be legal and ethical under local laws and practices. In Australia, this means that an organisation must have deductible gift recipient status with the Australian Taxation Office.

No donation or charitable support must be offered or made on behalf of the UNION without the approval of the Executive. All charitable contributions made by the UNION are to be disclosed in the Annual Report.

1.2 Procedures

Officers and staff must notify the Secretary or Deputy Secretary as soon as possible if they believe or suspect that a conflict with, or breach of, this policy has occurred, or may occur in the future.

Any officer or staff member who breaches this policy will face disciplinary action, which could result in termination of employment.

Record-Keeping

Financial records must be kept which evidence the business reason for making payments to third parties. Officers and staff are responsible for declaring and entering in the UNION Gifts and Entertainment Register all hospitality or gifts offered or accepted within five business days. This Register will be subject to review and external audit.

You must ensure all expenses claims relating to hospitality, gifts or expenses involving third parties are submitted in accordance with the Expenses Policy and specifically record the reason for the expenditure.

All accounts, invoices, and other documents and records relating to dealings with third parties, such as suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. In no circumstances may accounts be kept "off-book" to facilitate or conceal improper payments.

How to Raise a Concern Under [The UNION Code of Conduct*](#)

All UNION officers and staff have a responsibility to help detect, prevent and report instances of corruption or improper dealings in connection with the UNION's business. The UNION is committed to ensuring that all employees have a safe, reliable and confidential way of reporting any suspicious activity.

Officers and staff are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage with the Secretary or Deputy Secretary. If unsure whether a particular act is corrupt or improper or

have any other queries or concerns, these should be raised with the Secretary or Deputy Secretary.

Monitoring and Review

Regular reviews of the UNION Gifts and Entertainment Register enable the identification and management of any emerging risks, eg if an organisation is presenting a significant number of gifts to various employees or if organisations are offering frequent and substantial hospitality to employees, eg dinners, seats at sporting events, access to corporate boxes at sporting or cultural venues, upgrades on flights, theatre tickets etc.

1.3 Your Responsibilities

Officers and staff must ensure that they read, understand and comply with this policy. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or under our supervision. All Officers and staff are required to avoid any activity that might lead to, or suggest a breach of this policy.

Officers and staff will receive a copy of this policy following its adoption and new staff will receive a copy as part of their induction. Executive members will be provided a copy on election to office.

APPENDIX 1 UNION Gift and Entertainment Register

APPENDIX 1.1 Completing the Register

The following information is required in completing the UNION Gift and Entertainment Register:

Receiving Gifts and Entertainment

Date Received

Name, Position of Recipient

Name of Giver (Who is giving you the gift/entertainment)

Description of gift/entertainment

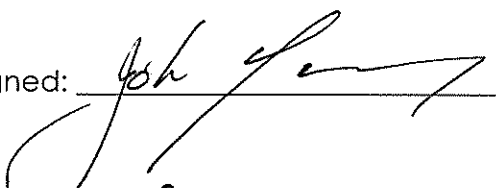
Value \$

Decision on what will happen to gift/entertainment

Name and Position of Approving Officer

*To be developed

Status	Final	Next review date	June 2019
Authorised by	Executive	Responsibility	Secretary
Adopted by Executive	2 June 2017	Version	1.0

Signed: 
Dated: 2.6.17