

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2013-2014**

Cross Portfolio

DEEWR Question No. EW0025_14

Senator Back provided in writing.

Refers to previous DEEWR Question No EW0828_13.

Question

Social Media

Has there been any changes to department and agency social media or protocols about staff access and usage of Youtube; online social media, such as Facebook, MySpace and Twitter; and access to online discussions forums and blogs since May 2012 Budget Estimates? If yes, please explain and provide copies of any advice that has been issue. Does the department/agency monitor usage of social media? • If yes, provide details of the usage (for example details could include average hours per employee, hours when usage peaks). • Has there been a change to the department/agency protocols due to staff usage? • If no, why not? Will the department/agency monitor usage in the future? Does social media impact on employee productivity? Provide details (details could include increased internet usage in general or increased internet usage in standard business hours)

Answer

Department of Education, Employment and Workplace Relations (DEEWR)

In April 2013, DEEWR introduced an updated policy on Public Comment and Unofficial Use of Social Media (refer **Attachment A**). There were no other changes to the DEEWR's social media policy or protocols. Please refer to previously provided answer to DEEWR Question No. EW0828_13.

In relation to monitoring, the Department did not monitor the use of social media given the policies and protocols in place.

Australian Curriculum, Assessment and Reporting Authority (ACARA)

There have been no changes in ACARA's protocols or policy. ACARA's Code of Conduct regulates use of ACARA resources, requiring proper and efficient use of ACARA resources (allowing for reasonable personal use of IT systems) and requires staff to behave in a professional manner at all times.

ACARA does not monitor usage of social media and does not intend to monitor use in future.

Australian Institute for Teaching and School Leadership (AITSL)

There have not been any changes in protocol or policy. AITSL's policies are extensive in delivering protocols for staff access and usage of online social media forums in a professional and private capacity.

AITSL does not monitor use of social media and does not intend to monitor use in the future.

Comcare

There has been no change to current policy.

Comcare ICT monitors basic usage on a monthly basis for social media sites. The average usage per employee is 8.2 megabytes per month. Social media sites and restricted access to YouTube are available to Comcare employees for limited personal use, but mainly for work-related purposes including enhancing the online presence of Comcare and downloading and implementing training material for the use of agencies.

There has been no negative impact to productivity. Usage reports on the current infrastructure determined that staff usage is within acceptable limits and in accordance with the agency policy framework.

Fair Work Building & Construction (FWBC)

There have not been any changes in protocol or policy. FWBC's Social Media and IT policies are extensive in delivering their protocols for staff access and usage of online social media forums in a professional and private capacity.

FWBC does not monitor use of social media and does not intend to monitor use in the future.

Fair Work Commission (FWC)

There have been no changes to FWC's social media policy. FWC allows use of Social Media in an employee's professional and private capacity, provided the employee adheres to APS and FWC values and professional standards.

FWC does not monitor the use of social media, but may do so in the future.

Fair Work Ombudsman (FWO)

There have been no changes to FWO's protocol or policy.

The FWO does not monitor use of social media and, at this stage, does not intend to monitor use in the future.

Safe Work Australia (SWA)

SWA refers directly to DEEWR's Social Media and IT policies as SWA's IT environment is delivered by DEEWR under a Memorandum of Understanding. These policies are extensive in delivering the protocols for staff access and usage of online social media forums. SWA has drafted guidelines for Agency-managed use of social media to raise awareness of SWA activities. These draft guidelines are in the approval process.

SWA does not monitor staff use of social media and does not intend to monitor use in the future.



Australian Government

Department of Education, Employment and Workplace Relations

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Public Comment and Unofficial Use of Social Media



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The purpose of the DEEWR Public Comment and Unofficial Use of Social Media Policy is to provide guidance on the expectations when making public comment and participating in online social media in an unofficial capacity.

DATE OF EFFECT

This policy is effective from 15 March 2013.

PRINCIPLE

Consistent with the Australian Public Service (APS) Code of Conduct, DEEWR employees are expected at all times to behave in a way that upholds the Values and the integrity and the good reputation of the APS. This expectation extends to DEEWR employees when making public comment in an unofficial capacity, including online comment, that may impact on the workplace.

This policy should be read in conjunction with the APS Values and the APS Code of Conduct that outline appropriate personal behaviour of an APS employee as found in the *Public Service Act 1999* ('the PS Act') Sections 10 and 13.

APPLICATION

This policy applies to all DEEWR ongoing and non-ongoing employees. Any concerns about the behaviour of independent contractors will be dealt with in accordance with the terms and conditions of their contract under which they are engaged.

This policy is developed in accordance with the APS legislative and policy framework.

MAKING PUBLIC COMMENT

DEEWR employees, like other members of the community, have the right to freedom of expression, but this is subject to the public maintaining its confidence in DEEWR to deliver services fairly, effectively, impartially and courteously. If this ability is compromised or is perceived to be compromised, the reputation of DEEWR and/or the APS as a whole is weakened.

'Public comment' is a broad term that encompasses comments made on current affairs in a public forum. Examples include, but are not limited to, public speaking engagements, during radio or television interviews, letters to the press or on the internet including social media sites.

When engaging in public comment, DEEWR employees will be held accountable to the APS Values and Code of Conduct, including Public Service Regulation 2.1 which refers to

employees' duty not to disclose information. This applies to public comment made either in an official or unofficial capacity. The requirements include:

- behaving with respect and courtesy, and without harassment
- dealing appropriately with information, recognising that some information needs to remain confidential
- delivering services fairly, effectively, impartially and courteously to the Australian public
- being sensitive to the diversity of the Australian public
- taking reasonable steps to avoid conflicts of interest
- making proper use of Commonwealth resources
- upholding the APS Values and the integrity and good reputation of the APS, and
- not acting in a way that would call into question the employee's ability to be apolitical, impartial and professional in the performance of their duties.

Making public comment in an *official* capacity

DEEWR employees, acting as part of their official duties, may need to provide comment to the media and others in the community about DEEWR activities and programmes, to explain the operation of DEEWR policy, or as a media spokesperson of DEEWR.

Making public comment in an *unofficial* capacity

Other than in their capacity as a DEEWR employee, there are two ways in which employees may wish to make public comment – in a professional capacity and/or in a private capacity.

Making comment in a professional capacity relates to employees making comment in their capacity as a subject matter expert in fields that may, or may not, relate to their DEEWR employment. An example of this is where an individual is employed by DEEWR but is also a professional academic who might publish work in an academic journal or present at a professional conference.

DEEWR employees may generally make public comment in a private capacity, so long as it is apparent to their audience that they are expressing their own personal views and are not a representative of DEEWR or the Government. Employees should remember to behave in a way that suggests they will act apolitically in their work. Refraining from publicly expressing their personal political views helps to manage this perception. This is particularly important if the employee makes comment on Government policy that is directly connected to their employment with DEEWR and may be perceived to compromise their ability to fulfil their duties in an unbiased manner.

SES employees should be particularly careful when making public comment because of the influence they carry with other DEEWR and APS employees, stakeholders and clients, and because they are likely to be required to advise on, or lead the implementation of Government policies and programmes.

PARTICIPATING ONLINE

The same principles apply to online comment as to any other kind of public comment and employees are held accountable to the APS Values and Code of Conduct, including

Public Service Regulation 2.1 which refers to employees' duty not to disclose information.

Many areas within DEEWR utilise social media to engage with the communities they serve or on forums that offer training and support to employees. The key principles relating to official online comment are outlined in the [DEEWR Social Media Policy](#).

When commenting online in a private, unofficial capacity, employees should be careful if they elect to identify DEEWR as their employer as any activity can be connected to their employment and will be subject to the APS Values and APS Code of Conduct. Employees should also note that 'anonymously' posted material can still be traced to a particular individual, security settings do not guarantee privacy, and that online material can be easily replicated. The [DEEWR IT Security Policy](#) applies to personal/unofficial use of social media.

DEEWR employees should also be mindful that even if they do not identify themselves as an employee of DEEWR or the APS, they could be recognised as such or that this information could be easily ascertained. Employees who post material online should make an assumption that at some point their identity and the nature of their employment will be revealed.

Material online effectively lasts forever, may be replicated endlessly, and may be sent to recipients who were never the intended audience to see it, or who may view it out of context.

The Code of Conduct requires DEEWR employees to behave at all times 'in a way that upholds the APS Values and the integrity and good reputation of the APS'—section 13(11) of the PS Act. When DEEWR employees are making public comment in a private, unofficial capacity, employees must not make comment or postings that is, or could be perceived to be:

- bullying or harassment towards fellow DEEWR employees and/or managers, clients and other stakeholders (refer to the [DEEWR Managing Workplace Harassment Policy](#) for a definition of workplace bullying and harassment)
- being made on behalf of DEEWR or the Government, rather than an expression of a personal view
- compromising the employee's capacity to fulfill their duties in an unbiased manner (this applies particularly where comment is made about DEEWR policies and programmes)
- so harsh or extreme in its criticism of the Government, a member of parliament from another political party, or their respective policies, that it raises questions about the employee's capacity to work professionally, efficiently or impartially (such comment does not have to relate to the employee's area of work)
- so strong in its criticism of DEEWR's administration that it could seriously disrupt the workplace; DEEWR employees are encouraged instead to resolve concerns by informal discussion with their manager or by way of DEEWR's dispute resolution process, including the [APS whistleblowing scheme](#) if appropriate
- a gratuitous personal attack that might reasonably be perceived to be connected with their employment
- criticism of DEEWR employees and/or managers, clients and other stakeholders that could be perceived as offensive or derogatory, and/ or

compromising public confidence in the agency or the APS.

At all times when participating online in an unofficial capacity, DEEWR employees must be mindful of requirements set out in Public Service Regulation 2.1 concerning their duty to not disclose information. To avoid breaching the regulations, employees should not publicly disclose or discuss information they have obtained in connection with their employment and should only discuss publicly available information.

Note Under section 70 of the *Crimes Act 1914*, it is an offence for an APS employee to publish or communicate any fact or document which comes to the employee's knowledge, or into the employee's possession, by virtue of being a Commonwealth officer, and which it is the employee's duty not to disclose.

Connection with employment

Online postings can be sufficiently connected to the employment of the individual who posted them in a range of ways including, but not limited to; when:

- the individual has identified DEEWR or the APS as their employer
- the individual has provided their work colleagues with access to view their personal profile or page (i.e. are online 'Friends' with colleagues)
- the content of the comment or post, or any previous posting, identifies the nature of the individual's employment
- the nature of the individual's employment can be easily obtained
- the nature of the individual's employment is easily recognised by online peers, and/or
- the nature of the individual's employment is recognised by the community (i.e. operational requirements of their role entail stakeholder engagement and representation at public forums. The likelihood of this occurring is increased for employees operating in remote or regional areas who may have a high profile in the community).

Social media websites are public forums. Inappropriate comment or material, including imagery, on such sites could put employees at risk of breaching the APS Code of Conduct. Therefore, an employee's online conduct, where sufficiently connected to their employment with DEEWR or with the APS, may warrant disciplinary procedures which could include commencement of proceedings to terminate employment.

Employees who have comments to express regarding DEEWR should use appropriate internal mechanisms. In the first instance it is expected that comments or concerns are raised with the employee's manager. Under no circumstances should these comments be made in a public forum.

USE OF SOCIAL MEDIA DURING WORK TIME

DEEWR employees participating in online comment or social media in an official capacity must do so in line with the [DEEWR Social Media Policy](#).

DEEWR allows employees to make reasonable personal use of the internet and other Information and Communication Technology (ICT) resources and this is applied to the use of social media sites such as *Facebook*. Generally 'reasonable use' means that it is

acceptable to check social media for personal use during an employee's personal time such as during lunch and perhaps after work briefly. Unless authorised by the employee's manager, it is not acceptable to keep social media pages for private use logged on and open through working hours. The use of social media on personal devices such as laptops or smart phones, as well as that on department devices, should not be excessive to the point where it has an adverse impact on an individual's work outputs.

What is 'reasonable' use will also be determined with reference to operational requirements, the workplace culture and whether there has been a history of inappropriate excessive personal usage of internet/social media within the workplace. Managers should also have regard to the perception created amongst the team and/or work area should employees engage in excessive or regular usage of social media activity during work times. Employees with supervisory responsibilities have an obligation to lead by example and model behaviour for other employees and limit their personal use of social media during working hours.

Managers who identify that the personal use of social media is interfering with an employee's work obligations, or has created an adverse perception amongst the work area, should raise their concerns with the individual(s) involved and document these observations and discussions as matters may need to be progressed through the DEEWR performance management framework. If the manager is satisfied that the personal use of social media during work time is inappropriate, the manager should communicate their expectations of internet and other ICT resources in the workplace to the individual or team. Managers are encouraged to review the situation within a reasonable timeframe. Instances where individuals or teams fail to comply with management instruction should be reported to the [People Solutions Team](#) for guidance or further action as required.

MANAGING INAPPROPRIATE PUBLIC COMMENT OR USAGE OF SOCIAL MEDIA

Where inappropriate online behaviour, which is sufficiently connected to the individuals' employment, has been identified and reported to the relevant manager, action will be taken to address the inappropriate behaviour consistent with the [Performance Management and Development Policy](#) and/or the [DEEWR Underperformance Procedures](#). In deciding the most appropriate course of action in responding to reports of inappropriate online behaviour, managers should consider:

- the employee's employment history including their performance and conduct history
- the weight of the evidence available to support the allegations
- the seriousness of the inappropriate behaviour
- the extent of the virtual audience or circulation of the inappropriate behaviour, and
- the implications the inappropriate behaviour may have on DEEWR, its employees and/or stakeholders.

The [People Solutions Team](#) can provide additional advice on the most appropriate course of action.

Employees who observe suspected breaches of the APS Code of Conduct arising from online participation should report it to their manager, consistent with their obligations under the APS Values and Code of Conduct.

Consistent with the [DEEWR Procedures for Dealing with Whistleblower Reports](#), suspected online misconduct should be reported to the relevant SES manager or to the [People Solutions Team](#). In some instances, such as when the matter involves the SES manager, it may be appropriate to report the matter directly to the [Branch Manager, People Policy and Performance Branch](#). Managers who witness or receive verbal or written reports of suspected online misconduct should refer the matter to the [People Solutions Team](#).

FURTHER INFORMATION

The *Australian Public Service Commission's (APSC) Ethics Advisory Service* can assist employees and managers who wish to discuss and seek advice on the ethical issues that occur from inappropriate public comment by contacting ethics@apsc.gov.au or (02) 6202 37237.

The [People Solutions Team](#) are available to assist employees and managers regarding online conduct related matters and can be contacted at performanceandconduct@deewr.gov.au.

Further information is available from the following documents:

Making Online Comment - [Frequently Asked Questions](#)

[APS Values](#) and [Code of Conduct](#)

[APSC Circular 2012/1: Revisions to the Commission's guidance on making public comment and participating online](#)

[DEEWR IT Security Policy](#)

[DEEWR Guide to Suspected Misconduct](#)

[DEEWR Managing Workplace Harassment Policy](#)

[DEEWR Performance Management and Development Policy](#)

[DEEWR Procedures for Dealing with Whistleblower Reports](#)

[DEEWR Social Media Policy](#)

[DEEWR Underperformance Procedures](#)

[DEEWR User's Guide to IT Security](#)

[Public Service Regulations 1999 \(s2.1\)](#)

DOCUMENT PARTICULARS

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