

Overview

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1. Purpose

The purpose of this policy is to:

- provide guidance to all employees on how to deal with an offer of a gift, benefit or act of hospitality from a third party during the course of their employment;
- to ensure that Monash Health and its employees are not compromised or publicly perceived to be biased by the acceptance of gifts, benefits or hospitality; and
- to ensure the responsible provision of gifts, benefits and hospitality by Monash Health and its employees to external third parties.

Monash Health has issued this policy to support behaviour consistent with the *Codes of Conduct for Victorian Public Sector Employees*. All employees are required under clause 1.2 of the Code to comply with this policy.

2. Application - Who must comply with this policy?

All Monash Health employees.

3. Scope -This policy applies in the following setting:

This policy is applicable to all Monash Health employees when receiving or providing gifts, benefits or hospitality, during the course of their employment, from or to third parties.

4. Principles

Employment in the public service requires employees to carry out their duties with impartiality and integrity in order to maintain public trust.

In the course of employment, employees of Monash Health may be offered gifts, benefits or provided with hospitality in association with their work. It is important to recognise that accepting gifts, benefits or hospitality can give the impression that an employee may favour a particular person or organisation when making decisions or taking action, even when this was not the intention of the employee or offeror of the gift.

To ensure that the impartiality of Monash Health and its employees is not comprised, this policy has been developed to provide guidance to employees on how to deal with an offer of a gift, benefit or hospitality from a third party during the course of their employment.

Definitions

- 4.1. Benefits** include preferential treatment, privileged access, favours or other advantages offered to an employee. This may include invitations to sporting, cultural or social events, access to discounts and loyalty programs or promises of a new job. While the value of a

benefit can sometimes be difficult to quantify in monetary terms, they may be highly valued by the intended recipient and therefore used to influence behaviour.

4.2. Conflict of Interest

Actual Conflict of Interest is where there is a real conflict between an employee's public duties and private interests.

Potential Conflict of Interest is where an employee's private interests could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in the future and steps should be taken now to mitigate that future risk.

Perceived Conflict of Interest is where the public or a third party could form the view that an employee's private interests could improperly influence the employee's decisions or actions, now or in the future.

4.3. Gifts are free or discounted items and any item that would generally be seen by the public as a gift. These include items of high value (eg. artwork, jewellery or expensive pens), low value (eg. a small bunch of flowers) and consumables (eg. a box of chocolates).

4.4. Hospitality is the friendly reception and entertainment of guests, ranging from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.

Minimum Requirements

4.5. Accepting Gifts, Benefits & Hospitality

Under this policy, all employees should:

- (a) Not solicit gifts, benefits or hospitality for themselves or others.
- (b) Refuse all offers of gifts, benefits or hospitality that
 - are money, items used in a similar way to money, or items easily converted to money;
 - give rise to an actual, potential or perceived conflict of interest;
 - may adversely affect their standing as an employee of a public service or which may bring Monash Health or the public sector into disrepute; or
 - are non-token gifts (being gifts valued at over \$50.00) without a legitimate business benefit.
- (c) Refuse all offers of gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions involving (but not limited to):
 - tender processes;
 - procurement;
 - enforcement;
 - licensing; or
 - regulation.
- (d) Refuse bribes or inducements and report inducements or bribery attempts to their Executive Director and Chief Executive.
- (e) Declare any gift, benefit or hospitality that is offered that exceeds the nominal value and submit it to their Executive Director for authorisation to accept it. All offers exceeding

nominal value must be recorded on Monash Health's Gifts, Benefits and Hospitality register (whether accepted or declined). Nominal value means gifts valued at less than \$50.00.

4.6. *Providing Gifts, Benefits & Hospitality*

Under this policy, all employees should:

- (a) Ensure that any gift, benefit or hospitality provided to a third party is for a business purpose in that it furthers the conduct of official business or other legitimate goals of Monash Health, or promotes and supports government policy objectives and priorities.
- (b) Ensure that any costs involved in the provision of gifts, benefits or hospitality to third parties are proportionate to the benefits obtained for Monash Health and the State, and would be considered reasonable in terms of community expectation.
- (c) Ensure that when hospitality is provided, they demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

Accepting Gifts, Benefits and Hospitality

4.7. This section sets out the principles for accepting and declining offers of gifts, benefits and hospitality from third parties (the 'GIFT' test at Annexure A is a good reminder of what to think about in making this assessment).

4.8. **Token Offers**

A token offer is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient employee. This may include;

- small consumables such as chocolates or flowers from a client, carer or patient as personal appreciation for work performed by the employee;
- promotional items such as pens and note pads offered as advertising novelties; and
- modest hospitality such as light refreshments (for example, tea, coffee or sandwiches) offered during a meeting as a basic courtesy. In all cases hospitality should be proportionate to the occasion.

Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside Monash Health as influencing the recipient or creating a conflict of interest, a token offer cannot be more than nominal value (being **\$50.00**). If token offers are made often by the same person or organisation, the cumulative value of the offers, or the perception that they may influence the recipient, may result in the offers becoming non-token.

Employees must seek approval from their relevant Director in order to accept a token gift from a third party, in accordance with Item 5 of this procedure.

Employees must refuse all offers (excluding token hospitality, such as sandwiches over a lunchtime meeting) made by a current or prospective supplier or made during a procurement or tender process by a person or organisation involved in the process. Employees must exercise the utmost discretion in relation to accepting token offers from other organisations, firms and individuals with whom they have official dealings. If an employee feels that there could be any suggestion of impropriety, the offer should be politely but firmly refused.

4.9. Non-token offers

Non-token gifts are gifts worth more than nominal value and must be recorded on the Monash Health Gifts, Benefits and Hospitality Register. Employees must not accept a non-token offer of a gift, benefit or act of hospitality from a third party without Monash Health approval in accordance with the procedure outlined below at item 5, which will only be granted in limited circumstances.

Non-token offers will not be approved if the offer:

- is likely to influence the recipient, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest;
- would bring Monash Health or the public sector into disrepute if accepted;
- has no legitimate business benefit (a legitimate business benefit is where the offer would further the conduct of official business or other legitimate goals of Monash Health, the public sector or the State);
- is made by a person or organisation about which the recipient will likely make a decision;
- is likely to be a bribe or inducement to make a decision or act in particular way;
- extends to the recipient’s relatives or friends;
- is of money, used in a similar way to money or something easily converted to money;
- could be perceived as an endorsement of a product or service if accepted, or would unfairly advantage the offeror in future procurement decisions;
- is made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector agencies; or
- is made in secret.

There will be some exceptions where there is a legitimate business reason for accepting a non-token offer. Non-token offers will only be approved if they are consistent with the following requirements:

- if the offer does not raise an actual, potential or perceived conflict of interest or have the potential to bring the employee, Monash Health or the public sector into disrepute; and
- there is a legitimate business reason for acceptance, meaning:
 - it is offered in the course of the employee’s official duties;
 - the offer relates to the employee’s official responsibilities; and
 - the offer has a benefit to Monash Health, the public sector or the State.

Employees may be offered a gift or hospitality where there is no opportunity to seek the required written approval prior to accepting. For example, where an employee is offered a wrapped gift which they later identify to be a non-token gift. In these cases, the individual must seek approval in accordance with the procedure within five business days. In the event acceptance of the gift, benefit or hospitality is not approved, Monash Health will consider returning the gift or transferring the gift to Monash Health (where appropriate) in order to mitigate the risk.

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Accepting Sponsorship

- 4.10.** If an employee is offered sponsorship or an offer of support by a third party, Monash Health's Relationship with Industry Policy is to be adhered to. This may include offers in support of research or sponsorship in relation to conference or symposium attendance.

Providing Gifts, Benefits and Hospitality

- 4.11.** Monash Health may provide gifts, benefits and hospitality to welcome guests, facilitate the development of business relationships, further public sector business outcomes and celebrate achievements.
- 4.12.** When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, employees must ensure:
- any gift, benefit or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate Monash Health goals;
 - that any costs are proportionate to the benefits obtained for Monash Health and the State and would be considered reasonable in terms of community expectations (the 'HOST' test at Annexure A is a good reminder of what to think about in making this assessment); and
 - it does not raise an actual, potential or perceived conflict of interest.
- 4.13.** Monash Health should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist employees to decide the type of gift, benefit or hospitality to provide;
- Will the costs of providing the gift, benefit or hospitality be proportionate to the potential benefits?
 - Is an external venue necessary or does Monash Health have facilities to host the event?
 - Is the proposed catering or hospitality proportionate to the number of attendees?
 - Does the size of the event and number of attendees align with intended outcomes?
 - Will providing the gift, benefit or hospitality be viewed by the public as excessive?
- 4.14.** Employees are reminded to comply with the relevant Monash Health internal financial expenditure approval procedures, financial delegations and provision of catering and alcohol policies in providing gifts, benefits or hospitality to third parties.
- 4.15.** Employees should ensure that all records relating to the approved provision of gifts, benefits and hospitality (such as approval forms and records relating to procurement and expenditure) are well maintained and readily accessible.

5. Procedure

The following procedure should be adhered to when an employee receives an offer of a gift, benefit or act of hospitality from a third party:

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Gifts/Benefits/Hospitality valued at less than \$50

- 5.1. Employees may keep token gifts, benefits or acts of hospitality with a value of less than \$50 subject to the approval of their Director. A declaration does not need to be recorded on the Monash Health *Gifts, Benefits and Hospitality Register*.
- 5.2. The relevant Director will either approve or refuse acceptance of the item by the employee. If approved then the employee may keep the item. If not approved then the item will be returned to the offeror. If this is not possible then the item is surrendered to Monash Health.
- 5.3. Where a subsequent gift, even if less than \$50, is offered from the same donor or organisation within a twelve month period, the employee must complete the '*Gifts, Benefits and Hospitality Declaration form*' for registration on the *Gifts, Benefits and Hospitality Register* and declare this gift as a subsequent gift from the same source.

Gifts/Benefits/Hospitality valued at more than \$50 and less than \$500

- 5.4. Where an employee has been offered a gift, benefit or act of hospitality valued at more than \$50 but less than \$500 the employee is to complete the '*Gifts, Benefits and Hospitality Declaration form*' and submit it to their Executive Director for approval and registration on the *Gifts, Benefits and Hospitality Register*. In limited circumstances, employees may be able to retain gifts within this value range.

Gifts/Benefits/Hospitality valued at more than \$500

- 5.5. Where an employee has been offered a gift, benefit or act of hospitality valued at more than \$500 the employee must complete the '*Gifts, Benefits and Hospitality Declaration Form*' for registration on the Gifts and Benefits Register. Approval will not be granted for offers of this value and if the employee is already in possession of the item it must either be returned to the Offeror or surrendered to Monash Health under all circumstances. Employees may purchase a gift worth more than \$500 from Monash Health with the Chief Executive's written approval.

Ceremonial and other significant gifts

- 5.6. International delegations may offer ceremonial gifts on behalf of their country or organisation to an employee. Ceremonial gifts become the property of Monash Health and are recorded on the Gifts and Benefits Register.
- 5.7. If the gift is culturally significant it may be offered to an appropriate public institution such as the Melbourne Museum, National Gallery of Victoria or similar organisation. Monash Health may also decide to donate other significant gifts, or the proceeds from their sale, to charity.

Representing Monash Health

- 5.8. When employees attend an event or conference (either as a participant or speaker) or apply for an award in recognition of their public sector work, they are representing Monash Health. Consequently, any benefits obtained from employees' activities belong to Monash Health if greater than the nominal value. This includes door prizes, fees for speaking and financial grants.

- 5.9. Any revenue from fees and grants must be recorded on the *Gifts, Benefits and Hospitality Register*. In the case of grants, Monash Health may choose to use the gift to fund the employee's further work or development.

Attempted bribery

- 5.10. Employees must immediately report to their Executive Director and the Chief Executive any attempt to bribe them or their colleagues with offers of money or other benefits. Monash Health will take the necessary steps to report the matter to Victoria Police.
- 5.11. Employees are encouraged to report any colleagues they believe may try to solicit a bribe or have accepted a bribe.

6. Responsibilities

Director/Executive Director/Chief Executive

- 6.1. Upon receipt of the completed '*Gifts, Benefits and Hospitality Declaration form*' from the employee:
- indicate the management decision regarding the gift or benefit;
 - advise the employee of the decision; and
 - submit the completed declaration form to People and Culture for recording on the Gifts, Benefits and Hospitality Register.
- 6.2. In deciding whether to approve the acceptance of an offer of a gift, benefit or hospitality, particular consideration should be given to:
- the nature and value of the offer;
 - why the offer was made;
 - the frequency of the offer;
 - the relationship between the offeror and recipient;
 - whether the gift was offered to the employee privately or publicly;
 - whether acceptance of the offer would create an actual, potential or perceived conflict of interest or bring Monash Health or the public sector into disrepute;
 - whether there is a legitimate business benefit to Monash Health for accepting the offer; and
 - the factors set out in Item 4.9.

People and Culture

- 6.3. People and Culture are to:
- collect completed declaration forms from the relevant approval decision maker; and
 - record on the Gifts, Benefits and Hospitality Register the details of the offer including:
 - **Date offered;**
 - **Recipient;**
 - **Offeror;**
 - **Description of the gift, benefit or hospitality;**
 - **Estimated value of the gift, benefit or hospitality;**

- **Cumulative value of offers made by the Offeror;**
- Whether the Offeror is a business associate of Monash Health;
 - *Business associate means an external individual or entity which Monash Health has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality*
- Reason given by the Offeror for making the offer;
- Whether it was determined that acceptance of the offer would create a conflict of interest or bring the employee or Monash Health into disrepute;
- Whether there is a legitimate business benefit to Monash Health, the public sector or the State for accepting the offer;
- **The decision regarding the offer;** and
- Who the decision was authorised by.

6.4. The details highlighted in bold above should be published on the Monash Health website as outlined at Item 6.6.

Reviewing and reporting of register

- 6.5.** The Executive Director of Finance will be responsible for ensuring the gifts and benefits register is subject to regular review and is reviewed annually by the Audit Committee. The review should include analysis of administration, quality control and risk including repetitive trends or patterns which may cause concern and require corrective and preventative action. Risk mitigation measures and proposed improvements should also be considered.
- 6.6.** The Gifts and Benefits Register must be published on the Monash Health website. The published register should be updated regularly and cover the current and previous financial year. The published register should only include the details highlighted in bold at Item 6.3 above. Employees' names should be removed and position title only published.
- 6.7.** All gifts, benefits and hospitality received are reported annually to the Secretary of the Department of Health by the Chief Executive.

7. Breach

A breach of this policy may constitute a breach of the Monash Health Employees Code of Conduct and the Code of Conduct for Victorian Public Sector employees and may result in disciplinary action.

8. List of Useful Tools and Resources

[Gifts, Benefits & Hospitality Declaration Form](#)

[Gifts, Benefits and Hospitality Policy Framework, Victorian Public Sector Commission](#)

[Relationships with Industry Policy](#)

[Conflict of Interest Policy](#)

9. Document Management

Policy supported: [Conflict of Interest](#)

Background: [Conflict of Interest](#)

Executive sponsor: Head of People and Culture

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Person responsible: Head of People and Culture

Annexure A

GIFT Test

G	Giver	<p>Who is providing the gift, benefit or hospitality and what is their relationship to me?</p> <p>Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p>
I	Influence	<p>Are they seeking to gain an advantage or influence my decisions or actions?</p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make?</p>
F	Favour	<p>Are they seeking a favour in return for the gift, benefit or hospitality?</p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?</p>
T	Trust	<p>Would accepting the gift, benefit or hospitality diminish public trust?</p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

HOST Test

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H	Hospitality	<p>To whom is the gift or hospitality being provided?</p> <p>Will recipients be external business partners, or individuals of the host organisation?</p>
O	Objectives	<p>For what purpose will hospitality be provided?</p> <p>Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?</p>
S	Spend	<p>Will public funds be spent?</p> <p>What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?</p>
T	Trust	<p>Will public trust be enhanced or diminished?</p> <p>Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</p>