

# CODE OF CONDUCT FOR EMPLOYEES OF THE AUTONOMOUS PROVINCE OF TRENTO AND AUTONOMOUS BODIES FUNDED BY THE PROVINCE

## **Article 1**

### **General provisions**

1. The principles and content of this Code of Conduct (Code) represent indicative specifications of the obligations in relation to diligence, integrity, impartialness and good conduct involved in performing the job correctly. Public sector employees undertake to observe these when they are hired.
2. According to article 46, paragraph 7 of the provincial law of 3 April 1997, no. 7, the collective labour agreements provide for implementation of this Code of Conduct. The provisions regarding other forms of liability for public employees remain unchanged.
3. The provisions that follow shall be applied in all cases when the provisions of laws or regulations are not applicable, or for roles not otherwise regulated by laws or regulations.

## **Article 2**

### **Extension of the Code's field of application**

1. The content of this Code of Conduct shall also apply, in so far as it is compatible, to all contract workers or consultants with any type of contract or assignment and in any role, to those holding office or with assignments in offices working directly for political authorities, and to all types of workers in businesses supplying goods or services and carrying out work for the Administration.
2. A specific provision regarding application of the Code of Conduct and a clause leading to termination or withdrawal from the working relationship in the event of infringement of the obligations resulting from the Code shall be inserted in contracts, assignment letters and competitive notices.

## **Article 3**

### **General principles**

1. The employee's conduct shall be in line with his constitutional duty to serve the nation exclusively with discipline and honour, respecting the principles of sound operation and the impartiality of the Administration. In carrying out his tasks, the employee shall ensure the law is respected and pursue exclusively the public interest: his decisions and behaviour must be inspired by care of the public interest that has been entrusted to him, without abusing his position or the powers that he holds.
2. The employee shall also respect the principles of integrity, correctness, good faith, proportionality, objectivity, transparency and reasonableness and maintain an independent position in order to avoid making decisions or carrying out activities related to his role in situations even apparently involving any conflict of interest. He may not carry out any activity in conflict with the correct performance of his official tasks and he undertakes to avoid situations and behaviour that could damage the interests or image of the public administration. His privileges and public powers must be exercised exclusively for the general scope for which they were conferred.
3. Respecting the working hours, the employee shall dedicate the appropriate amount of time and energy to fulfilling his role, undertaking to perform his duties in the simplest and most efficient way possible, in the interest of citizens and taking on any responsibilities linked to his tasks. The employee shall carry out his tasks by ensuring administrative action is as

economical, efficient and effective as possible. The management of public resources for the purposes of carrying out administrative activities must be designed to contain costs, without prejudicing the quality of the results.

4. The employee shall use and take care of the resources available to him in connection with his office and shall not use any information that he may become aware of in his job for private purposes.

5. The employee's conduct must further the establishment of trust and collaboration within the Administration and between citizens and the Administration.

He shall ensure equal treatment in equal conditions and shall refrain from arbitrary actions that have negative effects on the recipients of the administrative action or that lead to discrimination based on gender, nationality, ethnic origin, genetic characteristics, language, religion or beliefs, personal or political convictions, identification with a national minority group, disability, social conditions or health, age, sexual orientation and gender identity, or any other factors. In relations with citizens, he shall show the maximum helpfulness and shall not obstruct the exercising of their rights. He shall favour access to information to which they are entitled, and so long as this is not forbidden, he shall provide all the news and information necessary to assess the decisions of the Administration and the conduct of employees.

6. The employee shall limit the obligations to be fulfilled by citizens and businesses to those that are indispensable and shall implement every possible form of simplification in administrative procedures; he shall assist citizens in carrying out the activities permitted to them, or at all events not in conflict with the legal provisions in force.

7. In carrying out his tasks, the employee shall promote the carrying out of roles and tasks by the appropriate area authority effectively closest to the citizens concerned, within the limits of his jurisdiction.

8. The employee shall show the greatest possible helpfulness and collaboration in relations with the public administration and shall ensure the exchange and transmission of information and data in any form, also computerised, respecting the existing regulations.

#### **Article 4**

##### **Gifts and other benefits**

1. The employee shall not request or solicit gifts or other benefits, for himself or for others.

2. The employee shall not accept any gifts or other benefits, for himself or for others, except for those of modest value, not exceeding a total of 100 euro a year for each donor and in any case up to an overall limit of 200 euro a year, presented occasionally in the context of courteous relations and, when applicable, international customs. In any case, independently of the fact that this represents a crime, the employee shall not request or solicit gifts or other benefits, even of modest value, for himself or for others, as payment or recognition for performing or having performed any official action, from parties that may receive advantages from decisions or activities related to his office, nor from parties in relation to which he is or is about to be called on to carry out activities or exercise his powers in relation to his office.

3. The employee shall not request or solicit gifts or other benefits, for himself or for others, except for those of modest value as specified above, from a subordinate or his relatives up to the fourth degree.

The employee shall not accept gifts or other benefits, for himself or for others, from the aforementioned parties, except for those of modest value as specified above.

The employee shall not offer gifts or other benefits to a superior or to his relatives up to the fourth degree, or to those living with him, except for those of modest value as specified above.

4. Gifts and other benefits nevertheless received outside the cases permitted by this article must immediately be made available to the Administration by the employee receiving them, to be returned or devolved for institutional purposes or donated to charity. A report detailing the assets made available will be drawn up by the relevant office, a copy of which will be given to the person consigning them.

5. The employee shall not accept work assignments from private sector parties who currently have or have had a significant financial interest in decisions or activities relating to the office to which he belongs in the previous two years, such as for example: private sector parties requesting permits or licences, subsidies, contributions, allowances, financial aid and direct and/or indirect economic advantages of any kind, particularly in the field of town planning and the assignment of works, supply and service contracts.

6. The managers of the relevant administrative structures shall supervise the correct application of this article.

#### **Article 5**

##### **Participation in associations and other organisations**

1. Respecting the regulations in force on the right to form and join associations, the employee shall inform the manager of the administrative structure of his membership of associations and organisations, also of a confidential nature, whose interests may interfere with the sphere of activity of the administrative structure, with the exception of political parties or trade unions, in writing within 10 days.

2. The employee shall not oblige other employees to join associations and or organisations, nor induce them to do so by outlining the advantages or disadvantages in terms of career or pay.

#### **Article 6**

##### **Transparency of financial interests**

1. When he is assigned to the office, the employee shall inform the manager of the administrative structure in writing of any direct or indirect working relations with private parties, remunerated in any form, which he has had in the previous three years, specifying:

a. whether he, his relatives or relatives by marriage up to the second degree, his spouse or cohabiting partner, still have financial relations with the party with which he previously had a working relationship;

b. whether these relations have taken place or will take place with parties who have an interest in activities or decisions relating to the organisation, limited to the procedures entrusted to him.

2. Any subsequent working relationship must be communicated, again to the manager of the administrative structure, within 10 days. The obligation to inform the organisation is understood to have been fulfilled when the manager issues clearance authorising the assignment.

#### **Article 7**

##### **Duty to avoid conflict of interest**

1. The employee shall refrain from making decisions or carrying out activities relating to his

office when there is a conflict of interest, even potential, with his personal interests or those of his spouse, people he lives with, relatives and relatives by marriage up to the second degree. The conflict may concern interests of any kind, also of a non-financial nature, such as those resulting from the intention to comply with political or trade union pressure or pressure from superiors.

2. The employee shall also refrain from participating in decision-making or activities that may involve the interests of: himself; his relatives or relatives by marriage up to the second degree; his spouse, people he lives with or frequently spends time with; individuals or organisations with which he or his spouse have pending suits, serious animosity or significant debt/credit relationships; individuals or organisations for which he is the tutor, guardian, representative or agent; bodies, unrecognised and recognised associations, committees, companies or factories for which he is the administrator, manager or director. The conflict may concern interests of any kind, also of a non-financial nature, such as those resulting from the intention to comply with political or trade union pressure or pressure from superiors. The employee shall also refrain from taking action in any other case in which serious interests are involved.

3. The employee shall inform the manager of the administrative structure he is assigned to of the reasons behind the conflict of interest in writing.

4. Within five days the manager will:

- a) recognise the conflict of interest and assign the procedure to another employee;
- b) confirm the assignment of the procedure to the employee stating the relative reasons;
- c) promptly request supplementary information, if necessary, establishing a short-term deadline. Once the additional information has been presented, he will give his opinion in the following three days.

5. If a manager is obliged to refrain from action, the provisions of article 13, p. 11 shall apply. When the duty to avoid conflict of interest is recognised, the procedure will be assigned to the substitute of the manager concerned.

6. An *ad hoc* archiving system for abstention cases shall be provided for. For this purpose the first level structure responsible for administration shall see to collecting and conserving records of abstention cases, according to documented reports from managers, who shall see to this according to paragraph 4, section a) of this article.

## **Article 8**

### **Prevention of corruption**

1. The employee shall respect the measures necessary to prevent corrupt practices within the Administration. Specifically, he shall comply with the regulations contained in the three-year Corruption Prevention Plan.

2. The employee shall actively collaborate in preventing corruption. Specifically, he shall provide any information potentially useful and proceed with the appropriate reports, as indicated by the Administration and respecting the instructions provided. The employee making the report is entitled to be suitably protected, according to the provisions of the law and the three-year Corruption Prevention Plan.

## **Article 9**

### **Transparency and traceability**

1. The employee shall ensure that the obligations on transparency are fulfilled, according to the regulatory provisions in force and the implementation procedures adopted by the

Administration, and shall offer the maximum collaboration in drawing up, finding and transmitting data requiring publication at the institutional web site.

2. In all cases, the traceability of decision-making processes adopted by employees must be guaranteed, through suitable documentary support allowing replication at any time.

### **Article 10**

#### **Conduct outside the workplace**

1. The employee shall not exploit the position held within the Administration to obtain benefits to which he is not entitled. In private relations, including relations outside the workplace with public sector employees exercising their functions, he shall not exploit, mention or make his position understood on his own initiative, and shall not adopt any behaviour that may damage the image of the Administration.

### **Article 11**

#### **Conduct at work**

1. Without prejudice to the obligation to respect the terms of the administrative procedure, the employee shall not postpone carrying out activities or making decisions for which he is responsible or entrust them to other employees without good reason.

2. Respecting the contractual provisions, the employee's absence from the workplace must be limited to that strictly necessary and when using permits of whatever kind for leave from work, he shall respect the conditions and scope of the law, regulations and collective labour agreements. The office manager shall check that leave is effectively used for the purpose and within the limits provided for by the law and collective labour agreements and shall highlight any irregularities, as well as supervising correct clocking in by his employees. He will promptly inform the department responsible for disciplinary action of any irregular practices.

3. With the exceptions provided for by the Administration, the employee shall not use computer and telephone services or material and equipment available to him for his job for private purposes. An employee who has available a means of transport belonging to the Administration shall make use of this exclusively to carry out his official tasks and shall not habitually transport persons extraneous to the Administration.

4. In relation to the purchasing of assets or services for official purposes, the employee shall not accept benefits due to the purchaser for personal use, nor shall he use or enjoy them for personal purposes.

### **Article 12**

#### **Relations with the public**

1. Any employee dealing with the public shall make himself identifiable by displaying his badge or other form of identification made available by the Administration in a clearly visible manner, unless other provisions have been made, also for the security of employees. He shall perform his job with a spirit of service, fairness, courtesy and helpfulness, and when answering correspondence, telephone calls and electronic mail messages, he shall perform his duties in the most courteous, complete and accurate way possible. When the question does not fall within his jurisdiction due to his role or the subject matter, he shall direct the person concerned to the appropriate official or office in the same administration. Any employee directly involved with the public shall pay suitable attention to the questions of each person and provide the explanations requested as regards his conduct and that of other employees in the office coordinated or managed by him. When dealing with procedures, he shall respect the chronological order, unless there are different service requirements or a different order of

priorities has been established by the Administration, and shall not refuse services which he is required to fulfil with a generic justification regarding the amount of work to be done or the lack of time available. He shall respect appointments made with citizens and respond promptly to their complaints.

2. The employee shall observe professional confidentiality and regulations on the safeguarding and handling of personal data, and should he be asked orally to provide information, acts or documents not accessible because they are protected by professional confidentiality or the provisions on personal data, he shall inform the person making the request of the reasons preventing him from satisfying it.

3. With the exception of the right to express opinions and disseminate information to safeguard trade union and citizens' rights, within the limits provided for by the regulations, the employee shall refrain from making public statements which are detrimental to the image of the Administration. The employee shall keep the manager of the administrative structure informed of his relations with the press organs which he is authorised to deal with.

4. The employee shall not make commitments or promises regarding his own decisions and actions or those of others in the organisation, if this can lead to or confirm a lack of confidence in the Administration or in its independence and impartiality. He shall provide information and news regarding administrative actions or operations, underway or concluded, in the cases provided for by the law and regulations as regards access, and should always inform the persons concerned of the possibility of referring to the Public Relations Office. He shall issue copies of extracts of acts or documents within his jurisdiction, in the manner established by the rules on access and the regulations of the Administration.

5. The employee should adopt accurate, clear and comprehensible language when drawing up written material and in all other communications.

6. Any employee working for an administration providing services to the public shall take care to respect the quality and quantity standards established by the Administration in the specific customer service charter. He shall take care to ensure the continuity of the service, allow users to choose between different providers and supply them with information about the way in which the service is performed and quality levels.

### **Article 13**

#### **Specific provisions for managers**

1. Without prejudice to application of the remaining provisions of the Code, the provisions of this article shall apply to managers, including those given assignments according to article 28 of provincial law no. 7/1997, those with managerial roles working in offices collaborating directly with political authorities, directors and officials responsible for organisational roles in bodies without managers, in so far as is compatible with their roles and responsibilities.

2. The manager shall diligently fulfil his role on the basis of the document awarding the assignment, pursuing the objectives assigned to him and adopting suitable organisational conduct for the purposes of completing the assignment.

3. Before taking up his position and on any occasion requested, the manager shall inform the Administration of any shareholdings and other financial interests that may result in a conflict of interest with his public role, and shall also declare whether he has any relatives and relatives by marriage up to the second degree, spouse or cohabiting partner carrying out any political, professional or business activities bringing them into frequent contact with the office

he is to manage, or who are involved in decisions or activities related to this office. The manager shall provide the information provided for by law on his financial situation and annual statements of income subject to tax on individual income.

4. The manager shall adopt a fair and transparent approach and his conduct must be exemplary and impartial in relations with colleagues, workers and users concerned by the administrative action. The manager shall also ensure that the resources assigned to his office are used exclusively for institutional purposes and in no case for personal requirements.

5. In so far as is compatible with the resources available, the manager shall promote the organisational wellbeing of the administrative structure which he is in charge of, encouraging the establishment of cordial and respectful relations between staff. He shall adopt initiatives aimed at the circulation of information, training and updating of staff and inclusion, making the most of differences in terms of gender, age and personal situation.

6. The manager shall assign the preparatory work for procedures based on a fair division of the workload, bearing in mind the skills, aptitudes and professional skills of the staff available to him. The manager shall assign additional tasks according to professional skills, on a rotating basis, in so far as this is possible.

7. The manager shall assess the staff assigned to the administrative structure which he is in charge of with impartiality, respecting the instructions and timescale established.

8. Any manager becoming aware of corrupt practices shall promptly take all necessary action. Specifically, he shall start up and complete the disciplinary procedure, if this is his responsibility, or promptly report the corrupt practice to the relevant body responsible for disciplinary action, offering his collaboration when requested. He shall also see to promptly reporting the fact to the criminal judicial authority or to the Court of Auditors in relation to their respective jurisdiction.

In the event he receives a report of corrupt practices from a employee, he shall adopt every legal precaution to ensure that the person reporting the fact is safeguarded and that his identity is not unduly revealed during the disciplinary procedure, according to article 54-bis del legislative decree no. 165 of 2001 and respecting the provisions issued by the Administration.

9. The manager shall observe and supervise respect of the rules on incompatibility, the accumulation of posts and work assignments by his employees, also in order to avoid unpermitted “moonlighting” practices.

10. In so far as this is possible, the manager shall avoid undue dissemination of inaccurate information regarding the organisation, activities and public sector employees. He shall promote the dissemination of knowledge regarding good practice and good examples in order to reinforce confidence in the Administration.

11. For the purposes of applying this Code of Conduct, the manager shall issue the communications provided for therein to his own general manager. The general manager shall issue the communications provided for to the general manager responsible for personnel. The latter will issue the communications provided for to the director general.

12. Administrations where the managerial figures stated in paragraph 11 are not present shall establish who should receive the communications on the basis of their organisational structure.

## **Article 14**

### **Contracts**

1. When entering into agreements, completing transactions and stipulating contracts on behalf of the Administration, and during their implementation, the employee shall not make recourse to mediation through third parties nor shall he offer or promise anyone benefits for mediation or for facilitating or having facilitated the signing or fulfilment of the contract. This paragraph shall not apply in cases in which the Administration has decided to make use of professional intermediaries.
2. The employee shall not enter into tender, supply, service, financing or insurance contracts on behalf of the Administration with companies with which he has stipulated private contracts or received other benefits in the previous two years, with the exception of those entered into according to article 1342 of the Italian Civil Code. In the event that the Administration enters into tender, supply, service, financing or insurance contracts with companies with which the employee has stipulated private contracts or received other benefits in the previous two years, he shall refrain from participating in the decision-making process and in the activities linked to the implementation of the contract, completing the specific form as indicated in article 7.
3. Any employee who enters into agreements or stipulates private contracts, with the exception of those entered into according to article 1342 of the Italian Civil Code, with private individuals or legal entities with which he has entered into tender, supply, service, financing or insurance contracts on behalf of the Administration in the previous two years, shall inform the manager of the administrative structure in writing.
4. Any employee who receives oral or written complaints about the operation of the office or its staff from individuals or legal entities participating in negotiation procedures involving the Administration shall inform his immediate or operational superior immediately, usually in writing.

## **Article 15**

### **Supervision, monitoring and training activities**

1. The managers responsible for each administrative structure, internal monitoring and disciplinary organs shall supervise the application of this Code.
2. For the purpose of the supervisory and monitoring activities provided for by this article, the Administration shall make use of the organ responsible for disciplinary matters.
3. The activities carried out according to this article by the body responsible for disciplinary matters shall comply with any provisions contained in the Corruption Prevention Plan, adopted according to article 1, paragraphs 6 to 9, of the Law of 6 November 2012, no. 190. In addition to its regulatory role, the organ responsible for disciplinary matters shall deal with the updating of the Code of Conduct, examination of reports of infringements of the Code, gathering data on corrupt practices ascertained and sanctioned, ensuring the guarantees stated in article 54 bis of Legislative Decree 165/2001, in the manner identified by the Corruption Prevention Plan in force, in association with the person in charge of corruption prevention.
4. The person in charge of corruption prevention shall deal with disseminating awareness of the Code of Conduct within the Administration, annual monitoring of its implementation according to article 54, paragraph 7 of Legislative Decree 165/2001, publication at the institutional web site and communication of the results of monitoring to the national anti-corruption authority, as stated in article 1, paragraph 2 of Law no. 190/2012. For the purpose of carrying out the activities provided for by this article, the organ responsible for disciplinary

matters shall operate in association with the person in charge of preventing corruption.

5. Training activities on the subject of transparency and integrity will be directed at staff, allowing employees to gain a full awareness of the content of the Code of Conduct, along with annual and systematic updating of the measures and provisions applicable in these contexts.

6. Implementation of the provisions of this article must not lead to new or greater costs to be borne by the Administration. The Administration shall see to complying with the obligations in the context of the human, financial and instrumental resources available according to existing legislation.

## **Article 16**

### **Obligations linked to assessment of results**

1. The manager and the employee shall provide the internal control organ with all the information necessary for full evaluation of the results achieved by the administrative structure for which they work. The information shall be provided with particular attention for the following areas: the way in which the activities of the administrative structure are carried out; quality of the services provided; equal treatment for different categories of citizens and users; ease of access to offices, especially for disabled users; simplification and speed of the procedures; observance of the schedules set out for conclusion of the procedures; prompt response to complaints, requests and reports.

## **Article 17**

### **Liability following infringement of the Code's obligations**

1. Infringement of the obligations provided for by the Code represents conduct in conflict with official duties. With the exception of the public sector employee's criminal, civil, administrative or accounting liability, infringements of this Code and the duties and obligations of the Corruption Prevention Plan shall give rise to the disciplinary responsibility ascertained by the results of the disciplinary procedure, respecting the principle of gradual and proportional penalties.

2. In order to determine the type and extent of the disciplinary measure applicable in concrete terms, the infringement will be assessed in each individual case, bearing in mind the gravity of the conduct and the extent of the prejudice, also moral, resulting to the decorum or prestige of the Administration to which the person belongs.

3. The penalties applicable shall be those provided for by the law, regulations and collective labour agreements, without prejudice to the provisions of paragraphs 4 and 5, including dismissal, which may be applied exclusively in cases of infringement of the provisions stated in D.P.R no. 62/2013, to be evaluated according to the criteria provided for by paragraph 2, and as stated in articles:

- a) 4, paragraph 2, should the relatively high value of the gift or other benefits contribute to an immediate link with these and the performance of an action or activity typical of the office;
- b) 5, paragraph 2;
- c) 14, paragraph 2, first sentence;
- d) and furthermore, only in the case of habitual cases, infringements of the provisions stated in articles:
  - da) 4, paragraph 5;
  - db) 7, paragraph 1, excluding merely potential conflict;
  - dc) 13, paragraph 10, first sentence.

4. The collective labour agreements may provide for further criteria identifying the penalties applicable in relation to the types of infringement of this Code.
5. The application of dismissal shall in any case be imposed in cases already provided for by the law, regulations and collective labour agreements.
6. The further obligations and consequential disciplinary liability of public employees provided for according to the law, regulations or collective labour agreements shall in any case apply.

### **Article 18**

#### **Dissemination and entry into force**

1. The Administration shall ensure widespread dissemination of this Code of Conduct by publishing it on its institutional web site, and by informing all its employees of its adoption via e-mail.  
Notice shall also be given to all those concerned by consultancy or work contracts of any kind, including professionals, those in administrative bodies and holding posts in offices working directly for the political leaders of the Administration, and all types of staff working for businesses supplying services to the Administration, including those of a professional nature.
2. At the time the employment contract is signed, or when the assignment is awarded in the absence of such a contract, the Administration shall require newly hired staff in any role, with any kind of working relationship, to sign a copy of the Code of Conduct.
3. This Code of Conduct shall come into force on the date of its publication on the institutional web site, with simultaneous annulment of the previous Code of Conduct.