

Code of Business Conduct for staff of the Commission for Communications Regulation (ComReg)

Preface

In March 1992, a set of guidelines entitled “State Bodies Guidelines” was issued by the Department of Finance. The guidelines were updated and endorsed by Government in October 2001 and are known as “The Code of Practice for the Governance of State Bodies”. The Code sets out principles of corporate governance which State bodies are required to adopt.

Corporate governance comprises the systems and procedures by which enterprises are directed and controlled. In the interests of transparency and accountability, it is important that corporate governance of State bodies should operate to the highest standards applicable in the business world generally.

It is to be noted that where the provisions in the Communications Regulation Act, 2002 govern matters which are the subject of “The Code of Practice for the Governance of State Bodies”, such matters will continue to be governed by the Communications Regulation Act, 2002.

The Code of Practice for the Governance of State Bodies states that all State bodies should have a written Code of Business Conduct for employees.

This Code of Business Conduct for staff of the Commission for Communications Regulation (ComReg) has been approved by the Management Policy Committee, and takes account of the provisions of the following Acts:

- Communications Regulation Act, 2002
- Ethics in Public Office Acts, 1995 and 2001
- Standards in Public Office Act, 2001
- Freedom of Information Acts, 1997 and 2003
- Data Protection Acts, 1988 and 2003
- Safety, Health and Welfare Act, 1989

Objectives

The objectives of this Code of Business Conduct are to facilitate the:

- articulation of an agreed set of ethical principles for staff in ComReg
- promotion and maintenance of confidence, trust, openness and transparency and
- prevention of the development, or acceptance, of unethical practices.

General Principles

ComReg will continue to ensure that its core values of:

- integrity

- impartiality
- professionalism
- transparency
- effectiveness

are constantly reinforced and developed throughout the organisation and that the following fundamental principles are applicable throughout the organisation:

Integrity

Disclosure of Interests

Section 25 of the Communications Regulation Act, 2002 contains provisions governing matters relating to Disclosure of Interests in respect of staff members of the Commission.

Ethics in Public Office Acts, 1995 and 2001/Standards in Public Office Act, 2001

In accordance with the Ethics in Public Office Acts, 1995 and 2001 and the Standards in Public Office Act, 2001, ComReg staff members holding Designated Positions comply with obligations under both Acts.

ComReg Conflicts of Interest – Code of Conduct regarding private shareholdings by staff and those serving in ComReg

Under the ComReg Code of Conduct in relation to Conflicts of Interest, staff members are prohibited from buying or dealing or having shares, or other forms of securities, in electronic communications companies without the specific consent of the Commission. Such consent will be automatically and immediately withdrawn in the event of the company applying for a ComReg licence, or applying to purchase all or a substantial part of a licensee's shares/business, such that the ComReg licensee is substantially controlled or co-controlled by the company, and represents a significant interest for the company.

Exclusive Service

The staff positions in ComReg are full-time and staff shall not, during their term of employment, engage directly or indirectly in any other business, trade or professions, save with the express consent of the Commission.

Acceptance of Gifts

In order to maintain and enhance the high ethical standards of ComReg staff, it is our policy that;

- Gifts from authorised operators subject to regulation by ComReg will be refused or, if delivered, will be returned immediately
- Gifts from providers/suppliers of services to ComReg – other than unsolicited items of small intrinsic value (less than €100.00) such as diaries, calendars, bottles of wine/spirits - will be refused or, if delivered, will be returned immediately.

ComReg Code of Financial Management

Section 33 of the Communications Regulation Act, 2002 requires ComReg to publish a Code of Financial Management. This Code outlines the responsibilities of the Commissioners and the management team to ensure that ComReg adheres to best practice with regard to issues of corporate governance.

Information

Disclosure of Information

Section 24 of the Communications Regulation Act, 2002 contains provisions governing matters relating to the prohibition of the unauthorised disclosure of information.

Staff shall not at any time, except in the proper performance of duties, whether during or after the termination of employment, disclose to any person, firm, or company whatsoever any confidential information or any other information relating to the business of ComReg, affairs or activities of which he/she has or shall hereafter possess or acquire in the course of employment. Staff undertake not to give any interviews or information to the media, electronic, print or otherwise in relation to ComReg without the consent of a member of the Commission.

ComReg Confidentiality Agreement

Under the ComReg Confidentiality Agreement, staff members may not;

- divulge, or allow to be divulged, any confidential information acquired during the course of employment with ComReg to any company, person or persons
- use, or attempt to use, during or after the course of employment with ComReg, any information concerning the business secrets of any business or operational secrets of ComReg acquired in the course of employment with ComReg for own or other firm or person's benefit
- retain, after the course of employment with ComReg, any documents or information, either written or in electronic form, or copies of such documentation or information prepared or supplied in the course of employment with ComReg.

Freedom of Information Acts, 1997 and 2003/Data Protection Acts, 1988 and 2003

ComReg complies with Freedom of Information and Data Protection legislation.

Consultation Process

ComReg is committed to observing a consultation process with stakeholders in the course of its activities.

ComReg Guidelines on the treatment of confidential information

These Guidelines set out how ComReg treats claims by stakeholders that the information provided to ComReg is confidential.

Obligations

ComReg Policy Agreement following Retirement or Resignation from ComReg

This policy sets out the process to be undertaken by staff following retirement or resignation from ComReg to ensure that there is no potential conflict of interest or confidentiality concerns.

Loyalty

ComReg staff acknowledge their duty to be loyal to ComReg and are fully committed in all its business activities, while mindful that ComReg must at all times take into account the interests of Government, and staff acknowledge the duty of all to conform to highest standards of honesty and business ethics.

Fairness

ComReg is an equal opportunities employer and is committed to a policy of equal opportunities in the organisation. ComReg has a progressive equality agenda and new initiatives are developed on an ongoing basis.

ComReg Customer Charter sets out its commitment to a high quality of service to consumers.

Work/External Environment

In accordance with the Safety, Health and Welfare Act, 1989, ComReg has a safety statement in place and continues to implement appropriate measures to protect the safety, health and welfare of all staff and visitors to its office.

Responsibility

This Code of Business Conduct will be circulated to all staff for their retention and recipients are required to acknowledge receipt and understanding of the Code.

Review

The Management Policy Committee commits to review the Code of Business Conduct, as appropriate.