



# CATHOLIC DIOCESE OF BROKEN BAY CODE OF CONDUCT POLICY

## CONTENT

This document contains the Diocese of Broken Bay (**Diocese**) Code of Conduct Policy.

## APPLICATION & SCOPE

This Policy applies to clergy, employees, contractors, volunteers, work experience students and trainees (**Workers**) of the Diocese including those working in its Parishes. Where an Agency within the Diocese (such as the Catholic Schools Office or CatholicCare) has its own policy, the relevant Agency policy will apply to Agency Workers.

## PURPOSE

The purpose of this policy is to set the standards of conduct, professional and personal behaviour that the Diocese requires of its workers to uphold and achieve a safe, supportive, productive and harmonious workplace.

## USEABILITY

In accord with the National Catholic Safeguarding Standards (**NCSS**), the Code of Conduct is written in accessible language and made available to all Workers. This Policy is to be reproduced in a straightforward and easy-to-understand format that is readily available to children, adults, families, and carers.

## ACCESSABILITY

This Policy considers the needs of all children and adults participating in events and ministries of the Diocese, and the responsibility of Workers engaged in these services to consider power imbalances, paying particular attention to:

- Children and adults at risk;
- Individuals from Aboriginal and Torres Strait Islander, and culturally and linguistically diverse (**CALD**) backgrounds;
- Individuals with diverse needs including but not limited to disability, gender, illness, and religion.

## DEFINITIONS

**Bullying** means repeated unreasonable behaviour by an individual towards a Worker which creates a risk to health and safety.

**Child** means a person who is under the age of 16 (as defined by the Children & Young Persons (Care & Protection) Act 1998 (NSW)).

**Close friend** means an individual who is more than a colleague or acquaintance and who has known the Worker for a sufficient period of time to be in a position where there is an actual or perceived obligation on the part of the Worker to give preferred or preferential treatment to that person. A person is not a Close friend solely because they are a member of the same parish, religious congregation or association.

**Diocese** means the Roman Catholic Diocese of Broken Bay.

**Discrimination** means when a person, or a group of people, is treated less favourable than another person or group of people because of their background or certain characteristics that make that treatment unlawful.

**Family Member** means a Worker's:

- spouse or former spouse;
- de facto partner or former de facto partner;

- sibling, cousin, child, parent, grandparent, grandchild or sibling of the Worker's spouse or de facto partner;
- step-relations (e.g. stepparents, stepsiblings, stepchildren) as well as adoptive relatives.

**Harassment** means treatment of a person less favourably on the basis of particular protected attributes such as a person's sex, race, disability or age. Treating a person less favourably can include harassing or bullying a person.

**Misconduct and Serious Misconduct** have the same meanings as defined in the *Fair Work Act Regulations 2009* and involves an employee deliberately behaving in a way that is inconsistent with continuing their employment. Examples include causing serious and imminent risk to the health and safety of another person or the reputation or profitability of their employer's business, theft, fraud, assault, sexual harassment or refusing to carry out a lawful and reasonable instruction that is part of the job.

**Psychosocial Hazard** means a hazard that arises from the design, management, environment, plant or interactions at work, which may cause psychological or physical harm.

**Psychosocial Risk** means a risk to the health or safety of a person from a psychosocial hazard.

**Secondary Employment** means paid work and volunteer work where a benefit is received in return for the work including wages, fees and expense reimbursements including without limitation reimbursement of conference expenses or associated airfares.

**Sexual Harassment** means unwelcome sexual advances, unwelcome requests for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

**Young person** means a person who is aged 16 years or above but under 18 (as defined by the Children & Young Persons (Care & Protection) Act 1998 (NSW)).

## **POLICY**

### **1. LAWFUL COMPLIANCE**

Workers must:

- 1.1. Obey the law including but not limited to complying with legislation, reporting obligations, contractual obligations and industrial instruments.
- 1.2. Comply with Diocesan policies.
- 1.3. Comply with reasonable and lawful directions given to them by the Diocese.

### **2. ETHICAL BEHAVIOUR**

Workers are required to:

- 2.1. Respect the dignity, rights and views of others.
- 2.2. Listen and seek to understand different points of view (this does not necessarily mean agreeing with the point of view).
- 2.3. Act respectfully towards their supervisors and peers, including but not limited to respecting the decisions of management regardless of whether workers agree with the decision; act cooperatively with persons who may perform review and assurance activities such as internal audit, compliance and risk management.
- 2.4. Respect the diverse needs of individuals including but not limited to cultural, ethnic, age, gender, religious, and socio-economic backgrounds in particular .
- 2.5. Think and act in the best interest of children and adults at risk.
- 2.6. Demonstrate inclusion and support for people with a disability.
- 2.7. Acknowledge the genuine contributions that others make.

- 2.8. When expressing feedback doing so objectively in a considerate manner with a moderate tone and demeanour.
- 2.9. Not behave in a manner that poses or potentially poses a psychosocial risk to themselves or to other Workers including behaviour that potentially or actually constitutes a psychosocial hazard.
- 2.10. Not harass, sexually harass, bully or unlawfully discriminate against colleagues, clients or members of the public.
- 2.11. Be courteous, fair, sensitive and considerate to the needs of others in the workplace.
- 2.12. Be honest and act with integrity.
- 2.13. Actively assist in managing workplace conflict, regardless of whether the conflict impacts personally on them or their workers, to achieve positive and constructive outcomes.
- 2.14. Understand, promote and support the principles and standards put forward in *Integrity in Our Common Ministry* (published by the Australian Catholic Bishops Conference) to the extent that those principles and standards apply to the Worker's role and are not inconsistent with the specific policies of the Diocese.
- 2.15. In respect of Workers who are Clergy and religious engaged in Ministry on behalf of the Catholic Church, understand, promote and support the principles put forward in *Integrity in Our Common Ministry*.
- 2.16. When working with children (under 18 years of age) as defined by the Child Protection Working with Children Act 1998, Workers must:
  - (a) Take reasonable care for the safety of children (taking into consideration various factors such as a child's maturity, ability and circumstances) including:
    - i. providing adequate supervision
    - ii. demonstrating personal behaviours that promote safety, welfare and well-being;
    - iii. Providing medical assistance (if competent to do so) or seeking assistance from a medically trained person to aid a child or young person who is injured or becomes sick;
    - iv. Identifying and protecting children from hazards that pose a risk of harm and which can be reasonably predicted;
    - v. taking appropriate action where a child's safety, welfare or well-being is at risk;
    - vi. consider the needs of those who potentially are more at risk because of their Aboriginal and Torres Strait Islander (ATSI) background, disability, illness, culturally and linguistically diverse backgrounds (CALD), home care or homelessness and or diverse sexuality.
  - (b) Consider how power imbalances can occur in Ministries and the provision of diocesan services, and take steps to mitigate this imbalance.
  - (c) Not put themselves in a position that may create a risk of an allegation of a child protection nature.
  - (d) Act professionally and appropriately when dealing with children or young people and others they come into contact with including maintaining appropriate boundaries.
  - (e) Not behave in a way that could reasonably be construed as involving an inappropriate relationship with a child or a group of children.
  - (f) Not make negative comments about their appearance or overly positive including without limitation excessive flattery.

- (g) Not adopt inappropriate or overly familiar 'pet names' or 'nicknames' towards them.
- (h) Not engage in grooming behaviour.
- (i) Not make enquiries of a sexual nature toward them.
- (j) Not be disrespectful or discriminatory towards them.
- (k) Not vilify or humiliate them.
- (l) Not swear or use offensive language within earshot of them.
- (m) Not allow them to access or facilitate their access to pornography or sexually explicit material.
- (n) Intervene and report any sexual harassment, workplace harassment, discrimination or abuse that involves them.
- (o) Avoid correspondence of a personal nature with them, unless you have the written consent of their parent or guardian.
- (p) Avoid introducing 'secrets' to them.
- (q) Not discuss personal lifestyle details or opinions of self to them or about them that could be perceived as overly personal.
- (r) Not visit or otherwise contact a child outside of hours, except with their parent or guardians consent and authorisation from the Workers' respective supervisor.
- (s) If a child's parent or guardian wishes to engage you to mentor, tutor or care for them outside of your work at the Diocese:
  - i. do so in your own individual capacity only and not in conjunction with the Diocese; and
  - ii. disclose this to your supervisor (this may be deemed Secondary Employment);
- (t) Not perform unwarranted or unwanted touching of them or engage in inappropriate unnecessary physical contact or act in ways that may cause a child to reasonably fear that unjustified force will be used against them including without limitation massage, kisses, tickling games or facilitate situations which unnecessarily result in close physical contact with them.
- (u) Not administer corporal punishment or discipline a child in excess of what is reasonable or appropriate for the situation and the child's maturity, ability and circumstances including without limitation physical discipline or smacking.
- (v) Not being alone (ie when unaccompanied) with a child or group of children in sleeping, dressing or bathing areas or in modes of transport.
- (w) Not undress using facilities set aside for them or otherwise undress in sight of them.
- (x) Where possible, conduct work in an open space or in clear line of sight of another Worker or parent or carer or adult.
- (y) Not give personal gifts, provide special favours, single them out for special duties or responsibilities.
- (z) Not consume alcohol, tobacco or other drugs (illicit or otherwise) in their presence or purchase for, offer, supply, give, administer, or condone or encourage, alcohol, tobacco or drugs (illicit or otherwise) to them.

- (aa) Not administer medication to them without the consent of their parent or guardian and then only within the Worker's specific scope of practice.
- (bb) Report to the Safeguarding Office if you become aware that a Worker has behaved inappropriately towards a child.
- (cc) Report to the Child protection Helpline if you are a Mandatory Reporter and required to do so under legislation.
- (dd) Report suspicion of criminal behaviour to NSW Police.

### **3. PROFESSIONAL BEHAVIOUR AND DEVELOPMENT**

Workers are expected to:

- 3.1. Maintain a high standard and quality of work.
- 3.2. Maintain and develop knowledge and understanding relevant to their role and any required area of expertise.
- 3.3. Continuously seek to improve work performance and bring about improvements in the workplace.
- 3.4. Exercise care, responsibility and sound judgement when carrying out their duties.
- 3.5. Maintain adequate documentation to support decision making.
- 3.6. Take reasonable care of their safety and health.
- 3.7. Take reasonable steps that their acts and or omissions do not adversely affect the health and safety of others.
- 3.8. Comply with policies or procedures.
- 3.9. Not carry out their duties under the influence of alcohol, illegal substance, or any substance which impairs work performance or poses an actual or potential risk to the health and safety of themselves or others.
- 3.10. Not ignore work duties or waste time during working hours.
- 3.11. Not take or attempt to take improper advantage of any information gained during employment.
- 3.12. Not take or attempt to take improper advantage of their position to benefit themselves or others.
- 3.13. Not allow personal political views, affiliations or personal interests to influence the performance of their duties or responsibilities.
- 3.14. Maintain confidentiality.
- 3.15. Report to the Human Resources Manager any instance where the Worker believes they have observed or they themselves, have been the subject of inappropriate workplace behaviours.

### **4. CONFLICTS OF INTEREST**

Workers must not place themselves in a position where there is an 'actual or sensible possibility' of conflict between either a personal interest or a duty owed elsewhere and the Worker's duties and obligations as an employee or volunteer of the Diocese.

Workers must:

- 4.1. Not have a personal interest (pecuniary or otherwise) or an outside engagement that is inconsistent with the best interests of the Diocese.
- 4.2. Not use their position with the Diocese to obtain advantage for themselves or a third party without the fully informed written consent of the Diocese.

- 4.3. Not use Diocesan property or business opportunities for their own benefit or the benefit of a third party.
- 4.4. Disclose a conflict of interest (or potential conflict) to the Diocese as soon as the Worker becomes aware. Disclosing the conflict does not infer that the Diocese has agreed to allow the Worker to continue to hold the interest that has created the conflict or absolve the Worker from potential disciplinary action for allowing the conflict to arise in the first place or not immediately notifying the Diocese of the conflict of interest whether actual or perceived.
- 4.5. Avoid a conflict of interest and where a conflict of interest arises, immediately notify the Diocese in writing and cooperate with any direction that the Diocese makes to the Worker about managing the conflict of interest.
- 4.6. Manage professional boundaries with other Workers by avoiding situations where the Worker is:
  - (a) 'dating', 'going out with' or in an intimate relationship with a fellow Worker who reports to them;
  - (b) supervising a family member or close friend as part of their role;
  - (c) a member of a selection or interview panel where a family member or close friend is being interviewed;
  - (d) the decision maker or influencer in respect of a promotion or appointment of a family member or close friend;
  - (e) approving expenditure or any other benefit including salary level or salary increases for a family member or close friend;
  - (f) giving preference or 'special treatment' to another Worker because that Worker is a family member or close friend'.
- 4.7. When considering whether there is a conflict of interest workers should ask themselves:

*Do I have a personal interest that may conflict or be perceived to conflict with my position at the Diocese?*

*Could there be benefits for me, now, or in the future, that could cast doubt on my objectivity to make decisions in my position at the Diocese?*

*How would my involvement in the decision or action be viewed by others?*

Examples of Conflicts of Interest are:

Position	Conflict
<b>Parish Sacramental Coordinator</b>	The Parish Sacramental Coordinator recommends that the Confirmation programs be printed by ABC Printing Pty Ltd, a company that is owned by her uncle. She does not disclose the interest or seek the written informed consent of the Diocese before making the recommendation.
<b>Parish Priest</b>	The Parish Priest allows ABC Travel Pty Ltd to advertise in the Parish Bulletin. He does not disclose that in return he is provided with free airline tickets for his annual holiday. He does not disclose the interest or seek the written informed consent of the Diocese before putting the arrangement in place.

Position	Conflict
<b>Property Manager</b>	Knowing that the Diocese is about to develop a site at ABC Parish (which will likely significantly increase the value of commercial properties in the immediate vicinity of the site), the Property Manager tells a local property developer (before the announcement is made public) in return for a reduced commission on the sale of his house.
<b>Human Resources Officer</b>	The Human Resources Manager uses ABC Recruitment Agency because, unbeknown to the Diocese, he/she personally receives a commission from ABC Recruiting Agency every time he/she uses them to place temporary Workers.
<b>Financial Manager</b>	The Financial Manager decides to engage ABC Accounting as the Diocesan external accountants because they will do his personal tax returns for free.

## 5. GIFTS AND BENEFITS

- 5.1. Workers must not solicit or accept gifts, benefits or hospitality which might be reasonably seen to either directly or indirectly compromise or influence their professional duties with the Diocese.
- 5.2. Gifts of a nominal value generally used for promotional purposes, or moderate acts of hospitality offered as a genuine thank you by a client, may be personally retained if they have not been solicited by the Worker or could not be seen to have compromised or unduly influenced the Worker's professional duties with the Diocese.
- 5.3. Gifts or hospitality offered as an inducement to purchase, provide information or treat someone favourably are not permitted regardless of their monetary value. Examples of inducement include a recruitment agency offering theatre tickets for each temporary person employed.

## 6. ANTI-SLAVERY

The Diocese is committed to ensuring that its activities do not cause or contribute to adverse human rights impacts and it expects its business partners and suppliers to share this commitment. In particular, the Diocese is committed to ensuring:

- the elimination of all forms of forced or compulsory labour;
- the effective abolition of the worst forms of child labour;
- the elimination of discrimination in respect of employment and occupation.
- the rights of workers to freely associate and address issues with management on an individual or collective basis.

Workers must:

- 6.1. be alert and speak up if they see or suspect any possible violation of labour laws or human rights, or identify risks of modern slavery within the Diocesan operations or supply chains;
- 6.2. be actively engaged in assessing Diocesan business activities for risks of modern slavery or other adverse impacts on human rights; and
- 6.3. engage with and assess suppliers and potential suppliers to ensure that they identify, assess and address risks of modern slavery in their business and supply chains.

## **7. SECONDARY EMPLOYMENT**

- 7.1. Workers employed on a full-time basis must seek and obtain approval in writing from the Diocese prior to engaging in any secondary employment or business activity, including employment within a family company.
- 7.2. Workers employed on a part-time or casual basis must seek approval to undertake secondary employment from the Diocese if the employment may result in potential conflicts of interest that could adversely impact on the Worker's ability to perform their duties with the Diocese, including work, health & safety concerns, or where the secondary employment may affect the Diocese's financial position, services, clients or standing in the community.
- 7.3. Approval for secondary employment is still required when a Worker who is in the paid employment of the Diocese is on leave, including periods of leave without pay.
- 7.4. Where a Worker who is an employee of the Diocese is already involved in secondary employment, he/she must provide details of the secondary employment to the Diocese and obtain the necessary approval.
- 7.5. The Diocese will not unreasonably withhold consent for the Worker to undertake secondary employment; however, Workers are still required to advise the Diocese in writing and obtain its consent.

To assist in seeking approval for secondary employment, please complete the **Application For Secondary Employment Approval Form**.

## **8. MANAGEMENT OF RESOURCES**

- 8.1. Workers are required to use Diocesan resources economically and ethically. Resources include but are not limited to money, facilities and equipment owned by or within the control of the Diocese.
- 8.2. Workers also have a duty to ensure Diocesan resources are only used for their intended purpose, are well maintained and secured against theft or misuse.
- 8.3. Workers are accountable for their use of Diocesan work time and resources. Workers must not use Diocesan work time or resources for an outside interest, secondary employment or personal gain. Examples might include the development of a personal commercial idea or writing a book to sell privately.
- 8.4. Workers have a duty to report to the Diocese improper use, waste or abuse of resources, corrupt or fraudulent conduct, inadequate administration or short fallings in accountability.

## **9. ACTIVITIES AND PUBLIC COMMENT**

- 9.1. Workers are free to engage in political, professional, charitable and interest groups provided the participation does not give rise to the conflict with the Diocese's values.
- 9.2. Although Workers have a right to express personal views through public comment or the media, they are not to give the impression they are speaking on behalf of or representing the views of the Diocese unless they have prior authorisation from the Bishop or his delegate. This includes public speaking, media comments and letters, comments to online services.

## **10. PROTECTED DISCLOSURES**

- 10.1. In reporting any suspected improper use, fraud, waste, abuse of resources, corrupt conduct, inadequate administration or accountability, a disclosing Worker is entitled to protection from adverse actions taken against them purely because of the disclosure. Protection is not afforded to the disclosing party in respect of the reasonable actions of management toward the disclosing party that are taken for a reason, other than the disclosing party making the disclosure.



10.2. Disclosing Workers are not entitled to protection for disclosures that are in the reasonable belief of the Diocese vexatious, malicious or made to assist the disclosing party to avoid disciplinary action.

## **11. CONFIDENTIALITY**

11.1. Workers who are in the paid employment of the Diocese must not divulge, either during employment or after the cessation of their employment, any confidential information obtained during their engagement with the Diocese.

11.2. Confidential information includes, but is not limited to:

- (a) information about individuals, including but not limited to former, current and future workers and clients;
- (b) information about the Diocesan finances;
- (c) computer databases and computer software;
- (d) all other information obtained in the course of working for the Diocese that is, by its nature, confidential or personal information.

## **12. BREACH**

Workers have a responsibility to report any suspected breaches to their manager immediately. Where the suspected breach involves their respective manager, Workers are required to report the matter immediately to their manager's supervisor.

## REFERENCE

*Our Common Mission - National Framework for ministry and service in the Church in Australia (2022)*

*Integrity in Our Common Mission – National Code of Conduct for those exercising pastoral ministry in the dioceses of the Catholic Church in Australia (2023)*

*National Catholic Safeguarding Standards (NCSS) - Expectations of Attitudes and Behaviour when Engaging with Children and Young People*

*Fair Work Act 2009 (Cth)*

*Fair Work Regulations 2009 (Cth)*

*Age Discrimination Act 2004 (Cth)*

*Disability Discrimination Act 1992 (Cth)*

*Racial Discrimination Act 1975 (Cth)*

*Sex Discrimination Act 1984 (Cth)*

*Anti-Discrimination Act 1977 (NSW)*

*Work Health and Safety Act 2011 (NSW)*

*Work Health and Safety Regulations 2022 (NSW)*

*Children and Young Person's (Care & Protection) Act 1998*

## RELATED FORMS

Application For Secondary Employment Approval Form

## RELATED POLICIES

Acceptable Use of Electronic Communications Systems & Devices Policy

Complaint Handling Policy

Inappropriate Workplace Behaviour Policy

Performance Appraisal, Professional Development and Managing Underperformance Policy

Privacy Policy

Work Health & Safety Policy

Risk of Significant Harm Mandatory Reporting Policy

Reporting Offences to NSW Policy

## POLICY REVIEW

Review of this Policy, related forms and resources will be undertaken every three years by the Human Resources Manager in association with the Safeguarding Manager (Chancery and Parishes) with the approval of the Diocesan Financial Administrator.

## REVISION/ MODIFICATION HISTORY

Date	Version	Current Title	Summary of Changes	Approval Date	Commencement Date
Apr 2009	1.	Code of Conduct	Update	Apr 2009	Apr 2009
Oct 2013	2.	Code of Conduct	Update	Oct 2013	Oct 2013
20/02/17	3.	Code of Conduct	Update	Feb 2017	Feb 2017
16/08/18	4.	Code of Conduct	Review	Aug 2018	Aug 2018
10/05/19	5.	Code of Conduct	Review	May 2019	May 2019
15/06/21	6.	Code of Conduct	Reviewed and updated when working with children sections	Jun 2021	Jun 2021
14/07/21	7.	Code of Conduct	Inclusion of Anti-Slavery section	Jul 2021	July 2021

Date	Version	Current Title	Summary of Changes	Approval Date	Commence-ment Date
08/11/23	8.	Code of Conduct	Children and young people defined, and changes made to ensure consistency throughout. Inclusion of the relevant Act.	Nov 2023	Nov 2023
24/04/24	9.	Code of Conduct	Reviewed and updated: <ul style="list-style-type: none"> <li>• NCSS - compliance with NCSS 2<sup>nd</sup> Ed. Indicator 1.4.3: accessible language, available to personnel, children, adults, families and carers; Indicator 1.4.4 power imbalances within ministries.</li> <li>• Aligned with Integrity in Our Common Mission</li> <li>• Sexual Harassment</li> <li>• Psychosocial Hazards and Risks</li> </ul>	Apr 2024	Apr 2024

#### **APPROVAL DATE/REVISION SCHEDULE**

**Approved by:** Emma McDonald, Diocesan Financial Administrator

**Date:** 24 April 2024

**To be Revised:** 24 April 2027