



*Catholic Diocese of Bathurst*

## **EMPLOYEE CODE OF CONDUCT**

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# EMPLOYEE CODE OF CONDUCT

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## 1. INTRODUCTION AND PURPOSE

The Catholic Diocese of Bathurst (“CDOB”), (which includes but is not limited to Diocesan Agencies, Parishes and Ministries) seeks to create a caring and faith-filled environment where Gospel teachings inspire and affirm the highest standard of ethical conduct. Employees have a privileged role of service that requires prudent judgement and positive workplace relationships. The CDOB actively supports the development of a culture that does not condone improper conduct or violation of relationships through practices such as intimidation, bullying, harassment, breach of professional boundaries or abuse of power.

The Employee Code of Conduct, (“Code”) is underpinned by relevant legislation, policies, procedures and standards both at a state and federal level and sets out high level standards of conduct and professional and personal behaviour the CDOB requires of its employees in order to uphold and encourage a safe, supportive, productive and harmonious workplace and is intended to clarify the parameters of appropriate and inappropriate conduct for employees of the CDOB.

The Code is based on the belief that all employees of the CDOB should be:

- acting professionally, lawfully and with integrity in all relationships and situations;
- honouring the equality of all people; and
- being consistently professional, honest, trustworthy and accountable.

Employees must make themselves familiar with the requirements of the Code and supporting policies and processes and ensure they comply with the same.

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## 2. SCOPE

The Code applies to all employees of the CDOB, including its Agencies, Parishes and Ministries. For the purposes of this document, ‘employee’ includes:

- all paid employees whether permanent, casual or fixed term,
- contractors,
- temporary staff,
- volunteers,
- trainees and interns, including students on practicum placements or work experience,
- sub-contracted employees,
- seminarians, and
- members of religious orders in their roles as employees of Diocesan Agencies.

Where there is a discrepancy between an internal policy and the requirements of the Code, the requirements of the Code are to prevail.

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## 3. LAWFUL COMPLIANCE

Employees are required to act lawfully and comply with all relevant legislative, contractual and industrial requirements, internal policies and procedures and follow all reasonable and lawful directions given by the CDOB.

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#### 4. CONSEQUENCES OF A BREACH OF THE EMPLOYEE CODE OF CONDUCT

All employees hold a position of trust and are accountable for their actions.

Consequences of inappropriate behaviour and breaches of the Code are described in relevant legislation, policies, procedures and standards applicable to the CDOB.

If an employee's actions are found to be inappropriate, unethical or appear to breach the requirements of the Code, their manager has a responsibility to address any possible breach or issue as soon as they become aware of it. This includes, but is not limited to, behaviour that is:

- dishonest,
- disrespectful,
- rude,
- fraudulent,
- corrupt,
- illegal – including, but not limited to: theft, drug offences, any use of violence, or criminal damage against property,
- a breach of legislation,
- unsafe,
- a gross mismanagement or a repeated breach of administrative procedures,
- conduct that may cause financial or non-financial loss, or be detrimental to the Diocese.

An alleged breach of the Code may require an investigation, a report to be made and potentially, referred to external authorities where required under relevant legislation.

If an employee becomes aware of a breach of the Code by a colleague, they should report it to their manager, head of the relevant Agency and/or in the case of schools, their Principal. If an employee is unsure about whether something needs to be reported or their concern relates to their manager and/or Principal, they should either contact Human Resources or the next level of management. Employees should also be aware that per the Whistleblower Policy, reports can be made anonymously via the Whistleblower Hotline, (refer to the Whistleblower Policy for details).

In investigating an alleged breach of the Code, objective and impartial processes will be followed. Generally, where the report concerns the actions of another person, where appropriate, that person would be informed of the complaint in writing. This is subject to considerations such as maintaining the anonymity of the person making the report, or advice from external parties such as the Police or the Office of the Children's Guardian.

The nature of the alleged breach of the Code, facts and circumstances, and the seriousness of the alleged breach will determine the response including the level of investigation.

Appropriate action is determined by considering:

- the nature and seriousness of the breach,
- prior breaches, and when they occurred,
- any mitigating circumstances,
- assessment of the risk, and
- whether the breach would be serious enough to warrant formal disciplinary action.

Outcomes of any investigation may include:

- counselling,

- performance management,
- professional learning/development,
- increased supervision or monitoring,
- coaching or mentoring,
- specialist's assessment,
- informal or formal disciplinary action, e.g. warning,
- demotion,
- redeployment, or
- termination.

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## 5. PROTECTED DISCLOSURES

When reporting or disclosing any suspected breach of the Code, improper use, fraud, waste or abuse of resources, corrupt conduct, inadequate administration or accountability, employees are entitled to seek support and protection, and to be notified of the action taken in relation to the disclosure.

Employees are not entitled to protection for disclosures which, on investigation, are found to be vexatious or malicious allegations, and may be liable for disciplinary action as a result.

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## 6. CONFLICTS OF INTEREST

A conflict of interest includes any circumstance, whether actual or perceived, arising from a conflict between the performance of an employee's professional duties with the CDOB and their personal interests.

A conflict can arise when there is a reasonable expectation of a personal benefit, direct or indirect, for an employee that could influence the performance of their duties. Personal interest can include but is not limited to, financial gain, desire for professional advancement, or the desire to assist family and friends or people with whom an employee is, or likely to be in a relationship with.

An employee should ask themselves the following questions to assist in identifying whether a situation or relationship is potentially a conflict of interest:

- do I have personal interests that may conflict, or be perceived to conflict, with my position at the CDOB?
- am I in, or likely to be in a relationship with an employee with whom I have supervisory or management responsibilities?
- could there be benefits for me now, or in the future, that could cast doubt on my objectivity?
- how will my involvement in the decision or action be viewed by others?
- does my involvement appear fair and reasonable in all the circumstances?

It is a requirement that employees:

- inform their manager and/or Head of Agency of any conflict of interest, perceived or actual, by the method within the relevant agency, who will then record the matter on the Conflict of Interest Register,
- inform their manager and/or Head of Agency where they are, or are likely to be in a relationship with another employee. In such cases, the employee is to refrain from any involvement either directly or indirectly of any decisions involving a direct benefit to the other party, including financial reimbursement, promotion, salary/stipend/allowance/payment, performance appraisal or other working conditions. Such matters are also to be recorded on the Conflicts of Interest Register,

- conduct themselves in an objective and impartial manner at work, and be seen to do so.

Where a conflict of interest, or perceived conflict of interest involves an employee's manager, the employee should report the conflict to the most senior person in their agency or organisation. If the conflict involves that person then it should be reported to the Diocesan Financial Administrator or the Chancellor.

Examples of conflicting interests may include but are not limited to:

- a teacher referring their students to attend private tutoring sessions in which they are a relative or friend and who has a financial/business interest,
- an employee running a local dance school with students from the school,
- an employee referring a client to their own private practice,
- allocating building maintenance work to a relative or friend who has a financial/business interest,
- an employee who has responsibility for managing or supervising a person with whom they are either in, or are likely to be in a relationship with,
- an employee who participates in an interview process where the applicant is a friend or relative.

Employees must take suitable measures to avoid, or appropriately deal with, any situation or relationship they may have where a conflict of interest could or be seen to, directly or indirectly, compromise the performance of their duties and disclose the matter as required under this Code.

If an Employee is unsure whether an action may constitute a conflict of interest they should speak to their manager and/or HR representative.

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## **7. ETHICAL BEHAVIOUR**

Employees are expected to:

- respect the dignity, rights and views of others,
- listen and seek to understand diverse views and opinions (this does not necessarily mean agreement),
- act respectfully at all times, including, but not limited to, respecting cultural, ethnic and religious differences,
- express constructive feedback,
- treat people with respect and not harass, bully or discriminate against colleagues, students, clients or members of the public,
- be honest and act with integrity at all times,
- actively assist in managing workplace conflict that affects them or employees under their supervision, to create positive and constructive outcomes, and
- act in good faith by not making unfounded complaints, with malicious frivolous or vexatious intent, against another person
- take responsibility for action and inaction and any resulting consequences.

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## **8. PROFESSIONAL BEHAVIOUR AND DEVELOPMENT**

Employees are expected to fulfil the duties of their position with professionalism, integrity and respect towards others, stakeholders and the community. This includes:

- understanding and following the laws, regulations, policies, procedures and standards that apply,
- respecting the unique characteristics in which CDOB operates and demonstrating cultural sensitivity,
- never tolerating unlawful discrimination, sexual harassment, bullying or victimization,
- considering the impacts of the actions undertaken in the course of employment,
- understanding the responsibilities and risks that apply to the employee's role,
- complete all relevant training and education programs as determined by the CDOB,
- participating in relevant personal and professional growth opportunities in order to continuously improve knowledge, skills and efficiencies in the workplace,
- maintaining the expected standard and quality of work,
- taking into consideration competencies and workloads when delegating duties,
- following instructions and completing duties with skill and in a timely manner,
- exercising care, responsibility and sound judgement when carrying out duties,
- ensuring procedural fairness is followed in all processes,
- maintaining adequate documentation to support any decision making,
- complying and co-operating with any reasonable instruction, policy or procedure, including with respect to work health and safety matters,
- being cordial and collaborative and open to and available for communication with colleagues, managers, team members, stakeholders and the community, and
- act in a manner which does not include:
  - gossiping,
  - making inappropriate personal remarks to a colleague or other people about a colleague,
  - forming alliances/cliques which exclude other colleagues,
  - offensive, hostile or discriminatory conduct and behaviour which may cause offence or isolation of a colleague,
  - intentionally withholding information.

Managers, including but not limited to supervisors, assistant principals and principals, of the CDOB are also expected to:

- identify and manage breaches of the Code,
- be familiar with the Code and the expected behaviour of employees,
- foster a safe and inclusive environment and culture for all employees,
- manage breaches of the Code in accordance with policy and procedures,
- ensure that breaches of the Code are reported appropriately, and
- identify, document and monitor risks in the workplace.

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## **9. WORK HEALTH AND SAFETY**

The CDOB has a duty of care to all employees to provide a safe place of work and similarly, employees have a legal and moral obligation to take reasonable care for their own safety and the safety of others, including colleagues and others who they come into contact with as part of their employment. Duty of care cannot be universally defined for all possible situations however requires consideration of the context, the risks to others, (including children and clients) and the assessment of reasonable steps which would be required in the circumstances.

Duty of care obligations arise from the specific role and responsibilities of the employee and may include:

- identifying, reporting and mitigating any safety risk which could result in injury to others,
- providing supervision in order to ensure the safety of others,
- ensuring that grounds, premises and equipment is safe,
- implementing strategies to prevent bullying and harassment,
- following procedures relating to safety, welfare and wellbeing,
- providing medical assistance, (if competent to do so), or seeking assistance from a medically trained person to aid a person who is injured or becomes sick,
- complying with legislative and other prescribed obligations under work health and safety legislation and regulations, including those relating to induction, emergency procedures and fire safety requirements, and
- following WHS protocols, guidelines and practices specific to the agency for which the employee is employed.

To ensure employees can be accounted for in an emergency situation and/or contingency absenteeism arrangements can be made, all employees are required to advise their manager as soon as practicable that they will either be late or absent. Where specific Agency or workplace processes exist for absenteeism, employees are to follow those processes.

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## 10. CHILD SAFETY, WELFARE AND WELLBEING

All employees have a role to play in the protection of children. Much of the work undertaken by employees is considered '*child-related work*' and is subject to specific legislative requirements aimed at protecting the safety, welfare and wellbeing of children. Child related work includes but is not limited to:

- mentoring and counselling services for children,
- provision of services and/or programmes to children,
- respite care or other services for children with disabilities,
- education and care services, child care centres and other child-care,
- schools or other educational institutions and private coaching or tuition of children,
- religious services, and
- transport services especially for children, including school bus services and supervision of school road crossings.

An employee who is deemed to be undertaking '*child-related work*' where the activities undertaken involve '*direct contact*' with children, (i.e. face to face or physical contact and the contact is a usual part of and more than incidental to the work) are required to hold a current Working with Children Check.

All employees have a responsibility to recognise and respond to safety, welfare or wellbeing concerns for children and young people, however those employees who deliver the following services, wholly or partly, to children or young people as part of their professional work and other paid employment, and those in management positions within the following services are considered '*mandatory reporters*' and therefore are to immediately notify their Principal or Agency head of any concerns or allegations in relation to child safety, welfare and wellbeing:

- **Education** – teachers, counsellors, principals,
- **Children's services** – child care workers, family day carers and home-based carers,
- **Welfare** – registered psychologists, social workers, caseworkers and youth workers,
- **Health care** – occupational therapists, speech pathologists, psychologists and other allied health professionals,
- **Disability services** – disability support workers and personal care workers,
- A person in **religious ministry** or a person providing religion-based activities to children, (for example minister of religion, priest, deacon, pastor, church elder, religious brother or sister).

To ensure the Diocese meets its legal obligations as they relate to the reporting of '*reportable conduct*', employees are to immediately and confidentially, report to their Principal or Agency head, any allegation that an employee has engaged in or has been convicted of an act that constitutes '*reportable conduct*'. Reportable Conduct is defined as:

- a sexual offence,
- sexual misconduct,
- ill-treatment of a child,
- neglect of a child,
- an assault against a child,
- an offence under s43B (failure to protect) or s316A (failure to report) of the *Crimes Act 1900* (NSW), and
- behaviour that causes significant emotional or psychological harm to a child.

Employees are expected to familiarise themselves with relevant Agency policies and procedures as they relate to child safety, welfare and wellbeing.

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## 11. APPROPRIATE COMMUNICATIONS BY EMPLOYEES

Whilst the CDOB provides staff with access to phones, emails, internet and Information Communication Technology ("ICT") for work related and/or administrative purposes, any matters that need to be communicated urgently are best done via direct conversations.

Communication within the CDOB includes, communication which is:

- in person,
- via phone,
- via digital technology, for example, laptop, ipad/tablet, mobile phone,
- by email,
- online on any website or forum,
- on social media,
- in another format with another person or publicly,
- via apps/applications,
- by employees when advising of absenteeism.

When communicating with others either via electronic, print or verbal means, it is expected that each employee will:

- exercise good judgement,
- use appropriate, professional language and images,
- exercise discretion and sound judgement when using functions such as emojis,
- not speak in a way which constitutes shouting, yelling, swearing or other inappropriate conduct,
- avoid using capitalisation and bold, underline or coloured text in emails unless for an appropriate professional purpose, as this may be perceived negatively,
- avoid being personal in email, blogs, wikis or on social networking sites,
- not upload, download, circulate, display or respond to any of the following materials:
  - sexually related or pornographic messages or material containing thoughts and feelings with overfamiliar or sexual connotations,
  - child pornography,
  - violent or hate-related messages or material,

- threatening, defamatory, obscene or harassing messages or material,
- racist or other offensive messages or material,
- subversive or other messages or material related to illegal activities,
- report any situation to their manager if they receive or become aware of inappropriate communication by colleagues as listed above,
- not speak, write or respond in any manner which would be inconsistent with the Catholic ethos or the expectations of an employee of the CDOB,
- obtain and file the approval from their manager for any communication with a child and/or their family for reasons other than educational or school purposes.

There is no expectation by the CDOB for employees to check or respond to emails outside of reasonable working hours other than in the case of an emergency or critical incident.

Where an employee takes photos/videos or other media of a child on a device for an appropriate professional purpose, they must;

- upload the relevant media to the appropriate server/data storage facility as soon as possible,
- delete all records of that media from the device,
- not distribute/publish or display the media without parental consent and the knowledge and permission of their manager/Principal.
- confirm if a media consent form has been executed by the parent, otherwise the child cannot legally be photographed/videoed.

All CDOB employees should avoid using their work email accounts for non-work related or personal purposes.

The CDOB has the right to monitor and view any data used, stored or transmitted using the employer's facilities or devices and in some cases, may be required to provide access to the Police or other agencies for viewing or production in Court.

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## **12. DEALING WITH THE MEDIA**

Employees are not authorised to release information regarding the CDOB to representatives of the media. Should any employee be approached by the press for information about or relating to the CDOB, then such requests must be forwarded to the Diocesan Communications Coordinator, via their Principal/Head of Agency.

Employees are to abstain from disclosing information about the CDOB which by nature may be sensitive and confidential in their private capacity to media including their personal social media platforms. This includes responding to anything regarding the CDOB which may be expressed in the media.

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## **13. POLITICAL COMMENTARY**

The CDOB is an apolitical organisation and operates from an apolitical perspective. Employees involved in public communications on behalf of the Diocese are to ensure that communications released are consistent with an apolitical perspective and ensure that the views of all political parties are fairly represented.

Employees must refrain from making any political comment in any form where it could be attributed to or be seen to be attributed to their role or on behalf of the CDOB.

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## **14. APPROPRIATE USE OF SOCIAL MEDIA**

Certain social media sites are not appropriate for professional use and employees are expected to exercise professionalism at all times in using and publishing material on official Diocesan media accounts.

Private use of social media should be managed by each employee in a way which protects their professional reputation as an employee of the CDOB.

To avoid parents/caregivers, clients and community members finding personal social media accounts of employees, it is recommended that employees do NOT use or link their social media accounts to official Diocesan social media accounts. Where an employee does elect to use their personal social media account to follow Diocesan social media, their account should be locked with appropriate privacy settings such that community members, parents and/or children are not able to view their personal materials.

Employees must not use social media in a manner which would bring the CDOB into disrepute, directly or indirectly. Identifying an employer or place of work in personal social media may increase the risk of bringing infamy upon their employer.

Employees must not make comments/post pictures, or make any other public remark about any Diocesan employee, parent, child or client on social media which is inappropriate, derogatory and/or offensive. Employees must report to their Manager, if they become aware of any of the above to enable the conduct to be investigated in accordance with internal policies and procedures.

If an employee feels they have become an online target of inappropriate communication from children or any member of the CDOB community, they should alert their Manager.

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## **15. CONFIDENTIALITY**

The CDOB, collects and stores confidential and personal information from parties who utilise its' services. Any misuse of confidential or personal information, whether intentional or unintentional, is inconsistent with the Diocesan mission and ethos as well as applicable statutory requirements. A breach of confidentiality may be deemed unlawful, may harm individuals as well as the reputation and credibility of the CDOB.

Employees are required to:

- treat confidential and personal information with respect,
- comply with relevant legislation and regulations regarding the collection, dissemination, use and security of personal information,
- not disclose any confidential information or personal information to anyone unless there is a permitted work-related reason and/or purpose. Sharing of confidential and/or personal information with external parties or agencies may only occur where permitted to do so by law and/or where consent has been provided by the person to whom the information relates.

Employees must not divulge, either during employment or after, any confidential information gained as an employee of the CDOB in accordance with their contract of employment and CDOB policy.

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## **16. MANAGING RECORDS AND DATA**

All employees have an obligation to maintain appropriate records and data in relation to their work with the CDOB. All records and data produced in the course of work are the intellectual property of the CDOB and must be maintained in a manner that is consistent with legal and contractual obligations.

A record includes but is not limited to any data in possession of the CDOB and/or its Agencies relating to their activities, services, and people. Records may include, emails, records of interviews, client assessments, class rolls, student assessment records, emails, digital images, audit findings etc.

Employees should be mindful of the need to retain records securely and confidentially and should follow internal policies and processes, or seek appropriate advice regarding record destruction.

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## **17. GIFTS AND BENEFITS**

Employees 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 CDOB.

Gifts of a nominal value, (i.e. no greater than a cash value of \$50.00), and generally used for promotional purposes, or moderate acts of hospitality offered as a genuine thank you by an individual (such as a client or community member), may be personally retained as long as they have not been solicited by the employee or could be seen to have comprised or unduly influenced the employee's professional duties with the CDOB.

Gifts or hospitality offered as an inducement to purchase, provide information or treat someone favourably are not acceptable regardless of their monetary value. Examples of inducement includes a recruitment agency offering theatre tickets for each temporary person employed.

Gifts, such as a Christmas hamper or a box of chocolates from a consultant, should be shared and made available for consumption by all employees. Consideration should also be given to donating such gifts to charity.

CDOB employees are to refrain from giving gifts, cash, or cash equivalent to anyone including clients and students unless it is part of an approved incentive programme.

Employees should notify their manager and record any gifts received in the Agencies Gifts and Benefits Register.

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## **18. DISPUTES AND GRIEVANCES**

In circumstances where a dispute or grievance arises, the CDOB will address the issue promptly and discretely. The process may include, seeking responses from other parties involved, collection and analysis of evidence, and depending on the findings, further investigation which may require the need to speak to any witnesses including holding investigatory meetings with those involved.

The process to be followed in such instances is likely to vary depending on the circumstances surrounding the complaint or allegation. Existing Grievance and Complaints policies should be referred to in such cases.

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## **19. PROFESSIONAL ATTIRE AND PRESENTATION**

Employees are required to dress in a manner which reflects positively on the Diocese, maintains the professional reputation of the employee and is appropriate to their role and responsibilities in the workplace.

The employee dress code is professional attire as a minimum standard. At their discretion, agencies, offices and schools may set their own additional professional attire and presentation above this minimum standard. Employees are encouraged to wear uniforms when provided.

At all times, employees must dress in a manner which:

- is neat, modest and clean,
- is appropriate for an employee in a Catholic workplace,
- is appropriate for an employee in child-related employment,
- is professional,
- is appropriate for their role and responsibilities, health and safety obligations, particularly in relation to appropriate footwear,
- is inoffensive to other employees, clients, students and the community and which does not constitute any form of harassment or bullying, and
- does not include casual attire, for example, tracksuits, clothing with tears and rips, torn jeans, singlets, t-shirts, leggings or hoodies, unless it forms part of the attire required for a Diocesan related activity on that day, e.g. school camp.

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## **20. SECONDARY EMPLOYMENT**

Employees employed on a full-time basis must seek and obtain approval in writing from the head of their Agency and/or Principal prior to engaging in any secondary employment or business activity, including employment within a family company.

Part-time and casual employees must also seek approval to undertake secondary employment from the CDOB if the employment may result in actual or potential conflicts of interest that could adversely impact on the employee's ability to perform their duties with the CDOB, including work, health & safety concerns, or where the secondary employment may affect the CDOB's financial position, services, clients or standing in the community.

For child protection reasons, permission to undertake secondary employment will ordinarily NOT be granted for employees to work in an external tutoring/coaching capacity with students who are currently enrolled at any of the schools within the CDOB where the employee is engaged.

Approval for secondary employment is still required when an employee is on leave, including periods of leave without pay.

Where an employee is already involved in secondary employment, they must obtain approval from the Agency head and/or Principal by providing details of the secondary employment to their Head of Agency prior to their commencement with the CDOB.

Approval for secondary employment will not be unreasonably withheld.

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## **21. EMPLOYEES AS PARENTS/CARERS**

From time to time, employees will interact with schools and parishes within the CDOB in their capacity as a parent or carer. It is expected that such interactions will be in the capacity of a parent only, and will be consistent with the professional standards and expectations of employees.

Employees are to ensure that any matter relating to the conduct or education of their child, is escalated or raised via standard processes.

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## **22. EMPLOYEES WORKING IN A FACILITY/SCHOOL THEIR CHILD ATTENDS**

The CDOB understands that some employees may work in a facility or school in which a member of their direct family is enrolled or attends. To prevent any pressures and misunderstanding amongst parents, children and employees, and to avoid any perceived or actual conflicts of interest, particular policy restrictions apply to ensure equitable and fair processes for all children.

To guard against such conflicts, the following practices should be observed:

- employees should avoid, where possible, working directly with a direct family member in an educational, or social services setting,
- employees should not be involved in the marking of any assessment task which a direct family member has completed,
- employees should not be involved in the management of the discipline of a direct family member in their capacity as an employee,
- to avoid the appearance of a conflict of interest, an employee should not participate directly or indirectly in any decisions involving a direct benefit to their child, including but not limited to: any financial decision, any academic decision, any decision involving selection of their child for a sporting/academic or other extracurricular pursuit, and any other decision which may be seen as a conflict of interest,
- where a conflict of interest may arise, any decision to be made will be made by a more senior colleague, (for example the co-ordinator, Assistant Principal, Principal, consultant or director) or referred to the Executive of the relevant Agency.

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## **23. EMPLOYMENT OF FAMILY MEMBERS/PARTNERS**

For the purpose of this clause, 'family member/partner' includes all parties related by blood or marriage and all parties in a personal or sexual relationship, including boyfriends and girlfriends.

The CDOB permits the employment in any capacity of more than one member of a family, (including parent, siblings, spouses and children), whether or not the person concerned is employed in the same Parish, Agency, office or school. This approach does however, require particular policy restrictions to ensure an equitable and fair recruitment process in all circumstances.

As with all appointments, the primary concern with the appointment of family members and partners of existing employees is that the applicants are the best candidates for the particular role in regard to work experience and academic or administrative qualifications.

Employees are welcome to refer relatives and partners who are interested in filling available advertised positions within the CDOB, however, employment decisions cannot be made on the basis of personal relationships.

The CDOB recognises that the appointment of two or more family members and/or partners, within the same agency, parish, school or office, can generate pressures and prejudice amongst colleagues. For this reason, the CDOB does not support a family member or partner reporting directly to another family member or partner.

To guard against such conflicts, the following practices are to be applied:

- family members or partners of existing employees cannot be appointed or employed in any position, casual, contract, temporary or permanent, unless the position has been advertised and is open to internal and external applicants,
- an employee may not be directly involved in the recruitment, selection or employment of a family member or partner, where a family member or partner of an existing employee is an applicant for a position. A panel is to be composed consisting of a chair and panellists who are not related to any applicant to ensure transparency and guard against perceptions of bias,
- a family member or partner of an existing employee cannot be employed in the same Parish, Agency, office or school without express written permission of the Executive of the relevant Agency, and/or the Bishop where the family member or partner is the Executive of the relevant Agency,
- to avoid the appearance of a conflict of interest, employees cannot participate directly or indirectly in any decisions involving a direct benefit to a member of their family or their partner, including initial employment, promotion, salary/stipend/allowance/payment or any other financial reimbursement, classification, performance appraisal or other working conditions, and
- where such a conflict may arise, any decision to be made will be made by a more senior colleague or referred to the Executive of the relevant Agency and/or the Bishop where the family member or partner is the Executive of the relevant Agency.

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## 24. PROFESSIONAL RELATIONSHIPS

Employee interactions with children and vulnerable people are based on a trusting relationship arising from the nature of their role in the workplace. Such relationships are open to scrutiny, including interactions with individuals which occur outside of the workplace. Employees must not develop or allow to develop a relationship with any young person, child, student, vulnerable person or client which could be interpreted as being personal rather than professional.

Under no circumstances will a sexual relationship between an employee and a child, client, student or vulnerable person be tolerated. Such relationships may be criminal offences under the *Crimes Act 1900* (NSW) and breach provisions of other legislation. Relationships developed with children, clients, students or vulnerable people during the course of their schooling or service utilisation and pursued after the individual has left school or service could also attract legal recourse.

Where there are existing personal relationships such as family relationships or close friendships that involve an employee and a child, student, client or vulnerable person, the employee needs to be transparent, prudent and mindful of any perceived conflict of interest, particularly in situations where educational decisions are made involving family members or close friends.

Whilst not all employees are required to manage and supervise children, it is essential for all employees to understand and observe child protection policies.

Unacceptable behaviour includes but is not limited to:

- communication without an appropriate authorised professional reason,

- inviting children or clients to join an employee's social networking site/page/group,
- accepting an invitation to join a child's or clients social networking site/page/group,
- attending parties with or socialising with children or clients,
- inviting a child or client to an employee's home,
- attending the home of a child or client without an appropriate professional reason and/or the consent of the parent or guardian,
- transporting a child in a personal or work vehicle except in the case of a prior existing personal relationship, (i.e. the child and the employee are family members), where permission has been granted by the parents and approved by the Head of the relevant Agency and/or Principal. However, an employee may transport a child in their own vehicle in an emergency situation, and if the parent/guardian permission cannot be obtained, a second adult should accompany the employee. In these circumstances, the employee's manager, and Principal in the case of students, must be informed as soon as possible before or after the student has been in the employee's car,
- using sexual innuendo or inappropriate language or material with children and/or clients,
- engaging children and/or clients in conversations or an intimate personal nature including disclosing private information,
- giving children or clients gifts which may encourage them to think they have a special relationship with the employee,
- discussing personal life, sharing personal belongings/materials and/or photographs/videos/other media with children, clients and/or parent/caregivers without an appropriate professional reason,
- addressing children and/or clients in an overly familiar way, (i.e. using pet names),
- allowing children and/or clients to call you by a nickname,
- sharing phone/personal email/home address or contact details with children or clients without an appropriate professional reason,
- physically entering a child's or client's personal space/boundaries without an appropriate professional reason,
- inappropriate language in the presence of children, clients, parents/caregivers, colleagues and/or Diocesan community members,
- spending time with children outside of school or work hours on/off Diocesan sites or via electronic media without an appropriate professional reason,
- taking photos/video's/other media of children and/or clients without an appropriate professional reason and authorisation from an appropriate member of the Diocesan leadership and/or retaining these on an employee's device after the media has been uploaded to the appropriate Diocesan server/data storage facility,
- posting/publishing/printing/sharing and/or sending photos of children and/or clients on websites, social media and/or other electronic or print media without parental permission and appropriate professional reason,
- implementing behaviour management strategies which are demeaning and/or age inappropriate for children,
- being in a child's or client's vehicle without an appropriate professional reason.

An employee is obliged to be aware of the relevant legislation and professional ethics which prohibits:

- sexual relations with a person under the age of legal consent,
- sexual relations between an employee and a child or client,
- possession, production, displaying, accessing or transmission of child pornography.

Before entering into a personal, intimate or sexual relationship with a child or client who previously availed of services or activities offered by the Diocese, employees should consider many factors including:

- the special relationship of trust and influence which is created between an employee and student and/or client, arising from the nature of the employee's role,
- the age and maturity of the child or client,
- the time that has passed since the child or client stopped utilising any service or activity,
- the expectation that employees will not act contrary to Catholic values and ethos,
- the perception of the community of such a relationship,
- the potential impact on the reputation of the Diocese and its employees because of the relationship.

A personal or sexual relationship between an employee and a child or client who previously availed of Diocesan services, may be found to be sexual misconduct if it is established the employee used his or her position to develop and maintain a personal or intimate relationship with the child or client before they stopped availing of services and/or activities.

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## **25. USE OF MEDICATIONS, ALCOHOL, TOBACCO AND ILLICIT SUBSTANCES**

Employees are responsible for ensuring their capacity to perform their duties is not impaired by the use of medication, tobacco, alcohol or drugs, and that the use of these substances does not put them, a student, a client or any other person's health and safety at risk. An employee who is concerned about any colleague who may be affected by medication, alcohol, drugs or substances should consult their Manager/Principal/Head of their Agency.

If an employee is required to take medication (including prescription medication) which may impair their work performance, conduct or ability to exercise duty of care, they must notify their Manager/Principal.

Employees are prohibited from:

- taking or consuming illegal drugs or restricted substances within any work location and/or work-related activities,
- consuming tobacco, e-cigarettes or vapours within any CDOB workplace or work-related activity where students and/or clients are visibly present,
- attending work under the influence of alcohol and must not consume alcohol during work hours or at school activities, including school retreats, excursions and other school activities where students and/or clients are present,
- purchasing for, offering, supplying, giving or administering to students, (including those over the age of 18) or condoning students' use of:
  - a. illegal drugs,
  - b. restricted substances,
  - c. prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy),
  - d. alcohol, or
  - e. tobacco, e-cigarettes or vapours.

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## **26. RESOURCES AND ENVIRONMENTAL SUSTAINABILITY**

The CDOB is committed to reducing its impact on the environment and doing all things necessary to ensure environmental sustainability. To assist the CDOB in this regard, all employees are expected to be mindful in their use of energy resources, office waste and the use of recycled products.

Employees must utilise the CDOB's resources economically and ethically. Such resources include but are not limited to: money, facilities, equipment (e.g. phones, computers, ipads, fax machines), vehicles, services (e.g. internet) and any other property which is owned or is the responsibility of the CDOB. Employees also have a duty to ensure the CDOB's resources are used only for their intended purpose, are well maintained, and secured against theft, misuse, damage or vandalism. Incorporeal property such as trademarks, copyright and other reports or information, should only be used in line with position requirements, and done so in accordance with the relevant required permissions.

Employees are accountable for the use of the CDOB's work time and resources and should not use work time or resources for an outside interest, secondary employment or personal gain, such examples include the development of commercial services or personal hobbies.

Employees have a duty to report to their manager, any improper use, waste, or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability. A failure to do so may constitute serious misconduct.

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## **27. REFERENCES**

The CDOB only provides written Statements of Service. Any written reference that is provided must be a personal reference on behalf of the individual who is providing it and not written on Diocesan entity or school letterhead.

Care should be taken by employees in providing accurate references for employment or other purposes, particularly when the only knowledge of the individual is in a workplace setting.

Verbal references will often be sought. It is important for each employee to provide accurate, truthful and professional information, using specific examples where possible, to illustrate their opinion.

Employees must be mindful of confidentiality and privacy when providing verbal information.

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## **28. REVIEW**

This Code will be reviewed every two years and/or more frequently as required.

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## **29. FURTHER INFORMATION**

Further information about the Code can be sought from the Diocesan Chancellor by telephone on 02 6334 6418 or email on [chancellor@bathurst.catholic.org.au](mailto:chancellor@bathurst.catholic.org.au).