



Code of Conduct
for
Members and Employees
of the

*Trustees of the Roman Catholic Church for the Diocese of
St Maron, Sydney*

Revision June 2023

MARONITE EPARCHY OF AUSTRALIA, NEW ZEALAND AND OCEANIA

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To whom does this policy apply?

This policy applies to all members of the Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney AKA Maronite Eparchy of Australia, New Zealand and Oceania, in its parishes, committees and diocesan organisations. This would include, but not limited to any persons who are in contact with children and vulnerable persons, such as:

- *Members of the clergy and religious*
- *Paid employees*
- *Volunteer employees*

Any member of the congregation as applicable.

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2. INTRODUCTION

This Code of Conduct (“the code) is a general guide and point of reference for those employed, in any capacity (e.g. full time, part-time, casual), by Maronite Eparchy of Australia, New Zealand and Oceania (“the Eparchy”). It provides the basic principles for the common understanding of the standards of behaviour expected of employees of the Eparchy and particular principles for the common understanding of the standards of behaviour expected of employees to whom are trusted the care of children and young persons.

In this Code, a reference to “employee” includes secular, clergy and members of religious congregations. “Employment” includes services provided for or on behalf of the Eparchy, whether for remuneration or otherwise. A reference to a “child or young person” should be taken to refer to a person who is below the age of eighteen years.

This Code is not intended to derogate from, and is to be read as being subject to, any relevant statute or norm issued by a competent authority.

3. THEOLOGICAL PRINCIPLES

1.1 The theological references for this section are:

1.1.1 the Scriptures, the encyclicals *Redemptor hominis* (“The Redeemer of Man”, 1979), *Laborem exercens* (“The Dignity of Work”, 1981), *Sollicitudo rei socialis* (“On Social Concerns”, 1987), the apostolic exhortation *Custos Redemptoris* (“Guardian of the Redeemer”, 1989) the *Catechism of the Catholic Church* (1994) and *Integrity in Ministry* (ACBC, 2004).

1.1.2 Reference should also be made to one or more of the following: *Towards Healing: Principles and Procedures in Responding to Complaints of Sexual Abuse Against Personnel of the Catholic Church in Australia* (ACBC, 2000), and the *Code of Canon Law*. It will also likely be the case that volunteers and others, especially those who will be employed to work with children, young people, and adults at risk will be required to obtain or to undergo certain security or background checks (e.g. in NSW certain employees, including volunteers, are required to provide a “Prohibited Employment Declaration”). These matters must be checked with the Eparchial Human Resources.

1.2 Both are means by which individuals offer their skills, either voluntarily or in return for remuneration, as a contribution to a particular enterprise in which they are engaged. Work and service, according to the Christian tradition, are to be

esteemed and valued. All who provide services for the up-building of the community, are to be respected and treated with the utmost dignity by virtue of the fact that all human beings are made in the image and likeness of God and also because every person has an eternal, divine destiny to be with God forever.

- 1.3 Individuals are entitled to work in an environment in which truth is spoken and other virtues, such as respect, honesty, courtesy, courage compassion and charity are esteemed and practised. Equally, individuals are bound, not only by law but also by grace and virtue, to promote a culture of justice towards fellow workers, to those in authority, as well as towards all with whom one engages in the course of one's employment. Justice towards the employee and volunteer, as well as by those individuals towards the whole Church and the general community, through the Eparchy, should be the principal virtue and touchstone of the Christian work-place.
- 1.4 Employees and volunteers offer this services and talents for the building up of the Body of Christ and for the common good of the community as a whole. Virtue should be regarded as the norm to which all strive. This should be a distinguishing feature of a Christ-centred work environment and work-place. The Christian tradition holds that the external actions of an individual reflect the internal, spiritual and moral formation, as well as the fundamental integrity, of the individual. The practice of virtue, over time and with grace, shapes the individual to be a virtuous person.
- 1.5 Virtue, practised in the work-place, provides a supportive environment for all. As the Australian Catholic Bishops Conference statement, Integrity in Ministry, confirms (p.viii): "When the Spirit of love rules in the hearts of the men and women of the Church they are not just formed as a human community but they share in the communion of God's own life as Trinity." The Bishops then quote from the *Letter to the Ephesians* in which St Paul speaks about the great mystery of God's plan "to bring everything together under Christ as head." (Eph1,10) The Bishops conclude their introduction stating (p.ix) that "the Church, by its life, mission and relationships and worship, strives to be a sign and an instrument of the communion that is God's plan for creation." Work and service is part of God's plan for the ordering of life. In the divine economy and according to the order of justice, work is always for the individual, not the individual work.

4. EPARCHIAL VALUES

- 1.6 Eparchy is an organisation:
 - in which employment decisions are based on merit,
 - that has the highest ethical standards,
 - that delivers services, fairly, effectively, impartially and courteously,

- that has established work practices which value communication, consultation, cooperation and input from employees on matters that affect their workplace, and
- provides a fair, flexible, safe and rewarding workplace paying particular attention to:
 - Aboriginal and Torres Strait Islander people;
 - individuals who are elderly, are living with disability, are suffering from an illness, or who are 'at risk';
 - individuals from culturally and linguistically diverse (CALD) backgrounds;
 - children in out of home care, or those who are homeless; and
 - children and adults of diverse sexuality.

5. LEGAL CONSIDERATIONS (Child Protection)

- 1.7 The law recognises certain relationships as unique (e.g. priest and penitent, doctor and patient etc.). There are two critical features of such relationships: trust and vulnerability. For example, it has been long recognised that a medical practitioner can exercise a significant influence over his or her patients. The law holds that persons in positions of trust must not abuse the trust placed in them, either for personal gain, nor so as improperly to influence the person in their care. The law imposes a formal legal duty upon those in positions of trust and responsibility. It is described as a “duty of care.” While a court would consider things like the age of the children or young people being supervised and the types of activity being supervised, the primary consideration would be to determine the nature and scope of the responsibility of those exercising supervision.
- 1.8 Another factor to be considered this time from the side of the child or young person, is ‘what is in the best interest and welfare of the child or young person in question?’ For example, if a group of young people were taken on a camp for a few days, would it be acceptable or prudent for alcohol to be consumed by those adults supervising the group? Depending on the ages of the young people, it may not pose any legal problem. However, prudentially, it may be best if no alcohol was consumed by anyone on such a trip. This could either because there is always the possibility of alcohol falling into the wrong hands and thereby being abused, or because the example set could be most inappropriate. Likewise, apart from authorised medication, drugs should never be tolerated.
- 1.9 The general guide used by courts in relation to determining the scope and standard of the duty of care owed to children and or young people, or adults at risk is that of ‘the care prudent parents would exercise in the care of their own children.’ Those who have children and or young people in their car owe them a duty in relation to their safety and well-being, as well as in relation to their moral welfare. The duration of the duty owed begins from the moment the child or young person is

entrusted to the care of those exercising authority and only ceases when the period of entrustment formally ends. It therefore includes the travel to and from a destination, as well as periods of preparation prior to and after the return from a destination.

- 1.10 The duty of care will usually extend to providing the child or young person or adults at risk with appropriate levels of information regarding the conduct required while (a) travelling and (b) on the excursion or other venture. All other information necessary for the welfare and safety of those in car should be appropriately communicated. This should ensure that appropriate boundaries of behaviour are clearly demarcated at the outset. The nature of the duty of care is such that it also extends to protecting children and young persons and adults at risk from any reasonably foreseeable risk of injury. (e.g. abseiling is an inherently dangerous activity. Ordinarily, such activities would be avoided where children or young people are being supervised.)

6. THE CODE

Project Object:

Employees must not act or otherwise conduct themselves in a manner which could reasonably be regarded as bringing the Eparchy, or any agency of it, into disrepute. In particular, employees must not act in a manner which could reasonably be taken as being inconsistent with the teachings of the Church.

Honesty & Professional Integrity:

Employees should act honestly and with due care, integrity and diligence in the course of their employment. This will include prompt attention to and compliance with any and all reasonable directions from those with appropriate authority.

Workplace Behaviour:

Employees should act towards all with respect and courtesy. Unlawful or unjust discrimination is not acceptable conduct. Any form of harassment, including sarcasm or sexism, or bullying of others is also not acceptable. Conduct of this kind should be reported to the appropriate officer of the Eparchy.

Children, Young Persons, & Adults at Risk:

- Personal contact with those in their care should be characterised by restraint and prudence. For example, in the absence of an emergency, or with formal parental or guardian approval, it would normally be inappropriate for a child

or young person or adult at risk to travel in the car of an employee. Equally, in the absence of appropriate reasons or authority, it would not be appropriate for an employee to visit a child or young person or adult at risk at the latter's home or to invite the latter to the employee's home.

- Special care needs to be exercised in the case of "gift giving". In many circumstances, the giving of a gift to an employee will be nothing more than an expression of gratitude. It will be rare, however, for an employee to give a gift to a child or young person or adult at risk. To give such a gift, of itself, may be unproblematic. However, to give a gift selectively to one child out of a larger group, may indicate an inappropriate relationship. Anything that suggests, or which could reasonably be interpreted as, an inappropriate use of the employee-child/adult at risk relationship must be avoided.
- As far as possible, employees should avoid occasions of being alone with a child or young person or adults at risk.
- Employees should ensure that children and young people and adults at risk in their care do not have access to alcohol, tobacco or drugs. Prescribed medication is, of course, permissible.
- Employees must not, in any circumstances, engage in any sexual or other intimate behaviour with a child or young person in their care. Similarly, offensive, promiscuous or suggestive conduct (such as jokes, suggestive SMS [text] messages) is inappropriate. Employees must maintain a respectful and professional relationship with all children and young people and adults at risk in their care at all times.
- Children or young people or adults at risk who require some form of discipline should be referred to the appropriate officer of the organisation, school or diocese from which they come. Employees should articulate, at the commencement of the relevant venture, particular rules of conduct and management. Corporal punishment, and other forms of physical contact, is not permitted. Physical contact is permitted in circumstance where, for example, medical aid is required, to alert a child or young person to some imminent harm, when coaching or participating in team sport or to get a person's attention in order to provide information. Physical intervention may be required in order to prevent injury to the child or to others.

Privacy & Confidentiality:

Employees should maintain proper and appropriate levels of privacy, confidentiality and trust in the course of employment.

Use of Resources:

Employees should use any and all resources provided by the Eparchy prudently and justly.

In particular, employees are required to utilise IT resources (including email and internet) in a responsible, ethical and lawful manner and in accordance with the Eparchy Social Media Policy, as well as, the Eparchy Privacy Policy & Use of the Internet and Electronic Tools of Communication Manual. A person who is authorised to use IT resources may also use them for limited, incidental personal purposes. Such use remains conditional on the use being lawful (e.g. IT resources cannot be used (i) for private commercial purposes, (ii) to intimidate or harass another person whether or not an employee of the Eparchy, (iii) to pass on confidential information, (iv) to download material in breach of copyright, etc), that it does not negatively affect the professional responsibilities of the employee, that it does not impact negatively on other employees, and that it in no way could reasonably damage the reputation, image or operations of the Eparchy. The relevant head of agency or Eparchial Human Resources Manager will determine whether or not the private use of IT resources is “reasonable”.

Employment Practices:

Employees should do all they reasonably can to promote a supportive, just, ethical and professional work environment.

Due Process:

With respect to any concern, inquiry, grievance or complaint involving the Eparchy, one of its agencies or one of its employees, “due process” shall be the norm and practise to adjudicate upon it. In the absence of any pre-existing policy and procedure (e.g. as found in the Eparchial *Conditions of Employment* or the ACBC document *Integrity in Ministry*), under this Code, upon the formal lodging of any concern, inquiry, grievance or complaint with the relevant officer of the Eparchy (e.g. the Human Resources Manager, the Business Manager, or the Vicar General), due process will provide that there shall be reasonable opportunity for a proper hearing, involving all relevant parties, of the concern, inquiry, grievance or complaint (e.g. in the form of a mediation or arbitration) as well as the adequate provision of reasons for any decision(s) thereby taken.

This Code is intended to offer general guidance for all who work for, or who provide services, in any capacity, to or on behalf of the Eparchy. Should an employee have a particular query or concern, or wish to have clarified any matter raised in the Code, he or she should direct it, in the first instance, to either the head of agency or to the

Human Resources Manager of the Eparchy. This Code will be reviewed on a regular basis.

In relation to matters directly concerning the care or supervision of children and young people, see the Supplementary Code of the Eparchy on these matters.

7. CONFLICT OF INTEREST

If you find that you have some personal, financial or other interest that might appear to affect the way you perform your duties, you must discuss the matter with your supervisor, and take whatever action is necessary to avoid a conflict of interest (real or apparent).

In all aspects of management and delivery of service Conflicts of Interest Maronite Eparchy of Australia New Zealand and Oceania will avoid if possible and where they exist it will be acknowledged.

Definition

All Committee members, staff and volunteers must acknowledge where there is a reasonable expectation of direct or indirect benefit or loss for an individual with a particular interest that could be influenced, or appear to be influenced in favour of that interest. The benefit or loss may be financial or non-financial. "Conflicts of Interest" can relate to any process relating to project management, service delivery, staffing issues and use of funds or assets belonging to the service.

Procedures

1. All Declarations of interest disclosed and reported to Management Committee and recorded (if appropriate);
2. It is the responsibility of all Committee Members and Staff to declare Conflicts, which relate to others if the individual concerned does not raise them. Where it is discovered that a person has knowingly not declared a "Conflict of Interest" this will be dealt with via the Constitution in relation to Management Committee members and the Staff Disciplinary Procedure in relation to Staff;
3. If a complaint is received regarding a "Conflict of Interest" it will be dealt with in accordance with the "Client Complaints Policy"

Identifying a "Conflict of Interest"

Course of Action

The Committee's possible actions in dealing with Declaration of "Conflicts of Interest" will depend upon the situations. Courses of action include:

1. Declare the potential conflict and draw everyone's attention to it;
2. The Eparchy will contribute to the discussion or decisions only after everyone else has put their views;
3. Abstain from voting or deciding on any questions where your interests conflict;
4. Leave the meeting during discussion and decisions where your interest conflict;
5. Take leave of absence from the Committee for the months during which the decisions where you have a conflict of interest will be made;
6. Resign from the Committee if the conflict is important and likely to continue.

Potential Common Conflicts and Actions

- | | | |
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| Financial | - | eg. A Committee Member has an interest in a business from which the organisation buys goods
<u>Action</u> - The Committee Member leaves the room while discussion and voting in relation to this issue takes place. |
| Staffing | - | eg. Staff person is present when staff conditions or working conditions are discussed at meeting.
<u>Action</u> - Staff person leaves the room while discussion and voting takes place. |
| Employment | - | eg. Employment panel member has a friend applying for a position.
<u>Action</u> - Declare interest, Panel discuss personal judgement. |
| | - | eg. Relative of Management Committee Member is employed with the organisation.
<u>Action</u> – Resign from Management Committee |
| Committee | - | eg. Staff from separate organisations are on each other's Management Committees.
<u>Action</u> - Declaration of Interest at each meeting. Each person to stand aside when dealing with business relating to the other organisation. |
| Service Delivery | - | eg. Volunteer is involved in delivering service to relative.
<u>Action</u> – Executive Officer to monitor appropriateness and ensure equity with other client organisations. |