



Archdiocese of Hobart

Policy Document

Employee Code of Conduct Policy

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AOH-PRCM-003

Level: Tier 1

Prepared By:
Executive Manager
Governance, Risk &
Compliance

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PRCM Committee

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23/11/2022

Compliance:

Anti-Discrimination Act 1998 (Tas)
Work Health and Safety Act 2012 (Tas)
Australian Human Rights Commission Act 1986 (Cth)
Fair Work Act 2009 (Cth)
Age Discrimination Act 2004 (Cth)
Human Rights and Equal Opportunity Commission Act 1986 (Cth)
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)
Disability Discrimination Act 1992 (Cth)
National Committee for Professional Standards (2010), Integrity in Ministry
National Committee for Professional Standards (2010), Integrity in the Service of the Church

1 PURPOSES

1.1 The purposes of this policy are to:

- (a) Outline the values of the Archdiocese of Hobart (AoH);
- (b) Establish a Code of Conduct for all Workers;
- (c) Outline the AoH policy with respect to discrimination, bullying and harassment; and
- (d) Outline the Conflict of Interest policy.

2 SCOPE

2.1 This policy applies to employees of the AOH and its Agencies including:

- (a) CatholicCare Tasmania;
- (b) Catholic Development Fund;
- (c) Catholic Education Tasmania;

- (d) Centacare Evolve Housing Limited;
- (e) Church Office;
- (f) Parishes; and
- (g) St Joseph Affordable Homes Inc.

3 AOH VALUES

The AoH is committed to building and maintaining a safe and supportive work environment which is underpinned by the following shared values:

| Value | Value Statement |
|---------------------------------------|--|
| <i>Justice and Equity</i> | We are committed to equal opportunity in employment and education. We have a responsibility to create an environment which is free from unlawful discrimination. To this end, we commit to ensuring that our organisation is free from discrimination (as defined in the <i>Anti-Discrimination Act 1998</i> (Tas)) which is not excepted or exempted under State or Commonwealth legislation. |
| <i>Dignity and Respect</i> | We uphold the dignity of all people and their right to respect. We care for the community, our clients and each other. We all have a responsibility to maintain a respectful working environment which is free from all forms of discrimination, bullying and harassment. |
| <i>Safety</i> | We are committed to providing a safe work environment and we will take all steps necessary to fulfil our obligations under the <i>Work Health and Safety Act 2012</i> (Tas) to ensure, so far as is reasonably practicable, the health and safety of all Workers. |
| <i>Support</i> | We will always care for others in the community and we will always support those who are disadvantaged, alienated or marginalised. We recognise that we owe a duty of care to our clients and that our relationships with clients are built on trust. |
| <i>Professionalism and Excellence</i> | We are committed to maintaining a high standard of professionalism in the delivery of all services. Our aim is to provide the best possible service to the community. |

4 PERSONNEL CODE OF CONDUCT

The Personnel Code of Conduct (**Code**) reflects the values of the AoH and sets the minimum standard for the required behaviour of all Workers across the AoH and its Agencies in the workplace.

The Code applies to all Workers whilst they are undertaking work duties. The Code applies regardless of whether a Worker is working on AoH premises or external premises.

The Code is **attached** to this policy.

5 DISCRIMINATION

The AoH and its Agencies have a zero-tolerance approach to unlawful discrimination.

It is the responsibility of all Workers to take steps to prevent incidents of discrimination.

The AoH will take all steps necessary to ensure that it provides a work environment in which:

- (a) Unlawful discrimination does not occur;
- (b) All Workers and members of the public are treated with dignity and respect;
- (c) Appointments and promotions are based on merit;
- (d) All complaints are treated seriously and with confidentiality;
- (e) No Worker is penalised for raising a complaint about discrimination;
- (f) Workers are supported during any investigations of discrimination; and
- (g) Appropriate disciplinary action will be taken against any Worker found to have breached this policy. This may range from informal discussions to correct behaviour, up to and including termination of employment.

There may be circumstances when the AoH and its Agencies will seek to rely on an exemption under Federal or State anti-discrimination legislation for specific services and activities.

In Tasmania, exemptions under the *Tasmanian Anti-Discrimination Act 1998* (Tas) may be granted by the Anti-Discrimination Commissioner. Exemptions can only be granted for purposes that further the objects of the Act.

6 BULLYING

The AoH and its Agencies have a zero-tolerance approach to bullying.

It is the responsibility of all Workers to take steps to prevent incidents of bullying.

Bullying is defined in paragraph 12 of this Policy.

The following reasonable management action carried out in a fair way does not constitute bullying:

- (a) Informing a Worker about unsatisfactory work performance in a constructive manner;
- (b) Informing a Worker about inappropriate workplace behaviour in an objective and confidential manner;
- (c) Decisions with respect to poor performance, including the creation of a performance improvement plan;
- (d) Disciplinary action and investigations with respect to allegations of misconduct;
- (e) Direction and control in relation to the way that work is to be carried out; and
- (f) Implementing organisational change or restructuring.

7 HARASSMENT

The AoH and its Agencies have a zero-tolerance approach to all forms of harassment, including sexual harassment.

It is the responsibility of all Workers to take steps to prevent incidents of harassment.

Harassment is defined at paragraph 12 of this Policy.

8 REPORTING A GRIEVANCE

The AoH is committed to supporting all Workers in the event of a complaint or grievance in relation to discrimination, harassment or bullying, and will respond to grievances in a sensitive, confidential, and professional manner.

All grievances relating to employee conduct, discrimination, harassment and bullying should be reported in accordance with the *Grievance & Whistle Blower Protection Policy*.

9 CONFLICTS OF INTEREST

9.1 All Workers who are involved in, or with the AoH, are expected to act in good faith in any undertaking in which they engage on behalf of the organisation. It is essential that the integrity, good standing and reputation of the AoH is not comprised by a conflict of interest, whether actual, perceived or potential.

9.2 All Agencies and Workers are responsible for:

- (a) Avoiding conflicts of interest;
- (b) Establishing a system for identifying, disclosing and managing conflicts of interest;
- (c) Communicating compliance obligations;
- (d) Maintaining records such as a "Register of Interests"; and
- (e) Adhering to Agency policies regarding conflicts of interest.

9.3 All Agencies and Workers are required to ensure that there is adequate identification, disclosure and appropriate treatment of conflicts of interest in order to:

- (a) Conduct or influence decision making in an ethical manner;
 - (b) Foster a culture of honesty, integrity, trustworthiness and transparency;
 - (c) Minimise any adverse consequences, including financial and reputation; and
 - (d) Minimise adverse action to Workers from unresolved conflicts.
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10 BREACHES OF THE CODE OF CONDUCT

Any suspected breaches of the Code of Conduct should be reported to managers in the first instance.

If there are reasonable grounds to believe that the Code may have been breached by a worker, the AoH may investigate to determine whether the alleged breach is substantiated. The manner of any investigation is in the discretion of the AoH and will be guided by the seriousness of the alleged breach.

Without limiting the way in which the AoH may choose investigate an alleged breach, investigations in relation to the Code of Conduct will be carried out in a procedurally fair and just manner.

Where an alleged breach of the of the Code of Conduct, or this policy, has been substantiated following any investigation, the AoH may take any of the following action:

- (a) Additional support, education and training being provided;
- (b) Performance improvement plans being implemented;
- (c) Disciplinary action, up to and including termination of employment;
- (d) Legal proceedings in the most serious cases of breach.

11 RELATED POLICIES

11.1 This policy is supported by and related to the following policies:

- (a) Diversity and Inclusion Policy; and
- (b) Grievance and Whistle-Blower Protection Policy;

12 DEFINITIONS

Bullying means repeated, unreasonable behaviour directly or indirectly towards a Worker or a group of Workers which creates a risk to health and safety, including:

- (a) physical abuse;
- (b) verbal abuse;
- (c) threats;
- (d) sarcasm;
- (e) aggressive behaviour;
- (f) teasing or playing practical jokes;
- (g) pressuring a person to behave inappropriately;
- (h) excluding a person from work-related events.

Bullying does not include reasonable administrative action taken in a reasonable manner, such as performance management or the investigation of workplace issues.

Conflict of interest means a risk that a person will make a decision based on their own interests and not those of the AoH.

A conflict of interest can be actual, perceived or potential:

- (i) Actual conflict involves a direct conflict between current duties and responsibilities and existing private/personal and or related interests.
- (j) Perceived conflict exists where it could be perceived or appears that private/personal interests could improperly influence the performance of duties – whether or not this is in fact the case.

- (k) Potential conflict arises where private interests could conflict with official duties in certain circumstances.

Discrimination means discrimination as defined in the *Anti-Discrimination Act 1998* (Tas) which is not excepted or exempted under Part 5 of the Act.

Harassment means behaviour which offends, humiliates, intimidates, insults or ridicules another person in circumstances which a reasonable person would have anticipated that the victim would be offended, humiliated, insulted or ridiculed.

Sexual Harassment sexual harassment takes place if a person –

- (a) subjects another person to an unsolicited act of physical contact of a sexual nature; or
- (b) makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person; or
- (c) makes an unwelcome remark or statement with sexual connotations to another person or about another person in that person's presence; or
- (d) makes any unwelcome gesture, action or comment of a sexual nature; or
- (e) engages in conduct of a sexual nature in relation to another person that is offensive to that person –

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

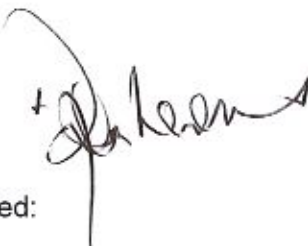
Worker means Worker as defined in the *Work Health and Safety Act 2012* (Tas).

Workplace means a place where work is carried out for a business or undertaking and includes any place where a Worker goes, or is likely to be, while at work.

13 REVIEW

- 13.1 The AoH will review this policy every three years and updates are available on the intranet.

Policy approved by:



Signed:

Date: 24. 11. 22

Most Rev Julian Porteous DD

Archbishop of Hobart



Archdiocese of Hobart

PERSONNEL CODE OF CONDUCT

- We act with honesty, integrity and professionalism.
- We take steps to avoid any actual, potential or perceived conflicts of interest wherever possible. Where such conflicts cannot be avoided, we proactively disclose, and continuously manage such conflicts to maintain the integrity of the AoH.
- We maintain privacy and confidentiality and we do not misuse information.
- We support vulnerable members of our community and each other.
- We provide dignity and respect for all persons and embrace equal opportunity.
- We do not tolerate unlawful discrimination.
- We maintain professional boundaries and act responsibly and reasonably at all times.
- We do not tolerate bullying or harassment.
- We take steps to ensure the safety of our workplace and we report risks promptly.
- We use technology responsibly and comply with IT and Cyber Security Policies to maintain the security of data held by the AoH acknowledging the risks of cyber attacks.
- We exercise due care and skill in the delivery of services to our community and in accordance with the principles outlined in the Integrity in the Service of the Church and Integrity in Ministry policies.