CONGREGATION OF THE SISTERS OF NAZARETH

AUSTRALASIAN CODE OF CONDUCT

"Everything we do as a Congregation

comes from the heart of who we are".

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TABLE OF CONTENTS

TABLE OF CONTENTS 2
1. Introduction 3
2. Purpose 3
3. Scope 4
4. Ethical Conduct 4
5. Professional and Personal Behaviour and Development 4
6. Conduct Towards Children 5
7. Conduct Towards Adults at Risk 6
8. Reporting Requirements 7
9. Equity and Inclusion 8
10. Gifts, Benefits and Hospitality 8
11. Conflicts of Interest 8
12. Fit and Proper Assessment 9
13. Secondary Employment 9
14. Management of Resources 9
15. Social Media 10
16. Confidentiality 10
17. Protected Disclosures 10
18. Breaching the Code 10
19. Reviewing the Code 10
20. Related Documents 11
21. Relevant Legislation 11
22. Agreement and Commitment Statement 12
23. Appendices 15

1. Introduction

The Congregation, inspired by its foundress Victoire Larmenier, follows the Nazareth Way in that it is Gospel based, values driven, and committed to honouring and reflecting the Charism of the Sisters of Nazareth; our vision being '…whatever you did for one of these least brothers and sisters of mine, you did for me' Mt 25:40.

The Congregation of the Sisters of Nazareth (CSN) in partnership with Nazareth Care (NC) expects personnel to maintain the highest standards of ethical conduct. This includes conduct that upholds the human rights, dignity and well-being of all people and safeguards children and adults at risk from abuse and harm.

In Australasia our main ministry is with adults at risk, ensuring that all receive 'culturally safe care and services…recognizing, respecting and supporting the unique cultural identities…'. [i] CSN and NC promote this culture in safeguarding not only to our residents but all personnel, plus the wider community.

2. Purpose

The Code of Conduct establishes principles for ethical conduct and provides clear information about conduct by personnel towards children and adults at risk that is not acceptable.

Personnel have a responsibility to promote the standards embodied in the Code in addition to the teachings and values of the Catholic Church.

The Code also complements other documents of the Catholic Church:

- A path to Healing (Catholic Church in Aotearoa New Zealand) https://safeguarding.catholic.org.nz/wp-content/uploads/2020/03/A-Path-to-Healing.Edition-Feb-2020.pdf...
- Australian Catholic Professional Standards Limited https://www.acsltd.org.au/
- Integrity in Ministry. A document of Principles and Standards for Catholic Clergy and Religious in Australia June 2004 https://www.catholic.org.au/documents/1344-integrity-in-ministry-2010-1/file
- Catholic Social teaching https://youtu.be/9zZAAaGLL30
- Integrity in Our Common Mission Document – Australia 2023 Integrity-in-our-Common-Mission-November-2023.pdf (acsltd.org.au)

The Code should be read alongside CSN Safeguarding Policy and related documents including the CSN Risk Management Strategy and CSN Complaint Handling Policy and Procedure.

3. Scope

The Code of Conduct applies to all engaged by the CSN. Before commencing any role, CSN personnel must sign an acknowledgment that they have read the Code of Conduct, agree to comply with it, revisit not less than every three years to reaffirm their understanding of their obligations, and understand the consequences of breaching the Code.

The Regional Superior/Safeguarding Coordinator are responsible for ensuring that this occurs by maintaining appropriate records for sisters, novices, candidates and aspirants and those engaged by the CSN.

4. Ethical Conduct

CSN promotes the following principles:

- Reflecting the beliefs and Gospel values of the mission of the CSN
- Respecting the dignity, rights and views of others, through person centred care
- Acting honestly and with integrity at all times
- Being courteous, fair, sensitive and considerate to the needs of others
- Caring for creation
- Listening and seeking to understand different points of view (this does not necessarily mean agreeing with the point of view)
- Acting respectfully at all times, including respecting cultural, ethnic, political and religious differences
- Taking an inclusive approach that does not discriminate against or harass any person because of their gender, sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual orientation or gender identity. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*

5. Professional and Personal Behaviour and Development

5.1 In performing their duties, personnel must:

a) Maintain a high standard and quality of work
b) Demonstrate a duty of care
c) Maintain and develop knowledge and understanding of their area of expertise
d) Continuously seek to improve work performance and bring about improvement in the workplace
e) Exercise care, responsibility and sound judgement when carrying out their duties
f) Take reasonable care of their health and safety
g) Comply and cooperate with legislative and industrial requirements and any reasonable instruction, policy or procedure
h) Use appropriate language
i) Maintain adequate records to support any decisions made
j) Maintain confidentiality and privacy

5.2 In performing their duties, personnel must not:

a) Act in ways that adversely affect the health and safety of others
b) Come to work or stay at work while affected by alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others

c) Consume any substance during working hours which would impair their ability to work safely and effectively and would be a risk to the safety of others
d) Bring alcohol onto work premises without permission
e) Smoke in the workplace, including in stairwells, fire escapes and foyers
f) Ignore work duties or waste time during working hours
g) Take or seek to take improper advantage of any information gained in the course of employment
h) Take improper advantage of their position to benefit themselves or others
i) Allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities
j) Use information and communication technologies, such as email, mobile phones, text or instant messaging and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm, or make them feel unsafe
k) Make unfounded complaints with malicious, frivolous or vexatious intent against another member of personnel

6. Conduct Towards Children

6.1 'Child' means any individual under the age of 18 years.

6.2 Personnel must not engage in the following conduct:

a) Any form of physical or sexual abuse
b) Grooming of a child for sexual abuse
c) Using sexually suggestive or explicit language or gestures
d) Engaging in conversations about sexual experiences or sharing sexual images
e) Being alone with a child away from the presence of other adults, including for the purpose of transportation, without express permission
f) Showering/using the toilet with an open door in the presence of a child
g) Helping children with intimate care if the child is capable of doing it on his or her own (e.g. toileting or changing clothes)
h) Lacking respect for the privacy of a child (e.g. when using the bathroom or changing)
i) Physically disciplining a child
j) Making excessive and/or degrading demands of a child
k) Making any kind of drug, alcohol or cigarettes available to children
l) Engaging in private electronic or online contact with a child
m) Engaging with a child in a way that is overly intimate or could be seen as involving favouritism or any form of special treatment, and
n) Taking photos of a child who is in the care of the organization outside of official duties or without consent

6.3 CSN Personnel must:

a) Report to the relevant leader or supervisor any concerning conduct that is brought to their attention and any circumstances where they suspect that a child is currently at risk of harm (see Section 8)
b) Take reasonable steps to protect children from foreseeable risk of injury
c) Ensure that physical contact with children is reasonable for the purpose of their management or care, and is appropriate given their age, maturity, health or other characteristic, e.g.:
    - Assessing a child or young person who is injured or ill
    - Comforting an upset child
    - Guiding a child in a non-threatening manner

- Protecting a child from imminent danger to himself/herself or to others

d) Complete their duties in accordance with the directions provided by the relevant superior
e) Consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
f) Adhere to an appropriate standard of dress when engaged in ministry

7. Conduct Towards Adults at Risk

7.1 'Adults at risk' means any individual aged 18 years and over at increased risk of abuse, including those who:

- Are elderly
- Have a disability
- Have a mental illness
- Have diminished capacity
- Have cognitive impairment
- Are experiencing transient risks, e.g. bereavement, relationship breakdown, domestic or family violence, homelessness
- Have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation

7.2 Whilst taking care to not make assumptions or generalisations about individuals, the CSN recognises that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, such as:

- Being Aboriginal, Torres Strait Islander, or Māori
- Being a refugee or migrant
- Diverse gender or sexuality
- Speaking a first language other than English
- Surviving sexual abuse or child abuse
- Experience in out-of-home care

7.3 Personnel must not engage in the following conduct:

- Any form of physical or sexual abuse
- Making excessive and/or degrading demands
- Exploiting an individual's vulnerability to form an intimate relationship
- Any misuse of authority or power that exploits, manipulates or coerces a person to engage in any activity, or which disrespects their human rights and dignity
- Lacking respect for a person's privacy
- Any form of financial abuse or exploitation

7.4 Personnel must:

- Report to the relevant leader or supervisor any concerning conduct that is brought to their attention and any circumstances where they suspect that an adult at risk is currently at risk or harm (see Section 8)
- Take reasonable steps to protect vulnerable adults from foreseeable risk of injury
- Ensure that physical contact with vulnerable adults is reasonable for the purpose of their care, and is appropriate given their age, health, disability or other characteristics. For example:
    - Physical contact should be consistent with any specific management plan for the person, and

    - Physical intervention (including physical restraint, removals or escorts) should be avoided and used only as a last resort to ensure safety and protection of the person and others
- Complete their duties in accordance with the directions provided by the CSN
- Consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- Adhere to an appropriate standard of dress when engaged in ministry

Generally, one-to-one interactions with an adult at risk should not take place unless in an open or visible space, or within the clear line of sight of another adult. This includes ministries, pastoral care, Communion in rooms, and/or services such as counselling, one-to-one tuition, the sacrament of reconciliation, coaching, spiritual direction and mentoring. [ii] However, this will depend on the individual's circumstances, preferences, and right to privacy. Prudent judgement is required on a case-by-case basis. Refer to Aged Care Standards, Standard 3 for personal and clinical care under relevant legislation. Standard 2 Safe Practices New Zealand.

8. Reporting Requirements

The CSN will comply with all requirements to report concerns about the safety of children or adults at risk to external authorities. These requirements are outlined in the Safeguarding Policy and include: Queensland, New South Wales, Victoria, Western Australia and New Zealand.

- As part of Governance the NC Board will receive a report update from the Safeguarding Coordinator each Board meeting plus any concerns that come up not in the report
- Reporting criminal offences to Police
- Reporting to the Child Protection Authority where there are reasonable grounds to believe that a child (or class of children) is at risk or harm. This covers Australia and New Zealand jurisdictions

- Notifying the independent oversight body of reportable allegations under the Reportable Conduct Scheme
  www.kidsguardian.nsw.gov.au/reportableconduct
  www.ccyp.vic.gov.au/reportableconduct
  Home - National Office for Professional Standards (catholic.org.nz)
  Queensland Western Australia New Zealand

- Serious Incident Response Scheme SIRS for Aged Care Australia.
  http://www.agedcarequality.gov.au/sirs (*Category 1- Incidents*)

- Reporting safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service to the NDIS Quality & Safeguard Commission. https://www.ndiscommission.gov.au/resources/provider-and-worker-resources-support-incident-reporting-management-and

- Reporting safety concerns that relate to the abuse, neglect, or exploitation of an adult with disability

https://www.ageingdisabilitycommission.nsw.gov.au
https://humanrights.gov.au/our-work/age-discrimination/projects/elder-abuse
http://toolkit.seniorsright.org.au/toolkit/what-is-elder-abuse
https://www.dvrcv.org.au/elder-abuse-hotline
www.superseniors.msd.govt.nz/elder-abuse

- Reporting of crimes related to Vos Estis Lux Mundi regarding clerics or members of Institutes of Consecrated Life or a Society of Apostolic Life(religious) https://catholic.org.au/vosestisluxmundi Australia
  https://www.catholic.org.nz/find-us/confronting-abuse New Zealand

To ensure CSN can fulfil these reporting requirements, personnel must report any concerns about the safety of children or adults at risk through CSN reporting protocol or if applicable as per the NC policy.

9. Equity and Inclusion

CSN Personnel are expected to create a fair, inclusive and safe working environment where diversity is valued and where unlawful discrimination, bullying, harassment and victimization in any form are considered unacceptable. Personnel must not discriminate against any person on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity.

10. Gifts, Benefits and Hospitality

CSN Personnel have a responsibility to behave with integrity and impartiality. Personnel must not solicit gifts, benefits or hospitality that might in any way compromise or influence them directly or indirectly in their capacity as personnel. Personnel must declare any gifts, benefits or hospitality as per the Constitutions of the CSN (Addendum resolution 2, 3 & 4**.)**

11. Conflicts of Interest

11.1 CSN Personnel have an obligation to ensure that conflicts of interest (whether financial or otherwise) are managed in a fair, ethical and transparent manner. The potential for a conflict of interest arises when personnel have private interests that could influence, or appear to influence, judgements made during the course of their professional duties. They also arise when there is a reasonable expectation of a personal benefit, direct or indirect, that could influence the performance of personnel's duties. This benefit may be financial or non-financial

11.2 CSN Personnel must:

a) Conduct themselves in a manner which is consistent with the values of the CSN
b) Be objective, open and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of the CSN
c) Declare all private interests (including pecuniary and non-pecuniary) that conflict or may conflict with the discharge of their responsibilities to the CSN
d) Ensure all decisions are free of bias or apparent bias

e) Behave with integrity and impartiality
f) Ensure all processes are transparent and documented

It is recognized that the giving and receiving of gifts and hospitality have an important role to play in the Church. However, it is important to ensure that these practices do not give rise to conflicts of interest, the misallocation of resources or impact on the reputation or work of the CSN. As noted in section 10, CSN personnel must declare any gifts, benefits or hospitality consistent with the requirements above.

12. Fit and Proper Assessment

Personnel responsible for the management and oversight of CSN must be able to demonstrate they have relevant qualifications, training or experience in order to undertake their duties in the management of finances and resources and be considered 'fit and proper' for this role. This could include maintaining relevant memberships with professional bodies, registrations, qualifications and certifications.

13. Secondary Employment

Personnel must undertake their duties with the highest degree of integrity and free from any safety risks, conflicts of interest or contractual breaches resulting from other paid employment.

In most cases, secondary employment will not impact a person's role with CSN. However, at other times, secondary employment could lead to a potential conflict of interest. Personnel should discuss with CSN before engaging in any secondary employment or business activity unless some other requirements govern an employment arrangement that prevents this from being necessary.

Personnel may engage in voluntary work, as long as this work does not present a potential or actual conflict of interest.

14. Management of Resources

Personnel must be careful, ethical, efficient and economical in their use and management of CSN resources, including work time. Resources include (but are not limited to) money, facilities, equipment, vehicles, services (e.g. internet). Resources should be used only for their intended purpose, well maintained, and secured against theft or misuse.
Photography-video-digital-images.pdf (catholic.org.nz)

Personnel are accountable for the appropriate use of working hours and resources. Employees should not use CSN working hours or resources for an outside interest, secondary employment or personal gain.

Personnel have a duty to report any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability through CSN or NC protocols where applicable.

15. Social Media

Personnel must exercise caution when using social media platforms for personal purposes outside their work hours. Employees are expected not to make disparaging or offensive comments on social media about CSN, the Catholic Church, clients or colleagues.

16. Confidentiality

Personnel must not divulge, either during employment or after, the confidential information of CSN.

Personnel must respect the privacy and confidentiality of any person who reports safety concerns about a child or adult at risk except where legislative or statutory requirements over-ride this as outlined in the Safeguarding Policy.

17. Protected Disclosures

In reporting any suspected improper use, fraud, waste or abuse of resources, corrupt conduct, inadequate administration or accountability, personnel will be protected as far as reasonably practicable against victimization and retaliation as result of a disclosure. Personnel 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. For more information see the CSN *Complaint-Handling Policy and Procedure*.

18. Consequences of Breaching the Code

Breaches of this Code of Conduct may constitute and result in disciplinary proceedings up to and including dismissal (with or without notice) and possible criminal proceedings. This may impact on the individual's activity to work with children and/or adults at risk in the future. In relation to religious brothers, sisters and clergy breaching the Code of Conduct may lead to them being removed from ministry and dispensed from his or her vows or dismissed from the clerical state, as applicable.

Note: Where a complaint about the sexual abuse of a child or adult by clergy or religious is substantiated under a civil standard, the CSN will undertake a risk management process to determine the appropriate action, in keeping with Church protocols. Where a cleric or religious is convicted of a canonical offence relating to sexual abuse, they will be prohibited from exercising ministry until the process relating for imposing a penalty is completed by the relevant dicastery.

19. Reviewing the Code

The CSN Code of Conduct will be reviewed at least every three years or whenever a breach is identified. The Safeguarding Coordinator for CSN is responsible for ensuring the review is completed.

Code of Conduct approval	Regional Superior Name: Sr Margaret O'Keefe Date: 11/072022
Code of Conduct review	 Name: Sr Mary Monaghan March 25, 2024

20. Related Documents

- CSN Safeguarding Commitment Statement
- CSN Safeguarding Policy
- CSN Risk Management Strategy and supporting templates
- CSN Complaint-Handling Policy

21. Relevant Legislation

Australia: VIC, NSW, QLD, WA & New Zealand safeguarding legislation

- Crimes Act/Code
  https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html
  https://www.legislation.gov.au/Details/C2019C00043
- Child Protection Legislation
  https://aifs.gov.au/resources/resource-sheets/australian-child-protection-legislation
  www.legislation.govt.nz/act/public/2014/0040/latest/whole.html
- Working with Children Check Legislation
  https://workingwithchildren.wa.gov.au
  https://ocg.nsw.gov.au/working-children-check
  https://www.qld.gov.au/law/laws-regulated-industries-and-licensing/blue-card
  https://www.workingwithchildren.vic.gov.au/
  https://checkpoint.cvcheck.com/working-with-children-in-new-zealand

- National Disability Insurance Scheme Act 2012 and related Rules
  https://www.ndis.gov.au
  Aged Care Quality and Safety Commission Act 2018 and the Aged Care Act 1997
  www.agedcarequality.gov.au/about-us

- Health Care Standard – New Zealand
  https://www.standards.govt.nz/get-standards/
  professional standards new zealand

[i] https://www.agedcarequality.gov.au/providers/standards

[ii] Where the sacrament of reconciliation is celebrated using the first form of the Rite of Penance, that is the Rite of Penance, that is the Rite for Reconciliation Individual Penitents, this may occur in a chapel or other space within a Church that is set apart for this purpose, but physical contact between the cleric and penitent is not permitted. Service to the residents in their rooms: Communion given by the Sisters, Candidates or Extraordinary Ministers; Anointing of the Sick; Pastoral and Social Visits; Reconciliation; follow the code in ensuring that the door is left open.

22. Agreement and Commitment Statement

Adapted from Australian Human Rights Commission, Child safe organisations'

Signed acknowledgment of acceptance of the Congregation of the Sisters of Nazareth's Code of Conduct

I will:

- Act in accordance with the Congregation of the Sisters of Nazareth's Safeguarding Commitment Statement, Safeguarding Policy, Code of Conduct, Risk Management Strategy and Complaint-Handling Policy at all times
- Promote the human rights, safety and wellbeing of all people
- Demonstrate appropriate personal and professional boundaries
- Listen and respond to the views and concerns expressed by children and adults at risk, particularly if they communicate (verbally or non-verbally) that they do not feel safe
- Create an environment that is welcoming, culturally safe and free from discriminations against a child or adult at risk on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity
- Contribute, where appropriate, to CSN safeguarding policies and practices
- Identify and mitigate risks to children and adults as required by the Risk Management Strategy
- Respond to any concerns or complaints of harm or abuse promptly and as required by the Safeguarding Policy and Complaint Handling Policy and Procedure
- Comply with CSN policies and procedures on record keeping and information sharing

I will NOT engage in the following conduct towards children:

- Any form of physical, sexual abuse or psychological abuse
- Grooming of a child for sexual abuse
- Using sexually suggestive or explicit language
- Engaging in conversations about sexual experiences or sharing sexual images
- Being alone with a child or young person away from the presence of other adults, including for the purpose of transportation, without express permission
- Showering/using the toilet with an open door in the presence of a child
- Helping children with intimate care if the child is capable of doing it on his or her own (e.g., toileting or changing clothes)
- Not respecting the privacy of a child or young person (e.g. when using the bathroom or changing)
- Physically disciplining a child or young person
- Making excessive and /or degrading demands of a child or young person

	• Making any kind of drug, alcohol or cigarettes available to children or young people • Engaging in private electronic or online contact with a child or young person • Engaging with a child or young person in a way that is overly intimate or could be seen as involving favouritism or any form of special treatment, and • Taking photos of a child or young person who is in the care of the organization outside of official duties or without consent
I will NOT engage in the following conduct towards adults at risk:	• Any form of physical, sexual abuse or psychological abuse • Making excessive and /or degrading demands • Exploiting an individual's vulnerability to form an intimate relationship • Misuse authority or power that exploits, manipulates or coerces a person to engage in any activity, or which disrespects their human rights and dignity • Not respecting the person's privacy, and • Any form of financial abuse or exploitation
If I think this Code of Conduct has been breached by another I will:	• Act and respond to any immediate safety concerns • Promptly report any concerns to the relevant leader, either the Regional Superior or the Safeguarding Coordinator • Comply with the processes outlined in the Compliant Handling Policy, and • Undertake all actions necessary to meet my obligations to report any safety concerns to the appropriate external authorities

Code of Conduct

I agree to abide by this Code of Conduct with the Congregation of the Sisters of Nazareth	
I understand the potential consequences of a breach of this Code.	
Name:	
Signature:	
Role:	
Date:	

23. Appendices

Appendix 1.

The CSN Code of Conduct is supported by NC through its polices related to the safeguarding of Children and adults at risk.

NC, running the business arm of the ministry of the CSN, is responsible for employees, volunteers, contractors and others engaged by NC to follow the policy/process.

Related Documents referenced to Context numbering.

- 11,12. NC – Conflict of Interest Policy
- 14,15. NC – General conditions of employment – NZ
- 17. NC – Governance – Feedback and complaints
- 18. NC – Governance Reporting
- 16. NC – Privacy and Confidentiality
- 8,18. NC – Compulsory Reporting/Reportable Incidents
- 2,3,10. NC – Staff code of Ethics and Conduct

Appendix 2.

Sisters of Nazareth

Sisters have a responsibility to:

- Participate fully in Congregational life, especially at Community and Regional meetings, to the best of their ability
- Keep up to date with Congregational communication
- Communicate personal needs directly to the right source
- Follow through with dignity and respect directives for safeguarding of children and adults at risk
- Commit to a community life that is balanced in all aspects; self-care, community living, prayer and relaxation
- Carry out, with accountability, their ministries
- Understand and take ownership of their governance and stewardship responsibilities
- Commit to regular supervision as appropriate
- Declare gifts whether money or kind according to Congregational directives
- Act in an acceptable manner
- Undertake annual Safeguarding education, revision and updating of Church and Congregational Safeguarding regulations, policies and procedures
- Cultivate a sense of accountability in the use of technology
- Report concerns, incidents and allegations to the relevant state, country or authority as required without delay
- Challenge unacceptable conduct

The Regional Council:

Leadership for Good Governance

The Regional Council has a responsibility to:

- Protect the patrimony of the Congregation through the governance role, including the Congregation's operational arm, known as Nazareth Care
- Address unacceptable behaviour wherever it occurs or is brought to their attention
- Ensure that safeguarding is everyone's business; that there is zero tolerance towards any issues that might arise from caring for and or working with child/ren and adults at risk
- Follow statutory guidelines
- Report to the Superior General any case of abuse, reported or known, involving a Sister

- Maintain relations with civil and Church authorities, unions of religious and other institutes of religious life
- Ensure that structures are in place to deal with Constitutional, legal, safeguarding, governance and management issues
- Maintain all policies and procedures
- Provide resources to ensure appropriate formation and professional development for all Sisters
- Implement the interculturality program throughout the Region for the Sisters and Nazareth Care
- Upskill Sisters for positions of responsibility/authority
- Ensure contracts are drawn up and signed if a Sister is employed by Nazareth Care, in the local Diocese, or elsewhere
- Promote good relationships with ecclesial and civic authorities

Care of the Sisters

It is the responsibility of the Regional Council to:

- Provide for Sisters' spiritual, physical, emotional and social needs according to their diverse circumstances
- Cultivate cultural awareness and challenge any lack of sensitivity in attitude and action