



## CODE FOR PROFESSIONAL PRACTICE

### ***General Principles***

1. Members will observe a high standard of ethics, probity and professional conduct.
2. Ethical behaviour is not simply compliance with legal requirements, it extends to honesty, equity, integrity and social responsibility in all dealings. It is behaviour that holds up to disclosure and to public scrutiny.
3. All members are required to sign a "Statement of Commitment" to abide by the Code for Professional Practice and to support the mission of the RCSA.
4. The Schedules to this Code form part of the Code and operate as guidelines to assist members to meet their obligations arising under the Code's Principles.

### ***Principle 1 – Confidentiality and Privacy***

1. Members will take reasonable steps to maintain the confidentiality and privacy of candidate, client and member information.
2. Permission must be sought before disclosing confidential information.

### ***Principle 2 – Honest Dealings***

1. Members will act honestly in all dealings with candidates, clients and members.
2. In the course of representing a candidate or client, a member shall not knowingly:
  - (a) make false statement of material fact;
  - (b) fail to disclose a material fact;
  - (c) make a representation as to future matters without having reasonable grounds for making it.
3. Members must adhere to principles of truth in advertising.
4. Members will only advertise permanent positions for which they have permission to recruit.
5. All fees, charges and services provided must be explicitly and fully disclosed to clients prior to the acceptance of an assignment, or prior to any work being undertaken for a client.
6. Members will not take on assignments that could result in their inability to pay temporary/contract workers.

### ***Principle 3 – Respect for Work Relationships***

1. Members will not undertake actions that may unfairly or unlawfully jeopardise a candidate's employment.
2. Members will not undertake actions that may unfairly or unlawfully interfere in work relationships established by others

3. Members shall not attempt unfairly or unlawfully to prevent a candidate or temporary/contract worker from seeking work from other sources.
4. Members will respect the rights of clients who have elected to change their staff service suppliers. Members must act lawfully, fairly and ethically in respect of their involvement in transition arrangements.

***Principle 4 – Respect for Laws***

1. Members must comply with all legal, statutory and government requirements.
2. Members will not engage in any form of collusive practices.
3. Members shall take reasonable steps to ensure, so far as practicable, that all new employees honour their legal obligations to previous employers.

***Principle 5 – Respect for Safety***

1. Members will act diligently in assessing risks to candidates, clients and members.
2. Members will not knowingly put at risk candidates, clients or members.
3. Members shall inform their temporary/contract workers whenever they have reason to believe that any particular assignment causes an occupational health and safety risk.

***Principle 6 – Respect for Certainty of Engagement***

1. Members will ensure that workers are given details of their work conditions, the nature of the work to be undertaken, rates of pay and pay arrangements.
2. Any variation to the engagement can only occur with prior notification to the worker.

***Principle 7 – Professional Knowledge***

1. Members will work diligently to develop and maintain a satisfactory and up to date level of relevant professional knowledge.
2. Members will ensure that their staff are adequately trained and skilled to undertake their responsibilities.

***Principle 8 – Good Order***

1. Member misconduct will be referred to the RCSA Disciplinary Committee. Subject to any appeal rights, its findings will be binding on members.
2. Disputes between members, and other parties who agree, will be referred to the RCSA Disciplinary Committee for resolution. Its findings will be binding on members and other parties.
3. Members must bring to the attention of the RCSA any violations of this Code by any member at the earliest possible time.
4. Members are encouraged to use process of negotiation, mediation and arbitration in order to resolve disputes and should do so wherever practicable.

## SCHEDULE 1

### **Application Guidelines and Recommendations – Transition of Workers – Guidelines for Ethical Conduct – reference Principle 3**

- (a) Members should be aware and acknowledge that in an open and competitive market place, circumstances may arise when a client wishes to change suppliers.
- (b) Members should also be aware and acknowledge that members invest significant amounts of work, money, time and intellectual resources in establishing relationships with clients, developing critical understandings of clients' and workers' needs, training workers in system of work for clients, and inducting workers in preparation to undertake work for clients. Those investments contribute to members' goodwill and support significant business capital, which is of value to members and which members are entitled to protect by lawful means.
- (c) This Guideline and Recommendation will apply in cases where a member seeks to transition workers from one agency to another in response to client requirements.
- (d) Stakeholders in the transition arrangements may include the members or other agencies involved in the transition, the client, the client's customers and the workers themselves.
- (e) Unless there are compelling reasons to the contrary, members should give written notice to the incumbent agency if they require to effect a transition of workers from that agency in response to client requirements (a "transition request").
- (f) In making transition arrangements, members must give due consideration to the interests of all stakeholders.
- (g) Members must use reasonable endeavours to ensure that transition arrangements are managed in a professional manner and they are designed to minimise disruption to stakeholders. To that end RSCA recommends that members ought to give consideration to and make suitable arrangements:
  - i. for the orderly continuation of business;
  - ii. to identify and give effect to any relevant contractual or other legal obligations;
  - iii. for the orderly transition of workers. This will usually require that the incumbent agency be permitted to be first to inform its workers of the circumstances that have led to the transition request. The incumbent agency should notify its workers promptly upon receipt of a transition request of circumstances that may be likely to result in change termination or redundancy in the workplace;
  - iv. as to timeframe within which the transition is to be completed. RSCA recommends that transition should be able to be completed in most ordinary cases within 45 days of advice that a transition is required;
  - v. to ensure that workers are properly informed of matters relevant to their decision to transition or not to transition;
  - vi. for the transfer or payment (as may be required) of any accrued worker benefits.
- (h) Code Principles 1 (Confidentiality and Privacy), 2 (Honest Dealings), 4 (Respect for Laws), 5 (respect for Safety), and 6 (Respect for Certainty of Engagement) will also be relevant to transition arrangements and members should give due regard to the requirements of those principles as they apply to their transition arrangements.
- (i) Members are encouraged to attempt to resolve any disputes regarding transition arrangements through process of negotiation and mediation.

**See Summary Reference (A)**



## SUMMARY A TRANSITION FLOWCHART

