

# GUIDELINES FOR THE EMPLOYMENT OF LAY PERSONS

## 1. EMPLOYMENT OVERVIEW

### 1.1 INTRODUCTION

The Church is comprised of multiple unincorporated associations who are, in their own right, employing entities.

Depending upon the constitution and/or by-laws of an individual Board, body, agency or institution within the Church, the members of the relevant Board, Management Committee or Church Council of that organisation are legally viewed to be the employer irrespective of whether they are based in NSW or the ACT.

Employing entities of the Church who are based in:

- the Australian Capital Territory, will automatically fall within the federal industrial jurisdiction by virtue of the ACT's territorial status;
- NSW, will remain within the NSW Industrial jurisdiction by virtue of their unincorporated status given they are not constitutional corporations for the purposes of the federal industrial legislation.

Notwithstanding the aforementioned, there are a small number of incorporated entities that employ employees within the Church and they should clarify their position with HR Services, a division of Uniting Resources.

### 1.2. CATEGORIES OF EMPLOYEES

1.2.1 Within the Church there are two categories of employee, award and award free employees.

1.2.2 Award Employees

Are defined as employees whose occupation or the industry in which they work is specifically identified as being covered by the area, incidence and duration of an award or industrial agreement.

The award or industrial agreement stipulates the minimum remuneration payable and conditions of employment applicable to employees covered by the particular award. Remuneration levels and conditions of employment vary from award to award.

## GUIDELINES FOR THE EMPLOYMENT OF LAY PERSONS

Such positions would include, but are not limited to any of the following if the person is any receiving payment for the services they provide;

- Supervisors
- Accountants and book keepers
- Administration and Clerical support including reception
- IT
- Organist or musician with no pastoral or missional responsibility
- Cleaners
- Ground maintenance
- Social workers and counsellors
- Payroll
- Cooks
- Childcare and aged care workers
- Sports and Conference Centre workers
- Shop and Restaurant assistants
- Wait staff
- Drivers including bus drivers
- Storemen and Packers

While all these positions are covered pursuant to awards, some positions are exempt from certain award provisions due to levels of remuneration paid and are classified as being award free.

Enquiries relating to employment, remuneration levels and terms and conditions of employment should be directed to HR in the first instance.

### 1.2.3 Award Free employees

Are defined as any employee who is not covered by an Award or Industrial Agreement.

## GUIDELINES FOR THE EMPLOYMENT OF LAY PERSONS

The terms and conditions of employment for award free employees are based upon common law and prevailing employment and industrial legislation and are normally detailed in their contract of employment known as a letter of offer.

Within the Church there are three sub categories that fall within the scope of the definition of award free employee.

1.2.3.1 Employees who are employed to perform tasks that would normally fall within the criteria of an award employee as defined in 1.2.2 above but are exempt from said provisions due to levels of remuneration being paid or other relevant criteria. These roles may be found in any organisation and do not involve a predominately pastoral content.

Such positions may include, but are not limited to any of the following if the person is receiving any payment for the services they provide:

- Executive Directors
- Directors and Regional Directors
- Managers and Regional Managers
- Accountants including Chief Financial Officers and Financial Controllers
- Supervisors
- Administrators
- IT
- HR
- Executive and Personal Assistants

All enquiries relating to employment, remuneration levels and terms and conditions of employment should be directed to HR in the first instance

1.2.3.2 Employees who are employed to perform tasks that involve a pastoral content and work as part of the Ministry team under the oversight of a Ministry Leader. Such positions would include, but are not limited to, any of the following if the person is receiving any payment for the services they provide:

- Musical Director

## GUIDELINES FOR THE EMPLOYMENT OF LAY PERSONS

- Family or Youth worker
- Children and family worker with pastoral or missional responsibilities or similar
- Pastoral duties associated with music, youth work or a particular service or congregation etc
- SRE Teachers

As there is no award coverage for such roles all employees falling within the scope of this clause are classified as being award free and specific industry benchmarks are used to identify appropriate levels of remuneration for such roles.

Enquiries relating to employment, remuneration levels and terms and conditions of employment should be directed to HR in the first instance.

### 1.2.3.3 Employees who are employed to perform tasks that:

- would normally be expected to be performed by an ordained Minister in an approved placement within the Uniting Church in Australia; or
- require the employee to exercise certain levels of authority in relation to matters of ministry on behalf of the Church and act as the Church's authorized representative in said matters.

Such persons may either be ordained in another denomination or not ordained.

Such positions would be, but are not limited to, any of the following if the person is receiving any payment for the services they provide and is occupying a position that would be or is, in the normal course of events, recognised as being an approved placement.

- leadership positions in approved placements
- Those positions that would have fallen, in the past , within the scope of the ministry of Accredited Youth Worker
- Chaplains
- Those positions that would have fallen, in the past , within the scope of the ministry of Lay Pastor
- Pastoral leader positions

## GUIDELINES FOR THE EMPLOYMENT OF LAY PERSONS

- Presbytery officer positions that predominantly require the exercise of pastoral oversight
- Mission or Ministry Consultants

As there is no award coverage for such roles all roles falling within the scope of this clause are classified as being award free and it is expected that remuneration commensurate in value **only** to the Stipend Allowance will apply to such roles.

Notwithstanding the aforementioned some roles may fall within the scope of the lay specified ministry of Pastor. Where such roles are identified as meeting the requirements of the regulations in respect to this lay specified ministry, employees occupying these roles may, as an adjunct to their employment, be appointed as a Pastor upon meeting certain criteria.

Where the employee does not meet the criteria for appointment to the lay specified ministry of Pastor there is no prohibition to employing the employee providing that the employee is offered employment on the understanding that they do not meet the requirements and therefore cannot be commissioned as a Pastor.

In order for incumbents to roles that fall within the scope of this clause to be considered for eligibility to receive the benefits of the "Religious Practitioner Tax Exemption", such roles must comply with all the following elements in order to satisfy legislative requirements for Fringe Benefit exemption status:

- "Recognised Officially" implies some formal commissioning or dedication service through a Presbytery and or Synod;
- The appointment must be approved by Presbytery or Synod Board and recognised by the Synod;
- The inherent duties of the role and the position description must reflect this "authority";
- Some level of recognition of authority within the faith community including authorisation of ministry by the Presbytery or Synod Board.
- Meet the criteria for a religious practitioner as defined by the ATO.
- Receive non cash benefits from a religious institution as defined by the ATO.

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## GUIDELINES FOR THE EMPLOYMENT OF LAY PERSONS

- 1.2.3.4 It is expected that all positions which fall within the scope of clause 1.2.3.3 above will receive or will be eligible to receive an “approval to fill” through the Placement Process and be appointed by either Synod or Presbytery, as applicable.

In all instances the employee must meet the following criteria:

- Be a member of a church with at least twelve months standing;
- Be a person who accepts the Doctrine, Polity and Discipline of the Uniting Church in addition to their obligations as an employee;
- Be a person who is actively involved in the life of a church including leadership experience and qualifications appropriate to the position;
- Be a person whose life experiences are seen as appropriate to this ministry;
- Be a person who has satisfied Presbytery and/or a Synod Board as to their profession of faith and call for exercising this ministry;
- Be commissioned by Presbytery, Synod or Assembly as appropriate;
- Have suitable references including the equivalent of a “letter in good standing” from their denomination or congregation;
- Participate in the following courses during their probationary period:
  - Polity;
  - Sexual Misconduct Awareness
  - Other prescribed courses identified by Presbytery or Synod
- Complete reading and or study of appropriately identified material;
- Enter into mutually agreed terms of appointment (*see Annexure 25*) which acknowledge adherence to:
  - Polity and ethos of the Uniting Church in Australia;
  - Discipline process of the Uniting Church in Australia
  - Code of Ethics and Ministry Practice;
- Commit themselves to a continuing education program which is to be submitted to the Director of Continuing Education and endorsed by Presbytery or Synod Board.
- Subject to the inherent duties of the role, be authorised by Presbytery to conduct sacraments.

**GUIDELINES FOR THE EMPLOYMENT OF LAY PERSONS**

| <p style="text-align: center;"><b>AWARD EMPLOYEES &amp; AWARD FREE EMPLOYEES WITH NO PASTORAL CONTENT</b><br/>(formerly category 1 employees)</p>  | <p style="text-align: center;"><b>AWARD FREE EMPLOYEES PROVIDING MINISTRY SUPPORT AND PASTORAL CONTENT</b><br/>(formerly category 2 employees)</p>   | <p style="text-align: center;"><b>AWARD FREE EMPLOYEES PROVIDING LAY MINISTRY LEADERSHIP</b><br/>(formerly category 3 employees)</p>   |
|--|--|--|
| <b>DUTIES</b>  | <b>DUTIES</b>  | <b>DUTIES</b>  |
| <p><b>AWARD</b></p> <ul style="list-style-type: none"> <li>• Supervisors</li> <li>• Accountants and book keepers</li> <li>• Administration and Clerical Support including reception</li> <li>• IT</li> <li>• Organist or musician with no pastoral or missional responsibility</li> <li>• Cleaners</li> <li>• Ground maintenance</li> <li>• Social workers and counselors</li> <li>• Payroll</li> <li>• Cooks</li> <li>• Childcare and aged care workers</li> <li>• Sports and Conference Centre workers</li> <li>• Shop and Restaurant assistants</li> <li>• Wait staff</li> <li>• Drivers including bus drivers</li> <li>• Storemen and Packers</li> </ul> | <ul style="list-style-type: none"> <li>• Musical Director</li> <li>• Family Youth Workers</li> <li>• Children &amp; family workers</li> <li>• SRE Teachers</li> <li>• Pastoral duties associated with music, youth work or a particular service/congregation etc.</li> </ul> | <ul style="list-style-type: none"> <li>• Leadership positions in Approved Placement</li> <li>• Those positions that would have in the past fallen within the scope of the ministry of Accredited Youth Worker</li> <li>• Chaplains positions</li> <li>• Those positions that would have in the past fallen within the scope of the ministry of Lay Pastor</li> <li>• Pastoral Leader positions</li> <li>• Presbytery officer positions that predominately require the exercise of pastoral oversight</li> <li>• Mission or Ministry Consultants</li> </ul> |

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| <b>DUTIES</b>   | <b>DUTIES</b>  | <b>DUTIES</b>  |
| <b>AWARD FREE</b> <ul style="list-style-type: none"> <li>• Executive Directors</li> <li>• Directors and Regional Directors</li> <li>• Managers and Regional Managers</li> <li>• Accountants including Chief Financial Officers and Financial Controllers</li> <li>• Supervisors</li> <li>• Administrators</li> <li>• IT</li> <li>• HR</li> <li>• Executive and Personal Assistants</li> </ul> |  |  |
| <b>COMMISSIONING</b>  | <b>COMMISSIONING</b>   | <b>COMMISSIONING</b>   |
| <ul style="list-style-type: none"> <li>• By Congregation (if appropriate)</li> <li>• No ACOMP involvement</li> </ul>  | <ul style="list-style-type: none"> <li>• By Presbytery and/or Congregation as appropriate</li> <li>• No ACOMP involvement</li> <li>• Role not a recognized Placement</li> <li>• Presbytery/Board Approval</li> </ul> | <ul style="list-style-type: none"> <li>• By Presbytery, Synod or Assembly as appropriate</li> <li>• While not ordained filling an ACOMP approved placement</li> <li>• Role recognized as a Placement.</li> </ul> |

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| <p style="text-align: center;"><b>REMUNERATION</b></p>  | <p style="text-align: center;"><b>REMUNERATION</b></p>   | <p style="text-align: center;"><b>REMUNERATION</b></p>  |
| <ul style="list-style-type: none"> <li>• Please refer to HR Services – Uniting Resources</li> </ul>   | <ul style="list-style-type: none"> <li>• Please refer to HR Services – Uniting Resources</li> </ul>  | <p>Please refer to HR Services – Uniting Resources for assistance with interpreting the commensurate value of the Stipend Allowance</p> |
| <p style="text-align: center;"><b>TRAVEL</b></p>  | <p style="text-align: center;"><b>TRAVEL</b></p>   | <p style="text-align: center;"><b>TRAVEL</b></p>  |
| <ul style="list-style-type: none"> <li>• As per Award or included in the work related expenses clause of the Letter of Offer</li> </ul>           | <ul style="list-style-type: none"> <li>• As per Award work related expenses clause of the Letter of Offer</li> </ul>                               | <ul style="list-style-type: none"> <li>• Commensurate to Stipend Allowance</li> </ul>   |

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| <p align="center"><b>MANDATORY</b></p>  | <p align="center"><b>MANDATORY</b></p>  | <p align="center"><b>MANDATORY</b></p>   |
| <ul style="list-style-type: none"> <li>• Consultation with HR Services – Uniting Resources through the entire employment process</li> <li>• Provision of a position description</li> <li>• Provision of a letter of offer</li> <li>• Child Protection Screening subject to duties. Screening undertaken by employer.</li> <li>• Workers Compensation Insurance payable by employer and organized through Uniting Resources</li> <li>• Compulsory Superannuation payable by employer</li> <li>• Annual Leave as per Statutory Act</li> <li>• Compliance with relevant Award, employment, common law and contractual obligations</li> </ul> | <ul style="list-style-type: none"> <li>• Consultation with HR Services – Uniting Resources through the entire employment process</li> <li>• Provision of a position description</li> <li>• Provision of a letter of offer</li> <li>• Child Protection Screening subject to duties. Screening undertaken by employer.</li> <li>• Workers Compensation Insurance payable by employer and organized through Uniting Resources</li> <li>• Compulsory Superannuation payable by employer</li> <li>• Annual Leave as per Statutory Act</li> <li>• Compliance with employment, common law and contractual obligations</li> </ul> | <ul style="list-style-type: none"> <li>• Consultation with Presbytery and Synod, in accordance with the constitution and Regulations of the Uniting Church and the By-Laws of the Synod</li> <li>• Consultation with the Pastor Consultant</li> <li>• Consultation with HR Services – Uniting Resources through the entire employment process</li> <li>• Provision of a position description</li> <li>• Provision of a letter of offer and an invitation to accept an offer of calling</li> <li>• Child Protection screening is mandatory and undertaken by employer, as applicable, and advised to Synod</li> </ul> |

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|---|--|---|
| <b>MANDATORY</b>  | <b>MANDATORY</b>   | <b>MANDATORY</b>  |
| <ul style="list-style-type: none"> <li>• Training as required</li> </ul>  | <ul style="list-style-type: none"> <li>• Training as required</li> <li>• For the support and coordination of programs that involve the employment of “Family Workers”, “Youth Workers” or SRE Teachers, employers are to advise the Board of Education’s Children’s Ministry, Youth Unit or SRE Coordinator as appropriate.</li> </ul> | <ul style="list-style-type: none"> <li>• Workers Compensation Insurance payable by employer and organized through Uniting Resources</li> <li>• Continuing Education Program</li> <li>• Compulsory Superannuation payable by employer</li> <li>• Annual Leave as per the statutory Act</li> <li>• Long Service Leave as per the statutory Act</li> <li>• Compliance with employment, common law and contractual obligations in conjunction with the Constitution and Regulation of the Uniting Church and the By-Laws of the Synod.</li> </ul> |

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| <b>MANDATORY</b>  | <b>MANDATORY</b>   | <b>MANDATORY</b>  |
|   |  | <ul style="list-style-type: none"> <li>• For the support and Coordination of programs that involve children, employers are to advise the Board of Education's Children's Ministry, Youth Unit or SRE Coordinator as appropriate</li> <li>• Pastors must satisfy the core competencies as required by the Regulations either before employment commences or with Presbytery permission within the first three months of employment which is known as the probationary period.</li> </ul> |