

8.1 EMPLOYMENT OF LAITY AND OTHER STAFF IN PARISHES

8.1.1 Introduction

Parishes have the right to employ lay staff to fulfil specific roles and functions where it has been identified that there is a need for a position to be filled, and that this position can be financially supported by the Parish.

The engagement process is managed locally by the Incumbent and Churchwardens, in consultation with the Diocesan Finance Team who will be responsible for the salary component of the employment. The employee while employed by the Parish, will be an employee of the Diocese.

Employing staff has become a very legalistic process. Even though the Parish and the employee may come to an 'arrangement' this may not be legal and will leave the employee, Parish and/or the Diocese exposed to a variety of potential problems including investigation by the Fair Work Ombudsman. Therefore it is essential that the Parish ensures they follow the correct process of employing a person and, where necessary, in terminating that person, in a manner which minimises the risk of exposing the Parish or Diocese to considerable expense.

The following procedure must therefore be followed.

8.1.2 Parish Identifies the Need to Employ a Staff Member

The full Parish Council must resolve (by majority) to seek to employ a staff member having prepared a position description which identifies the role, tasks, responsibilities, and qualifications/skill sets needed to undertake the role. The Parish Council must also agree that the Parish can financially support the engagement of this person.

The Position Description should be prepared in accordance with the template attached to the various employment contracts.

The Incumbent/Churchwardens consult with the Diocesan Finance Team on the appropriate category of employment, Award for pay scales, and conditions of employment.

The employment of a staff member will not become effective until the employment contract has been

- (i) Approved by the Diocesan Business Manager; and
- (ii) signed by both the employee and the responsible Parish officer

A copy of the signed contract is to be forwarded to the Diocesan Business Manager.

8.1.3 Determination of the Category of Employment and Preparation of Contract

There are four categories within which the Parish may engage staff as follows:

Permanent Full-time Employee

- Working 38 hours per week with set starting and finishing times
- Ongoing employment with no nominated finishing date

Permanent Part-time Employee

- Working less than 38 hours per week with set starting and finishing times
- Ongoing employment with no nominated finishing date

Fixed Term / Project Employee

- Working for a set period of time which has a predetermined finish date; or
- Working until an event happens or a project is completed or funding ceases
- Could be full-time or part-time – with set starting and finishing times

Casual Employee

- Working irregular/variable days or hours as requested by the Incumbent/Church Wardens
- Employment can cease at short notice

Completion of the appropriate template contract -

In accordance with the advice from the Diocese

- a. complete any section in red on the appropriate contract which requires the inclusion of information – ie names, dates, etc
- b. review any paragraphs in red as to whether they are needed or not for this employee/position. If not they should be deleted. Other paragraphs in red which are to form part of the contract are to be converted to black. Paragraphs already in black should not be deleted from the template.

8.1.4 Conditions of Employment

Determine whether the person to be employed is covered by a Fair Work Award.

- A summary copy of the Clerical Award is attached
- If the work is not of a clerical or administrative nature seek assistance to determine whether another Award may apply from the Diocesan Finance Team.
- The Award rate of pay must be paid to an employee.

Be aware of employee entitlements under the National Employment Standards

- A concise summary is attached.
- The contract of employment selected from above includes the relevant parts from the Standards

Be aware of the other legal requirements of employing someone

- Workers compensation premiums
- Superannuation payments
- Taxation payments to the ATO
- Etc

Working with Children

If the employee will be working with children they will be required to complete the *Working with Children Check*.

8.1.5 All CURRENT and NEW employees are employed by the Diocese, and paid through the Newcastle Diocesan Payroll Office to ensure that

- the employment is based on the correct legal foundation – correct contract type and correct award
- that the employees are paid appropriately (legally) and in a timely manner
- that all other legal payment obligations (as described above in 8.4) are being properly addressed.
- Following signing of the contract for employment a copy is to be sent to the Diocesan Finance Team indicating the employees details, and commencement date.

It is the responsibility of all employees to advise the Incumbent/Churchwardens, and the Diocesan Finance Team of any proposed leave, or changes to standard conditions of employment as the Diocesan Finance Team has the expertise to ensure these are dealt with correctly. This will minimise the risk to a Parish of underpayments or fines where the correct salary has not been paid.

Parishes are responsible for remitting to the Diocesan Finance Team the necessary funds to ensure remuneration can be paid.

8.1.6 Termination of Employment – Unfair Dismissal

Parish employees can make unfair dismissal claims if they believe their termination was harsh, unjust or unreasonable. This can be very stressful and could cost tens of thousands of dollars to deal with. All terminations must be approved by the Diocesan Business Manager before they take place.

To follow:

- 1. Permanent Full Time Employment Contract and Position Description**
- 2. Permanent Part Time Employment Contract and Position Description**
- 3. Fixed Term / Project Employment Contract and Position Description**
- 4. Casual Employment Contract and Position Description**
- 5. Clerks – Private Sector Award 2010**
- 6. National Employment Standards**
- 7. Prohibited Employment Declaration form**
- 8. Working with Children Background Check Consent form**