

Human Resources



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HR Topics



- Canons and Roles
- Clergy Remuneration
- Legislative Compliance
- Diocesan Policies
- Managing Staff
- Toolkit

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Canons and Roles



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### Canons

- Ensure that you have read, reviewed the Canons
- Understand your role, rights, responsibilities
- Canon 9: Incumbents
- Canon 10: Clerical Appointments, Exchanges, Retirements and Terminations
- Canon 15: Churchwardens
- All clergy appointments are made by Bishops.
- For questions on the Constitution and Canons
  - Pamela Boisvert, Secretary of Synod
  - pboisvert@toronto.anglican.ca; 416-363-6021 ext. 231



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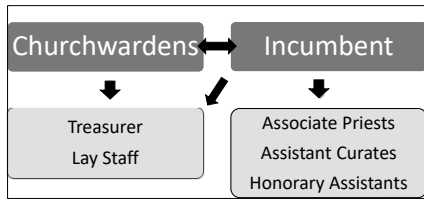
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### Roles



- Churchwardens and Incumbents work together to ensure parish in line with canons, policies, legislation
- They do not have authority over each other
- CWs are the legal employer and signing authority
- Incumbent is day-to-day Supervisor



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### Clergy Remuneration



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**Clergy Remuneration**

- Remuneration = stipend + housing + utilities
- At appointment, the remuneration is set by the Area Bishop in consultation with the Churchwardens
- Churchwardens review annually; use Appendix E for changes
- Units is only used for retired clergy
- Stipend: minimum stipend grid based on years of ordination. Can pay higher.
- Utilities: includes gas, water, sewer, hydro, basic phone.



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**Clergy Housing**

- All clergy must receive a housing allowance or live in a rectory.
- Housing and utilities is reported as income on T4
- Clergy can claim the Clergy Residence Deduction
- Housing Allowance:
  - equal to fair rental value of rectory type housing
  - there is no difference for Incumbents and Assisting clergy
- The allowance/rectory value must be reviewed annually, and the amount set for a 2 year term. Amount set is based on a 3 year average for smoothing.
- Review the [Clergy Housing Policy Statement](#)



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**Benefits for Clergy**

- Pension, Extended Health Care, Dental, Life Insurance
- Vacation
  - 1 winter week plus 1 month (summer)
  - Accrued from July 1<sup>st</sup> to June 30<sup>th</sup>
  - Must be taken; no carry over
- Professional Development
  - Participate in the Continuing Education Plan (CEP)
  - 2 week leave annually (1 weekend)
- Leaves of Absence
  - Sabbath leave after 6 full-time years
  - Short and Long Term Disability
  - Pregnancy and Parental Leave
  - Compassionate Leave (unpaid)
  - Educational Leave (unpaid)



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**Legislative Compliance**




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**Legislative Compliance**

- Parishes, regardless of size, must be responsible employers
- Ensure policies & practices in compliance with all appropriate legislation
- For example: *(click links for more info)*
  - [Employment Standards Act](#)
  - [Human Rights Code](#)
  - [Income Tax Act](#)
  - [Employment Insurance legislation](#)
  - [Canada Pension Plan legislation](#)
  - [Occupational Health and Safety Act](#)
    - [Workplace Violence & Harassment](#)
  - [Accessibility for Ontarians with Disabilities Act](#)




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**Health and Safety (OHSA)**

- Create Health & Safety policy
- Ensure all COVID-19 protocols are in place for staff
- Have a Health and Safety Bulletin Board
  - "The Green Book" (the Act)
  - Inspection Reports
  - Health and Safety Policy
  - Workplace Violence & Harassment Policy
  - First Aid & Safety Representative
  - WSIB (if enrolled) & ESA Posters
- Document all training taken by your staff
  - Ministry of Labour has [free, online training](#) for employees and supervisors
- If you have a Ministry of Labour inspection, they will look for all of these items.




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**Health and Safety (OHSA)**


- Employer = Churchwardens
- Supervisor = usually the Incumbent, can be others
- Worker = anyone receiving money from the employer

Internal Responsibility System

- Employer, Supervisor, and Worker has interlocking roles, responsibilities, and rights

Rights of Workers

- Right to participate – be part of making the workplace safe
- Right to refuse work – that they believe is dangerous
- Right to know – of any possible hazards




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**WSIB**

- Normally mandatory for all workplaces, but not mandatory for churches
- If you have enrolled, it must cover everyone on your payroll
- If there is a health & safety accident, you need to file a report with WSIB
- If you don't have WSIB, ensure that your insurance provider is aware
- If there is an accident, the injured party will file a claim through the insurance




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**Health and Safety Resources**

- Ministry of Labour
  - [www.labour.gov.on.ca/english/hs/index.php](http://www.labour.gov.on.ca/english/hs/index.php)
  - Frequently Asked Questions
  - Forms and Posters
  - Training
- Diocesan Website
  - [www.toronto.anglican.ca/parish-administration/health-safety/](http://www.toronto.anglican.ca/parish-administration/health-safety/)
  - General Information
  - Policy and Procedure Templates
  - Links to other resources
- Health & Safety Board template
  - [osg.ca/products/joint-health-and-safety-board-template/](http://osg.ca/products/joint-health-and-safety-board-template/)
  - Has a spot for each required item; costs \$30




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**Workplace Violence & Harassment**

Required

- Policy is a requirement under OSHA since 2010
- Parishes with 6 or more employees:
  - Must have a written policy
  - Must train employees on the policy
- Document all training taken by parish staff.
  - Ministry of Labour may request training records during an inspection
- Every parish must do a risk assessment at least once; after an incident; after renovations
- Must investigate all incidents and complaints




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**Workplace Violence & Harassment**

Best Practices

- Best for every parish to have a written policy
- All employees need to be aware of risks, how to respond, who to contact.
- Post policy in a public place.
- Advise staff, volunteers, parishioners, and licensees of where to find it.

Harassment Policy (when a cleric is involved)

- If a cleric is involved in an incident, you must contact the Canon Pastor.




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**Accessibility for Ontarians with Disabilities Act (AODA)**

- Required multi-year initiative since 2012
- Laws to improve accessibility for people with disabilities in 5 key areas:
  - Customer Service
  - Information and Communications
  - Employment
  - Transportation
  - Design of Public Spaces
- Ensuring that the services you provide can be accessed by everyone in a dignified way.
- If you have at least 1 employee, you need to follow AODA and have a policy.




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**AODA**

- Rethink how you do things so that people have more access:
  - Use larger print on documents
  - Ask the person what accommodation they need
- Must train employees/volunteers on serving people with all abilities.
  - Free training online at: [www.aoda.ca/free-online-training/](http://www.aoda.ca/free-online-training/)
- Excellent government resources:
  - [www.ontario.ca/page/accessibility-in-ontario](http://www.ontario.ca/page/accessibility-in-ontario)
- Diocesan Website:
  - [www.toronto.anglican.ca/parish-administration/human-resources-for-parishes/aoda-for-parishes/](http://www.toronto.anglican.ca/parish-administration/human-resources-for-parishes/aoda-for-parishes/)


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**Diocesan Policies**


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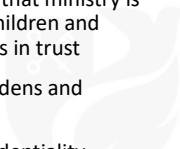
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**Responsible Ministry: Screening in Faith**

- Policy since 2003
- Based in good volunteer management principles and national screening standards
- It is one of the steps to prevent sexual misconduct in our places of ministry
- Program to help parishes ensure that ministry is safe and healthy, especially for children and vulnerable adults who come to us in trust
- Joint responsibility of Churchwardens and Incumbent.
- Privacy is to be respected and confidentiality maintained.


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**Responsible Ministry: Screening in Faith**

- There are 11 standards & practices to be implemented
- Ministry is a privilege; must be good stewards
- Everyone in medium and high risk must be willing to fully participate in the standards
- Screening must be completed before the employee or volunteer starts. Ideal to do it before an election.
- Applicable to all employees and volunteers
- Must be 18 years old to be in a high-risk position, as a police record check is required
- Screening records must be kept indefinitely. Do not destroy. Ensure they are secure.



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**Responsible Ministry: Screening in Faith**

- First step: assess positions for risk - high, medium, low
- High risk:
  - All clergy
  - Lay employees
  - Churchwardens
  - Organists and music directors
  - those involved in residential or off-site ministry, or where a person is alone with children or vulnerable adults
- Medium risk:
  - Positions of authority or trust with few chances to be alone with children or vulnerable adults
- Low risk:
  - Ministry without significant authority or trust
  - Never alone with children or vulnerable adults



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**Responsible Ministry: Screening in Faith**

- Reference Checks
  - Required for high-risk ministries
  - Ask if they have worked/volunteered in another parish
  - Talk to that parish; ask if there were concerns
- Police Record Checks
  - Required for high-risk ministries
  - Before they start and every 3 years after
  - If not done first can cause embarrassment or liabilities if the person has a criminal record
  - Those convicted of sexual assault are not permitted to serve in any ministry position
  - Must use Diocesan process – ensures fairness, confidentiality, and consistency



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**Responsible Ministry: Screening in Faith**

- Sexual Misconduct Policy Training
  - Required for medium and high-risk ministries
  - Within 6 months of starting and every 3 years after
  - Use the Diocesan [training resources](#)
  - Ensure that everyone knows to contact the Canon Pastor if they have a concern or experience an incident
  - Canon Pastor is [the contact person for everyone](#); can be reached at 416-807-2494
- Resources
  - There are a lot of steps but also a lot of [resources](#)
  - The full policy, templates, and FAQs can be found on the Diocesan website




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**Sexual Misconduct Policy**

- 3 Types of Sexual Misconduct
  - Sexual Harassment, Exploitation, and Assault
- **Canon Pastor**
  - Responsible for policy, questions, and investigations
  - Oversees the investigation team
  - Equipped to respond to incidents and complaints
- Canon Pastor: The Rev. Canon John Anderson
- Assistant Canon Pastor: The Rev. Susan Haig
- Contact: 416-807-2494 or [canonpastor@toronto.anglican.ca](mailto:canonpastor@toronto.anglican.ca)

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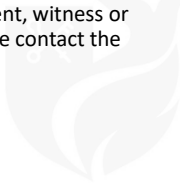
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**Sexual Misconduct Policy**

- Churchwardens and Incumbents responsible to ensure training happens
- Post policy and how to reach the Canon Pastor in a public place in the parish
- Policy outlines procedures for responding
- If you become aware of an incident, witness or experience misconduct, or unsure contact the Canon Pastor
- Don't try to handle it yourself
- Keep it confidential

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**Managing Staff**




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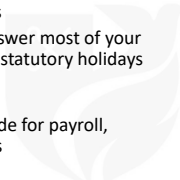

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**Staff & Volunteers**

- Treat them the same for most policies
- Ensure you have the right person, not the first person who offers to help
- Ensure parish complies with legislation
- Employment Standards Act (ESA)
  - Outlines rights and responsibilities
  - Ministry of Labour [website](#) can answer most of your questions, i.e. overtime, vacation, statutory holidays
- Canada Revenue Agency (CRA)
  - [Website](#) has payroll calculator, guide for payroll, explains deductions, has tax tables

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**Policies and Procedures**

- Ensure fairness and consistency in your parishes policies and practices.
- Create a Parish Office (or Staff) Manual to address a variety of matters, document practices, ensure clarity.
- Churchwardens and Incumbents are responsible for setting each parish's own policies and should check all relevant legislation before making any policy decisions.
- Examples of items to include:
  - Vacation
  - Sick time, Disability benefits
  - Code of Conduct
  - Computer and Internet Use

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**Records Management**

- The personnel file should include:
  - resume, employment agreement / contract
  - job description
  - salary and benefit information
  - Responsible Ministry: Screening in Faith documentation (keep permanently)
  - ongoing performance evaluations
  - performance management documentation
  - continuing education material
  - health & safety records
  - training records
  - sick leave, leave of absence, vacation memos
  - resignation or termination documentation
- Records need to be kept in a secure locked location at the parish. (Not in someone's home)
- Ensures information transfer when leadership changes




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**Hiring Staff**

- Churchwardens and Incumbents are the hiring and dismissing authority of lay staff; only Churchwardens can sign documents.
- Bishops are the appointing and dismissing authority of all clergy.
- Have a fair and transparent process:
  - job description, job ads, resume screening, same interview questions to all candidates, have a scoring scale, references & job offer.
  - Ensure that everyone has an equal opportunity to apply for a position.
- Ensure compliance: Human Rights Code & Ontario ESA.




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**Hiring Staff**

- Be clear if you are hiring an employee or a service provider. *(see Employee vs. Contract Worker for more info)*
- Have written employment agreements
- All employees are high-risk: must have a police record check, references, and Sexual Misconduct Policy training.
- What can you afford?
  - Ensure it is a living wage *(you can find it online for your area)*
  - Ensure that you can afford the employer costs and benefits *(if they are eligible at your parish)*
  - Can you afford them permanently or for a short period; after 2 years you need to make them permanent




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### Conflict of Interest

- Under Canon 15, Churchwardens and parish employees cannot be related.
- Avoid actual and perceived conflicts of interest.
- Use a proper recruitment process – ensures you hire the best person; makes it easier to say no to candidates that are connected to the parish
- Do you hire a parishioner?
  - Avoid dual relationships, i.e. supervisor and pastoral care provider
  - Hiring parishioners complicates parish politics
  - Think about impact if you have to terminate



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### Job Descriptions

- Have one for each role/position
- A summary of the duties and responsibilities required, not what the person is capable of doing.
- Each written description includes a job title, supervisor’s title, job duties and responsibilities, experience, education, work conditions, and skills required.
- Is basis for job advertisement, recruitment, determining fair compensation, employment agreement, and performance assessment.



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### Compensation

- Develop a job description first
- Complete a market survey to ensure a fair wage - use online salary tools, other job postings, ask other religious organizations
- Review annually for potential need of adjustments to wage; consider cost of living adjustments
- Be aware of provincial minimum wage
- Pension and Benefits
  - If over 20 hours a week (or half-time)
  - Administered through National Pension Office
  - Apply eligibility consistently amongst staff



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**Employee vs. Contractor**

- Before you hire be very clear if you are hiring an employee or a service provider.
- Need to classify appropriately to avoid penalties.
- Employees are all paid through payroll with proper deductions.
  - They take ongoing direction from a Supervisor
  - They work is an integral part of the organization
  - Employer controls how and when work is carried out
  - Employer provides needed tools and equipment
  - Employer controls absences, sick or vacation leaves
  - Employer controls the amount of pay.
- Employees can be permanent or on a fixed term contract (this is different from an Independent Contractor).




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**Employee vs. Contractor**

- Independent Contractors have their own business and issue invoices. They:
  - provide a service
  - work independently with limited oversight
  - can provide a service to more than 1 employer
  - can subcontract
  - can accept or refuse work; paid for work done; no vacation pay
  - use their own tools and equipment
  - is responsible for making government remittances
- CRA has a guide to help you determine the type of person you are hiring: Employee or Self-Employed
- CRA can fine your parish if not done correctly. Some parishes have experienced this.




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**Employment Agreements**

- Every work arrangement should be in writing.
- Parish's responsibility to clearly state expectations and benefits.
- Agreements must include a list of duties and responsibilities, a list of work conditions, the pay, and a termination clause.
- Employment Agreements are used for employees and fixed-term contract employees of the parish.
 

\*Contract employees: defined period, no more than 2 years across all renewals
- Sample agreements on the Diocesan website
- Poorly written agreements (or lack of them) leads to management issues and termination issues.




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**Independent Contractor Agreements**

- Every work arrangement should be in writing.
- Independent contractor agreements include term, services to be provided, fees, warranties, insurance, etc.
- Contractors are responsible for their own insurance, WSIB, and ensuring quality of work
- Sample agreement on Diocesan website




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**Supervising Staff**

- Ensure employee is provided with job description that outlines clear responsibilities
- Regular feedback provides encouragement and assists with continued good performance
- Ensure that supervisors (usually Incumbent) are meeting regularly with staff
  - Set a weekly or monthly meeting date
  - Provide and document regular, constructive feedback
  - Address concerns immediately, no annual 'surprises'
  - Allow opportunity for course correction
  - Give feedback on what is going well, challenges, and be clear on expectations
  - Share progress updates on ongoing work
  - Give employee opportunity to share concerns




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**Supervising Staff**

- Document all concerns and discussions for written record.
- Good and regular feedback improves the working relationship.
- Lack of feedback leads to a strained relationship and frustration for both parties – don't let things fester
- Documentation assists during leadership transitions
- Also, important if the hire ultimately fails and you need to terminate.
- Protects parish from liability caused by an employee feeling the termination is unjust




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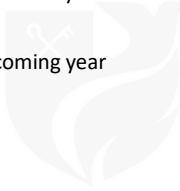
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**Performance Reviews**

The annual performance review is formal process to:

- discuss the job performance, career objectives and ministry development of the employee
- review goals and accomplishments
- review concerns raised throughout the year and progress on addressing them
- set goals and objectives for the coming year
- identify training needs

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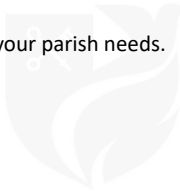
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**Performance Reviews**

- Supervisor (usually Incumbent) to conduct review and ensure Churchwardens agree with feedback
- Employee also to have opportunity to provide comments
- There is a template for performance reviews in the Parish HR Manual.
- You can change the form to suit your parish needs.

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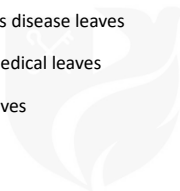
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**Leaves of Absence**

- The Employment Standards Act (ESA) provides a number of unpaid, job protected leaves.
- If any employee requests a leave, refer to ESA first to understand their rights and your obligations.
- Types:
  - Bereavement leave
  - Sick leave
  - Declared emergency and infectious disease leaves
  - Pregnancy and Parental leave
  - Family Responsibility, Caregiver, Medical leaves
  - Critical illness leave
  - Child death and disappearance leaves
  - Domestic or sexual violence leave
  - Organ donor leave
  - Reservist leave

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**Bereavement Leaves**

- Right for 2 days unpaid, job protected leave per calendar year. No carry over of days into next year.
- Applies to all employees. Not prorated for partial year of employment or part-time work.
- Can be taken at time of family member’s death or later for funeral, memorial, or for estate matters.
- Employee to inform employer before or as soon as possible after starting it.
- Notice can be orally or in writing.




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**Sick Leaves**

- Right for 3 days unpaid, job protected leave per calendar year. No carry over of days into next year.
- Applies to all employees. Not prorated for partial year of employment or part-time work.
- Is for personal illness, injury or medical emergency.
- Employee to inform employer before or as soon as possible after starting it. Notice can be orally or in writing.
- Employer can ask for reasonable evidence. Can only ask for date seen and duration of leave. Cannot ask for diagnosis, treatment, condition.
- Employee may also qualify for up to 15 weeks of EI Sickness Benefits.




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**Emergency Leaves**

- Specifically COVID-19 related. Due to an emergency order, health order, or to provide care or assistance to a family member.
- Two kinds: Declared Emergency leave and Infectious Disease Emergency Leave.
- Unpaid, job-protected leave. No set number of days. Employee may qualify for one of the government financial supports during the leave.
- Declared Emergency:
  - Not currently in effect
  - Two periods – March 17 to July 24, 2020 and January 12 to February 9, 2021.
- Infection Disease:
  - Still in effect – January 25, 2020 to July 3, 2021




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**Pregnancy and Parental Leaves**

- Unpaid, job protected leave.
- Pregnancy: 17 weeks.
  - Can apply to miscarriage and stillbirth in some circumstances
- Parental: up to 63 weeks
- Benefits, pension, seniority, length of service, and vacation entitlements continue during leave
- Applies to all employees. Must give 2 weeks' notice before start of leave or as soon as possible if there is a complication.
- Employee can apply for EI benefits. The length of EI benefits is different that ESA rights of leave.



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**Other Leaves**

- For other ESA protected leaves, refer to the legislation for more information
- Employment Insurance (EI) provides benefits for some types of leaves. This may differ from the ESA protected leaves.
- Contact Diocesan HR team for assistance with leaves not covered by legislation



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**Endings: Resignations**

- Get it in writing.
- Recognize with an acceptance letter.
- Document accrued and unused vacation days and pay them out on final pay.
- Confirm when benefits will end.
  - Notify National Pension Office of ending date if parish participates in the Pension & Benefits program.
- Develop parish announcement together if possible.
- Plan for exchange of parish and personal property.
- Ensure parish has passwords.
- Ensure access to computers, programs, and building ends on last day.



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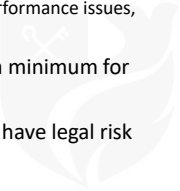
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**Endings: Dismissal**

- Obtain guidance. Do not do it alone.
  - HR professional
  - Employment Lawyer
  - Ecclesiastical professional services – HR Assist (1-888-325-4633), Legal Connex (1-866-263-0256). Will need parish insurance policy number.
- Review personnel file.
  - Start date, termination clauses, performance issues, leaves, other factors
- Employment Standards Act sets a minimum for notice requirements
- Can be complex and challenging; have legal risk implications

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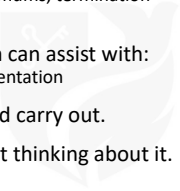
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**Endings: Dismissal**

- Put everything in writing. Wording is very important.
- Remember the impact on the community.
- File any parish announcements.
- LegalConnex can assist with:
  - Advice, what exposure is, ESA minimums, termination clauses, scripts
- Diocesan Human Resources team can assist with:
  - Planning, communications, documentation
- It takes times to properly plan and carry out.
- Reach out for help when you start thinking about it.

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**Toolkit**

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**Government Resources**

- Employment Standards Act
  - [Topic Sheets](#) for most employment topics.
  - [Public Holiday calculator](#)
  - [Termination tool](#)
  - [Severance tool](#)
- Health and Safety
  - [www.labour.gov.on.ca/english/hs/index.php](http://www.labour.gov.on.ca/english/hs/index.php)
- Canada Revenue Agency
  - Payroll Deduction [calculator](#)
  - Payroll [Guide](#)




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**Where Do I Get Information?**

- Former Churchwardens
- Diocesan Website
  - HR for [Parishes](#)
  - HR for [Clergy](#)
  - [Screening](#)
  - [Sexual Misconduct Policy](#)
- Networking (other parishes, those in your parish...)
- Internet – Interview questions, compensation, sample policies, etc.
- Pension [Office](#) – for lay pension and benefits program questions
- Diocesan Human Resources [Team](#) – we are here to help




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**Next Steps**

1. Review the Canons
2. Conduct an audit to ensure that your parish:
  - Is in compliance with all legislation:
    - Health & Safety Policy, Training, and Bulletin Board
    - Workplace Violence & Harassment Policy and Training
    - AODA and Training
  - Is in compliance with all Diocesan policies:
    - Screening (references and police record checks)
    - Sexual Misconduct Policy training
  - Has in place:
    - HR Manual/Policies
    - Regular touch base meetings/ Performance Reviews
    - Proper Employment and Independent contractor agreements




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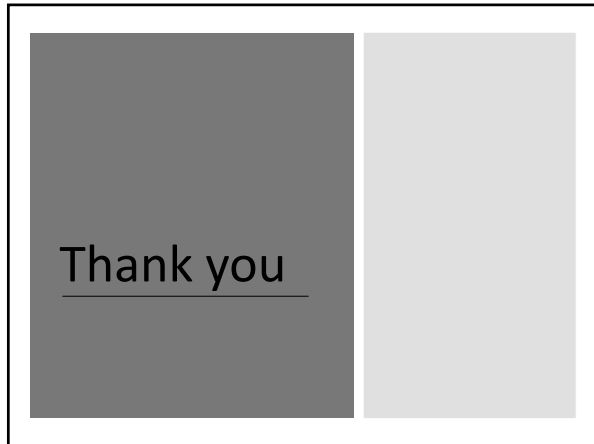
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