

# GUIDELINES FOR HEALTHY CHURCH/PASTOR RELATIONSHIPS

2017



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## 1 Introduction

These guidelines seek to create clarity for both the pastor and church and to foster working conditions where both pastor and church are able to function efficiently, and at their best. The BUV's experience shows that working conditions for the pastor that are fair, healthy and supportive helps to create an effective and healthy church. It is important for a church and pastor to be clear about their expectations in ministry together, by clarifying the role of the pastor, the terms and conditions of call, and processes by which ministry will be conducted in partnership together.

These guidelines have been developed following a wide consultation process incorporating discussions at gatherings, input from pastors and churches via surveys and focus groups, and a working group made up of representation from BUV, pastors and church leaders.

The ministry to which the pastor has been called is of an incarnational nature; it is typically a life calling that goes beyond the local church responsibilities out into the community. The pastor is always 'on-the-job', i.e. a pastor may or may not be intentionally involved in a ministry setting, yet may still be called upon to act in their role as a pastor. This creates a tension with many of our employment laws and standard HR policies.

Our BUV Constitution outlines the principles of the relationship between pastor and church in these terms:

- The Baptist minister accepts his office from the Lord of the Church, and while he is a "servant of the Church" the Church is not his master. He is the spiritual leader in the life and ministry of the Church.
- Associated with the minister in the spiritual oversight of the Church are men and women chosen for their Christian gifts and graces, who are called to be examples to the members of the Church, in conduct, zeal, self-denial and generosity.
- Church officers are appointed as spiritual leaders to work in sympathetic co-operation with the minister and Church members. (BUV Constitution IV. 6.C-E)

The relationship between pastor and church is both spiritually formed and nurtured, it exists for the purpose of furthering the work of the kingdom at a particular time and in a particular place.

These Guidelines carry a range of very practical issues; however underlying all of the recommendations is an understanding of ministry. The relationship between the church and its pastor(s) is special and unique, involving a commitment by each party. The pastor responds to the call to provide leadership and care for the church and the church commits to provide care and support for the pastor.

As Pastors, having taken that step into paid ministry and responded to a call from a local church, there are a number of practical issues which these guidelines discuss that can help improve the longevity, health and effectiveness of your ministry.

As Church Leaders, we may need to look beyond our own employment/HR experiences in the commercial workplace and seek to make decisions that reflect a biblical perspective, where the values of love, generosity, kindness, mutual respect and the well-being of our pastors are paramount. This approach requires that the relationship between pastor and leaders goes beyond a strictly employer/employee relationship.

There are however, many legal requirements that govern the employer/employee relationship that apply directly to the church/pastor relationship. There are also many HR principles that can be useful in improving the effectiveness of our relationships with our pastors. Finding appropriate ways to look after our pastors is in the long term interest of the local church, pastors and the wider church as we together develop healthy, sustainable and effective ministry.

These guidelines go beyond the mandatory legal requirements to detail the BUV's expectations of the church/pastor relationship to create the most effective and healthy church that furthers God's work in your community.

## 1.1 Context

These guidelines have been written for pastors and churches conducting ministry in the local church setting.

They have not been written for the employment of administration staff or ministers engaged in other ministry fields such as chaplaincy, teaching or overseas mission.

Many churches now employ ministry workers (i.e. youth worker, children's worker) into ministry positions. Care should be taken to ensure that the position description for these roles adequately reflects the expectations of the church. Where the role has pastoral responsibilities it is important to ensure these guidelines are followed as per other pastoral roles. With all ministry worker positions it is important to ensure that all the guidelines for the provision of exempt benefits are met [\(3.2\)](#)

## 1.2 Part time

These guidelines have been written assuming a full time position. All entitlements to stipend, leave, etc should be provided pro-rata for part time positions.

## 1.3 Joint ministries

A joint ministry between a husband and wife should be considered two separate appointments. A statement of understanding should be agreed for both appointments and both appointments should be approved by a church meeting.

## 1.4 Statement of understanding

The **Statement of understanding** between a minister and the church is a written summary of the terms and conditions under which the call is made and accepted. To borrow from the commercial world, it is an employment agreement or a contract.

A statement of understanding is important because it outlines:

- The pastoral role and the relationship with the church
- The terms of the call
- Remuneration, packaging, leave and other entitlements
- Process for decision making, review of ministry and dispute resolution
- Dealing with complaints of misconduct
- What happens at the conclusion of a ministry

The statement of understanding provides for clear expectations in the relationship with a constructive framework for ministry and healthy boundaries.

### 1.4.1 Process for developing a statement of understanding.

- Prior to a church and pastor talking, both should give some consideration to the various terms and conditions they would want to see in a statement of understanding
- Once a pastor has accepted a call to the church, the church should prepare a statement of understanding with the pastor
- At the church meeting to call the pastor, the church should approve two members of the leadership to sign the statement on behalf of the church
- Once signed by all parties, both the pastor and the church should retain a copy [\(11.1\)](#)

A standard template for the **Statement of understanding** is provided. If you wish to vary from the recommendation it is strongly advised that you seek the advice of the BUV.

### 1.4.2 Reviewing a statement of understanding.

Each year, as part of the annual review, the statement of understanding should also be reviewed to ensure that it continues to meet the needs of both the pastor and church. Any changes to the Stipend must be updated on the Statement of Understanding.

### 1.5 Relocation expenses

When a pastor takes up a new appointment at a church, reasonable relocation expenses for the pastor and their family, including furniture and personal belongings, should be paid by the receiving church.

## 2 Terms of employment

In pastoral ministry, there can be no hard and fast rules on what constitutes a working week. The effective exercise of pastoral leadership together with the unusual opportunities and demands which are part of the pastoral role, create a unique lifestyle which is difficult to describe in fixed hours and days of work.

Sometimes a culture can develop which encourages staff, both paid and volunteer, giving of themselves to the utmost extent, regardless of the personal cost. This can lead to exploitation, and is both unwise and unjust. It is unwise because it can lead to high levels of stress and 'burnout', and unjust, because it ignores the justice of appropriate conditions; which are due to all workers. At the same time, due to the flexible nature of pastoral ministry, it is important for the pastor to remain accountable for ministry time.

The National Employment Standards contained in the Fair Work Act 2009 cap the number of ordinary hours a full time Victorian employee can work per week at 38 hours.

An employer can request an employee to work reasonable additional hours (in addition to the maximum 38 hours or the employee's ordinary hours of work). Factors that must be taken into account, when deciding whether additional hours are reasonable, include but are not limited to:

- any risk to the employee's health and safety from working the additional hours;
  - the employee's personal circumstances, including family circumstances and responsibilities;
  - the needs of the workplace or enterprise where the employee is employed;
  - the usual patterns of work in the industry, or part of the industry, in which the employee works;
  - the nature of the employee's role and the employee's level of responsibility;
- (for full list see Section 62(3) of Fair Work Act 2009)

Recognising the tension between the unique pastoral role and calling, and the requirements of the national employment standards, the BUV provides the following guidelines to ensure the pastor is well cared for.

### 2.1 Working week

A working week is five days (average 38 hours plus reasonable additional hours). A pastor should have two days off per week. In many circumstances, pastors will work significant hours on a Sunday (including worship services) – this is considered to be part of the working week.

Part time pastors will have a cap on their ordinary hours worked per week based on their agreed hours or usual hours.

### 2.2 Volunteer time

There will be no assumed or implied expectation that pastors with a defined and specified job description will be required to offer their services in a voluntary capacity to achieve any aspects of their stated job description. Most pastors will want to do some volunteer work within the community; however it is the pastor's choice to decide where to allocate that time. This may be with organisations outside the church.

### 2.3 Time management

Due to the nature of pastoral work with non standard work hours, it is important for the pastor to manage their time effectively. Effective time management is a developed skill and a practised discipline.

A suggested approach is to look at the pastor's potential work day in five blocks of three hours eg:

- early morning
- morning
- early afternoon
- late afternoon
- evening

A pastor will typically average working three of these blocks of time per day. For example; on the day of a church leadership meeting the pastor may choose to work the morning and early afternoon, skip late afternoon and come back to the evening meeting.

A positive aspect of pastoral life is the flexibility to determine working hours, which enables a work life balance, for example: picking the kids up from school.

### 3 Stipend

It is recommended that a pastor's stipend is made up of various components to take advantage of tax benefits available to ministers of religion that assist churches to provide a greater level of financial support to pastors. The pastor's stipend should comprise:

- Taxable salary (as is commonly paid to most employees)
- Exempt Benefits (exempt from PAYG & Fringe Benefits tax)
- Housing exempt benefits (if required)
- Superannuation

The recommended stipend (no manse provided) for a pastor with the Baptist Union of Victoria is **\$1,530** per week for the calendar year commencing 1 January 2017.

The stipend level was set by Union Council and endorsed by Assembly on 21 October 2016. It is currently Council's policy to recommend an increase in line with the average increase in Consumer Price Index (CPI) and Average Weekly Earnings (AWE).

This is the recommended (100%) stipend for a Pastor. Churches should consider paying above the recommended level where appropriate based on:

- the pastors ministry experience (greater than 10 years paid experience),
- responsibility (including size of pastoral team and church),
- capacity of the church to pay.

Depending on the circumstances of the appointment, a stipend in the range of 100-135% of the BUV recommendation may be appropriate. There are separate guidelines for Pastors in training. [\(3.5\)](#)

#### 3.1 Taxable salary

The stipend should be split 50% taxable salary and 50% exempt fringe benefits (3.2).

PAYG tax should be withheld from the taxable salary. The ATO tax calculator can assist with determining the correct amount of PAYG.

<https://www.ato.gov.au/rates/tax-tables/>

The net taxable salary should be paid into the pastor's personal bank account, as nominated by them.

#### 3.2 Exempt benefits

Exempt benefits are expense paid by the church on behalf of the pastor.

Benefits provided to 'religious practitioners' (i.e. a minister of religion, a full-time member of a religious order, or a person training to become a minister of religion or a member of a religious order) of a 'religious institution' are exempt benefits under section 57 of the Fringe Benefits Tax Assessment Act 1986.

Payments of benefits to these persons are classed as 'exempt benefits'. It is recommended that 50% of the pastor's stipend should be paid as exempt benefits.

### **Religious Institution**

One of the criteria to qualify as 'religious institution' is that the institution must be approved as a 'Charitable Institution' by the ACNC.

### **Minister of Religion**

In determining whether a person is a minister of religion, many, if not all, of the following characteristics should be present:

- the person is a member of a religious institution;
- the person is recognised officially by ordination or other admission or commissioning, or, where the particular religion does not require a minister to be formally ordained, the person is authorised to carry out the duties of a minister based on a specified level of theological or other relevant training or experience;
- the person is recognised officially as having authority in matters of doctrine or religious practice;
- the person's position is distinct from that of the ordinary adherents of the religion;
- the person has acknowledged leadership in the spiritual affairs of the religious institution;
- the person is authorised to discharge the duties of a minister or spiritual leader, including the conduct of religious worship and other religious ceremonies.

### **Pastoral duties**

For a benefit to be exempt, it must be provided principally in respect of pastoral duties.

*[For example: benefits paid to a Minister of Religion providing exclusively admin services to a Religious Institution will not be exempt from taxes.]*

This definition of a religious practitioner is not restricted to someone who is an ordained minister of religion. It can include associate ministers, Christian workers and also lay persons acting in the capacity of a minister of religion.

It is important for churches to consider their own circumstances to determine whether they meet the above requirements.

### **Exempt benefits**

Any fringe benefits provided to a religious practitioner who is an employee of a religious institution are tax exempt benefits, provided that the benefit is provided to the employee, the employee's 'spouse', or the employee's 'child'. *[Note: For a benefit to be a fringe benefit it must be paid by the employer. This means it cannot be paid in cash to the employee]*

The definition above says 'any' fringe benefits. This means it could be anything, provided it is for the benefit of the employee, the employee's spouse, or child.

Items that don't qualify as tax exempt benefits include (but is not limited to):

- Gifts and donations to charities
- Tithes and offerings
- Loans to third parties



Items that qualify as tax exempt benefits include (but is not limited to):

- Groceries
- Clothing and shoes
- House rental or mortgage payments
- House maintenance
- Utilities
- Vehicle
- Vehicle maintenance and fuel
- Insurance
- School/ study fees
- Computer, mobile phone, data usage
- Flights, rental cars and holiday accommodation
- Shows, movies and restaurant meals
- Club membership fees
- Medical expenses (not covered by Medicare or Insurance)

provided these are private items, for the benefit of the employee, the employee's spouse, or the employee's child.

There are different ways to administer the pastor's tax exempt benefit payments and you can discuss these with the BUV. One of the options is to use the BFS Visa pre-paid card.

*Pastors should be aware of how their exempt benefits can affect some government centrelink payments.*

(Much of the information in this section has been provided by Saward Dawson Chartered Accountants. Further PAYG, FBT, GST and general tax information is provided in their "GST Guide" available through the [BUV website](#))

### **3.3 Housing exempt benefit**

This change in the provision of housing exempt benefit is due to the varying cost of living in different towns and suburbs across the state. It ensures:

- pastors receive similar stipend regardless of the location of the church they have been called to.
- The local church, which is in the best position to meet the cost, meets the cost of housing for the pastor.

#### **3.3.1 No manse provided to the pastor**

Where the church does not provide a manse to the pastor the church must provide appropriate housing exempt benefits to live in the local area.

The church will provide, by way of additional exempt benefits (3.2), an amount equal to the median rental of the local area less the median rental for Victoria [currently \$370 per week.]

Note: Some churches may choose to rent a property for their pastor in the church's name, churches in this situation should consider this the provision of a manse.

If a pastor is paid a percentage above or below the recommended stipend that percentage should apply to the additional housing exempt benefit. The amount should be paid pro-rata for part time pastors.

The definition of local area will be negotiated between the pastor and the church in the context of the church ministry. In most instances, an area not more than 15 minutes drive in average traffic conditions would be considered local.

[Median rental figures](#) are available for a 3 bedroom house.

If the pastor chooses to live within a different area to the negotiated area it will be to the pastors cost/benefit.

If the church is located in an area with rental below the median rental for the state there will be no reduction to the pastor's remuneration. This is to offset the additional travel usually required in these areas.

In addition, where the church does not provide an office at the church for the pastor an additional housing exempt benefit at the equivalent of 25% of the local median rent must be provided to the pastor to allow for an extra room to be used as an office/study.

### 3.3.2 Manse is provided to the pastor

Where the church does provide a manse to the pastor the 2017 stipend is **\$1,160** per week.

### 3.3.3 Manse Conditions

A church manse should be maintained to a good condition.

The church is expected to ensure appropriate:

- floor coverings, drapes, blinds and light fittings, antennas etc
- garage or carport
- heating - effective and economical
- cooling - to appropriate areas of the manse
- security, fences and gates as appropriate
- building insurance

The pastor is expected to ensure appropriate:

- garden maintenance
- general cleaning and household maintenance
- contents insurance

As a general rule the church leaders should maintain the manse to a level that they would be happy to live in themselves and the pastor should maintain the manse as if it were their own home.

The church and pastor should undertake an annual review of the manse to discuss any maintenance or safety issues arising. The costs for the maintenance and upkeep of the manse should be given a priority in the church budget.

The manse is the pastor's home and the address of the manse should not be publicly advertised.

### Part time positions

If a part time pastor is provided with a manse, this could be factored into the total days worked in consideration of the pastor having full time use of the manse.

### 3.4 Superannuation

Superannuation is to be provided at the rate of **\$181.00** per week. Where a pastor is paid a loading above the recommended stipend, that percentage loading should be applied to the superannuation payment.

Churches are required to offer a choice to the Pastor's about the superannuation fund they pay their contributions. Many pastors use Christian Super and churches are advised to make this their default fund.

At the commencement of the Pastor's ministry the church must give the Pastor a Superannuation Choice Form. These forms are available from Christian Super website.

### 3.5 Pastors in training

The following table is provided as a guide to paying pastors in training. It is only a guide and there may be circumstances where a higher payment is appropriate.

The recommended percentage would apply to all payments including stipend, exempt benefit, housing exempt benefit and superannuation.

Experience	Years	Training				
		No Training	1 Year Theo/Min	2 Year Theo/Min	Theology/Ministry Degree	Unrelated Bachelor
Unpaid Ministry	<2	60%	65%	65%	75%	65%
Unpaid Ministry	<10	70%	75%	80%	85%	80%
Unpaid Ministry	>10	80%	85%	90%	95%	90%
Paid Pastoral Leadership	<5	NA <sup>1</sup>	85%	90%	95%	90%
Paid Pastoral Leadership	>5	80%	90%	95%	100%	95%

1 – Refer to Unpaid Ministry experience scales.

### 3.6 Tithes and offerings

There will be no assumed or implied expectation that pastors will tithe any percentage or amount of their stipend to the church. As part of their commitment and leadership of the church community, pastors will want to tithe some of their stipend to the church; however it is the pastor's choice to decide where and how much of their stipend to tithe.

## 4. Pastor resources

In addition to the pastor's stipend the church should pay the cost of the resources required by the pastor to complete their work. This includes, but is not limited to:

- desktop computer or laptop
- computer software
- internet access
- telephone
- office/study
- office expenses
- professional development
- car
- hospitality

A conversation about the cost of these resources should form part of the church's annual budget process.

#### 4.1 Computer

The church should provide a current desktop computer or laptop as agreed between pastor and church. This should be replaced every three years. The appropriate software for the pastor's use (e.g. Microsoft Office suite of programs, anti-virus software) should be installed onto the computer.

#### 4.2 Internet

Internet access should be provided by the church either at the church office or the pastor's home office as agreed with the church.

#### **4.3 Telephone**

A pastor will generally use three telephones in the course of their work – church office, home and mobile. The church should pay the total cost of two of these three telephone services as agreed between the church and pastor based on the pastor's phone usage for the ministries of the church.

#### **4.4 Office/study**

The church must provide an appropriate office facility for the pastor. This can be located at the church office or as a home study (3.3.1). It must be maintained at an appropriate standard to meet occupational health and safety requirements. (7.3.1)

#### **4.5 Office expenses**

Upon presentation of receipts the church will reimburse the cost of any relevant office expenses paid for by the pastor such as postage, stationery, office equipment and any other out of pocket expenses. The church should advise the pastor that any single expense over \$500 [or as negotiated] will require pre-approval from the church leadership.

#### **4.6 Professional development expenses**

The church will meet the reasonable costs of the pastor attending conferences, seminars, training courses and study as may be approved by the church for assisting the pastor in the exercise of ministry within and through the church.

#### **4.7 Car**

It is suggested that an estimate of ministry travel be made by the pastor at the start of each year and that, if travel above 12,000 kms per annum is anticipated, an additional reimbursement sum be agreed accordingly based on the ATO cent per km rate for claiming a tax deduction on a 1.6-2.6 litre car. A further adjustment to the final month's payment can then be made if necessary when actual ministry travel is known at or near the end of the year.

#### **4.8 Hospitality**

Depending on the nature of the Pastor's ministry with the church, hospitality costs can be a significant expense. These additional expenses should be part of the budget conversation between the pastor and the church.

#### **4.9 Resource Materials**

It is expected that any resource materials (such as books, DVDs, specialist software) acquired by a pastor in their time at a church will be retained by them to take to their next ministry. The church is not expected to pay for these materials.

The church may purchase these resource materials to retain for church use once the pastor leaves.

## **5 Leave**

The image of God offered to us in Genesis, is that of the God who both works and rests. Employment must allow and promote a rhythm in people's work lives that sustains and encourages a holistic life, and does not destroy rest, recreation, relationships and the broader community.

#### **5.1 Annual leave**

Pastors are entitled to 5 weeks annual leave for each year of service to ensure a proper break from the constant demands of ministry. It is recommended that the annual leave break covers five Sundays. The entitlement to annual leave accrues progressively during the year of service during ordinary hours of work.

Annual leave can accrue to a maximum of six weeks, at which point the church can direct the pastor to take their leave. Leave taken regularly is beneficial for both the pastor and the church to allow appropriate rest and reduce the financial burden on the church for excessive leave. Churches are liable for unpaid leave not taken. For every week that leave is accrued, the church is accumulating a liability as this is over and above their annual budget. This will be approximately \$1,530 plus on costs. (This leave accrual should be recorded as an expense in your accounts each year or as a note to the accounts if only cash records are kept.)

Each church is encouraged to allow its pastor one Sunday away from the local church each half year, in addition to the annual leave entitlement. These Sundays are not cumulative, and will be lost if not used by the end of the year.

## 5.2 Public holidays

Pastors are entitled, as per legislation to be absent from work on all public holidays. Where a pastor needs to work on a public holiday they are entitled to take an alternative day off in the same week.

## 5.3 Personal leave

Pastors are entitled to paid personal leave for absence due to:

- personal illness or injury affecting them
- the need to provide care or support to a member of their immediate family or household who requires that care or support because of:
  - personal illness or injury
  - an unexpected emergency

Pastors are entitled to 10 days paid personal leave per calendar year. This leave is cumulative, but will not be paid out on termination.

In addition to paid leave, the pastor shall, when their paid personal leave is exhausted, be entitled to a period of up to two days unpaid carers leave for each occasion on which a member of their immediate family or household requires care or support because:-

- they are suffering from a personal illness or injury
- there is an unexpected emergency in relation to that person

## 5.4 Compassionate leave

The pastor will be entitled to two days paid compassionate leave on each occasion when a member of their immediate family or a member of their household:

- contracts or develops a personal illness that poses a serious threat to his or her life; or
- sustains a personal injury that poses a threat to his or her life; or
- dies.

Churches are able to grant additional paid time off as an opportunity for grace to be bestowed on the pastor in recognition of the toll on the pastor of death and trauma. The church may also wish to grant this time off when the pastor has dealt with these issues within the course of their ministry. The amount of additional paid time off granted is at the discretion of the church based on the individual situation.

## 5.5 Unpaid leave

In certain circumstances pastors may wish to negotiate with their church for unpaid leave (such as when all paid leave has been exhausted). It is at the discretion of the church to approve unpaid leave.

During an extended period of unpaid leave, a pastor who lives in a church manse may be required to pay rental back to the church at the amount not exceeding the median rental for Victoria (currently \$370 per week). [\(3.3.2\)](#)

## 5.6 Community service leave

Pastors are entitled, as per legislation to paid leave where required to attend jury service and unpaid leave for those who engage in a voluntary emergency management activity (e.g. SES, CFA).

Pastors are entitled to be paid by the church for a period of up to 10 days while they are absent from work during a period of jury service. Any amounts paid by the courts for jury service will reduce the amount payable to the pastor by the church.

### **5.7 Parental leave**

Pastors are entitled to 12 months unpaid parental leave, i.e. maternity, paternity or adoption leave, provided the pastor has completed at least 12 months continuous service with the church. A pastor may also extend the leave period by an additional 12 months unpaid parental leave (total of 24 months) under certain circumstances. Such extension may only be refused on reasonable ministry grounds.

#### **5.7.1 Paid parental leave**

Paternity Leave – Non primary care givers are entitled to receive one week as paid paternity leave at the time of birth.

Pastors may also have extra entitlements, such as paid parental leave, under the Australian Government Paid Parental Leave scheme.

### **5.8 Long service leave**

Pastors are entitled to long service leave in accordance with the Long Service Leave Act 1992. This means that Pastors are entitled to 13 weeks leave after 15 years' continuous employment.

It is recommended that churches participate in the BUV Ministerial Long Service leave Savings Scheme and accept an earlier start date, for long service leave purposes, where appropriate. Please refer to the Rules of the Ministerial Long Service leave Savings Scheme.

By accepting an earlier start date for long service leave purposes, a church effectively accepts a higher cost of employment for the Pastor. Churches should contact the BUV, to ensure that the savings scheme covers a pastor's long service leave entitlements, before agreeing to accept the earlier start date for long service leave purposes. Churches should also ensure that they obtain long service leave records from the previous church, if they agree to an earlier start date for long service leave purposes.

### **5.9 Rest and restoration leave**

Pastors are entitled to one week of rest and restoration leave per year. Rest and restoration leave can only be taken when the church is satisfied the pastor's accrued annual leave is at a satisfactory level.

Rest and restoration leave will be at the discretion of the pastor together with the leadership team. This time can be utilised for:

- conferences
- spiritual Retreats
- recreation

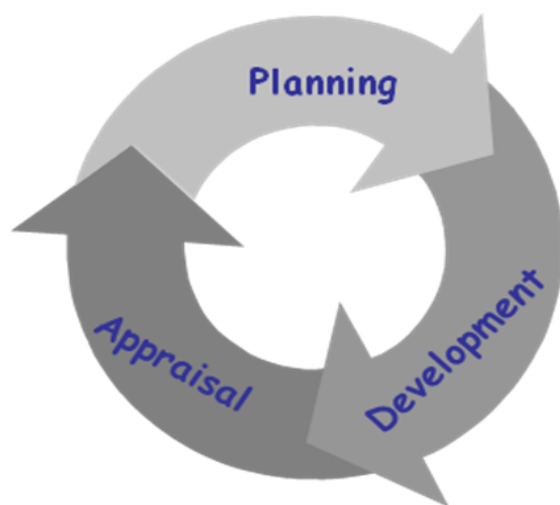
Rest and restoration leave is not cumulative and will not be paid out if not accessed within the year.

### **5.10 Study Leave**

It is recommended that pastors are provided with appropriate paid study leave to meet their professional development and formal study requirements. Please refer to the Professional Development section for more information.

## **6 Annual Appraisal and Development**

One of the key stressors for pastors is lack of clarity about the church's expectations of the pastor. To avoid this it is recommended that the church follow a structured planning, development and appraisal process with the pastor on an annual basis.



### 6.1 Planning

The church leadership with the pastor(s) should plan the shape and direction of the church's ministry on an annual basis. Out of this church planning process should come the particular areas for which the pastor is responsible. These should be discussed and documented in an action plan. The planning phase should include discussion on:

- the pastor's position description
- the church's expectation of the pastor
- key ministry areas and goals
- priorities and milestones
- how the goals are to be measured

Once an action Plan is agreed upon, this should form the basis of the pastor's ministry throughout the year. Progress should be reported to the church leadership on a monthly basis. Any changes in priorities throughout the year should be discussed, documented and agreed.

### 6.2 Development

To ensure that the pastor is able to meet the expectations agreed to in the planning phase, a discussion should also be held with the pastor identifying any development needs they have. Pastors need to keep pace with the spiritual and practical demands of contemporary ministry. Therefore, the value of additional study and training is commended to both church and pastor.

Development needs should be discussed and documented in a development plan. The development phase should include discussion on:

- the pastor's professional development status (PDP)
- the pastor's strengths and weaknesses
- identified areas for development
- specific development activities
- any formal studies the pastor is undertaking

#### 6.2.1 Professional Development

The amount of professional development should be that necessary to meet the needs identified at commencement or during an annual review. However, a minimum of **40 contact hours each year** of professional development should be undertaken.

The church must pay the costs involved for the pastor to attend the agreed professional development each year.

Churches with pastors in training, undertaking an initial theological/ministry degree should favourably consider significant additional hours including class contact time and exam preparation as well as meeting the cost of the pastor's study.

### 6.3 Appraisal

On at least an annual basis the church should review what the pastor has achieved in their ministry over the previous 12 months. This appraisal should assess their ministry against the agreed action plan and be discussed and documented in an annual appraisal. The appraisal phase should include discussion on the pastor's ministry over the previous 12 months, in particular:

- summary of the pastor's performance in ministry
- feedback from the church/ church leadership/ other pastors/ church staff and volunteers/ etc
- assessment of performance against goals
- specific achievements
- areas of weakness

Review and update the position description and action plan for the next 12 months as appropriate.

## 7 Occupational health & safety

The church has a duty of care to provide a safe and healthy working environment for the pastor and other staff and as a minimum will operate within the requirements of the Victorian Occupational Health and Safety (OH&S) Act (2004). Breaches of the OH&S Act can result in a range of penalties up to maximum fines of \$1,075,050 for organisations and \$215,010 for individuals. Individual church leaders are not held personally liable as they work for the church on a volunteer basis, however the church as an organization can be liable. A pastor who manages other staff could also be held personally liable where breaches affect other staff and the pastor was found to be negligent in addressing a potential risk.

### 7.1 Duties of the employer

Under legislation the employer is required to:

- maintain the workplace in a safe condition (such as ensuring fire exits are not blocked, emergency equipment is serviceable, and the worksite is generally tidy)
- provide pastors and ministry workers with adequate facilities (such as clean toilets, cool and clean drinking water, and hygienic eating areas)
- make sure pastors and other staff have adequate information, instruction, training and supervision to work in a safe and healthy manner
- adequately monitor the pastor's and other workers' health (such as collection and review of incident and injury data and monitoring stress and fatigue levels)
- monitor the conditions of the workplace (such as measuring air quality if your work involves potential exposure to dust or fumes, monitoring workloads and fatigue)
- keep information and records relevant to your pastor's and other workers' health and safety
- consult with the pastor and other workers on issues that may directly affect their health and safety (such as deciding on the adequacy of facilities for staff, identifying or assessing hazards and risks)

This duty of care also extends to other people accessing the workplace; that is the church members and congregation, volunteer workers, contractors doing work in the church and members of the public.



## 7.2 Duties of the employee

Additionally, pastors and other staff have an obligation under the OH&S act to take reasonable care for their own health and safety and that of other people who may be affected by the work being done. Pastors can assist the church to prevent risks to workplace health and safety by notifying the church leadership of any hazards or potential hazards and by monitoring their own health and wellbeing.

## 7.3 Risk assessment

The church should regularly assess for OH&S risk looking at both physical and psycho-social factors.

### 7.3.1 Physical factors

A risk assessment should be undertaken in the church office or other place where the pastor works (including the home office if this is where the pastor predominantly works from). Areas to assess are:

- lighting – both the quantity and quality, including glare, reflections, shadows, flickering, etc
- noise – sources of excessive/distracting noise could include traffic, office equipment and other people
- air – thermal comfort (hot, cold, stuffy, draughty) and quality (office equipment output, heating/cooling systems, odours, etc)
- office layout and design – shared space, walkways, floor surfaces, storage systems, etc.
- workstation design and use - desk and chair height, posture and movements, computer/ keyboard/ screen positioning, prolonged use of laptop, etc.
- potential risks - slips, trips and falls, electrical safety, food hygiene, etc.

### 7.3.2 Psychosocial factors

A risk assessment should be undertaken to assess the potential for:

- stress
- fatigue
- bullying

#### 7.3.2.1 Stress

Stress is a word used loosely in the community and is a complex emotional experience. Positive challenges motivate people to learn new skills and master their jobs. This 'good' stress can lead to high levels of satisfaction and productivity.

However, challenges can also be personally distressing and disruptive. Ministry that results in a person feeling unable to cope and unsupported may lead to an adverse psychological reaction known as stress and may lead to illness, injury and ministry failure. Stress is interactive and people can have very different responses to the same factors.

We do know that some factors may contribute to stress reactions.

Stress may arise from the content of work, for example:

- where there is too much work to do
- work that involves pastors having to hide their feelings when dealing with the congregation or church leaders
- unpredictable, long or unsocial working hours, this may occur particularly around the time of death or crisis within the church community
- poor office conditions, such as poor lighting, heat and inadequate equipment or technology

Stress can arise from the social and organisational context of ministry, for example:

- inadequate communication systems with church leaders and other pastors;
- uncertainty, e.g. no clear instructions on what the pastor is expected to do;

- job change, e.g. in task content, hours, supervision (new church leaders), without adequate consultation;
- job insecurity (the Pastor has concerns about the financial viability of the church);
- poor relationships between church leaders and congregation members, not acknowledged and rectified;
- emotionally demanding jobs with inadequate support;
- inconsistent people management, e.g. many pastors see the supervision of other staff as secondary to their role.
- decision making within Baptist Churches can result in a long time to wait for a decision or the pastor feeling they have little control over the outcome of a decision;
- volunteers not performing a task as anticipated;
- conflicting demands of home, family and work.

### **Reducing stress**

Eliminating or reducing risks to psychological health has advantages for the health and wellbeing of pastors. There are also likely to be benefits to the church through effective, long term ministry.

There are various strategies to reduce risk to psychological health from stress.

### **Content of work factors**

- Ensuring that the pastor's position description is realistic, both in terms of the skills of the pastor and the time required to undertake the ministry
- Ensuring the pastors take reasonable rest. Has the pastor used their annual leave? Has the pastor had sufficient time to recover from a period of crisis or death within the community?
- How well does the church make decisions?
- Ensuring the office environment and equipment (particularly computers) are adequate for the desired ministry

### **Social and organisational work factors**

- Developing a supportive and effective ministry culture by: ensuring suitable leadership which delegates, encourages participation and initiative, enhances co-operation and teamwork, and makes clear the church's objectives;
- Establishing clear roles by: ensuring roles and responsibilities of pastors and church leaders are clearly specified and regularly reviewed;
- Provide ongoing professional development that ensures necessary skills and development of the church ministry;
- Developing suitable systems to manage and develop work performance through pastor and church reviews;
- Establishing suitable work/life balance policies by: providing flexible working time arrangements;
- Implementing policies and procedures to manage conflict;
- Providing training and information about risks to psychological health from stress by raising awareness, talking about what the church can do to prevent stress;
- Establishing a process for reporting and responding to reports of stress, perhaps a process where an Elder buddies with a pastor to help with early identification of issue and management of processes.
- Gaining access to qualified counsellors/psychologists that work for an external, independent organisation. They can assist employees by providing confidential support and counselling for either work-related problems or personal issues which affect work. Programs exist within the BUV to assist with counselling.

#### **7.3.2.2 Fatigue**

Fatigue is an acute or chronic state of tiredness which affects employee performance, safety and health and requires rest or sleep for recovery. Through a build-up of sleep debt, fatigue can result in errors of judgement that may affect the health and safety of the employee and others.

The fatigue factors that influence risk include:

- mentally and physically demanding work (very high demands);
- long periods of time awake (e.g. long hours of work particularly in times of death or crisis);
- inadequate amount or quality of sleep (e.g. when 'on-call');

Churches can help manage fatigue by monitoring the health of the pastor and ensure that they are taking appropriate breaks and time off to recover particularly during and following times of death or crisis for the church community. [\(5.4\)](#)

The BUV have developed many resources that assist churches with healthy structures, decision making processes and ministry practices. Please contact your Regional Minister to discuss how these resources might be applicable to your church.

### **7.3.2.3 Bullying**

Bullying is repeated, unreasonable behaviour directed towards a worker that places their health or safety at risk and is likely to victimise, humiliate, undermine or threaten them.

While a single incident may not constitute bullying, isolated incidents that are perceived or reported as bullying should not be ignored. All such incidents should be investigated and addressed to ensure that repetition is prevented.

Bullying may occur between employee and employee; employer (Church Leader) and an employee or group of employees; or a church member or group of church members and a pastor.

The following types of behaviour could be considered bullying:

- verbal abuse, excluding or isolating particular workers, harassment or intimidation;
- assigning meaningless tasks unrelated to the worker's job or tasks that are impossible for the worker to successfully complete;
- changing work rosters with the deliberate intention of inconveniencing particular workers;
- intentionally withholding information that prevents a worker from effectively carrying out the job; and
- unreasonable threats of dismissal.

If a bullying issue arises, the conflict resolution procedures should be followed. [\(9.0\)](#)

## **7.4 WorkCover**

When employing a pastor, there is a legal requirement for churches to be individually registered for WorkCover in Victoria. The remuneration to be declared by the church for WorkCover purposes is the cash component of the stipend (usually 50%) plus any superannuation paid by an employer in respect of a worker. In the event of a WorkCover claim for a BUV accredited pastor, the BUV will pay 50% of the recommended stipend up to 2 years. This is to cover for the loss (or most of the loss) of exempt tax benefit payments.

## **8 Unlawful Discrimination and Sexual Harassment**

The church must comply with its obligations under equal opportunity legislation and provide a workplace free of unlawful discrimination and sexual harassment.

Employees are also required to ensure that their conduct does not constitute unlawful discrimination or sexual harassment.

Unlawful discrimination occurs:

Directly - when a person with an attribute (ie personal characteristic or feature) is treated less favourably than someone without that attribute;

Indirectly - when an unreasonable condition, requirement or practice is imposed that someone with an attribute does not or cannot comply with whereas people without that attribute do or can.

Examples of attributes which are protected by equal opportunity legislation include:

- race, colour, descent and national or ethnic origin under the Racial Discrimination Act 1975 and race and religious belief or activity under the Racial and Religious Tolerance Act 2001 (Vic)
- sex, marital status, family responsibilities and pregnancy under the Sex Discrimination Act 1984
- disability under the Disability Discrimination Act 1992
- age under the Age Discrimination Act 2004; and
- further attributes under the Equal Opportunity Act 1985 (Vic). For example; political belief or activity, employment activity, sexual activity, industrial activity, sexual orientation, and physical features.

In determining whether a person discriminates against another, their motive is irrelevant.

The Equal Opportunity Act 1995 also prohibits sexual harassment. Sexual harassment occurs where a person;

- Makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person; or
- Engages in any other unwelcome conduct of a sexual nature in relation to another person in circumstances where a reasonable person would expect the other person to be offended, humiliated or intimidated.

If an employee believes that they have been discriminated against or sexually harassed, the conflict resolution procedures below should be followed. Should the matter remain unresolved, the employee will be entitled to pursue the matter under equal opportunity legislation through the Victorian Equal Opportunity and Human Rights Commission or the Australian Human Rights Commission, as the case may be.

## 9. Conflict resolution

Conflict can arise in the church and cause considerable tensions, which if not addressed early enough can lead to a fractured fellowship and considerable congregational pain. The guidelines here deal with a conflict that specifically arises between the pastor and church leadership, or pastor and the congregation. However, the same principles could be applied to any conflict situation that arises within the church.

### 9.1 General principles

In dealing with any situation of conflict the following principles should apply:

- Engage with peers or your Regional Pastor throughout
- Engage early and with sensitivity
- Seek to have the conflict dealt with quickly but prepare carefully for conversations
- Always show love, grace, respect and self-control towards the other person/people, seeking to do so in a Christ-like way
- Work towards resolution and reconciliation, accepting differences where appropriate
- Be guided by the principles expounded by Jesus in Matthew 18:15-35
- Allow all parties to have an independent witness/ support person present if requested

- Ensure confidentiality by all parties in dealing with the issue
- To be conscious of anxiety levels and ensure they don't affect thinking, actions and decision. Remain objective and calm

## 9.2 Conflict resolution procedure

These steps should be taken when managing a conflict situation between the pastor and another party within the church:

**Step One** – In the first instance the pastor should attempt to resolve the issue through prayer and conversation with the other party.

**Step Two** – If this approach is unsuccessful in resolving the issue or for some reason the pastor finds it difficult to approach the other person, then the pastor could also involve a member of the church leadership in the discussions with the other party.

**Step Three** – In the event of there being a significant difference of view between the pastor and the church/ church leadership that cannot be satisfactorily resolved within the resources of the church, OR the conflict is of such a nature that a direct discussion between the pastor and the church leadership would be inappropriate, the assistance of the BUV Regional Pastor should be sought. An independent mediator can be appointed for the purpose of mediation. The pastor and the church should endeavour to agree on a mediator. If agreement on an appropriate mediator cannot be reached, the BUV should be asked to appoint an appropriate mediator. The cost of the mediator should be shared between the church and the pastor on a 50/50 basis.

## 10 Conclusion of ministry

There are a wide variety of circumstances under which a ministry may be concluded. The majority of ministries will be concluded because:

- the pastor has responded to a call to another ministry;
- agreement has been reached by the parties that the ministry will conclude;
- the pastor is obliged by ill health or other personal circumstances to withdraw from ministry; or
- the church is obliged to conclude the ministry.

The following guidelines should be followed when looking at concluding ministry by either the pastor or the church. In difficult situations, the BUV Regional Minister should also be contacted to discuss the best possible approach.

A documented record of Conclusion of Ministry must be kept. [\(11.1\)](#)

### 10.1 Notice period and payment

The recommended notice period for concluding ministry is three months by either the pastor or the church. The church must continue all of the agreed payments of stipend and benefits, including the housing arrangements (e.g. use of the manse) and superannuation, during the period of notice, except in a case of serious misconduct (see below) or where a payment in lieu is made if the termination is at the initiative of the church.

#### 10.1.1 Reducing the pastor's hours

If the church needs to reduce the pastor's contracted hours the same notice period of three months is required. During this time the church must continue to pay the Pastor for the full hours until three months have elapsed at which time the Pastor will reduce the hours to the new agreement and the stipend is reduced accordingly.

Where a church finds itself in a situation where it is necessary to begin the difficult process of reducing staff or hours due to financial constraints, the leadership must seek advice and support from the BUV who are able to provide appropriate guidance and support.

#### **10.1.2 Payment on conclusion of ministry**

Any monies paid on conclusion of ministry must be paid as taxable salary; exempt benefits cannot be paid on a termination payment. All accrued annual leave must also be paid out. Long service leave entitlements must be paid out if the pastor's service period is 7 years or more. Savings in the Ministerial Long Service Leave Fund can be accessed to assist the church in making the cash payment.

#### **10.2 Conclusion of ministry by the pastor**

The Pastor must provide the church with a written letter of resignation with the intended notice period. Where the Pastor wishes to shorten the notice period and the church is agreeable, the church is only required to pay the actual notice period rather than the full three months as above. If the church wishes to shorten the notice period the church must pay the full notice period amount as payment in lieu of service.

#### **10.3 Conclusion of ministry by the church**

Concluding a pastor's ministry at the church by termination should always be a last resort. The church's constitution must be followed and would usually involve gaining approval from the church membership via a majority vote at a specially called meeting.

The church must provide the pastor with written notice of the day of termination of employment. The church must provide notice of termination or payment in lieu of that notice as per the notice requirements in the statement of understanding (recommended period being 3 months).

Under the Fair Work Act the church can fairly dismiss a pastor for unsatisfactory conduct or performance if the pastor has been clearly warned (either verbally or in writing) that they are not doing the job properly and that they must improve their conduct or performance, or otherwise be dismissed. In addition, the pastor must be given a reasonable amount of time to improve their performance or conduct and must also be offered training or an opportunity to develop their skills. Where the pastor did not subsequently improve their performance or conduct the church must tell them that it has grounds for the dismissal and explain the grounds. The pastor must then have an opportunity to respond before the dismissal is affected. This process can be summarised as follows:

Step one – issue a clear warning that the pastor is not performing his/her job properly and must improve to avoid dismissal;

Step two – give the pastor a reasonable time to improve and training and other support to develop skills;

Step three – explain the grounds for dismissal and give the pastor an opportunity to respond

Any unreasonable refusal by the church to allow the person to have a support person present to assist any discussions relating to dismissal will be factor against the church in determining whether a dismissal was unfair.

The church as a small business employer (with fewer than 15 employees/ headcount) can attempt to prove compliance with the *Small Business Fair Dismissal Code* by providing Fair Work Australia with a completed checklist, copies of written warning(s), a statement of termination or signed witness statements. A claim for unfair dismissal can still be brought if the pastor has completed 12 months or more service with the church. However, following the Small Business Fair Dismissal Code, and correct and accurate completion of the Small Business Fair Dismissal Code Checklist may mean that any unfair dismissal claim is rejected by Fair Work Australia.

#### 10.4 Constructive dismissal

A Pastor may leave a church by resignation in situations that could constitute constructive dismissal. Constructive dismissal is a form of unlawful termination where the employer engages in conduct that is a significant breach of the contract of employment, which shows that it no longer intends to be bound by the contract. This enables the employee to terminate the contract by reason of the employer's conduct. A church or church leadership that engages in any of the following behaviours is acting unlawfully towards the Pastor:

- an attempt by the church to substantially change the Pastor's title, duties or work location without the Pastor's consent
- a reduction in wages or other benefits.
- false accusations of misconduct or theft
- offering the Pastor the opportunity to resign, with the underlying threat of termination of employment, and
- squeezing out the Pastor, for example, by imposing more onerous standards of performance than for other pastors or by giving disciplinary warnings in circumstances where the object of the church is to force the pastor out of the workplace.

A pastor who feels forced to resign by the church could make a claim of unlawful termination. The church must not engage in any actions that could result in a forced resignation.

#### 10.5 Conclusion of ministry for serious misconduct

Serious misconduct is a serious breach of the pastor's Code of Ethics and includes theft, fraud, and violence. Serious misconduct is also constituted by serious breaches of occupational health and safety procedures and duty of care obligations.

Prior to concluding a Pastor's ministry for serious misconduct the BUV must be contacted. This is to ensure that a lawful process is followed. The following will apply:

1. The church must contact the Director of Ministries regarding the allegation
2. The BUV will follow the *Complaint Procedure for Allegations of Misconduct by pastoral leaders*.
3. The pastor is suspended on full pay pending an investigation.

In a case of conclusion of ministry for serious misconduct the church may conclude the pastor's call without notice or payment of any kind other than accrued benefits.

#### 10.6 Redundancy

Under the Fair Work Act employers with fewer than 15 employees are not required to make a redundancy payment. Churches with 15 or more staff (headcount) would be required to pay redundancy as per the minimum entitlement in the Fair Work Act in addition to up to 3 months pay in lieu of notice, plus accrued annual leave benefits.

A church may conclude the ministry of its pastor on the grounds of redundancy only where the church has made a definite and genuine decision that the pastor's position within the structure of the church no longer exists or will no longer exist and is not required to be filled, and the church has or intends to declare the pastor's position redundant. In most instances the Pastor would not be entitled to any redundancy payment. The ground of redundancy should not be considered without advice from the BUV.

## 11 Record keeping requirements

The Fair Work Regulations require that certain employee records are kept and in a form that must be legible, in English and is readily accessible to an inspector from the Office of the Fair Work Ombudsman.

The records should be kept in the pastor's personnel file and stored in a secure location.



### 11.1 Employee records

The church must keep records in respect of each Pastor (and other paid employees) regarding the following:

- statement of understanding
- ATO Tax File Number declaration
- the amount of leave that an employee takes and the balance remaining for all types of leave eg: annual, personal, long service, etc. (most payroll software will record leave entitlements);
- termination of employment (where applicable). In particular, the record must specify whether the employment was terminated by consent, notice or summarily and the name of the person who acted to terminate the employee. [\(10.0\)](#)
- annual stipend increases. While not required, it is considered best practice to advise the pastor in writing of any pay increase including the percentage increase, the date of effect, the basis of the increase (usually a BUV assembly recommendation) and details of the new annual stipend amounts.

The church must make copies of the pastor's employee records available for inspection and copying upon the request of a pastor or former pastor to whom the record relates. The church has 3 business days within which to make the copy available after receiving the request or must post a copy of the record to the pastor within 14 days after receiving the request. If the records are not kept at the premises where the pastor works or worked, the church must comply with the request as soon as practicable. Further, the church must advise the pastor where the records are kept, if the Pastor asks.

The church must not alter a Pastor's employee record, other than as permitted under the Regulations or allow any other person to do so.

The church must keep employment records for seven years.

### 11.2 Payslips

Payslips may be in electronic form or kept in hard copy. Each pay slip must specify the following:

- employer's name (church);
- the Australian Business Number of the church;
- the employee's name (pastor);
- the period to which the pay slip relates;
- the date on which the payment to which the pay slip relates was made;
- the gross (taxable salary) amount of the payment;
- the net (taxable salary less PAYG withheld) amount of the payment;
- the annual rate of pay;
- any amount paid to the employee that is a bonus, loading, allowance, penalty rate, incentive-based payment or other separately identifiable entitlement; and

If an amount is deducted from the gross amount of the payment, the pay slip must also include the name, or the name and number, of the fund or account into which the deduction was paid.

The church is required to make superannuation contributions for the benefit of the pastor, so the pay slip must also include:

- the amount of each contribution that the church made during the period to which the pay slip relates, and the name, or the name and number, of any fund to which the contribution was made; or



- the amounts of contributions that the church is liable to make in relation to the period to which the pay slip relates, and the name, or the name and number, of any fund to which the contributions will be made.

While not required by law, it is a good idea to include details of Exempt benefits on the payslip for your pastor's benefit.

### **11.3 Occupational health and safety**

The church should maintain up to date and accurate records of all OH&S activity. Documentation should include risk assessments, action plans to address any risks or potential risks, records of employee illness or injury (medical certificates) and file notes of any incidents which have the potential to lead to a claim.

### **11.4 Other Records**

The church should keep records of any documentation with regards to the church/pastor relationship such as annual appraisal form, action plan, records of discussions around conflict, poor performance, recruitment/search committee notes etc.