

## Retirement and Pastoral Relations

June 29, 2018

### Background

Under human rights legislation, age is a prohibited ground for discrimination and there is no mandatory retirement age. The Income Tax Act (Canada) and regulations require a person to draw their pension by December in the year they turn 71. Some ministry personnel who desire to continue in the pastoral relationship are in calls or appointments in the year they turn 71 when they must draw their pension. Some ministry personnel apply to draw their pension and plan to work as retired supply under appointment in the same pastoral relationship or a new one.

Our bylaws state that “Retired members of the order of ministry are not eligible to accept a call unless the Conference returns them to active standing.”

([The Manual, 2016](#), section I.1.2.2. b)

The Constitution of the Pension Plan states:

If a Member remains in Continuous Service beyond his or her Normal Retirement Date, such Member will commence his or her pension on the earliest of;

- a) the first day of the month following the date his or her Continuous Service ceases;
- b) the first day of the month next following the date on which there is a change in the Member's Employment status and function, as determined by the Administrator; and
- c) the first day of December in the year he or she attains age 71 or such other maximum age permitted under the Income Tax Act.

### New Pastoral Relations Policy with Respect to Retirement

Our pastoral relations policy with respect to re-engagement of retired ministry personnel must be congruent with the terms of the Pension Plan, the Income Tax Act, and Human Rights legislation. In order to bring consistency and clarity about what a change “in status and function” means, the General Council has adopted the following pastoral relations policy with respect to re-engaging retired ministry personnel.

1. Definition: That a distinction be made between “retired pensioners” and “re-engaged pensioners.” “Retired pensioners” are those ministry personnel who are drawing their pension from the Plan and are no longer serving in paid accountable positions. “Re-engaged pensioners” are those who are drawing their pension from the Plan and are serving the church by way of appointment.
2. That with respect to those ministry personnel *choosing* to draw their pension,
  - a) there be a period of at least 13 continuous weeks between the effective

date of the first pension payment and the date of entering into a subsequent appointment, and

- b) there be no discussions or consideration of any return to work for that individual until after that ministry personnel's retirement date, and even then only on terms and conditions that are substantially different from those terms that applied prior to retirement. Examples of "substantially different" include another pastoral charge, number of hours, or different responsibilities.
3. That with respect to those individuals who must draw their pension as required by the Income Tax Act, there be no change to the terms of call or appointment.

### **What This Means for Ministry Personnel**

If you are drawing your pension to fulfill the Income Tax Act and regulations (i.e., you are in your 71st year), you may remain in your call or appointment. Your deductions will change as you and your employer will no longer be contributing to the pension plan. Once you leave that call, you are eligible to accept an appointment as a re-engaged pensioner or be a retired pensioner.

If you are choosing to draw your pension (i.e., you are younger than 70 years old), you may not remain in your call or appointment. You must demonstrate that your continuous service has ceased by not entering new employment with The United Church of Canada for at least 13 weeks. This includes other kinds of employment with the church like working for a presbytery or doing weekend or pulpit supply. Following that break, you are eligible to accept an appointment as a re-engaged pensioner. Presbytery/regional council or pastoral charge action related to that appointment cannot happen until after your retirement date. You will be asked to confirm that there is a break in your service when you apply for your pension.

Ministry personnel who are only eligible for appointment, not call, because they are drawing their pension, must indicate this to the Search Committee or equivalent.

### **Honouring Retirement and Retirement for Ministry personnel who are not Pensioners from The United Church of Canada pension plan**

The General Council also adopted the following:

4. That Conferences/Regions honour the years of service of those drawing pension at the time when they are no longer serving i.e. retired pensioners as distinct from re-engaged pensioners.
5. That members of the order of ministry who do not have a United Church pension and choose to be considered "retired ministry personnel" may do so by informing the presbytery/Office of Vocation. They would be honoured by Conference/ regional council with "retired pensioners."