

Ministry and Personnel Committees: Frequently Asked Questions Lay Employees



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Who is the ‘employer’? To whom are lay employees accountable? When is the Regional Council involved?

Lay employees are accountable to the governing body. This means that the final approval of position descriptions, hiring, discipline, terminations, accepting resignations, etc. falls with the governing body. Motions need to be made and recorded in the minutes. Other than being able to approve compassionate leave (which then should be reported to the governing body), the Ministry and Personnel (M&P) Committee can only make recommendations to the governing body for final decisions.

While the regional council makes resources available and offers support for Ministry and Personnel Committees, the employment relationship for lay employees is between the employee and the governing body. The United Church recommends that communities of faith consult with an employment lawyer before making decisions around termination of employees or with questions around the Employment Standards Act.

For Congregational Designated Ministers: The Human Resource Commission categorizes the position description as a Congregational Designated Ministry position and accountability around disciplinary action is the responsibility of the Regional Council. Please see the following Handbook for more information [Congregational Designated Ministers \(March 2020\) \(united-church.ca\)](#).

What are the employment rules around lay employees? What about vacation, salary, termination, etc.?

Lay employees fall within the requirements found in Ontario’s Employment Standards Act. You can find a helpful guide about the Employment Standards Act at: <https://www.ontario.ca/document/your-guide-employment-standards-act-0>. Be sure to click the “Table of Contents” at the top of the page to see all the information.

What is the difference between an independent contractor and an employee?

Communities of faith are responsible for ensuring that they categorize employees properly. It is important that M&P Committees and governing bodies understand the differences between an Independent Contractor and an Employee. Most people working with the church are employees.

These are legal categorization of work and are defined by the Government of Ontario in the Employment Standards Act. Please see: [Employee status | Your guide to the Employment Standards Act | ontario.ca](#).

When do lay employees need to be enrolled in the Pension and Benefits plan?

Enrollment in the Pension and Benefits plan is mandatory for all employees and ministry personnel who are:

- under 71 years of age
- and working an average of 14 hours or more at one or more ministry units in the United Church (including multiple Communities of faith).

Example: Sam works for Seventeenth United Church 10 hours per week and at Eighteenth United Church for 4 hours per week. Sam is employed by both communities of faith separately. However, because Sam works an average of 14 hours in two ministry units they must be enrolled in the Pension and Benefits plan.

For more information see the [Financial Handbook for Congregations 2017 \(united-church.ca\)](#) including section 4.8 and 4.10.1.

While it is often easy for churches to think about the financial costs of the Pension and Benefits plan it is important to also look at the support it provides. This includes:

- eligibility for the Restorative Care Plan which supports members in their healing and also reimburses the community of faith 85% of the pre-disability pensionable earnings.
- benefits that help with the overall health, wellness, and job excellence for employees including dental, health, and counselling.
- many employees value having pension and benefits which can lead to a position being more appealing and support for longer term employment.

How much do we pay our lay employee?

The governing body determines the salary for lay employees. This must meet the minimum wage set by the government of Ontario. There are no guidelines set by the United Church and no regional council statistics on what congregations are paying outside of the requirement to meet provincial requirements. You can find this information at: [Minimum wage | Your guide to the Employment Standards Act | ontario.ca](#).

Do lay employees get vacation days?

Yes. The minimum requirements concerning vacation, sick days, and the right to disconnect from work is found in the Employment Standards Act. It is important that Ministry and Personnel Committees ensure that all staff and ministry personnel use their vacation time. This leads to healthier employees and better work being accomplished.

More information can also be found at:

[Vacation | Your guide to the Employment Standards Act | ontario.ca](#)
[M and P Committee Webinar Managing Lay Employees in Church - YouTube.](#)

Does the United Church have a lawyer to help us with legal questions concerning lay employees?

No. The United Church does not have a lawyer available to support congregations with legal questions. Start with the resources available to you, consult with the Regional Council Minister, Pastoral Relations, and if there is need for legal consultation, the governing body can pay to consult with an employment lawyer. The United Church strongly recommends that when considering terminating an employee that you consult with an employment lawyer. This can help if issues arise after the employee is terminated.

What does M&P need to do to ensure a safe and productive workplace?

- Ensure that the church is upholding the responsibilities outlined in the Employment Standards Act.
- Ensure that all staff and the congregation are aware of the United Church's Workplace Discrimination, Harassment, and Violence Policy. A copy should be posted publicly and be available to all staff. The policy and more information can be found at: [Safe Spaces for Worship and Work | The United Church of Canada \(united-church.ca\)](#)
- Review the resources found at: [Health and Safety | The United Church of Canada \(united-church.ca\)](#).
- Regularly check in with employees and your minister about any concerns around workplace safety.
- Ensure employees have the proper tools for their work and training. This includes WHMIS Training ([Workplace Hazardous Materials Information System \(WHMIS\) | ontario.ca](#)) and training on first aid equipment as appropriate.

An employee needs accommodation based on health or ability. What do we do?

- All employers are required to abide by the Ontario Human Rights Code and Ontarians with Disability Act. Employers are prohibited from discriminating against people based on a protected ground ([The Ontario Human Rights Code | Ontario Human Rights Commission \(ohrc.on.ca\)](#)). Awareness about employers' responsibility to meet reasonable accommodations is important. You can find information about how to respond to request for accommodations at: [Duty to Accommodate: A General Process For Managers - Canada.ca](#).

Our lay employee needs to go on a leave – what do we do?

- You can find information about the different types of leaves, paid and unpaid, in the following handbook: [Ministry and Personnel Committees: Policy, Procedures, Practices \(united-church.ca\)](#). Compassionate leave can be approved by the Ministry and Personnel committee and does not need to be approved by the governing body. The committee should inform the governing body of an employee who is on Compassionate leave while at the same time respecting the employee's privacy.
- All employees and ministry personnel who are part of the Pension and Benefits plan, and are under 71 years of age are eligible for Restorative Care Leave. This leave is for medical leave that is over two weeks in length. Information can be found at: [Restorative Care Plan: Roadmap \(ucbenefits.ca\)](#) and [Health & Benefits \(ucbenefits.ca\)](#).