**Termination and separation policy**

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| This is a template policy developed for general use by The Baptist Churches in NSW and ACT and may not necessarily be suitable for you and your church's situation.  The information provided in this document is accurate and up-to-date as of the time of writing. However, due to the possibility of changes in circumstances or changes in legislative requirements and best practise, we cannot guarantee the continued accuracy or relevance of the content.  It is recommended that you consider whether the information is appropriate to your needs, and where appropriate, seek professional advice.  This document should be used and read in conjunction with the *Guide to the Template Policies* document. |

**Purpose**

**ABC Baptist Church** (The Church) will ensure that termination and separation of employees **[and pastors]** is timely, fair and complies with written agreements and other relevant legislation. **[It can be noted that this document refers to employees however, this also refers to pastors. Also, this document refers to employment however, this also refers to all written agreements between pastor and the church.]**

The Church will provide a process for the effective termination or separation of employees with appropriate consideration of organisational needs, whilst ensuring a transparent and fair process, the provision of associated entitlements, and clear communication of important and sensitive information.

All information relating to the termination of employment or separation of employees will remain confidential to those involved in the process.

**Scope**

This policy applies to all employees **[and pastors]** of the Church.

**Termination of employment**

Termination of an Employee may be voluntary or involuntary.

Where termination is voluntary and initiated by the employee, the employee must indicate in writing their proposed date of termination, in accordance with relevant notice periods.

Decisions made by the Church to terminate the employment of an employee will be made in accordance with our HR Policies, Procedures **and church constitution**. Where employment is terminated for valid reasons, the Church will give an employee notice and/or compensation.

The process for managing the termination of employment and separation of employees, together with notice periods and compensation, is specified in the Termination Procedure below and may be as a result of the following:

#### **Resignation or retirement**

An employee must put in writing their intention to resign or retire from the Church, indicating the proposed date of separation, and provide the required notice period in accordance with their employment contract. The notice must be submitted through the employee's **[leadership/ management/ supervisors etc]**. The **[leadership/ management/ supervisors etc]** will advise acceptance of the resignation in writing to the employee.

#### **Death**

In the event of the death of an employee, the Church will assist the employee's immediate family, calculate and pay outstanding salary and leave entitlements, and advise the relevant superannuation fund.

#### **Abandonment of Employment**

Failure by an employee to advise the Church of the reason for any absence of 10 or more sequential working days, will be considered to be Abandonment of Employment, and the employee will then be deemed to have resigned.

#### **Unsatisfactory performance**

The **[leadership/ management/ supervisors etc]** may terminate employment due to an employee's unsatisfactory performance in accordance with the provisions of the Performance Management Policy **and church constitution**.

#### **Probationary employment**

If at any time during the probationary period:

* an employee's progress is considered by the Church to be unsatisfactory, or
* if the employee is not satisfied with the position or the Church,

either the employee or the Church may terminate the employment subject to giving of the appropriate notice in line with Fair Work Act 2009.

#### **Serious misconduct**

In accordance with the Disciplinary Policy, the Church may terminate without notice the employment of an employee found to have engaged in serious misconduct such that would make it unreasonable to require the Church to continue employment during a period of notice.

#### **Ill health**

The Church may require an employee whose capacity to perform the duties of their position is in doubt to undergo a medical examination by a medical practitioner chosen by the Church at the expense of the Church.

If the medical examination reveals that the employee is unable to perform assigned duties and is unlikely to be able to resume them within 12 months, the Church may offer the employee the opportunity to resign, or where that is not accepted, terminate the employment. In instances where the **[leadership/ management/ supervisors etc]** decides to terminate employment on the grounds of ill health the standard notice period will apply.

Failure to undergo a medical examination within three months of a written notification to do so will be taken as evidence that the employee is unable to perform assigned duties. The **[leadership/ management/ supervisors etc]** may then proceed with action to terminate the employment.

**Notice period**

An employee is required to give 4 weeks notice or as otherwise stipulated in their contract **or church constitution**. If an employee fails to give the required notice, the Church may withhold salary or take legal action.

Where employment is terminated for valid reasons, the Church will give an employee notice or payment in lieu of notice in line with the requirements of the Fair Work Act 2009 or relevant award.

**Redundancies**

The Church may review its structure and operations for reasons which may include, but are not limited to, reasons of an economic, technological, structural or similar nature e.g. decrease in operational needs, changes in technology or work methods etc. which may lead to redundancies of employees.

Notice periods and benefits relating to redundancies are in line with the requirements of the Fair Work Act 2009 or requirements in the award.

Where positions are directly impacted by substantial organisational change, the Church will consult directly with the impacted employees. Consultation will include:

* notifying the employees who may be affected by the proposed changes
* providing the employees with information about these changes and their expected effects
* discussing steps taken to avoid and minimise negative effects on the employees
* considering employees ideas or suggestions about the changes.

**Responsibilities**

**[leadership/ management/ supervisors etc]** are responsible for:

* ensuring any written notices e.g. resignation or retirement are sent to **[Payroll]** to action
* ensuring the completion of the Employee Exit Procedures (see Appendix A)

Separation or termination of employment will be managed in accordance with the requirements of relevant legislation and as specified in the relevant policies of the Church

**Exit interview**

The Church will provide an opportunity for all voluntarily terminating employees to participate in a confidential exit interview (or written feedback) to discuss the strengths and weaknesses of the Church, provide feedback about their reasons for leaving and to assist with better understanding the variety of experiences of working at the Church.

**Definitions**

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| Abandonment of Employment | Where an Employee fails to attend work for a sustained period of time without authorisation or satisfactory explanation. |
| Misconduct | Behaviour in the workplace that breaches standards required in Policies, Procedures and Values. This also includes breaches of professional standards and requirements given by the registering body for registered/licensed employees such as Accredited/ Recognised Ministers, Accountants etc. |
| Poor Performance | A level of work performance or behaviour that fails to meet the expectations defined in the Position Description, Policy and Procedures or Purpose and Values. This may mean unsatisfactory quality, quantity or timeliness of work, poor teamwork or lack of leadership or technical skills. |
| Serious misconduct | The Fair Work Regulations define Serious Misconduct as:   1. wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment and: 2. conduct that causes serious and imminent risk to: 3. the health and safety of a person; or 4. the reputation, viability or profitability of the employer’s business   This includes each of the following:   1. the employee, in the course of the staff’s employment, engaging in:    1. theft; or    2. fraud; or    3. assault; 2. the staff being intoxicated at work 3. the staff refusing to carry out a lawful and reasonable instruction that is consistent with the staff’s contract of employment. |
| Support person | A person nominated by a staff member who attends meetings with them to provide support to the staff. |

## Document Control Information

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| **Disciplinary Policy** | |
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**Appendix A - Employee Exit Procedures**

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