

UNITING CHURCH AS EMPLOYER

'Theology & Principles'

This document is a joint publication written and produced by the Synods of Victoria and New South Wales.

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Introduction

The question of the Uniting Church as Employer is important from two perspectives. One is the implication of our beliefs have implications for the way we live as a community of faith. Faith requires a responsible attitude to employees. The other is that good employment practice encourages good staff to stay with us. High staff turnover damages the quality of services that the church can provide, and increases our costs. High quality services depend on developing and maintaining good relationships. High staff turnover eliminates the possibility of such relationships. This has implications throughout the church, but is especially important in our provision of services to vulnerable people.

This paper is in three sections. The first introduces the employment context and identifies the theology that underpins this document. The second looks at principles that relate faith to issues in the workplace, providing guidance as to how we might shape our employment practice to match our Christian beliefs. The third section brings together a number of appendices relating to survey material, established church policy and further theological consideration.

The Uniting Church is an inter-conciliar church. That is, each of the Councils of the Church has its own responsibilities and areas of oversight, recognises the limits of its own authority and gives heed to other councils. In approving these principles, the Synod binds its Boards and agencies to adhere to them. While it cannot bind other councils, it strongly encourages congregations and Presbyteries to adopt these principles of employment for the guidance of their life.

When speaking of an employee, we mean a person who performs work for another person called the employer (or the employer's representative) in exchange for payment from the employer. An employer is the other party to a contract of employment under which an employee performs work. Within the church this may be the synod, an aged care facility, a child care centre, a presbytery, a congregation or other church related body. Normally an employer-employee relationship is considered to exist where there is payment of wages, control over the person's work within a prescribed time, and the right to dismiss or resign.

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| SECTION 1 | CONTEXT & THEOLOGY |
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Part 1: Understanding the context: The Nature of the Workplace

The Victorian Context

In Victoria the Uniting Church has 139 agencies and 10 Parish Missions. These figures break down as follows:

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| Aged Care Services | 53 agencies | Early Childhood Services | 54 agencies |
| Community Services | 32 agencies | Parish Missions | 10 |

These agencies range in size from Wesley Mission with a budget of about \$29 million and around 300 full-time staff to Heathmont Uniting Church Accommodation Program with a budget of about \$3,000, no staff and a management committee of volunteers. Areas of service include emergency relief and material aid (a role also often undertaken by congregations), psychiatric disability services, child and family service, pre-school services through to community and residential aged care services.

Through these agencies and parish missions UnitingCare employs 2,800 staff, 5,400 volunteers and has an annual expenditure in excess of \$120 million.

The NSW Context

Uniting Care Ageing and Disability Service

The Uniting Church is the largest single provider of aged care services in NSW and the ACT. The church owns and operates: 84 self care villages, 57 assisted care facilities (formerly called hostels), 35 high care facilities (formerly nursing homes), over 900 community care packages, day centres, assistance with care and housing, disability programs, other home service programs and a range of other parish-based services. These services are managed by over 50 local voluntary Boards whose role is to provide governance and strategic direction for the services under their responsibility. The size of our organisations vary from small stand-alone self-care villages to larger integrated villages, providing a range of residential and non-residential care.

Uniting Church Children's Services Forum

The Uniting Children's Services Forum brings together 72 child care centres operated by Uniting Church parishes, assists in policy development, improves service quality through the identification of service and staff development needs, assists parishes developing new services, and provides a voice for the Uniting Church in Federal and State Government policy formation.

Unifam

Unifam, the counselling and mediation service of the Uniting Church, provides counselling for couples and families, marriage and relationship education, family mediation and adolescent family therapy. These programs are offered to assist children, young people and adults in times of relationship and personal difficulties and, where appropriate, endeavour to prevent family breakdown. The agency also aims to reduce conflict within families and to assist couples to find fair solutions when relationships end in separation. Unifam offers professional training in counselling and mediation.

These and other agencies and services employ over 7,500 staff and have an operating budget of over \$300 million.

One of the largest areas of employment in the Uniting Church is its community services. The UnitingCare Ageing and Disability Service (UCADS) undertook surveys of staff in both UCADS facilities and in Children's Services, in cooperation with the UnitingCare Children's Services Forum. Full reports of this research have been produced and have been circulated to the relevant services. The findings are summarised in Appendix 1 of this document.

While these surveys cover only two areas of the church as a workplace, and cannot be assumed to represent all situations, they illustrate the concerns of employees and the importance of many of the matters taken up in the proposed principles.

Part 2: *Theological Perspective*

The basic premise of this project is that our beliefs must shape the whole way we operate in Community Services and other parts of the church – both how we care for residents and other clients, and how we act as employer. This paper explores those beliefs – our starting point, our reasons for seeking ways of improving the way we act as employer.

A church community service agency or other employing body often aims to provide high quality service for the least cost, believing that this is in the best interests of the client group. However, in fulfilling its mission, the church becomes a *sign* to the Kingdom of God.

Therefore, service and justice must both be honoured. Often a culture can develop which values 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.

- We begin from a belief in the love of God who, out of that love created the world and redeems it as a new creation. Our life and work as a church is a response to the love of God. We do not act out of fear, since we believe that God is gracious, merciful and forgiving. Rather we act out of a sense of gratitude and hope for a world which is intended to be guided by love, inclusiveness and social justice.
- We believe in a God of social justice, for whom just relations are central and not peripheral to life in the kingdom, and who is on the side of people who are poor, disadvantaged, marginalised or exploited. The church as employer should reflect God's commitment to justice.
- We are a community of hope. We have a vision of the reign of God (Kingdom of God) in which all humankind are in community, where all feel equally included, all are respected, all are equally valued, all are equally able to participate, all equally enjoy the fruits of their labours. We seek to embody this vision in our lives, but acknowledge that it is a vision which only God can bring about – it is a future hope, not to be confused with any present political, social or economic agenda. God invites humankind to work with God towards that end, by letting that vision shape the way we live now as individuals, as local communities and as a nation. It is the basis of all our social justice work as well as our prayer, and should find expression in every aspect of what we do as a church.
- We believe that all human beings are created by God and are intrinsically valuable. This means that all people, whether those who depend on our services, their families, or workers, should be treated with respect. There is no place for discrimination in employment based on gender, race, language, age, sexuality or physical disability. Respect also involves the conditions we offer them at work. When we ignore occupational health and safety standards, for example, we are not merely breaking the law – we are denying the value of human life.
- Human life is about more than work. 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 political community. When work is made the sole priority in life, it becomes a form of idolatry. In the end, this is counterproductive, harming everyone involved.
- Human labour is not merely another commodity, subject to the vagaries of the market. To view human labour as just another economic input reduces human beings to objects of commerce, and denies human dignity. It denies that they are in the image of God. Human labour is, at its best, participation in the life and work of God. It is not just a material input into economic activity.

* These theological perspectives are developed further in Appendix 3 of this document.

If they reflect the theological position articulated in this paper, the industrial policies of the church will recognise and foster at least the following:

- A belief that people are not simply human resources alongside other resources
- A workplace that will better enable people to be whole in all their lives (e.g. through a consideration of working hours)
- A workplace which encourages, as far as possible, a sharing of insights and skills regarding management of the workplace

- A belief that people are not motivated simply by money, and that the workplace must also take seriously issues of work satisfaction, use of skills, and the impact of work on other parts of people's lives
- A workplace that encourages the participation of unions and employer organisations

Implications for our own role as employer

The Uniting Church's theological understanding of the human person, our belief in the God of social justice, and our understanding that human rights are an expression of basic ethical standards that governments, employers, social organisations and individuals must respect, and the resolutions of the Assembly, VIC and NSW Synods all set high standards for the church as an employer and require that we work cooperatively with our employees and the unions that represent them.

There are four parts to the "Church as employer" project.

1. To ensure that all employing bodies know the legal requirements they should satisfy. The Uniting Church believes that government has the responsibility to regulate employment to protect the human rights of workers. Church employers have a responsibility to obey the law. Much of this is already done through policy and procedures manuals for aged care, children's services and other UnitingCare community services in NSW and VIC. The NSW Synod's employee relations service is preparing a manual for parishes, who increasingly employ staff.
2. To develop principles, or "middle axioms" in traditional Christian social ethics terminology, that express the principles that should guide our practice as employer. Given our beliefs, what more should we be doing, beyond what the law requires? We will seek approval of these principles from the Synod or Council of Synod (Standing Committee). This paper is the first part of that process. These beliefs and general policies then need to be brought into dialogue with the issues in the workplace, so that the principles are grounded in reality.
3. To develop a memorandum of understanding with unions, based on those principles, so that future industrial relations negotiations take place within a clear framework.
4. To ensure that our internal policies and practices as employer are consistent with the principles.

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| SECTION 2 | <i>Church as Employer - Principles</i> |
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Introduction and summary

The Uniting Church in Australia has a foundational commitment to creating a just, caring and participatory society for all people – a commitment that is integral to the Church's role and responsibility as employer. Uniting Church agencies must meet legislative requirements and be fair and just employers, reflecting appropriate community standards. Their challenge is to create workplaces that are living, dynamic expressions of the church's mission and values.

The purpose of this project is to develop principles to guide the church as employer, and the relationship between the church as employer and the relevant unions. In summary, the NSW and VIC synods expect their employing bodies to:

- operate in a way that reflects the beliefs, values, and policies of the Uniting Church
- relate to employees in ways that value their person and their work
- support advocacy, based on the needs of both those who receive our services and the workers who provide them

- ensure that workers receive the fairest wages and conditions that are possible within the constraints of the sectors in which we operate
- encourage membership of appropriate union or professional association and to take a positive view of the role that unions can play in negotiating agreements, awards, and changes to work systems
- operate in accordance with the relevant human resources manual approved by the synods' employee relations service
- obey the law

The church expects unions to operate in an ethical and principled way and to take account of the needs of those to whom the church provides services, and the funding constraints under which those services operate.

Principles relating to Uniting Church employers

1 General principles

1.1 Uniting Church employers must shape their organisations in accordance with Uniting Church beliefs and values. They are expected to act at all times in an ethical manner (as defined in church codes of ethics and conduct), with respect for employees, and in a manner compatible with the mission and policy of the Uniting Church in Australia. They are expected to cooperate with the church agencies which give oversight (eg UnitingCare Victoria, UnitingCare NSW/ACT, UnitingCare Ageing and Disability Service,) in negotiating awards or agreements for church employees.

1.2 Uniting Church employers are expected to value employees as human beings through valuing their contribution to the organisation and community, through caring for their emotional, physical and spiritual well being in the work place and through acknowledging the important role that employees play in providing a quality service. It is in the interests of clients of services to decrease employee turnover and increase employees' work satisfaction and sense of being valued by the organisation. Relevant factors include but are not restricted to:

- wage levels
- staffing levels
- recognition and opportunities for training and promotion
- opportunities for using individual gifts and skills
- job satisfaction through opportunities for challenges and achievements
- job security
- creating a culture which encourages excellence, creativity and innovation

1.3 Uniting Church employers must fulfil their legal obligations under statutes and awards. The Legal obligations cover all legislated minimum matters including wages and conditions, hours of work, work breaks, annual leave, long service leave, sick leave, other forms of leave, occupational health and safety, workers compensation, non-discrimination in selection and treatment in the workplace, freedom from all forms of harassment, freedom of association, tax, pay information, adequate notice and proper ground for termination of employment, employee and union access to certain information, the police screening required in some workplace and associated privacy provisions.

1.4 Beyond any legal obligations, Uniting Church employers are expected to encourage a workplace free of discrimination on the grounds of gender, race, language, age, sexuality or disability.

1.5 Uniting Church employers are expected to support and provide input into advocacy for adequate government funding. They will, in cooperation with the wider church, advocate

strongly for government funding that adequately values the caring work done through community services and education and that allows community service providers to be responsible employers with regard to wages and conditions. Where new standards of accreditation and licensing demand additional work from employees, the employer and other church agencies will advocate strongly for additional funding for that work. Advocacy may also be required in areas such as training and professional development, including funding of replacement staff while employees attend courses. All advocacy should be done in consultation with the relevant synod body.

- 1.6 The Uniting Church in Australia exists and carries out all its activities as an expression of the Christian faith. Worship and work intertwine in many of our activities, our meetings and decision-making processes. We invite all people to share our values and our vision for human life and society and to participate in our work. The extent to which faith is taken into account in employing people will depend on both the requirements of the particular job and the overall requirements of the organisation to maintain its Christian character. Once employed however, all employees are entitled to be treated in a non-discriminatory fashion, except that it is inappropriate for them to ask us to accommodate religious beliefs and practice in ways which diminish our own identity as a Christian church. In fulfilling government contracts, the HREOC guidelines will be followed.
- 1.7 While paid employees are welcome to perform voluntary acts of kindness, they should not be expected to perform any of their normal duties on a voluntary basis. Uniting Church employers who also make use of volunteers are expected to have clear criteria for determining positions that are voluntary, and appropriate protocols and training for voluntary work. Voluntary work is valuable but should not be a substitute for an adequate staff of paid employees. (A separate policy covering volunteers is currently being developed).

2 Human resource policies and procedures

- 2.1 Uniting Church employers must follow an appropriate human resources manual that includes procedures for fulfilling legal obligations and has been approved by the relevant synod board or committee. Manuals should include relevant church guidelines and protocols including those for dealing with complaints of sexual misconduct, harassment, grievances and unfair dismissal.
- 2.2 In their human resources manual Uniting Church employers must include clear policies and procedures regarding the following, and to ensure employees are aware of the relevant sections:
 - Staff recruitment, selection and appointment
 - Orientation/induction into the UCA, its theology, values and social policy.
 - Occupational Health and Safety responsibilities
 - Performance appraisal process
 - Training and development
 - Consultative processes, for example, workplace change, restructuring etc.
 - Human Resource policies and procedures responsibilities
 - Appeal mechanisms and grievance procedures
 - Ethical conduct guidelines
 - Processes employer will follow when an employment contract is nearing expiration
 - Termination processes.
- 2.3 Uniting Church employers must make employment policies and procedures readily accessible at all times to each employee.

3 Remuneration and conditions

- 3.1 Uniting Church employers are expected to work towards a relationship with their employees that is one of a partnership and working towards common goals. They are expected to provide an organisational environment in which employees feel that their work and their ideas are valued. (See General Principles, Section 1.2.) They are expected to develop mechanisms such as consultation, feedback procedures, performance appraisal, grievance procedures and due process based on natural justice before dismissal. They are expected to encourage employee involvement in policy development and to allow expression of dissent.
- 3.2 Employers will take responsibility for ensuring they have systems that enable employees to function efficiently, appropriately and cooperatively. Employers will consult with staff about change or restructuring, including impact on roles, job descriptions and hours of work.
- 3.3 Uniting Church employers are expected to provide fair and just wages and conditions to their employees. This may mean going beyond the legal minima.
- 3.4 Provision should be made to ensure that employees will receive their entitlements in the event of an employer ceasing to function.
- 3.5 Uniting Church employers are expected to support collective bargaining and awards rather than individual workplace agreements, except for senior management positions which are not normally covered by awards. Where individual workplace agreements are considered appropriate, they will be negotiated in consultation with the appropriate unions and/or professional association, and the relevant synod body and should not erode the relevant award and/or industrial agreement.
- 3.6 Uniting Church employers are expected to provide, in general, full-time / part-time employment rather than casual employment. Casual employment is only appropriate for filling short-term gaps in permanent staffing arrangements and meeting emergency peaks in workload. Fixed term appointments may be appropriate for some senior management or project positions for which there is fixed term funding. Utilising individuals as contractors rather than employees is not appropriate, except for some short-term specialised services where the sole responsibility and accountability rests with the contractor.
- 3.7 Uniting Church employers are expected to value the work, training, experience and commitment of employees. This includes work where pay has traditionally been low because the work is done predominantly by women. Where current awards do not adequately remunerate employees, Uniting Church employers are expected to seek ways (alone and through peak organisations) of improving wages and conditions, including continuity of service, eg through the negotiation of a specific UCA enterprise award for a particular sector such as child care or aged care.
- 3.8 Because the Uniting Church recognises that laws protecting the wages, working conditions and rights of employees are consistent with Christian values and an important component of social responsibility and justice for all, Uniting Church employers and agencies are expected to support the human rights of employees and resist attempts to erode protection through deregulation or other means.
- 3.9 Uniting Church employers are expected to support the retention of awards, industrial instruments or other relevant mechanisms as meaningful benchmarks and advocate against their erosion.

- 3.10 Uniting Church employers must make every effort to ensure that their workplace is flexible, supportive and safe, and that they take appropriate responsibility for the physical and mental wellbeing of their employees. This may mean going beyond the legal minima.
- 3.11 Uniting Church employers are expected to be family-friendly employers. This includes matters such as allowing all employees access to phones for essential calls, appropriate leave provisions, and flexibility of working hours where possible (for example, within the limits of providing adequate care for residents). “Family” is to be widely interpreted to include those adults and children for whom the employee has responsibility, since “family” is not always based on formal ties of marriage or biological relationship. Employees should be consulted about the best way of meeting their needs in this area.
- 3.12 Uniting Church employers are expected to avoid requiring employees to work beyond their paid hours, except as specified by an award, other industrial agreement or contract of employment. This may include the possibility that employees can negotiate time off in lieu when overtime is worked, rather than being paid for the hours worked.
- 3.13 Uniting Church employers, when tendering or entering into contracts to provide services (eg government contracts) are expected to ensure that the contract includes provision for all staff entitlements in accordance with the relevant awards and agreements, including all classes of accumulated leave. They will ensure that all employment conditions are met according to the contract.
- 3.14 Uniting Church employers must have relevant insurances.

4 Recruitment, training and development

- 4.1 Uniting Church employers are expected to use transparent procedures for recruitment and promotion, including advertising of positions, as far as is necessary, to demonstrate the fairness of the process and appointment on merit.
- 4.2 Uniting Church employers must provide appropriate position descriptions, terms of employment, and accountability requirements for all positions. Appropriate orientation should be provided. Performance appraisals should be conducted at least annually and be based on clear and transparent guidelines.
- 4.3 Uniting Church employers must maintain confidentiality and security of employee records (that is, they may release information only to those within the organisation who require it in the performance of their duties or, where it is legally required, to people outside the organisation). Employers will respect privacy and where police checks are required by law are or are considered advisable because of the vulnerability of clients, will seek the permission of employees or prospective employees (as required in the child care sector).
- 4.4 Each employee should have access to their own employment records regarding work history, performance appraisals and details of training undertaken.
- 4.5 Uniting Church employers are expected to provide on-going client-focused vocational training and skill development, or to encourage employees to take appropriate outside opportunities for training and development.
- 4.6 Uniting Church employers are expected to provide a workplace that promotes a high level of job satisfaction and, within the limits imposed by the size of the organisation, provides career paths supported by training opportunities and portability of entitlements within the Uniting Church (to the extent allowable by law).

5 Relationship with unions

- 5.1 Uniting Church employers are expected to encourage employees to belong to and play an active role in the relevant unions and professional associations. They will provide employees with information about the relevant unions, or ensure that they are aware of the union representative. They will allow elected shop stewards and job representatives adequate time to attend union training courses, providing this is possible within the reasonable operational needs of the agency. They will allow union access to the workplace provided appropriate notice has been given and work is not disrupted. At the same time, they will respect the right of workers not to join such bodies.
- 5.2 Uniting Church employers are expected to cooperate with employees and unions in developing enterprise awards, to ensure that wages and conditions are the fairest that are possible within the relevant sector, taking account of funding levels. Uniting Church employers are expected to work cooperatively with unions in implementing change and developing quality, cost-effective work systems which respect the needs of both clients and employees. They are expected to cooperate with unions in establishing mechanisms for negotiating enterprise agreements and for resolving disputes.
- 5.3 Uniting Church employers are expected to seek to resolve disputes through expeditious and constructive negotiation. Legal action should be a last resort. However, it is proper for Church employers to utilise the processes of the Australian Industrial Relations Commission or other relevant industrial tribunal when faced with industrial action or disputation, after consultation with the Uniting Church Employer Relations Service (NSW Synod) or UnitingCare Victoria. (VIC synod)

6 Termination of employment

- 6.1 Uniting Church employers must ensure procedural fairness and provide dignified and respectful exit procedures on the termination of employment.
- 6.2 Uniting Church employers are expected, as far as practicable, to redeploy and retrain excess staff or those who have completed projects or contracts. Uniting Church employers are expected, where redundancies are necessary, to inform employees and the relevant unions as soon as practicable, to consult with employees about alternatives to redundancy; to provide pastoral support to employees, and to pay severance payments commensurate with the employee's age, length of service and other relevant factors under industrial law.

Principles relating to Unions

As is evident from the principles for the church as employer, the Church recognises the value of unions, the contribution that they can make to the well-being of employees, and their special place in the international covenants on human rights. The above principles relating to church employers commit the church to a multi-faceted approach to justice for employees and to cooperation with unions both directly and indirectly. This approach assumes and requires that the unions and employees also act in a cooperative and principled manner. The following principles set out what standards are involved.

The Uniting Church, in cooperating with unions, expect unions to:

- 1 Respect the right of the church to fulfil its mission
- 2 Behave ethically
- 3 Respect human rights

- 4 Act in a cooperative manner, both towards the church and towards other unions relevant to the workplace
- 5 Avoid demarcation and coverage disputes and act with respect for employees who belong to other unions
- 6 Respect the responsibilities of Uniting Church employers who are the deliverers of community services and the constraints they operate under if they are to provide affordable services. Enterprise agreements and awards must address the objectives and needs of both employers and employees
- 7 Value the work that the church does in community services and to advocate for better government funding of such work
- 8 Cooperate in implementing change and developing efficient, effective and cooperative systems of work that ensure the highest possible standards of care to clients
- 9 Encourage employees to contribute to workplace safety
- 10 Cooperate in the development of career paths for all employees, based on competencies rather than their initial employment classification or the particular union to which one belongs
- 11 Contribute constructively to change in the workplace to ensure that clients receive the best possible care and that the organisation is able to meet externally imposed conditions and standards
- 12 Represent honestly and fairly the views and interests of the employees in Uniting Church workplaces
- 13 Work in the interests of all employees, and the unemployed, not merely their own members
- 14 Work for the improvement of wages and conditions for work which has been undervalued and underpaid because it is done predominantly by women
- 15 Resolve any disputes with church employers through expeditious and constructive negotiation. Legal action, strikes or other industrial action should be a last resort
- 16 Recognise that where disputes cannot be resolved, it is appropriate for employers to utilise the processes of the relevant industrial relations tribunal
- 17 Recognise that their right to strike needs to be balanced with the rights of clients of community services to have access to the help they need at the time they need that help

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| SECTION 3 | APPENDICES 1, 2 & 3 |
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Appendix 1 - Survey of UnitingCare Aged and Children's Services in the NSW Synod

Survey of Children's services in the NSW Synod

The survey of staff within UnitingCare's children's services was well received with a high response rate (60.6%) and a broad section of job classifications represented. The spread of responses across categories as well as the response rate within is a good reflection of the occupational mix within the centres surveyed.

The findings indicate that job satisfaction is very high with staff also registering an overwhelming agreement to questions aimed at assessing how much they like their job as well as the pride they feel in their work. Most staff felt their role within the centres was important and that it allowed them to use their strengths as well as make significant

contributions. These findings suggest levels of workplace commitment beneficial to the interests of client welfare, signifying high standards of care.

At the same time, however, staff frequently indicated a dissatisfaction with their rate of pay as well as expressing the opinion that few opportunities existed for promotion. Training opportunities were considered important by almost all that responded to the survey. Yet there was a perception by more than a third of the survey respondents that they had not been fairly rewarded in view of their education and training.

It is worth noting that a quarter of the survey respondents felt that they didn't receive the recognition that they should when they did a good job. This indicates a significant area for possible improvement in workplace relations that could be implemented as a cost neutral initiative.

Turnover intention was also assessed as part of the survey objectives. Significant was the finding that 15% intended to leave their current employment in the next year. At the same time, however, there was a high level of long term commitment (>5 years) from other staff in every age group except the 20 to 24 year olds. Again the rate of pay came up as the main issue that would influence turnover intention.

Two thirds of the survey respondents expressed agreement that the church was a better employer than non- church organisations previously worked for. Survey respondents indicated a high regard for the role of the UnitingCare Children's Services Forum and the support it provided to the centres. Conversely, concern was raised in a number of responses about the role of some management committees. It was felt they were detached from the needs of staff and sometimes lacking in the area of communication.

Survey of Aged Care Services in the NSW Synod

Overall the results from the survey were very positive from the perspective of the high response rate and the cross section of respondents. Direct care staff were well represented in overall numbers and also by job classification. There was a good sample of management who responded to the survey. In all, respondents to the survey represented 19 job classifications.

One finding of immediate significance for the general project is that 43% of staff surveyed are members of a trade union. This is far above the national average and highlights the relevance of the project to the Aged Care sector of the Uniting Church.

The assessment of job satisfaction, workplace commitment and role related factors is used to develop an employee profile that could also be conveyed to a wider audience via statistical indicators.

The findings indicate that, generally, staff within the Uniting Church Aged care sector (NSW, ACT) enjoy their jobs, are proud of the work they do, and derive much satisfaction from interacting with and looking after the welfare of the elderly residents. They are generally willing to "put themselves out" to help the organisation and derive much pleasure from knowing their work has contributed to the good of the facility. Most believe that their role in the organisation is important. This is an important profile because it describes a workforce whose concerns and personal investments in their work are aligned to the benefit of the organisation and its goals.

That said, the staff surveyed still registered a high and repeated dissatisfaction with their rate of pay and professional development opportunities, including training opportunities. Added to this, just over one in six intend to leave in the not too distant future.

It was valuable to learn from the survey that communication with management appears to be open and effective, with the majority of staff registering their concerns through verbal communication.

Many experience the Church as a “better”, more caring employer. Those that do not, cite low pay, in particular the expectation to work “beyond the call of duty” as the negative aspect to working for the Church.

Appendix 2 – Uniting Church Policy Statements

Commitment to justice and human rights

The Inaugural Assembly of the Uniting Church in Australia (1977) set an ongoing agenda in social justice advocacy and practice, in its Statement to the Nation. This was expanded in the **1988 Assembly Statement to the Nation**, which included the following paragraphs:

In co-operation with all fellow Australians of goodwill, we are committed to work for justice and peace, calling for honesty and integrity, encouraging tolerance and compassion, challenging acquisitiveness and greed, opposing discrimination and prejudice, condemning violence and oppression and creating a loving and caring community.

We are conscious of conflicts and tensions within the nation and the world. We deplore the divisions of humanity along racial, cultural, political, economic, sexual and religious lines. In obedience to God, we struggle against all systems and attitudes which set person against person, group against group, or nation against nation

We recognise a widening gap between the rich and the poor, not only within Australia, but within the whole human community. We will strive to uphold the rightful claims of the poor on the resources of this nation and the world. We will seek to identify and challenge all social and political structures and all human attitudes which perpetuate and compound poverty.

The Sixth Assembly of the Uniting Church (July 1991) passed the following resolution of significance to industrial relations:

That, recognising the importance of trade unions, professional associations, and employer organisations in the overall democratic process in society, and acknowledging that in the present political, economic and industrial climate, trade unions are under serious threat:

1.the role trade unions and professional associations play in protecting those who are weaker in society, and the need for people to stand together in solidarity against injustice be affirmed;

2.the need for Christians to express their discipleship in trade unions and professional associations as one way in which church and work life connect and influence each other be affirmed;

3.members of the Uniting Church be encouraged to join and be active in the trade union and/or professional association appropriate to their employment;

4.synods, Assembly agencies, and other Church bodies be requested to encourage employees to join and be active in an appropriate trade union and/or professional association. [Minute 91.14.18]

The Seventh Assembly (1994) adopted a resolution on unemployment, which included a number of clauses relevant to issues of employment and workers' rights. The first summary principle is:

13.1 Australia should adopt the goal of paid employment for all who seek it, providing adequate income and safe working conditions, in the context of a socially just and ecologically sustainable economy, and adopt appropriate measures to ensure that this goal is met, through the cooperation of government, business and unions.

There should be an active employment policy, with the public sector acting (in addition to its other roles) as employer of last resort, ie providing jobs to those who have been unemployed for a certain time. High levels of unemployment should not be accepted as long as there is useful work which goes undone, and there are people who are overworked. There needs to be commitment to job creation in the business, public and community sectors, in a way consistent with concern for human rights of workers. As work is restructured it should take account of the needs of workers and their families.

13.14 Unions have a responsibility towards the unemployed, as well as towards their own members. They have a responsibility to ensure that changes in the economy are widely shared, and do not only benefit a small elite of workers. They also have a responsibility to work with government and business in planning for the future in a way which promotes full employment, at adequate wages and conditions, in an ecologically sustainable economy.

13.15 Moves towards more flexible employment such as work-sharing, part-time and casual work need to be made in a framework which ensures workers have adequate income and working conditions.

The Victoria Synod has on record several resolutions that relate to a workplace that is free from discrimination and one that fulfils the objectives of Equal Opportunity. For example:

93.5.1.1-3 The Synod resolved:

- (a) To affirm that persons should not be discriminated against on the basis of their gender, marital status, disability, race or age in matters of employment, education, church membership or access to accommodation and other services provided by the Uniting Church in Australia.
- (b) That all presbyteries, parishes and agencies be advised of the above resolution.
- (c)
 - (i) To support the maintenance of Clause 38 of the Equal Opportunity Act 1984, in order to protect the freedom of religious groups to practise their beliefs.
 - (ii) That the Victorian Government be informed of resolution (i) hereof.

The NSW Synod has similar principles in its 1992 resolution on unemployment.

The **NSW Synod family ministry policy** includes principles on “family friendly social policy and social institutions”:

Principle 14 - Family ministry will advocate appropriate social policies

The right to establish and maintain a family is a fundamental human right. All institutions in society, businesses, government, community organisations, political parties and the church, have a responsibility to order their lives in ways which do not cause harm to families, and that, where possible, support and nurture families.

Families cannot meet all the needs of their members on their own. Families require adequate income to provide for their needs, and access to the services which their family members need, such as education, health, housing, income support and services in times of difficulty. This implies particular duties for both employers and government...

The 1988 meeting of the NSW Synod also adopted social justice principles (as incorporated into Uniting Care Childrens' Services Forum Manual)

1. That all members of the community should have an equitable opportunity to participate in the economic, social, cultural and political life of the nation.
2. That all members of the community should have equitable access to, and an equitable share of, the resources which Governments manage on behalf of the community.
3. That all members of the community should have the right, within the law, to enjoy their own language, and should respect the rights of others to their own culture, religion and language.
4. Social Justice moves beyond pre-occupation with narrow economic considerations to a recognition of the fundamental importance of compassion and equity for the well being of the society.
5. Social Justice gives priority in the allocation of Government resources to those groups who are currently most disadvantaged as measured by those principles.
6. Social Justice focuses on structural change to remove the causes of disadvantage.
7. Social Justice ensures that Government programs and policy, and private enterprise development, do not further disadvantage already disadvantaged groups.

Advocacy by UnitingCare NSW/ACT (Board for Social Responsibility (BSR))

On the basis of UCA policy decisions, the BSR has raised issues about industrial relations over a number of years, with both NSW and federal governments. In 1999, the BSR position paper on the Workplace Relations (More Pay, Better Jobs) Bill 1999 and subsequent submission to Mr Reith and to the Senate committee inquiry into the Bill opposed those amendments that further stripped back awards, reduced the role of collective bargaining, elevated the role of individual contracts, reduced the role of the Australian Industrial Relations Commission and its ability to protect the wages and conditions of workers, limited the ability of employers to encourage union membership, and restricted the ability of unions to do their work. The BSR urged that instead the Workplace Relations Act be amended to correct those features which the ILO (International Labour Organisation) found had breached human rights obligations. The BSR/UMA Employee Relations Service was consulted in the course of developing this position.

The BSR also is strongly involved in the campaign to institute fair wages and conditions for outworkers in the garment industry. This has included seed funding over several years for Asian Women at Work and the Fairwear Campaign in NSW, and funding for particular elements of their campaign (funding was through the Synod's 2% for Development Fund). In addition, we have made submissions to the Senate inquiry into conditions for outworkers and its review of the initial report, and endorsed a number of submissions Fairwear has made to the NSW and Australian governments.

Both UCA policy and UnitingCare NSW/ACT advocacy are consistent with that of other churches. Catholic Social Teaching, for example, has, for over 100 years, recognised the importance of preventing exploitation of workers. In the 19th century, Pope Leo XIII was

already aware of the dangers of “individual contracts” because of the unequal power relations between employer and employee. The Anglican, Catholic and Orthodox churches, like the Methodist and Reformed traditions, support the international human rights instruments.

The Australian Catholic Commission on Industrial Relations is, like the Uniting Church, exploring the implications of the church’s theology and teaching for the church’s own responsibilities as employer. Like the BSR, they have been highly critical of the present Australian government’s approach to workplace relations, seeing much the same things as being at stake.

Their draft document *Contemporary approach to employment in the church*, covers the following areas:

- Introduction – placing the issue in the context of Catholic Social Teaching, including bishops’ statements about workplace relations issues
- Employee relations perspectives –
 - Principles from Catholic Social Teaching
 - Values and mission,
 - Employment policies
 - Recruitment and promotion
 - Participation in decision-making
 - Wages and salary
 - Performance evaluation
 - Training, development and continuing education
- Grievance procedures
- Industrial Relations Perspectives
 - CST principles
 - Freedom of association
 - Relationship with trade unions
 - Conditions of employment
 - Enterprise bargaining
 - The resolution of disputes
 - The right to strike
 - Termination of employment
 - Safe working conditions
- Conclusion

The relevant human rights instruments

Through the United Nations system, governments have developed a number of “human rights instruments”. The first of these, the Universal Declaration of Human Rights, is a resolution of the United Nations that has developed the status of customary law and has considerable moral force, although it is technically not binding on nations. It was the basis for two documents of international law, the International Covenant on Civil and Political Rights, and the International Covenant on Economic Social and Cultural Rights. Over 140 nations have “ratified” each of these covenants, including Australia. Ratification involves taking on the responsibility to implement them in domestic law, and to be accountable to the United Nations for their implementation through a reporting system.

In addition, there is the International Labour Organisation (ILO), to which Australia belongs. It is tripartite in the sense that employers, workers (unions) and governments attend meetings and participate in decision-making. The ILO sets international labour standards in the form of conventions on particular matters. Australia is a signatory to many of these conventions, and is accountable to the ILO for fulfilling its obligations under those conventions. The ILO has, for example, raised questions about the Workplace Relations Act of the Commonwealth Government.

Universal Declaration of Human Rights

The sections of the Universal Declaration of Human Rights that are relevant to employment issues are:

Article 20

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

Article 23

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

The International Covenant on Civil and Political Rights

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorise States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

The International Covenant on Economic, Social and Cultural Rights

Article 6

1. The States Parties to the present Covenant recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realisation of this right shall include technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognise the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
- (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:

- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organisation concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organisations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorise States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

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| Appendix 3 | <i>Theological Perspective</i> |
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- The Uniting Church in Australia exists and carries out all its activities as an expression of the Christian faith. Worship and work intertwine in many of our activities, our meetings and decision-making processes. We invite both people of Christian faith, and people who do not share our faith, to share our values and our vision for human life and society and to participate in our work. The extent to which faith is taken into account in employing people will depend on both the requirements of the particular job and the overall requirements of

the organisation to maintain its Christian character. Once employed, however, all employees are entitled to be treated in a non-discriminatory fashion, except that it is inappropriate for them to ask us to accommodate their religious beliefs and practice in ways which diminish our own.

- There are two basic commandments that Christians are called to fulfil – to love God, and to love their neighbour as themselves. One of the ways we fulfil our responsibility to be neighbours to the ageing or to children, and so on, is through our community services. We fulfil our responsibility to be neighbours to employees by being a good employer.
- Human beings are in the image of God the Creator. That is, each human being has the potential to make a creative contribution in some way to human life. Creativity is possible in every area of life, not only in the arts. In particular, caring work in community services requires its own forms of creativity, so that caring takes place within a relationship in which all those involved are valued and respected. We see work as a valuable part of life. Through their work, especially through the sort of work performed in community services, human beings cooperate with God in caring for one another and the earth. If our workers are understood to be working in cooperation with God, this should shape the way we treat them – if we treat them badly, it devalues not only their work, but God's work.
- Being made in the image of God suggests that life involves relationship to others as an essential part of what it means to be human. Jurgen Moltmann makes the point that: "Theologically, the human being's likeness to God is not based on the *qualities* of human beings. It is grounded in their relationship to God. That relationship is a double one. It means God's relationship to human beings, and the relation of human beings to God" (*God for a Secular Society. The Public Relevance of Theology* p. 84). Yet not only our relationship with God is crucial, but the concrete and particular relationships we have with others who, with God, summon us into being. People need the social aspects of work. Work is important in building identity and meaning, and is a valuable means of self expression, growth and self-actualisation. However, work is not simply a project for the expression of the self, but supports social objectives and values. It is a social act that involves cooperation and communication. It is not merely the means of delivering a service to others, or a means of acquiring an income. People need their work to involve satisfying relationships with one another, as part of a community. Workplace conditions should foster solidarity and mutually supportive relationships. This means that to the fullest extent possible, workers should be actively involved in decisions about how work is done, and how to improve services. They are participants, not cogs or drudges.
- Because work has the potential to be participation in the work of God, people who work in the church and community sector often do so out of a strong sense of vocation and the desire to serve. Those who manage these areas (Boards and CEOs) also do so with a deep commitments to clients. The church respects this sense of vocation. It also has an obligation not to exploit it. People need lives in which work is balanced with other activities.
- Christians understand human life as being multi-faceted, with physical, mental, emotional, moral and spiritual dimensions. This means that in community services, work is about more than the mere provision of physical care. Our clients need us to allow workers to provide human and humane care, rather than being constantly on the go to fulfil a list of basic responsibilities. This is made difficult by inadequate government funding.
- The church recognises caring work as being particularly valuable. Because human beings are valuable, caring for them has high spiritual and moral value. To be consistent with this sense of value, we need, as a church, to offer the best pay and conditions that are possible within the constraints under which we work, and to advocate that society and government provide adequate funding to provide wages and conditions commensurate with the value of this work. It is also in the interests of our clients, such as the residents in our facilities for the ageing, or the children in our various children's services.

- In a world marked by what our tradition calls sin - broken relationship with God, marred relationships with other people, exploitation, selfishness, injustice - where people have little control over or enjoyment of the fruits of what they do at work, work may be more burden than creativity, and may simply be a source of income rather than a source of satisfaction, creativity and identity. In its employment practices the church needs to ensure that it fosters a better balance and a more holy (holistic) place of work.
- Theologically, people always have intrinsic dignity and worth. But people do not experience their own dignity or value if others do not value them or if they are sacrificed for the sake of others. Taking up one's cross is about voluntary discipleship and service, not about being forced to sacrifice oneself. To choose sacrifice is to recognise one's own worth and one's ability and right to choose. To be forced to sacrifice oneself is to be treated as being of less value than others, as a mere instrument to serve someone else's ends.
- Because this earth comes from God, and because all human beings are equally valuable, everyone has the right to the basic necessities of life. We understand that a nation will only function well when it is based on both human rights, and the responsibility of all to respect those human rights. The international human rights instruments are not perfect, but they are closest thing the world has to natural law, ie an understanding that is common to people regardless of nation, race, culture or religion. Work is the primary way in which people provide for their basic survival needs. The human rights instruments include very clear statements about the rights of workers to decent wages and working conditions, and to the right to organise and to strike to obtain these. All employers, including the church, have a responsibility to respect those rights in their employment practices.
- We recognise the sinfulness and the goodness of humankind. All human beings are sinners, and all are capable of loving God and their neighbour. We all sin, both as individuals, and through our social, political and economic arrangements – the “structures of sin”. Any employer who fails to respect workers and their human rights is part of the structures of sin – even if it is the church. When we are part of the structures of sin, we fail to reflect the Gospel or the God in whom we believe. We destroy our mission.
- We understand that human beings live in community and interdependence. Community involves reciprocal relationships which are based on respect and equality of power. Being part of a community carries responsibilities. It is inconsistent with a sense of community for a group with power to impose obligations on people without power. We are therefore sensitive to the unequal power relationship between employer and employee. This leads us to recognise the need for collective bargaining, awards, and legislation to protect the interests of workers.
- Uniting Church actively encourages its members to join the appropriate union or professional association. The UCA encourages people who work for the church to join a union and to be represented by a union in all industrial negotiations.
- We understand that governments have an important and positive role to play in human life, and see them as accountable to God for the way they use their power. This leads us to value positive actions taken by government to protect the rights of workers and ensure they have adequate wages and conditions, and to challenge negative actions by governments such as reducing the protection for workers.
- We value families, children and the parenting role. We believe that children are a gift from God, and that society and employers have a responsibility to support and protect families and family life. This leads us to believe that employers should have family friendly policies.
- We see the role of the church and other community agencies as to offer alternative discourse, a critique of policy that looks at policy not from the viewpoint of those in power, but of those without power, those whose voice is not adequately heard by government. This

means that policy must be rigorously evaluated for its impact on people who are poor, disadvantaged and marginalised. We do this because it is the prophetic role of the church as the representative of the God who takes the side of the poor against those in power. That is, the church as employer cannot simply accept the way other employers may look at employment issues. Our role is, by action as well as word, to offer an alternative that is based on our beliefs and on the ethics we share with the rest of humankind, namely the human rights instruments.

- The Gospels treat hypocrisy as one of the worst possible sins. We run community services because we believe that human beings are valuable and that children, families, the aged and people with disabilities need and are entitled to special care. We must reflect the same values in both the way we respond to clients and residents, and the way we treat employees. Otherwise, we are hypocrites, and we undermine our own value and belief system, our credibility, and our mission.