

Guide Regarding Pastor's Resignation and Completion of the Record of Employment

The Employment Insurance program (called EI) is designed to promote job creation, adequacy, and fairness. One of the biggest aspects affecting churches/pastors is how the Voluntary Quit and Misconduct provisions are applied. The Canadian Council of Christian Charities worked on our behalf to clarify with the government how pastors should be treated recognizing that it is always more appropriate for a pastor to resign than to be fired.

EI has provided some guidelines for completion of the Record of Employment which you should be aware of. Following these guidelines will ensure that your pastor's case is adjudicated appropriately and that he/she will be eligible to claim EI benefits based on the circumstances surrounding the resignation.

When an employee resigns, the individual must show that there was "just cause" for leaving in order to be eligible for EI. Legislation sets out some 40 "just cause" reasons. The following are pertinent to many situations which churches/pastors find themselves in:

- Significant unilateral changes to working conditions (duties, hours, wages)
- Formal promise of increase in wages or salary not fulfilled
- Hiring conditions not honoured
- Unjustified reduction in wages
- Loss in wages due to employer's financial difficulties
- Duties – intolerable situation
- Relation with authority – hostile atmosphere created by superiors
- Moral objections – employer's practices contrary to professional ethics
- Health adversely affected – on doctor's advice

Instructions for completing the Record of Employment (ROE) are available from Human Resources and Skills Development Canada at <http://www.hrsdc.gc.ca/en/home.shtml>. PLEASE TREAT THIS AS AN URGENT MATTER. By law, you are required to issue the ROE within 5 days of the pastor's last day worked. If the ROE is late benefits will be delayed, which could cause hardship. You should advise the pastor to file immediately after the last day worked, without waiting for the ROE if it is not yet available.

Box 16 of the ROE requests a reason for resignation. In many cases the reason will be very clear. The following reasons and corresponding codes can be used in these circumstances:

- Returning to school after summer employment – Code C
- Illness or injury – Code D
- Quit to move to another church – Code E
- Maternity or parental leave – Code F
- Retirement – Code G

When the reason is not clear or when one of the "just causes" is present, EI advises that you should use Code K – Other. Since the comments section does not provide sufficient room for an explanation, it is not necessary to provide any. EI advises that in all instances where Code K is used, an investigation will take

place. It is most important that the name and phone number of a church contact is provided. This should be someone who knows and understands all of the circumstances surrounding the pastor's resignation. This person will be interviewed by telephone and should be able to present the facts as understood by the church.

In cases of resignation because of moral indiscretion, we have experienced some reluctance by EI to provide benefits. It is recommended that the following line of reasoning be used:

- It is CBOQ policy that any pastor who admits to or is accused of moral indiscretion will meet with the Credentials Committee
- The pastor's credentials will be suspended for a prescribed period of time and a program of counseling established
- It is recommended by CBOQ that in order to provide full opportunity for reflection and healing, the pastor resign from his/her church, especially since the trust relationship may be broken under the circumstances
- Following a positive report from the counselor, the pastor's credentials will be restored and he/she will be available to seek placement in another church
- This process could be considered a leave of absence
- In a way, it is not a true resignation because there is built into the process an expectation of future employment.

A reminder – by law, you are required to pay outstanding vacation pay upon termination of employment. This should be calculated at 8% if your church provides on month vacation. Of course, it should be prorated since the last vacation taken. This amount is to be included in the last pay period.

DISCLAIMER: This guide is provided for information purposes only and is not intended as advice to the local church. Information is current only as of the date that the guide was prepared. Readers are advised to seek professional advice for their particular situation.