

## **Section IV**

### **EMPLOYEES' WELFARE**

#### **A. SICKNESS BENEFIT**

Where an employee is absent from work due to incapacity through sickness or injury their contract of employment will determine any sickness benefit payable by the employer in place of Statutory Sick Pay (SSP). In cases where the employee does not qualify for any employer based sickness benefit or the latter falls below the statutory limits of SSP, SSP benefit will apply.

Reporting and notification procedures will be outlined either in the contract of employment or in the employee/staff handbook

#### **B. MEDICAL EXAMINATIONS**

##### **1. NEW EMPLOYEES**

Before an employee is engaged in employment, a medical examination is required in accordance with denominational guidelines. The expense of this examination is the responsibility of the employing organization.

##### **2. PERIODIC HEALTH EVALUATION**

- (a) Periodic health evaluations conforming to a designated range of tests are available to employees upon their request, following consultation with the employing organization.
- (b) The normal frequency of authorised health evaluations shall be every three years from the date of employment .
- (c) The cost of authorised health evaluations will be met in full by the employing organization.
- (d) The procedural arrangements are as follows:
  - (i) In the case of non-medical scheme subscribers the employee shall confirm the general practitioner's willingness to conduct the tests and to provide a quotation for same.
  - (ii) A letter of authorisation shall be provided by the employing organization who will request with the employee's consent, a written response from the examining doctor on the general health of the employee.
  - (iii) The examining doctor shall be requested to provide a written non-technical report to the employee.
  - (iv) Where the general practitioner under (d) (i) is not the employee's GP the examining doctor shall be requested to submit a more detailed report to the employee's general practitioner.
- (e) This provision is separate and independent from any arrangements to manage performance support.

#### **C. MATERNITY PROVISIONS**

The employing organisation's policy is to comply with both the letter and spirit of the law on maternity rights. To this end its aim is to inform female employees of their entitlement to statutory maternity rights

and to ensure that those rights are understood by employees who qualify. This can be achieved through literature produced by the DSS.

#### **1. STATUTORY PROVISIONS**

The current statutory legislation dealing with maternity rights, leave and pay shall be the definitive statement in determining any case.

#### **2. CONTRACTUAL ARRANGEMENTS**

An employing organisation shall not make any contractual arrangement beyond the minimum provisions of the current statutory legislation. Employees taking additional maternity leave will continue to retain all contractual benefits except pay.

#### **3. STATUTORY MATERNITY LEAVE (as from 1 April 2007)**

Women whose expected date of childbirth is on or after 1 April 2007 are entitled to 52 weeks' maternity leave – made up of 26 weeks' ordinary leave and 26 weeks' additional maternity leave – regardless of how long they have worked for their employer.

A woman must tell her employer no later than the end of the 15<sup>th</sup> week before the expected week of childbirth:

- (a) that she is pregnant;
- (b) the expected week of childbirth, by means of a medical certificate;
- (c) the date she intends to start maternity leave; this can normally be any date which is no earlier than the beginning of the 11<sup>th</sup> week before the expected week of childbirth.

The employer must respond in writing within the next 28 days explaining her right to maternity leave, her expected return date and her duty to notify the employer of any change to her plans. When the employer notifies her of the end date of her leave, they will base their calculation on the assumption that she will be taking her full entitlement to 52 weeks' maternity leave. If she changes her intended start date she must give her employer 28 days advance notice of the new commencement date.

A woman wishing to return before the end of her full maternity leave entitlement, or wishing to change a previously notified return date, must give notice to her employer. If insufficient notice is given an employer is entitled to postpone the woman's return until the end of the correct notice period. A woman whose expected date of childbirth is on or after 1 April 2007 must give her employer 8 weeks' notice of any change in her date of return to work.

Where a woman is absent from work with a pregnancy related illness during the four weeks immediately preceding her expected week of childbirth this will immediately trigger the commencement of her maternity leave.

Employers must take account of health and safety risks to new and expectant mothers when assessing risks in work activity. If the risk cannot be avoided, the employer must take steps to remove the risk or offer suitable alternative work (with no less favourable terms and conditions); if no suitable alternative work is available, the employer must suspend the mother on full pay for as long as necessary to protect her health and safety or that of her baby.

#### **4. STATUTORY MATERNITY PAY**

Entitlement criteria and the prevailing level of benefit for Statutory Maternity Pay can be located on the government's Department for Work and Pension website at [www.dwp.gov.uk](http://www.dwp.gov.uk).

## **D. ADOPTIVE LEAVE**

The employing organisation's policy is to comply with both the letter and spirit of the law on adoptive rights. To this end its aim is to inform employees who become adoptive parents of their entitlement to statutory adoptive rights and to ensure that those rights are understood by employees who qualify.

### **1. STATUTORY PROVISIONS**

The current statutory legislation dealing with adoptive rights, leave and pay shall be the definitive statement in determining any case.

### **2. CONTRACTUAL ARRANGEMENTS**

An employing organisation shall not make any contractual arrangement beyond the minimum provisions of the current statutory legislation. Employees taking additional adoptive leave will continue to retain all contractual benefits except pay.

### **3. STATUTORY ADOPTION LEAVE**

Employees who become adoptive parents are entitled to take up to 26 weeks' ordinary adoption leave. An employee who has worked for the employer for 26 or more weeks at the date they are 'matched' for adoption will also qualify to take up to 26 weeks' additional adoptive leave. Only one adoptive parent can take this leave, but the other may take paternity or parental leave.

Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

#### **(a) Notification**

Adopters will be required to inform their employers of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They will need to tell their employers: when the child is expected to be placed with them, and when they want their adoption leave to start.

The employee can choose to start adoption leave from the date of the child's placement or from a fixed date which can be up to 14 days before the expected date of placement.

Adopters will be able to change their mind about the date on which they want their leave to start providing they tell their employer at least 28 days in advance (unless this is not reasonably practicable).

They will have to tell their employer the date they expect any payments of Statutory Adoption Pay to start at least 28 days in advance, unless this is not reasonably practicable.

Employers will have 28 days in which to respond to their employees' notification of their leave plans. The employer will write to the employee, setting out the date on which they expect the employee to return to work if the full entitlement to adoption leave is taken.

Employees who intend to return to work at the end of their full adoption leave entitlement do not have to give any further notification to their employers. An employee wishing to return before the end of his or her full adoption leave entitlement, or wishing to change a previously notified return date must give the

employer 8 weeks' notice of any change in their date of return to work. If insufficient notice is given an employer is entitled to postpone the employee's return until the end of the correct notice period.

**(b) Adoption Certificate**

Employees will have to give their employer documentary evidence – a 'matching certificate' – from their adoption agency as evidence of their entitlement to Statutory Adoption Pay. Employers will also ask for this certificate as proof of entitlement to adoption leave. Employees should ask their adoption agency for a matching certificate which will include basic information on matching and expected placement dates.

**(c) Protection Against Detriment**

As with maternity leave, employees are protected from detriment and dismissal on the grounds that they have requested or taken adoptive leave

**4. STATUTORY ADOPTIVE PAY (SAP)**

During their ordinary adoption leave, most adopters will be entitled to Statutory Adoption Pay from their employers.

The prevailing level of Statutory Adoption Pay can be located on the government's Department of Work and Pension website at [www.dwp.gov.uk](http://www.dwp.gov.uk).

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions will not qualify for SAP. Employees in low-income families may be able to seek financial support from their Local Authorities. Additional financial support may be available through Housing Benefit, Council Tax Benefit or Tax Credits. Further information is available from your local Job Centre Plus office or Social Security office.

**E. PATERNITY LEAVE**

The employing organisation's policy is to comply with both the letter and spirit of the law on paternity rights. To this end its aim is to inform employees who become fathers or adoptive parents of their entitlement to statutory paternity rights and to ensure that those rights are understood by employees who qualify.

**1. STATUTORY PROVISIONS**

The current statutory legislation dealing with paternity rights, leave and pay shall be the definitive statement in determining any case.

**2. CONTRACTUAL ARRANGEMENTS**

An employing organisation shall not make any contractual arrangement beyond the minimum provisions of the current statutory legislation.

**3. STATUTORY PATERNITY LEAVE**

Fathers and adoptive parents who do not take adoptive leave will be entitled to 2 weeks' paternity leave on the birth or adoption of a child, to care for the child or support the mother.

To qualify the father/adopter must have been employed for 26 weeks leading into the 15th week before the expected week of childbirth or the week when the parent and child are matched for adoption respectively and the purpose of the leave must be to care for the child or support the mother.

The leave must normally be completed within 56 days of the birth or adoption. It can be taken as two consecutive weeks or two separate blocks of one week.

Employees can choose to start their leave: from the date of the child's birth (whether this is earlier or later than expected), or from a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected), or from a chosen date.

Leave can start on any day of the week on or following the child's birth but must be completed: within 56 days of the actual date of birth of the child, or if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

**(a) Notification**

Employees will be required to inform their employers of their intention to take paternity leave by the fifteenth week before the baby is expected, unless this is not reasonably practicable.

They will need to tell their employers:

- the week the baby is due
- whether they wish to take one or two weeks' leave
- when they want their leave to start

Employees will be able to change their mind about the date on which they want their leave to start providing they tell their employer at least 28 days in advance (unless this is not reasonably practicable). Employees will have to tell their employers the date they expect any payments of SPP to start at least 28 days in advance, unless this is not reasonably practicable.

**(b) Inland Revenue Declaration Form**

Employees will have to give their employers a completed Inland Revenue Declaration Form as evidence of their entitlement to Statutory Paternity Pay. Employers will require this completed form as evidence of entitlement to paternity leave. The form will include a declaration that the employee meets certain eligibility conditions and provide the information specified above as part of the notice requirements. By providing a completed Inland Revenue Declaration Form, employees will be able to satisfy both the notice and evidence conditions for paternity leave and pay. Employers will not be expected to carry out any further checks.

**(c) Return to Work**

Employees will be entitled to return to the same job following paternity leave.

**(d) Protection Against Detriment**

Employees who ask for or take paternity leave must not be subjected to any detriment on account of their doing so and may complain to an employment tribunal if this happens.

Employees applying for paternity leave must follow the statutory procedures and notification periods. Employees planning to take paternity leave should consult with their employer who will provide them with these details.

#### **4. STATUTORY PATERNITY PAY**

During their paternity leave, most employees will be entitled to Statutory Paternity Pay (SPP) from their employers. Statutory Paternity Pay will be paid by employers for either one or two consecutive weeks as the employee has chosen. The prevailing level of Statutory Paternity Pay can be located on the government's Department of Work and Pension website at [www.dwp.gov.uk](http://www.dwp.gov.uk).

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes will not qualify for SPP. Employees who do not qualify for SPP, or who are normally low-paid, may be able to get Income Support while on paternity leave. Additional financial support may be available through Housing Benefit, Council Tax Benefit, Tax Credits or a Sure Start Maternity Grant. Further information is available from your local Job Centre Plus office or Social Security office.

#### **F. PARENTAL LEAVE**

This provision operates independently of the right to maternity leave and applies to mothers and fathers (natural or adoptive) or anyone who has acquired formal parental responsibility for a child. This entitlement to parental leave applies to employees who have completed one year's service with their employer and applies to children born or adopted on or after 15 December 1999. The key elements of parental leave are as follows:

- (a) A maximum of 13 weeks' unpaid parental leave may be taken in respect of each child by each parent. (Parents of disabled children can take 18 weeks up to the child's 18<sup>th</sup> birthday). In the case of employees who work part-time the amount of leave will be pro-rated.
- (b) Parental leave may be taken up until the child's fifth birthday or in the case of adoption, until five years have passed since the date of adoption or until the child's eighteenth birthday, whichever is sooner. Parents of disabled children can take parental leave up until the child's eighteenth birthday.
- (c) The employee will remain employed during the parental leave period. Certain contractual terms continue to apply. In particular, the employer's obligation of trust and confidence, terms concerning notice, redundancy compensation, disciplinary and grievance procedures.
- (d) During parental leave there is no right to be paid. BUC policy allows each qualifying employee to take 2 of the 13 weeks of parental leave with pay. As employees may not take parental leave in blocks of less than a week, part of a week taken as parental leave will count as a one of the full weeks of entitlement with pay.
- (e) At the end of parental leave, an employee has the right to return to the same job as before if the leave was for a period of four weeks or less. If the leave was for a longer period, the employee has the right to return to the same job, or, if this is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the old job.
- (f) If an employee moves to a new employer, he or she will once again need to accrue one year's qualifying service before taking parental leave.

Employees planning to take parental leave should consult with their employer who will provide them with more detail regarding the terms and conditions governing parental leave ie. the length of time that can be taken in any one year, the period of notice required etc. An application for parental leave should be made on a form that can be supplied by the employer.

## **G. URGENT FAMILY LEAVE (TIME OFF FOR DEPENDANTS)**

This provision gives employees the right to a reasonable amount of time off during working hours to take action which is necessary in the following circumstances:

- (a) to provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
- (b) to make arrangements for the provision of care for a dependant who is ill or injured;
- (c) upon the death of a dependant;
- (d) due to unexpected disruption or termination of the arrangements for the care of a dependant;
- (e) to deal with an incident involving a child during the time when an educational establishment has the care of that child (this could involve dealing with unexpected incidents that occur during school hours or while the child is on a school trip).

The legislation does not provide for any right to be paid during this time off. BUC policy permits an employee up to a maximum of 5 days urgent family leave per year with pay. Urgent Family Leave/Time off for Dependants over and above this amount will be unpaid.

The employee must inform the employer as soon as reasonably practicable of the reason for the absence and how long the employee expects to be absent.

## **H. FLEXIBLE WORKING POLICY**

Parents with children under 6 or of disabled children under 18 have a legal right to request a change to their contractual working hours, times of working and place of work. Employers will have a statutory duty to consider their applications seriously. From April 2007 the scope of this right to request flexible working will be extended to carers of adults.

### **1. ELIGIBILITY**

- Be an employee
- Have a child under 6 (18 if the child is disabled)
- Have parental responsibility for the upbringing of the child
- Be making the application in order to care for the child
- Have 26 weeks continuous employment with their employer at the date of application
- Make the application at least 2 weeks before the child's 6<sup>th</sup> birthday (18<sup>th</sup> birthday in the case of a disabled child)
- Not be an agency worker
- Not have made a prior application in the past 12 months

### **2. APPLICATION PROCESS**

- Such rights are initiated by the employee who submits a written application to the employer detailing the new working pattern he/she would like to adopt.

- An accepted application will mean a permanent change to the employee's own terms and conditions of employment. It is important therefore that before making an application the employee gives the matter careful consideration.
- The employer must arrange to meet with the employee within 28 days of the receipt of the application to discuss the request. The meeting provides both parties with the opportunity to explore the desired work pattern in depth and to discuss how best it might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the employee's application. The employee has the right to be accompanied by a work colleague.
- The employer must confirm its decision in writing within 14 days of the meeting. This will either:
  - Accept the request and establish a start date
  - Confirm any compromise arrangement agreed at the meeting
  - Reject the application and provide a clear business ground(s) as to why the application cannot be accepted and the reasons why the ground(s) applies in the circumstances
  - If the application is rejected then this must be for a permitted reason with an explanation as to why the reason applies. Permitted reasons are as follows:
    - Burden of additional costs
    - Detrimental effect on the ability to meet customer demands
    - Inability to re-organise work among existing staff or recruit additional staff
    - Detrimental impact on quality or performance
    - Insufficiency of work during the periods the employee proposes to work
    - Planned structural changes

The employee has a right to appeal within 14 days of receiving the rejection of his/her application.

- The employer must hold a further meeting within 14 days of the receipt of the appeal request
- The outcome of the appeal should also be confirmed with the employee within 14 days of the second meeting.
- A right to apply to a tribunal exists if the employer has failed to follow the correct procedure, or if its decision is based on incorrect facts. The tribunal cannot question the commercial validity of the employer's decision but can ask the employer to reconsider and award compensation.

## **I. SABBATICAL LEAVE**

### **1. PREAMBLE**

The Seventh-day Adventist church recognises the contribution made by ministerial employees, bible workers and administrative officers. It also recognises the benefit to such employees of a substantial break in the work pattern which gives him/her time to reflect on and evaluate the course and content of his/her ministry; and an opportunity to pursue some form of self development that will benefit his/her future ministry.

## **2. PURPOSE**

Sabbatical leave is designed to provide qualifying employees with a period away from the routine of pastoral ministry and administration for reflection, study and recreation. It is intended that this time should be used in such ways as will provide for the personal and professional development of the employee for future service

## **3. GUIDELINES**

Ministerial employees, bible workers and administrators who have completed 7 years of continuous ministry within the territory of the British Union Conference, excluding periods of study leave, shall be eligible to be considered for sabbatical leave subject to the following conditions:

- (a) Requests for sabbatical leave are subject to the approval of the employing body's executive committee and are not an automatic right.
- (b) The employee will have demonstrated an active programme of pastoral/evangelistic or administrative leadership.
- (c) Adequate arrangements can be made for the continuation of preaching ministry, visitation and pastoral care, and/or administration during the leave period.
- (d) The sabbatical period must be at least one month and should not be more than three months. This is to ensure that the benefits of a significant break from regular duties can be experienced.
- (e) The employee will agree to forgo one week of annual holiday entitlement for each month of sabbatical leave, pro-rated for periods extending beyond a month. Any remaining holiday entitlement will be taken separately and not concurrently with the sabbatical leave.
- (f) Employees who have been granted a period of sabbatical leave will need to complete 7 further years of continuous service within the territory of the British Union Conference, excluding periods of study leave, before they can make a further application to benefit under this policy.

## **4. PROCEDURE**

- (a) Employees will seek, in writing, an informal meeting with their administrative officers to discuss their desire to benefit from the provisions of sabbatical leave. Alternatively, employees may be recommended for sabbatical by their employer in which case this informal meeting will be initiated by the administrative officers.
- (b) On receipt of provisional approval from their administrative officers, a formal application for consideration will be submitted to the employing body's executive committee/board nine months prior to any proposed commencement date. This application will include a draft plan indicating the employees' reasons for wanting the leave, the objectives he or she hopes to achieve, how this will be done and the perceived benefits for both the employee and the employer.
- (c) Following committee approval the employees shall submit, in counsel with their administrative officers, a detailed application, including a financial plan. This submission should be made six months in advance of the start of the sabbatical leave and should be approved by the executive committee of the employing organisation prior to the commencement of such leave. The Ministerial Association secretary will be willing to assist employees in giving advice on subjects, courses and venues amongst other matters relating to the drafting of the sabbatical programme.

- (d) Employees absent on sabbatical leave are required to keep in contact with their personnel department on a monthly basis and must not do any paid work without the prior approval of their administrative officers.
- (e) Employees are expected to complete a written report on their sabbatical of 1,500 words minimum. This process ensures maximum benefit by helping the individual to draw together and to reflect on the various strands of study, reading, research, or practical experience undertaken. This report must be submitted to the Ministerial Association Secretary no later than two months after the end of the sabbatical. Normally the last week of the sabbatical should be devoted to writing the report.

## **5. PROVISIONS**

- (a) While on sabbatical leave employees will continue to receive their regular monthly salary, but excluding travel budget reimbursement, except as the latter forms part of their approved financial plan for the leave period.
- (b) Employees away on sabbatical leave will remain under contract during their absence and all contractual benefits will continue to accrue and apply during sabbatical leave.
- (c) The costs of the short-term sabbatical programme will be met by the employing organization up to a maximum figure of 50% of the prevailing monthly package salary factor.

## **6. IMPLEMENTATION**

Each administrative unit within the BUC, through its executive committee or board, will be responsible for implementation.

## **J. DEATH IN SERVICE**

In the event of an employee dying whilst in service of the employing organization before his/her 65th birthday a lump sum will be payable to the deceased employee's nominee(s) through a group policy Life Assurance Scheme issued to the British Union Conference of Seventh-day Adventists.

1. All permanent employees between 16 and 65 years of age with at least two years continuous service at the date of death are eligible.
2. The Life Assurance Benefit shall be an amount equal to 80% of the employee's annual package salary at the start of the year in which the employee's death takes place (excluding all allowances, travel etc). If necessary this benefit may be restricted to ensure that Inland Revenue limits are not exceeded.
3. No scheme benefit shall be payable upon death after retirement on pension prior to normal retirement date (ie. the employee's 65th birthday).
4. Payment of benefit will be made to the wife (or husband) or such one or more of the employee's dependants, relatives, or beneficiaries as determined by the BUC executive committee.
5. Payment in this manner will in most circumstances be free from Inheritance tax.
6. If the employee is temporarily absent from work normal premiums will be continued by the employer so that the Life Assurance cover remains in force. The maximum period during which cover may remain in force is twelve consecutive months, unless absence is due to illness or injury. In the latter case premiums will be paid for as long as the employee continues to receive remuneration from the employer.
7. Entitlement to benefit will cease immediately upon termination of employment.

8. The employer reserves the right to amend or discontinue the Scheme at any time should circumstances make it necessary.

## K. FUNERAL ALLOWANCE

Employing organisations will pay an allowance equal to 50% of the prevailing monthly package salary factor towards the funeral expenses of an employee who dies during employment. The same allowance may be granted by the employing organisation towards the funeral expenses of an employee's spouse and dependent children who die during the employee's service.

The British Union Conference will pay an allowance equal to 50% of the prevailing monthly package salary factor towards the funeral expenses of a recipient of pension benefit from the Seventh-day Adventist Retirement Plan. The same allowance may be granted by the British Union Conference towards the funeral expenses of such a recipient's spouse.

## L. PENSION

The British Union Conference of Seventh-day Adventists (the Main Employer) operates a non-contributory, Inland Revenue Exempt Approved Retirement Plan for the benefit of Plan Members in its employment, or in the employment of other Participating Employers. Benefits are payable in harmony with the Plan's Trust Deed and Rules. An Explanatory Booklet is provided by the BUC.

Employees who are Plan Members and who are terminating their employment with a view to retirement must submit their application for Plan pensions six months prior to the retirement date. Applications are first approved by the employee's executive committee and then forwarded to the BUC Pension Plan Co-ordinator for ratification by the BUC executive committee.

Employees who qualify for pension benefit under the BUC retirement plan, and retire from active service, will receive a lump sum transitional assistance from their final employer calculated as follows:

1. Employees whose employing organisation has **NOT** adopted the new package salary structure or individual employees who have not accepted their revised package salary structure:
  - (a) Two months basic salary and housing allowance (where the latter is received) plus
  - (b) 5% of the monthly basic salary plus housing allowance (where the latter is received) for each year of pensionable service with the SDA Retirement Plan.
2. Employees whose employing organisation **HAS** adopted the new package salary structure and who have individually accepted their revised package salary structure:
  - (a) Two months salary package factor;
  - (b) 5% of the monthly salary package factor for each year of pensionable service with the SDA Retirement Plan.

It is the responsibility of former employees with deferred benefit to provide the British Union Conference with up-to-date details regarding any changes to their name and address. They are also responsible for initiating an application to start receiving their pension benefit. Application should be made directly to the BUC Pension Plan Co-ordinator, British Union Conference, Stanborough Park, Watford, Herts WD25 9JZ, who will process the retirement application through the BUC executive committee.

## **M. RETIREMENT**

The employee's normal retirement age is 65.

Between one year and no less than six months before the employees intended retirement date, the employer will notify the employee of the date of retirement and the employees' right to request to work on past the retirement date.

Between three to six months before the intended date of retirement, the employee has the right to make a written request to work beyond the normal retirement date.

If the employee makes a written request to work beyond normal retirement date, the employer will hold a meeting with the employee to consider the request and notify the employee of the decision taken within a reasonable period of time.

If the request is refused, the employer will then notify the employee of his/her right of appeal against the refusal.