



Diocese of Nelson TOIL and Alternate Holidays Policy

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1 Preamble

1.1 Purpose

The purposes of this Policy are –

- to give clarity to staff, vicars and church wardens about Time off in lieu (TOIL) and alternate leave;
- to establish the eligibility, duration, and procedures for Alternate Holidays and Time off in Lieu.

1.2 Definitions

Alternate Holidays – are additional days off accrued under certain circumstances when Public Holidays have been worked.

Appointee – means a licensed clergy person appointed to a ministry role by the Bishop who has an individual appointment agreement.

Appointer – means the Bishop as indicated in individual appointment agreements.

Casual worker – refers to a situation where the employee has no guaranteed hours of work, no regular pattern of work, and no ongoing expectation of employment.

Employee – means anyone in a paid position within the Diocese who has an individual employment contract.

Employer – means the Diocese or Parish as indicated in individual employment agreements.

Stipend – is a payment funded by the giving of a parish to enable a clergy person to exercise their ministry on either a part-time or full-time basis.

Stipendiary Minister – means any appointee who receives a stipend

Time off in Lieu (TOIL) – is time accrued when working more than the hours agreed in an employment contract or appointment agreement.

1.3 Policy objectives

The Diocese recognises that there may be occasions when an employee or clergy person may need to work outside of their regular work hours. The Diocese also has a statutory obligation, under the Holidays Act 2003 to meet in relation to work carried out on Public Holidays.

It also has to manage leave so that there is consistency of practice across the Diocese and so that there is a clear understanding of how the different types of leave are accrued and can be taken.



1.4 Scope

Part 1 of this policy is the preamble and provides background as to what this policy aims to achieve.

Part 2 relates to all employees of the Diocese

Part 3 relates to all appointees (appointed ministers) within the Diocese who receive a stipend

This policy does not form part of any individual's employment or appointment agreement and may be amended by the Diocese at any time.

Out of scope: This policy does not apply to volunteers, non-stipendiary ministers, casual employees or contractors. Where there is inconsistency between this policy and the Holidays Act 2003 (or any successor legislation), the provisions of the Holiday Act 2003 (or any successor legislation) will take precedence.

1.5 Legislation

[Holidays Act 2003](#) – covers Annual Leave, Public Holidays, and Alternate Holidays.

1.6 Disputes

Any disputes about the interpretation or implementation of this policy should be raised with the Diocesan Manager, for sections 1 and 2, and with the Bishop for section 3. The decision of the Diocesan Manager/Bishop is final.



2 Policies applying to employees of the Diocese

2.1 Public Holidays and Alternate Holidays

2.1.1 Entitlement to take Public Holidays

- (a) Employees are entitled to all Public Holidays that fall on a day they would normally work. However, employees may be required to work on some Public Holidays, for example where working as part of a worship service.
- (b) Generally, office-based staff such as parish administrators and Anglican Centre staff should not work Public Holidays.
- (c) Staff engaged in ministry should discuss with their Employer if working a Public Holiday is necessary. Where it is not necessary, ministry staff should not work Public Holidays.
- (d) All Employees intending/requested to work on a Public Holiday must have written approval of the Employer prior to working on the Public Holiday.
- (e) Where employees are required to work on a Public Holiday, they will be paid their relevant daily pay for time actually worked plus half that amount again. If it is a day that would otherwise be an ordinary working day for that employee, they will also be entitled to an alternative day's holiday.
- (f) If an employee works on a Public Holiday that would not otherwise be a working day for them, they are not entitled to an alternative holiday, but they are still entitled to be paid at the rate of at least time and a half for the hours they work.

2.1.2 Entitlement to take Alternate Holidays

- (a) An Employee gets an Alternate Holiday if:
 - they work on a Public Holiday that would otherwise be a working day for them.
 - they are on call on a Public Holiday that is an otherwise working day for them and they have to limit their activities on the day to the extent that they haven't enjoyed a full holiday. For example, if the employee is required to stay at home all day, but is not called out, the employee is entitled to a full day's paid alternative holiday if they would have otherwise worked on that day.
- (b) Alternate Holidays should be used as soon after they have been earned as is reasonable, and no later than the end of the third calendar month following that in which the Alternate Holiday was earned. However, any outstanding Alternate Holidays must be used before any Annual Leave is used.
- (c) Where Alternate Holidays are not taken within a reasonable time frame, the Employer may require the Employee to take leave, providing the Employer gives the Employee at least 14 days' notice.



2.2 Time off in Lieu (TOIL)

2.2.1 Description

- (a) TOIL is not defined by employment law and is not an automatic entitlement – the Employee **must** have approval from the Employer to take additional time off to account for extra time worked.

2.2.2 TOIL for Salaried Staff

- (a) Salaried staff are expected to complete their work for the salary offered in their employment contract. Staff are expected to manage their working hours to accommodate known work needs eg by changing their day off if they have to work a Saturday.
- (b) TOIL will generally only be considered for salaried staff where an Employee works their day off or well beyond their normal working hours (eg to attend an evening meeting).
- (c) TOIL for salaried staff does not get recorded in the Diocese's payroll system – it should be managed locally between the Employee and the Employer.

2.2.3 TOIL for Waged Staff

- (a) Waged staff are expected to complete their work within the hours they have been allocated. **Individual employment agreements will specify whether TOIL or overtime pay will be given for working extra hours.**
- (b) TOIL must be approved by the Employer by authorising the employees timesheet. Where TOIL is regularly being accrued, the Employee and Employer should discuss changes to the hours of work within the Employment Contract.
- (c) TOIL should be recorded on the fortnightly timesheet.

2.2.4 Use of TOIL

- (a) TOIL should be taken as soon as is reasonably possible after TOIL has been accrued, and no later than the end of the third calendar month following the day in which TOIL was accrued. However, any outstanding Alternate Holidays must be used before any Annual Leave is used.
- (b) A maximum of five days TOIL may be held at any one time, pending use in line with **s2.3.4.(a)**
- (c) If an Employee has already accrued five days' worth of TOIL, and they are asked to work further extra hours, they should seek written agreement from the Employer with agreed dates for taking all unused TOIL days.
- (d) Unused TOIL will **NOT** be paid out on termination of a contract.



PLEASE NOTE

TOIL should not be built up over time to be used as extra Annual Leave. Instead, Employees and Employers should proactively manage work time to ensure work/life balance is maintained.

- If an Employee knows they will have to work an evening – they should, where possible, start their workday later in the morning.
- If an Employee needs to work at the weekend, they should, where possible, arrange to have their next available work-day off.

TOIL should also not be used for tasks that are a normal part of the job. These should be able to be completed within the normal working hours. TOIL should only be used where there is a need to do a particular task within a specific time frame, or where attendance at a Parish or Diocesan event (eg Synod) requires the Employee to work on a day that they normally do not work.

2.3 Leave Accountability

2.3.1

- (a) Vicars, parish wardens and treasurers will be supplied monthly with leave balance reports by the Diocesan office to help manage leave.



3 Policies applying to stipendiary ministers within the Diocese

3.1 The nature of ministry

3.1.1 Appointment agreements

- (a) Ordained ministers in the Anglican Church have answered a call from God and fill their role in the Church, not because they have been employed to it, but because they have been called to it.
- (b) The particular ecclesiastical office they are assigned to will inevitably change over time, but the special responsibility they have for building up the people of God and glorifying the Holy Trinity does not change. That special responsibility is expressed by way of service to other people or ministries at various times. Nevertheless it is ultimately given to and directed by God.
- (c) Within the Anglican understanding this includes the submission of an ordained person to their Bishop, not as a servant or employee but as an obedient follower of Christ accepting those placed in authority over them by the Church in its identity as the Body of Christ.
- (d) Stipendiary Ministers, who are appointed to a ministry role within the Diocese, are not employees but act under the authority of the Bishop, having accepted his licence. Clergy appointment agreements set out the operating framework of that authority.

3.1.2 Accountability

- (a) All Stipendiary Ministers in the Diocese are accountable to the Bishop for their ministry and wellbeing. Vicars also have a responsibility to work with their wardens on issues relating to leave and wellbeing.
- (b) Other clergy (e.g. Deacons in training) may report on a day to day basis to a parish vicar or one of the Bishop's Ministry team members.
- (c) Irrespective of who they are accountable to, Stipendiary Ministers have a responsibility to manage their own workload, prayer time, rest and recreation following the biblical model.
- (d) In managing leave, Stipendiary Ministers must ensure that the impacts on their ministry are identified and managed appropriately.

3.1.3 Statutory framework

- (a) The Diocese has chosen to administer leave provisions of clergy in line with secular employment law. This means that the Diocese will honour the requirements of:
- (b) The Holidays Act 2003
- (c) In addition Diocesan Statutes:
 - a. Parishes Statute 2006
 - b. Diocesan Sabbatical Study Leave Statute 2009



3.2 Weekly rest and prayer

3.2.1 Full-time Stipendiary Ministers

- (a) All full-time Stipendiary Ministers are expected to take at least one day off per week, and are encouraged to spend one further day, or part of a day, for prayer, reading and reflection.
- (b) Full time Stipendiary Ministers are responsible for managing their days off each week in consultation with their wardens.
- (c) It is expected that full-time Stipendiary Ministers will work between 40 and 60 hours per week.

PLEASE NOTE

Full-time stipendiary ministers should aim to be engaged in active ministry for a minimum of 40 hours per week. The upper threshold of 60 hours is not a target, it is an absolute maximum that is set to ensure the wellbeing of ministers. Any minister who is regularly doing more than 45 hours of active ministry each week should meet with their wardens to discuss parish ministry priorities.

Part-time stipendiary ministers will have a maximum ministry time indicated in their appointment agreements. They, too, should monitor the time being spent on active ministry and discuss excess hours being worked with their wardens.

3.2.2 Part-time Stipendiary Ministers

- (a) The Diocese recognises the need for flexibility for part-time Stipendiary Ministers to enable them to meet any other paid work commitments.
- (b) Part-time Stipendiary Ministers are strongly advised to have at least one day off per week from both ministry and any other paid work. Where this is not possible, or regularly not possible, this should be discussed with the bishop or bishop's chaplain to agree on alternative regular rhythms of rest (eg. fortnightly, monthly, bi-monthly). Any agreed plans are to be shared with the parish wardens to ensure clear expectations and healthy rhythms.
- (c) The Vicar should provide a regular report to the parish vestry to ensure that ministry expectations are realistic and achievable in the hours allocated.
- (d) Part-time stipendiary ministers will have a maximum expected ministry time indicated in their appointment agreements.



3.3 Public Holidays and Alternate Holidays

3.3.1 Entitlement to take Public Holidays

- (a) Stipendiary Ministers are entitled to all Public Holidays that fall on a day they would normally work. However, Stipendiary Ministers may be required to work on some Public Holidays, such as ANZAC Day, Good Friday and Christmas Day.
- (b) Where a Public Holiday falls on a day that would otherwise be the Stipendiary Minister's day off, the Stipendiary Minister may take the holiday on an alternate day.
- (c) Generally, Stipendiary Ministers should only work Public Holidays where there is a specific ministry need that cannot be undertaken on an alternative day. Stipendiary Ministers should discuss their intentions with their wardens prior to the Public Holiday.
- (d) Where Stipendiary Ministers are required to work on a Public Holiday, they will be entitled to an alternative day's holiday.

PLEASE NOTE

Stipendiary Ministers should only work Public Holidays where there is a specific or emergency ministry need. This could include leading worship services (such as on Christmas and Good Friday), weddings and funerals, and emergency pastoral care. Any ministry activity which could take place on an alternate day should not be undertaken on a Public Holiday, for example parish meetings, sermon preparation and non-urgent pastoral care.

3.3.2 Entitlement to take Alternate Holidays

- (a) A Stipendiary Ministers gets an Alternate Holiday if:
 - they minister on a Public Holiday that would otherwise be a working day for them.
 - the Public Holiday falls on a day that would normally be the minister's day off.
- (b) Alternate Holidays should be used as soon after they have been earned as is reasonable, and no later than the end of the third calendar month following that in which the Alternate Holiday was earned. However, any outstanding Alternate Holidays must be used before any Annual Leave is used.
- (c) Where Alternate Holidays are not taken within a reasonable time frame, the Bishop may, in consultation with wardens, require the Stipendiary Minister to take leave, providing the Bishop gives the Stipendiary Minister at least 14 days' notice.



3.4 Time off in Lieu (TOIL)

3.4.1 Description

- (a) TOIL is not defined by employment law and is not an entitlement. It may be appropriate when a Stipendiary Minister works on their normal day off (see **s3.4.2**).
- (b) If a Stipendiary Minister normally has more than one day off per week, then TOIL can only accumulate for work done on one of the full days off (Diocesan Events excluded).
- (c) TOIL is recorded in the Diocese's payroll system and should be managed by the Stipendiary Minister, in consultation with the wardens, and within the ministry hours allocated in any given week.
- (d) TOIL should only accumulate in exceptional circumstances, and it should be used as soon as possible after it has accrued.

3.4.2 Use of TOIL

- (a) TOIL must be used by the end of the third calendar month following the day in which TOIL was accrued. Untaken TOIL cannot be carried forward and will not be paid out if not used. However, any outstanding TOIL must be used before any Annual Leave is used.
- (b) A maximum of five days TOIL may be held at any one time, with the agreement of the wardens, pending use in line with **s3.1.2(a)**
- (c) If a Stipendiary Minister has already accrued five days' worth of TOIL, and they need to work further extra hours, they should seek written agreement from the Bishop's Chaplain with agreed dates for taking the TOIL days accrued as leave.
- (d) If agreement cannot be reached then the matter should be referred to the Bishop who will make a decision on when TOIL should be taken.

PLEASE NOTE

TOIL should not be built up over time to be used as extra Annual Leave. Instead, Ministers and Wardens should proactively manage work time to ensure work/life balance is maintained.

- If a minister knows they will have to work an evening – they should, where possible, start their workday later in the morning.
- If a minister needs to work on their regular day off, they should, where possible, arrange to have their next available working day off.

TOIL should also not be used for tasks that are a normal part of the job. These should be able to be completed within the time allocated. TOIL should only be used where there is a need to do a particular task within a specific time frame, or where there is an unforeseen ministry requirement.

TOIL cannot be recorded for other outside paid or unpaid work that is undertaken on a designated day off.

3.5 Leave Accountability

3.5.1

- (a) Vicars, parish wardens and treasurers will be supplied monthly with leave balance reports by the Diocesan office to help manage leave.