

UNIVERSITY OF KWAZULU-NATAL

**An analysis of Clerics' awareness of their "Employment"
status with the Anglican Church of Southern Africa**

By:

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**Dissertation submitted in partial fulfilment of the requirements of the
Degree of Master of Business Administration**

**College of Law and Management Studies
Graduate School of Business and Leadership**

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2016

DECLARATION

I, Nhlanhla Blessing Ntshangase, declare that

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Nhlanhla Blessing Ntshangase

DEDICATION

This research work is dedicated to my beloved son, Mfundephakeme Sibongakonke. There were times in my life when he was the only reason that I lived.

ACKNOWLEDGEMENTS

This research work would have not succeeded without the invaluable contribution and assistance of these people:

- **Mr Alec Bozas**, my Supervisor for all the support and guidance from the beginning until the end of this project;
- **Bishop Dino Gabriel** of the Anglican Diocese of Natal and **Bishop Monument Makhanya** of the Anglican Diocese of Zululand, for granting me permission to do a survey of clerics in their dioceses.
- **My wife Phindile and my children** for their patience during the times when I was an “absent” husband and father
- My respondents, fellow **clerics in the Anglican Dioceses of Natal and Zululand**, for their valuable input. Thank you for taking your time to provide me with meaningful data for my survey.
- My good friend and former colleague, **Nkosana Jafta** for assisting me with the statistical analysis for this research project.
- **Dr Hatikanganwi Mapudzi** for editing this project
- **My Lord Jesus Christ** for constantly giving the assurance that I can do everything through Him because He strengthens me.

EDITOR'S STATEMENT

20 NOVEMBER 2016

Re: LANGUAGE EDITING STATEMENT

I, THE UNDERSIGNED, hereby confirm that I have edited the thesis titled **AN ANALYSIS OF CLERICS' AWARENESS OF THEIR "EMPLOYMENT" STATUS IN THE ANGLICAN CHURCH OF SOUTHERN AFRICA**, by **NHLANHLA BLESSING NTSHANGASE**, for the degree of **Master of Business Administration**.

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ABSTRACT

The clerics of the Anglican Church of Southern Africa (ACSA) do not have an employment relationship with the Church. This is mainly because when they engage with one another, they never sign an employment contract, nor is there ever an intention to do so. This lack of employment relationship between ACSA and its clerics makes the clerics to not have access to earthly institutions like the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour Court in an event that they have a dispute with ACSA. Disputes are supposed to be resolved using the internal processes as prescribed by ACSA's Constitution and Canons. Those clerics who have taken ACSA to CCMA or Labour Court have discovered that these institutions are not available to them. Courts have ruled several times that clerics are not employees of ACSA, and for this reason, access to the CCMA and the Labour Court is not available to them. This research study sought to establish if clerics are aware of their "not employed" status with ACSA, the implications of this and whether they are aware of internal remedies available to them if there is a conflict. The study further sought to establish if ACSA is doing anything to make clerics aware of their "not employed" status. A pretested questionnaire was designed and was used to collect data from clerics. These questionnaires were sent to 120 respondents, that is, 50 from the Diocese of Zululand and 70 from the Diocese of Natal. All data from the 53 questionnaires that were returned by the respondents were captured into a database using Microsoft Excel version 2010. This was analysed using the STATA IC version 13 statistical software. Data was presented using different types of graphs and tables. The findings were tested using the Pearson Chi-square test to determine the statistical significance of differences between the variables. The findings showed that the majority of clerics are not aware of their "not employed" status with ACSA. It was also found that the majority does not know the implications of this "not employed" status and they are not aware of the internal remedies that are prescribed by the Canons to resolve conflicts. The study recommends that ACSA should embark on a vigorous awareness campaigns to make clerics aware of their "not employed" status, a very important component of ACSA's engagement with them.

TABLE OF CONTENTS

DECLARATION	ii
DEDICATION.....	iii
ACKNOWLEDGEMENTS.....	iv
EDITOR'S STATEMENT	v
ABSTRACT	vi
LIST OF FIGURES.....	xi
LIST OF TABLES	xii
CHAPTER 1: INTRODUCTION TO THE RESEARCH.....	1
1.1 Introduction	1
1.2 Background of the study.....	1
1.3 The rationale and motivation for the study	3
1.4 Problem statement.....	5
1.5 Aims and Objectives of the study	6
1.5.1 Objectives of the study	6
1.5.2 Research questions	7
1.6 Research methodology and sources of data.....	7
1.7 The significance of the research.....	7
1.8 Limitations of the study.....	8
1.9 Structure of the study.....	8
1.10 Definition of terms	9
1.11 Summary.....	10
CHAPTER 2: LITERATURE REVIEW.....	11
2.1 Introduction	11
2.2 The process of employment and definition of an “employee”	11
2.3 Vocation	13
2.4 Ordination to holy orders	14
2.5 Declarations and oaths.....	15
2.6 Licensing of a cleric	16
2.7 “Employment status” of clerics.....	17
2.7.1 The Mathebula case	18
2.7.2 The Nkomonde case.....	19
2.7.3 The Felix case	20
2.7.4 The Paxton case	20
2.8 “Employment status” of clerics in the wider Anglican Communion	20
2.8.1 The Sturt and Anor case	21

2.8.2 The Knowles case.....	21
2.8.3 The Coker case.....	21
2.8.4 The Sharpe case.....	22
2.9 “Employment status” of clerics in other South African Churches.....	22
2.9.1 The Myeni case.....	22
2.9.2 The Mankatshu case	23
2.9.3 The Salvation Army case	23
2.9.4 The Schreuder case.....	24
2.9.5 The De Lange case.....	24
2.10 “Employment status” of clerics in other non-South African Churches	25
2.10.1 The Ermogenous case	25
2.10.2 The Davies case	26
2.10.3 The Mabon case	26
2.10.4 The Parfitt case.....	26
2.10.5 The Percy case	26
2.11 Resolution of conflicts using ACSA’s Canon Law.....	27
2.11.1 Canon 25: Of tenure of clergy.....	27
2.11.2 Canon 36: Of tribunals of the Church	28
2.11.3 Canon 37: Of judicial proceedings	28
2.11.4 Canon 39: Of proceedings against priests and deacons	29
2.11.5 Canon 40: Of judicial sentences.....	29
2.11.6 Canon 41: Of appeals.....	30
2.11.7 The Luvuyo case.....	30
2.12 Conclusion.....	31
CHAPTER 3: RESEARCH METHODOLOGY	32
3.1 Introduction	32
3.2 Research methodology.....	32
3.2.1 Quantitative research.....	33
3.2.2 Qualitative research.....	34
3.2.3. Comparison of the qualitative and quantitative research approaches.....	35
3.2.4 Triangulation.....	36
3.2.5 Adopted methodology.....	36
3.3 Target Population.....	37
3.4 Sampling	37
3.5 Data collection tool.....	38
3.5.1 Questionnaire design.....	38
3.6 Validity.....	40

3.7 Reliability.....	41
3.8 Pilot study	42
3.9 Ethical considerations.....	42
3.10 Data collection.....	43
3.11 Data analysis.....	44
3.12 Conclusion	44
CHAPTER 4: RESULTS PRESENTATION AND DISCUSSION.....	45
4.1. Introduction.....	45
4.1.1 Response rate	45
4.1.2 Data normality	46
4.2. Data frequencies.....	46
4.2.1 Demographics	46
4.3. Data analysis.....	48
4.3.1. Generic descriptive statistics	48
4.3.1.1 Distribution of ages.....	48
4.3.1.2 Years ordained to holy orders	49
4.3.1.3 Years of previous work experience of respondents	49
4.3.1.4 Years of chapter membership	50
4.3.2. Objective One: Determine the clerics' awareness of their "not employed" status in ACSA.....	50
4.3.3. Objective Two: Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA	54
4.3.4 Objective Three: Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA	57
4.3.5. Objective Four: Establish mechanisms put in place by ACSA in making clerics aware of their "not employed" status	61
4.4 Discussion of results.....	66
4.4.1 Objective One: Determine the clerics' awareness of their "not employed" status in ACSA.....	66
4.4.2 Objective Two: Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA	67
4.4.3 Objective Three: Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA	67
4.4.4 Objective Four: Establish the mechanisms put in place by ACSA in making clerics aware of their "not employed" status	68
4.5. Conclusion	68
CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS	69
5.1. Introduction.....	69
5.2. An overview of the study	69

5.3. Summary of findings	70
5.3.1. Objective one: Determine the clerics' awareness of their "not employed" status in ACSA	70
5.3.2. Objective two: Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA	71
5.3.3. Objective three: Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA	72
5.3.4. Objective four: Establish mechanisms put in place by ACSA in making clerics aware of their "not employed" status	73
5.4 Conclusions	75
5.4.1. Objective one: Determine the clerics' awareness of their "not employed" status in ACSA	75
5.4.2. Objective two: Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA	75
5.4.3. Objective three: Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA	75
5.4.4. Objective four: Establish mechanisms put in place by ACSA in making clerics aware of their "not employed" status	76
5.5 Recommendations	76
5.5.1. Objective one: Determine the clerics' awareness of their "not employed" status in ACSA	76
5.5.2. Objective two: Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA	77
5.5.3. Objective three: Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA	77
5.5.4. Objective four: Establish mechanisms put in place by ACSA in making clerics aware of their "not employed" status	78
5.6. Suggestions for further research	79
5.8. Concluding remarks	79
REFERENCES	81
APPENDIX 1: Questionnaire	88
APPENDIX 2: Informed consent form	92
APPENDIX 3A: Permission from the Anglican Diocese of Natal	93
APPENDIX 3B: Permission from the Anglican Diocese of Zululand	94
.....	94
APPENDIX 4: Ethical clearance letter	95
.....	95
APPENDIX 5: Turnitin report	96

LIST OF FIGURES

No.	Description	Page
1.1	Map of the dioceses of the Anglican Church of Southern Africa	2
4.1	Rate of response of participants	45
4.2	Consideration as employee	50

LIST OF TABLES

No.	Description	Page
3.1	Comparison between research design and research methodology	32
3.2	Comparison between qualitative and quantitative research approaches	35
4.1	Demographics of participants	46
4.2	Distribution of ages of respondents	48
4.3	Distribution of years of ordination	49
4.4	Distribution of years of previous work experience	49
4.5	Distribution of years of chapter membership	50
4.6	Variables vs Consideration as employee	51
4.7	Responses to questions about employment	53
4.8	Responses on the implications of “not employed” status	54
4.9	Pearson Chi Square test of how respondents would react if they had a conflict with ACSA	55
4.10	Responses on the awareness of the available remedies	58
4.11	Chi Square test on those who were not familiar with Canon 37	59
4.12	Clerics’ knowledge of ACSA awareness campaigns	61
4.13	Pearson Chi Square test of respondents who were not informed about their “not employed” status before and after ordination	62
4.14	Pearson Chi Square test on the respondents who never attended workshop, never read documents and those who never signed documents about their “not employed” status	64

CHAPTER 1: INTRODUCTION TO THE RESEARCH

1.1 Introduction

This research canvassed clerics serving the Anglican Church of Southern Africa (ACSA) to determine whether they were aware of their “not employed” status and the implications that this “not employed” status has on their relationship with ACSA. The study also sought to establish the clerics’ awareness of the remedies available to them and the extent to which ACSA has gone into, in raising awareness about these remedies amongst. This chapter thus provides an overview of the study. The background information, problem statement, rationale for the study are described. The aims and objectives of the study are also provided alongside the significance of the study. The definition of key concepts, limitations of the study and an outline of the study conclude the chapter.

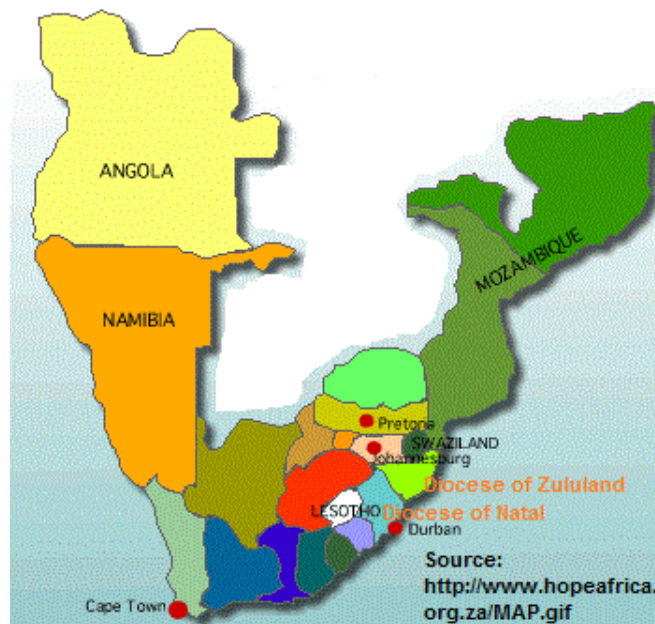
1.2 Background of the study

The Church of the Province of Southern Africa (Anglican) changed its name to the Anglican Church of Southern Africa in 2006. The main motivation for the name change was to eradicate the confusion arising from the word “province” in the Church’s name (SAPA, 2005). The Anglican Church of Southern Africa, hereafter referred to as ACSA, is a province¹ within the Anglican Communion which covers dioceses in the countries of South Africa, Lesotho, Swaziland, Angola, Mozambique, Namibia and St Helena. The Anglican Church is geographically divided into 28 dioceses, with each diocese headed by a Bishop. Dioceses are further geographically divided into parishes, with each parish headed by a Priest who holds a title of rector or priest-in-charge. Some parishes may have one or more clerics who may either be a deacon or a priest. There are two categories of clerics. The first category is that which is stipendiary, that is, those who have no secular employment

¹ Refers to the group of dioceses clustered together and have one archbishop. Not to be confused with South Africa’s nine provinces.

and work exclusively for ACSA full time. The other category is that of self-supporting, non-stipendiary or community clerics. These clerics are working in secular employment and exercise their Church ministry on a part-time basis. Figure 1.1.illustrates the dioceses of ACSA.

Figure 1.1: Map of the dioceses of ACSA



Source: www.hopeafrica.org.za

ACSA is a Church that is “synodically governed and episcopally led”. This means that the Church is led by bishops who implement the governing laws of ACSA, the Constitution and Canons. These are reviewed by the provincial synod from time to time. The bishops ordain priests and deacons in their respective dioceses. Ordination is permanent and cannot be revoked – a bishop can ordain but cannot “unordain”. Ordination, however, is not enough for a cleric to exercise his/her ministry. The bishop needs to license him/her to a parish before the ministry can be exercised. The bishop reserves rights to himself/herself and to his/her successors to revoke the licence given to a cleric, should there be a just cause to do so.

The ordination and licensing of clerics are at the discretion of the diocesan bishop, according to the Canons. That basically gives the bishop a right to “hire and fire” clerics in his/her diocese. Over the years, clerics have assumed that their ordination

to the Holy Orders and licensing to a parish are equivalent to concluding an employment contract between them and ACSA. This has been further supported by the fact that they do almost everything that other employees do. Things like paying PAYE, contributing to the UIF, entitlement to leave and in some cases, “bonus” stipends. This and the adage, “if it quacks like a duck, swims like a duck and does everything like a duck, then it is a duck”, has made them have an incorrect perception that they are employees of ACSA. They get to know about their “not employed” status when there is a dispute between them and ACSA. When they approach institutions such as the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour Court for assistance, they get to learn they are not employed and these institutions have no jurisdiction over their dispute. In the end, they are referred back to solve their dispute with ACSA, using the internal processes as stipulated in the Constitution and Canons of ACSA.

The decisions of various courts have confirmed that the relationship between the Priest and ACSA cannot be regarded as one of employment. Clerics are “employed” by God and ACSA simply provides the sphere within which the clerics serve God, arising out of their calling (Waglay, 2001:8). ACSA has successfully invoked this several times when it has had disputes with its clerics taken to secular structures such as the CCMA and Labour Court.

1.3 The rationale and motivation for the study

The motivation for this study is based on the various disputes that ACSA has had in the past, with its clerics. In the Nkomonde case², Reverend Nkosinami Nkomonde had his licence revoked by the Bishop of the Diocese of Pretoria because the Bishop “could not find a suitable parish for him”. When Nkomonde approached the CCMA for help, the Commissioner of the CCMA ruled that he was not an employee of the Church and therefore, the CCMA had no jurisdiction over his case. The facts of the case were not even heard. The ruling was that he “works for God (according to the

² For ease of reference, all cases in this study are named after the clerics or Churches involved.

Anglican faith) and that any arrangements, including financial payments are simply assistance by the Church to allow the Priest to fulfill his relationship and calling with God to the fullest extent possible” (Owen, 2012:1).

Almost the same verdict was reached in the Mathebula case. Reverend (Revd) L.Z Mathebula was “unfairly fired” by the Diocese of Cape Town (Church of the Province of Southern Africa vs L.Z Mathebula, 2001). The Commissioner of the CCMA initially ruled that Revd Mathebula was an employee of ACSA. He heard the case and made an award in Revd Mathebula’s favour. ACSA appealed against this ruling in the Labour Court. The court ruled that Revd Mathebula was not an employee of ACSA and was therefore not entitled to approach the CCMA and the Labour Court for assistance. The award of the CCMA was overturned.

There have been several similar cases that have been heard by the courts on this issue of whether or not clerics are employees of the Church. The issue is not only confined to the Anglican Church in Southern Africa. Other Churches in the worldwide Anglican Communion have had similar experiences. Also, other Churches are grappling with this as well. The recent case outside of ACSA is the Myeni case. Pastor M.J Myeni was dismissed by the Universal Church of the Kingdom of God. He took the matter of his dismissal to the Labour Court, which ruled in his favour and awarded him an amount of sixty thousand rands (R60000) in damages. This was however overturned by the Labour Appeal Court. The Appeal Court ruled that Myeni was not employed by the Church, so the Labour Court had made an error in hearing his case. The decision and the award of the Labour Court were set aside (Universal Church of the Kingdom of God vs M.J. Myeni, 2013).

An argument has been advanced that the decisions of the courts were made before Section 200A of the Labour Relations Act was introduced. This Section gives a detailed description of who qualifies to be labelled an “employee”. The argument was that the courts would have come to a different conclusion, had Section 200A been in place, or not overlooked in the later court judgements. However, the Myeni case, which took the provisions of Section 200A into consideration, still ruled that even though almost all the requirements for one to be an employee have been fulfilled, the absence of an employment contract invalidated any claim of employment. Also, the

issue of whether or not there was an intention to conclude a contract between a cleric and the Church is of paramount importance. The crux of the matter is that fulfilling the requirements of Section 200A is not enough. A signed employment contract between the Church and the priest is what concludes an employment relationship. An intention to conclude a contract of employment between these two parties should also exist.

1.4 Problem statement

The engagement of clerics with ACSA is not an employment relationship. ACSA does not employ them, but provides them with a space to exercise their calling from God. The majority of clerics, however, are not aware of their “not employed” status with ACSA. They incorrectly assume that their relationship with ACSA is an employment relationship. This then makes them unaware of the implications that this lack of employment has on their engagement with ACSA. Some of the implications are that in the event of a dispute arising between them and ACSA, they have no recourse of seeking assistance from the CCMA or the Labour Court, as these institutions are meant only for employees. On the other hand, ACSA seems to be doing very little, if anything, to ensure that clerics do not confuse their “not employed” status of engagement with an employment relationship.

With these institutions (the CCMA and the Labour Court) not available to clerics, ACSA has some internal dispute resolution procedures. These are outlined in the Constitution and Canons of ACSA. The problem is that the majority of the clerics are not familiar with these procedures that are available to assist them. This unfamiliarity, or ignorance about their existence, makes them to be of little use when they are needed. This is evidenced by some of the court cases that were referred to the courts when they could have been resolved internally.

In light of the above mentioned issues, the study has the following aims and objectives.

1.5 Aims and Objectives of the study

This research aimed at determining the clerics' level of awareness of their "not employed" status with ACSA. It also sought to find out if they are aware of the implications that this absence of employer-employee relationship has on them. The study further sought to determine whether the clerics are aware of the remedies that are available to them, in the case of dispute with ACSA. The study concludes by determining what ACSA is doing to make clerics aware of their "not employed" status.

This study does not in any way attempt to determine whether there exists an employment relationship between ACSA and its clerics. It is already assumed that the issue is closed and it has been accepted that there is no employment relationship between ACSA and its clerics. It has also been accepted that ACSA merely provides a platform for clerics to exercise their calling. Clerics are "employed" by God. For this reason, in cases of dispute with ACSA, they do not have access to earthly powers of institutions such as the CCMA and the Labour Court, mainly because their "employer", God, is not of this world.

1.5.1 Objectives of the study

The objectives of this study were to:

- Determine the clerics' awareness of their "not employed" status in ACSA.
- Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA.
- Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA.
- Establish the mechanisms put in place by ACSA in making clerics aware of their "not employed" status.

1.5.2 Research questions

The key research questions of this study were:

- What is the clerics' level of awareness of their "not employed" status in ACSA?
- What is the clerics' level of awareness of the implications of the absence of an employment relationship with ACSA?
- What is the clerics' level of awareness of the remedies available to them, in the case of dispute with ACSA?
- What are the measures put in place by ACSA to make clerics aware of their "not employed" status?

1.6 Research methodology and sources of data

The detailed methodology for this study is described in Chapter 3. It is however important to indicate at this point, that the study employed the quantitative research methods. A questionnaire was distributed to one hundred stipendiary clerics in ACSA dioceses of Natal and Zululand. Bishops were excluded from the study. The reason for this is that they are perceived to be "employers" rather than "employees". The StataIC version 13 statistical computer package was used to analyse data that were collected through the questionnaires.

1.7 The significance of the research

The issues of the "not employed" status of clerics mainly arises when there are disputes between ACSA and its clerics. When there is litigation, ACSA has successfully used this defence, arguing that earthly powers like CCMA have no jurisdiction on the issue (Owen, 2012). It is the lack of awareness of this important information that leads clerics to pursue the path of litigation at their expense and with no chance of succeeding. ACSA also spends a lot of money defending litigation that is not necessary. The most economic route is to let the issue of "not employed" out in the open and let every cleric be aware of its existence.

In view of the above, the study is significant in its own ways. For ACSA dioceses in the province of KwaZulu-Natal, the study might help clerics in understanding their “not employed” status. The study would, therefore, be of value to them in that once they know about their “not employed” status, they might consider implementing campaigns to maximise awareness, if there is a need to do so. This would avoid unnecessary and costly litigations caused by their lack of awareness in this regard

1.8 Limitations of the study

The following limitations were encountered by the study:

- Due to the fact that clerics from only two of the 28 dioceses of ACSA were surveyed, results may not be generalisable to the whole of ACSA.
- There is almost no literature available on the issue of awareness that the study sought to analyse. Literature available is mainly about the issue of clerics not being employed rather than about their awareness of their status. For this reason, the literature review is mainly on the determination of non-existence of employment relationship and less on the awareness of clerics about this.
- Due to the apparent apathy and the fact that this issue may be “foreign” to them, a significant number (56 percent) of potential respondents did not complete the questionnaire.

1.9 Structure of the study

This study consists of five chapters.

Chapter 1: Introduction to the study.

Chapter 2: Literature review provides an overview of information already known on the issue of “not employed” status of clerics and their awareness thereof.

Chapter 3: Methodology describes the research methodology that was used to conduct the study.

Chapter 4: Results presentation and discussion: presents results and an analysis of the findings

Chapter 5: Conclusion and recommendations: conclusions and recommendations of the study are presented in this chapter.

1.10 Definition of terms

The following definitions have been drafted for this research:

Anglican Communion: Is made up of all Anglican Churches worldwide and has the Archbishop of Canterbury, The Most Revd Justin Welby, as its spiritual head.

Canons: The constitution and laws that govern ACSA.

Chapter/Cathedral Chapter: An advisory body to the bishop of the diocese

Cleric: A minister ordained to the Holy Orders of the Church, either as a deacon or as a priest.

Declarations: Are signed by a cleric consenting to be bound by all the Constitution and Canons (both present and future) of ACSA.

Diocese: A geographical area of ACSA which is made up of parishes that have been grouped together. A diocese is led by a bishop.

Institution: An act where a bishop licenses a cleric as rector of a parish and granting him/her the “cure of souls” in the parish.

Licence: A licence given by a bishop to a cleric granting him/her permission to exercise his/her ministry in a particular parish.

Oath of Canonical Obedience: An oath that each cleric signs when he/she is ordained and when he/she licensed to a parish, either as an assistant or rector. It is an oath that the cleric will obey the bishop and all other ministers placed above him/her.

Ordinand: A person accepted as a candidate for ordination

Parish: A congregation, or a group of congregations that are led by a cleric

Province: A group of dioceses that are grouped together according to their geographical area. ACSA province has dioceses spread in seven countries in southern Africa. These countries are Angola, Lesotho, Mozambique, Namibia, South Africa, St Helena and Swaziland. A province is led by the archbishop, also called the metropolitan.

Rector: A cleric in charge of the parish.

Synod: It is the highest decision making body of ACSA, made up of lay and clerical representatives from all dioceses. It meets at least once every three years to review, *inter alia*, the Canons.

Stipend: An amount of money that the parish pays its cleric for his/her upkeep. It is normally paid to the Diocesan common fund, and transferred to the cleric at the end of each month.

1.11 Summary

This chapter introduced the study by giving background information about ACSA and how clerics are ordained and licensed. The confusion around the employment status of clerics was discussed. The chapter also introduced the problem statement, the four objectives of this research, as well as the limitations of the research. The chapter concluded by outlining the structure of the study. Chapter two presents appropriate literature on the subject matter.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

In this chapter, the literature relevant to the “not employed” status of clerics is discussed. The chapter starts by discussing what an “employee” is. It then covers the process that one needs to follow to become a cleric, from vocation to licensing. Verdicts reached by the South African courts and other courts around the world about the employment status of clerics follows. Lastly, the processes available to resolve conflicts within ACSA are discussed. It must be noted that considerable amounts of ACSA and related literature in the form of court judgements on the subject are not recent; however, that literature is pertinent to this research. Labour law has been presented in order to support arguments made in the concluding chapter. It is important to note that the South African Labour law does not necessarily require that there should be an employment contract for there to be an employment relationship. An intention to create a contract on engagement, implied or explicit, is enough to make one an “employee”.

It is a cause for concern that even though ACSA has been in existence since 1870 and the whole Anglican Church for close to 500 years, very little or no research has been done on whether clerics are aware of their “not employed” status. Almost all the studies and literature are on whether or not a cleric is an employee.

2.2 The process of employment and definition of an “employee”

Under normal circumstances, before a company can employ a person, it needs to follow a recruitment process. The aim of this process is to identify a person suitable for the particular vacant position. Busavalla (2015:1) suggests that a typical recruitment life cycle will take more or less this form:

- Identification and understanding of the job requirement

- Applying the sources of recruitment
- Screening
- Conducting telephonic round of interview
- Scheduling personal interviews with the concerned departmental heads
- Short listing of the candidates
- Conducting the final round of interview
- Selecting the right candidate
- Verifying the collected documents
- Issuing the offer letter and completing the joining formalities

Once the person has been appointed, he/she becomes an employee of the company. In the past, the definition of an employee was mainly that it is someone who is employed, i.e. working for someone. Roget's Thesaurus (1987) defines an employee as "a worker or a servant". Recently, the definition of an "employee" has been developed. Notably, the new definition declares some employees who were previously considered to be employees to be not employees.

Section 200A of the Labour Relations Act (66 of 1995) states that a person is presumed an employee "if they are able to establish that one of seven listed factors is present in their relationship with a person for whom they work or to whom they render services".

These seven factors are that:

- a. the manner in which the person works is subject to the control or direction of another person
- b. the person's hours of work are subject to the control or direction of another person
- c. in the case of a person who works for an organisation, the person forms part of that organisation
- d. the person has worked for that other person for an average of at least 40 hours per month over the last three months
- e. the person is economically dependent on the other person for whom he or she works or renders services

- f. the person is provided with the tools of trade or work equipment by the other person
- g. the person only works for or renders services to one person

The Labour Relations Act further prescribes that the definition of an employee “includes a person who has concluded a contract of employment to commence work at a future date.” This means that one does not necessarily need to have started work before they can fall under the “employee” definition. Conclusion and signing of the contract are what make one an employee.

2.3 Vocation

For one to become a cleric, the recruitment life cycle as suggested by Busavalla (2015:1) does not apply. For clerics, it is a matter of vocation. “Vocation” is derived from the Latin word which means “to call”. The clerics are not recruited, but rather “called” to become clerics. According to Germond (2011:1), vocation has been used mainly to refer to a call from God. This call is a call to serve God, either in holy orders (as a cleric) or in religious orders (as a nun or as a monk).

If a person feels called to be a cleric, there are various steps that need to be followed to test this vocation. According to The Diocese of Natal (2013:7), a person who feels called to be a cleric needs to follow this process:

- Discern whether one is called to be a self-supporting deacon or priest, or to be a stipendiary (Church supported) deacon or priest.
- Get the endorsement of the parish through the rector and the parish council.
- Complete the registration forms and attach all the relevant documents.
- Register with the Theological Education and Formation Office of the Diocese
- Join Fellowship of Vocation (FOV) and attend all its meetings. Membership of FOV must be for at least one year.
- Attend the Diocesan Discernment Conference. The discernment panel will make a recommendation to the bishop to accept or not to accept for

ordination. The bishop makes the final decision on whether to accept or not to accept.

- Become an ordinand. Those accepted for ordination at the Diocesan Discernment Conference become ordinands. Stipendiary ordinands need to read for a theological degree or diploma full time. This can be done at the University of KwaZulu-Natal in Pietermaritzburg or at The College of the Transfiguration in Grahamstown. For self-supporting ordinands, suitable institutions are the University of South Africa or Theological Education by Extension College.

It is important to note that during discernment, the candidate may be found to be unsuitable to be a cleric.

The above process is the one that is being followed in the Diocese of Natal. Other dioceses have their own processes which are more or less the same as the one followed by the Diocese of Natal.

2.4 Ordination to holy orders

Ordination is the next step that follows after successful discernment of one's vocation and successful completion of studies. Ordination is one of the eight sacraments of the Anglican Church. ACSA (1989: 438) describes sacraments as "outward and visible signs of inward and spiritual grace, given by Christ as sure and certain means by which we receive that grace". Other sacraments listed with ordination are baptism, confirmation, holy eucharist, Christian marriage, confession and absolution and the anointing of the sick.

ACSA (1989:441) also describes ordination as the "rite in which God gives authority and the grace of the Holy Spirit to those being made bishops, priests and deacons, through prayer and the laying on of hands by bishops". From this definition, we can learn that it is only a bishop who can perform the ordination rite to all the clerics.

At ordination, clerics are “set aside” for the work of God. Chrichton (1993:140) argues that clerics are “shepherds of the Lord’s flock, they are servants of Christ, stewards of the mysteries of Christ and witnesses to the ministration of the Spirit to make men just”. Ordination is permanent. A bishop can ordain a cleric but no one can “unordain” a cleric so ordained.

In ACSA, a cleric is initially ordained as a deacon. Although the cleric assumes the title of “The Revd”, he/she has limited responsibilities. The deacon’s main responsibilities are to “proclaim the gospel and to assist in the administration of sacraments” (ACSA, 1989:586). The tenure of a deacon is usually a year and this year is spent under the direction and guidance of a senior cleric.

The second ordination is that of ordination to the priesthood. At ordination, a priest will have his hands anointed by the bishop. The authority that a priest is given is “to preach the word of God and to administer his holy sacraments” (ACSA, 1989:592).

2.5 Declarations and oaths

At the service to ordain the clerics, there are administrative processes that have to be followed. One of these is to have each cleric signing an Oath of Canonical Obedience. In this Oath, the cleric swears that he/she will obey the bishop and all other ministers placed over him.

Canon 16 (2)(b) of the Constitution and Canons of the Anglican Church of Southern Africa (ACSA, 2011:53) also prescribes that each cleric being ordained must make the following declaration:

(ii) I, A.B., do solemnly make the following declaration:

I declare my belief in the faith which is uniquely revealed in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds and affirmed by the undisputed General Councils, to which the Thirty-Nine Articles of Religion, the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons bear witness:

I affirm my loyalty to this inheritance of faith as my inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making him known to those in my care.

(ii) I, A.B., declare that in public prayer and administration of the sacraments, I will use only the forms of services which are authorised or allowed by lawful authority and that I consent to be bound by all the Laws and Canons (both present and future) of the Anglican Church of Southern Africa and by the Rules and Regulations which have until now been made, or which may from time to time, be made by the Diocesan Synod of the Diocese of and by the Provincial Synod of the Province of Southern Africa.

The Oath of Canonical Obedience and the Declarations are the only two documents that each cleric being ordained is required to sign. The cleric signs them when being ordained as a deacon and signs them again when being ordained to priesthood.

2.6 Licensing of a cleric

Ordination of a cleric is not enough for the cleric to exercise ministry. A cleric needs to be licensed to a parish by a bishop, in order for him or her to exercise ministry. The licensing of a cleric, also known as institution or collation, is done in a service, usually a Eucharistic service. The Oath of Canonical Obedience and the Declarations are again signed at this licensing service. After the signing of these, the bishop reads the licence and gives it to the cleric. When giving the licence to the cleric the bishop says “receive the cure of souls which is both mine and yours” (ACSA, 1993:14). Licensing entitles the cleric to “all the rights and emoluments belonging to the said office which are allowed by the Regulations of the Diocese” (Gabriel, 2014:1). The licence further specifies that the bishop reserves to himself and to his successors, the power to revoke the licence as provided by the Canons of ACSA, should there be a just cause to do so (Ndwandwe, 2015:1). This right, however, does not entitle the bishop to revoke the licence at his discretion. Proper channels outlined in Canon 16 (3), Canons 25(6) to (8) and Canon 37(1) need to be followed before a licence can be revoked.

2.7 “Employment status” of clerics

The relationship that clerics have with ACSA is not an employment relationship. Lee and Bennett (2016:11) are of the opinion that the relationship between a cleric and ACSA is akin to that of a medical practitioner and the Health Professions Councils of South Africa (HPCSA), or that of an advocate and the Bar Council or an attorney and the Law Society. These bodies issue a licence to a professional involved to allow him/her to practise his/her profession. In an event that the said licence is revoked, the professional cannot be allowed to practise his/her profession.

This issue of clerics having a “not employed” relationship with ACSA has been a bone of contention for a long time. Most clerics assume that they are employees, and get to know about this status of their relationship when they have disputes with ACSA. This is not unreasonable of clerics to believe that they are employed because even some experts of the law believe they are. Khumalo (1999:1), an advocate in the Supreme Court of Southern Africa, argues, “It would appear to me, unless otherwise persuaded, that all the factors I have just spoken to, support the contention that clergy are employees.” He further argued that the fact that clerics get “typical” employment benefits such as pension fund, medical aid and paid leave, to mention a few, make their relationship with the Church to be that of employment. This contention of receiving “employment” benefits is what often makes most clerics to think of themselves as employees of the Church.

Courts of law have, time and again, confirmed that ACSA does not have an employment relationship with its clerics. The courts have ruled that clerics are not employed by the Church or ACSA and therefore, have no employment benefits that accrue to them.

ACSA does not sign an employment contract with its clerics when it is engaging them. Labour Protect (2015:1) states that the employment contract is a foundation for the relationship between an employee and the employer. Without an employment contract, there can never be an employment relationship.

The Church of England (2015:1), the mother Church of ACSA, states that holders of parochial office (clerics) are not employed, nor do they have a contract of employment. Sengupta (2011:1) states that priests do not have employment rights because they find their reward in heaven. It is important to also note that according to Roman Catholic canon law, clerics are appointed *ad nutum* (at his Masters' pleasure). This means that they can be fired and moved at will. In the Anglican Church, it is a different story because clerics cannot be fired or moved at the bishop's will. There are processes in place that need to be followed.

Below is a discussion of various cases where the courts of law have looked at whether or not clerics are employed. Almost all of them are unanimous in that there is no employment relationship between clerics and their respective Churches. The courts have ruled that in the event of a dispute, Churches and clerics need to follow the internal processes to remedy the situation.

2.7.1 The Mathebula case

In the case of *The Church of the Province of Southern Africa Diocese of Cape Town v Commission for Conciliation, Mediation and Arbitration, and others* (2000) the presiding judge gave a verdict that gave clarity to the "not employed" status of ACSA clerics.

The facts of the case were that Revd L.Z. Mathebula, a cleric in the Diocese of Cape Town, was found guilty by the Church's ecclesiastical tribunal on two charges of misconduct. His licence to minister in the Diocese of Cape Town was revoked. This meant that he was not allowed to hold any office or perform any ministry within the Diocese of Cape Town for a period of at least five years. Mathebula felt that the sanction was a dismissal and referred the matter to the CCMA. ACSA argued that CCMA had no jurisdiction on the matter as Mathebula was not an employee. The CCMA Commissioner dismissed this assertion and ruled that Mathebula was an employee of ACSA. ACSA sought a review of the Commissioner's decision in the Labour Court. In dismissing the Commissioner's decision, the presiding judge made

some interesting observations about the “not employed” relationship between clerics and ACSA. These are, *inter alia*:

- The provision of benefits like contribution to the pension fund is meant to help the cleric in his ministry and should not be seen as employment benefits.
- The licensing of a cleric is nothing more than a formal entry of a cleric to a ministry. For this reason, it should not be regarded as a conclusion of employment contract between ACSA and the cleric.
- When the cleric was engaged with ACSA, there was never an intention between the two to enter into a legally enforceable employment contract.
- The employment contract is necessary to establish an employment relationship between an employer and employee. Because it is missing in the relationship between ACSA and its clerics, clerics cannot be regarded as employees of ACSA.
- The cleric serves God and serves his congregation, but does not serve an employer.

2.7.2 The Nkomonde case

Revd Nkosinami Nkomonde, a cleric in the Diocese of Pretoria, was “fired” by the bishop because the bishop “could not trust him” (Magome, 2011:1). Nkomonde felt that his dismissal was unfair and referred the matter to the CCMA. The Commissioner of the CCMA ruled that the matter fell outside of the ambit of the Labour Relations Act and therefore, the CCMA had no jurisdiction to consider the matter. The Commissioner argued that “the bottom line is that the priest works for God (according to the Anglican faith) and that any arrangements, including financial payments, are simply assistance by the Church to allow the Priest to fulfill his relationship and ‘calling’ with God to the fullest extent possible” (Owen, 2012:1). A decision on this was to be left to God.

2.7.3 The Felix case

In the case of *Cliff Felix v Diocese of False Bay* (2011), it was noted that there are only two similarities between licensing of a priest and employment of an employee. These similarities were identified as payment of compensation (which is taxable) and access to accommodation. It was further argued that payment of some form of taxable compensation should not be taken as to mean that the cleric is employed. The payment of tax to South African Revenue Services cannot override the fact that there was never an intention to create a secular relationship between ACSA and the cleric.

2.7.4 The Paxton case

The issue of licensing of clerics was dealt with widely in the case of *G.G. Paxton v Church of the Province of Southern Africa (Anglican), Diocese of Port Elizabeth* (1985). The judge ruled that the fact that the duties of a cleric are explained in the Constitution and Canons of ACSA does not imply that a cleric stands in an employment relationship. Neither does the entitlement to leave, and other benefits resembling those normally found in employment relationships. The relationship between the cleric and ACSA is purely spiritual. The cleric is subject to the authority and discipline of ACSA derived from ecclesiastical authority, not from an employment relationship. The court concluded that the Constitution and Canons of ACSA amount to an agreement between all members of the Church to perform and observe all their provisions. But this agreement should not be seen as an employment contract between the cleric and ACSA.

2.8 “Employment status” of clerics in the wider Anglican Communion

This issue of determining whether a cleric is an employee or not is not an issue that is unique to ACSA. It is an issue that has served before the courts in the wider Anglican Communion. The cases below were heard in various courts around the world. They all came to one conclusion: clerics are not employed by their respective Churches.

2.8.1 The Sturt and Anor case

This case was heard in Australia. In the case of *Sturt and Anor v the Right Reverend Dr Brian Farran, Bishop of Newcastle and Ors*(2012), the court was asked to determine, among others, if Sturt and Anor were employees of the Diocese of Newcastle. The court noted that the mere fact that the plaintiffs were clerics does not entitle the defendants and the court to proceed upon a presumption that no contract of employment will exist. D'Apice (2012) notes that on the evidence available to the court, the judge ruled that the said clerics were not performing their roles pursuant to the contract of employment. He further noted the court's reluctance to interfere with the workings of religious organisations. The court finally determined that there was no employment contract between the clerics and the Church. Because of the lack of employment contract, the court ruled that the clerics concerned were not employees of the Church.

2.8.2 The Knowles case

This case was also heard in Australia. The decision in this case of *Knowles v The Anglican Church Property Trust, Diocese of Bathurst* (1999), was that the relationship that the priest has with the Anglican Church is a religious relationship. It is based on consensual compact in which the parties were bound. The relationship is not in any way based on any common law of contract. It was ruled that despite the fact that the cleric had been a cleric for 21 years, he was not an employee of the Church.

2.8.3 The Coker case

The case of *Coker v Diocese of Southwark and others* (1997) was heard in United Kingdom Court of Appeal. The Revd Dr. Coker was dismissed by the Diocese of Southwark. His dismissal was to be determined an "unfair dismissal" on the basis of whether he was an employee or not. The Industrial Tribunal initially found in Dr. Coker's favour, in that he was an employee and was unfairly dismissed. This

decision was reversed by the Employment Appeal Tribunal which ruled that he was not an employee of the Church. Dr. Coker appealed to the Court of Appeal. The Court of Appeal dismissed his appeal and found that there was no employment contract between him and the Diocese of Southwark. In the absence of this contract, he was not an employee of the Church. The judge ruled that the relationship between the bishop and the cleric was cemented by the Oath of Canonical Obedience and was governed by the established Church law.

2.8.4 The Sharpe case

The case of *Sharpe v Bishop of Worcester* (2015) is the most recent case that was heard by the United Kingdom Court of Appeal. The ruling of the court was that a cleric assumes office not because he or she was selected at the interview. But he or she assumes office when he or she is installed and licensed to a parish. Clerics do not enter into an agreement to work for the purposes and benefit of the Church as a commercial organisation. The court concluded that the cleric is governed by ecclesiastical law and not by a contractual arrangement. The verdict of the court was that Sharpe was not an employee of the Church.

2.9 “Employment status” of clerics in other South African Churches

It is not only the Anglican Church that has been busy in courts defending themselves on this issue of the “not employed” status of its clerics. Other Churches have sought the guidance of the courts on this issue. Their cases are discussed below.

2.9.1 The Myeni case

The most recent case that appeared before a South African court on the issue of employment status of clerics is the Myeni case. In this case, Pastor Myeni was dismissed by his Church for misconduct. He took the matter to the CCMA. The CCMA heard the case because it considered Myeni to be an employee. It, however, ruled that his dismissal was fair. The Universal Church took the matter up with the

Labour Court to determine whether Myeni was an employee or not. In this case, *Universal Church of the Kingdom of God vs CCMA and others* (2013), the Labour Court agreed with the CCMA in that Myeni was indeed an employee of the Universal Church. The judge refused to follow the precedent of the Mathebula case, *The Church of the Province of Southern Africa Diocese of Cape Town v Commission for Conciliation, Mediation and Arbitration, and others* (2000). The judge's argument was that the judgement in the Mathebula case was handed down before Section 200A was added to the Labour Relations Act 66 of 1995.

The Universal Church appealed against this judgement in the Labour Appeal Court. In *The Universal Church of the Kingdom of God vs Myeni, Mxolisi Justice and others* (2015), the Labour Appeal Court dismissed the decision of the court *a quo*. It ruled that there was no employment relationship between the Church and Myeni. The judge upheld the appeal because he was satisfied that the mutually agreed relationship between Myeni and the Church was one in which Myeni rendered voluntary service to the Church. Both the Church and Myeni had under no circumstances intended their relationship to constitute an employment relationship that would produce legally enforceable rights and obligations. Broughton (2015) noted that Myeni had agreed that when he was fired, he worked for God. The court further ruled that the CCMA had no jurisdiction to preside over the dispute between Myeni and the Church as the parties were not in an employment relationship.

2.9.2 The Mankatshu case

In the case of *Mankatshu v Old Apostolic Church of Africa and Other* (1994), it was found that the relationship that the Church had with its clerics was regulated by its Constitution. The Constitution of the Old Apostolic Church had no provision for contract of employment with its clerics, nor was the Constitution a contract itself. The ruling was that Mankatshu was not an employee of the Church.

2.9.3 The Salvation Army case

This case is unique in that the Church called the Salvation Army was proactive. It did not wait to be taken to court by its clerics. They approached the court and sought an

order before one of its clerics did so. In *Salvation Army (SA Territory) v Minister of Labour* (2004), the Salvation Army approached the court to give a declaratory order that its officers are not employees as per the definition of the labour laws of the country. It needs to be pointed out that the clerics of the Salvation Army are not referred to as clerics, but rather as “officers”. The court looked at all the relevant factors, especially those of the Paxton and Mathebula cases. The court came to a decision and made an order that the officers (read clerics) of the Salvation Army are declared not to be employees of the Salvation Army as defined by the relevant labour laws of South Africa.

2.9.4 The Schreuder case

In the unreported case of *Noel Schreuder v Nederlandse Gerefomeerde Kerk* (1999), the story is different from the other cases. Schreuder was dismissed from his position because of incompetence and causing a discord among the Church’s clerics (van Jaarsveld, 2015). When he approached the court for assistance, the Church raised a defence that he was not an employee of the Church. However, when Schreuder was appointed to the Church, he signed a letter of appointment. In this letter, his duties were outlined and his salary was also mentioned. The court ruled that this letter was equivalent to the contract of employment, a document that is missing in all other cases. The court ruled that because of the existence of this contract, the cleric was an employee of the Church.

2.9.5 The De Lange case

The De Lange case, *De Lange Ecclesia v Presiding Bishop of the Methodist Church of Southern Africa for the Time Being and Other* (2015), is also a different case from other cases discussed in this study. Almost all of the cases discussed were about the determination of whether or not a cleric is an employee. The De Lange case, however, is not about this determination. What makes it relevant in our study is the ruling by the court that said that clerics need to follow the processes of their Church and not allow the secular institutions to interfere in their affairs.

De Lange was suspended by her Church for announcing that she was planning to marry a same-sex partner, something that breached the laws and discipline of the Church. The dispute was placed before the arbitration. De Lange abandoned the arbitration half-way through and took the matter to the courts. When all the courts (i.e. Supreme Court and Supreme Court of Appeal) dismissed De Lange's case, she took the matter to the Constitutional Court, the apex court. The Constitutional Court ruled that the case should be referred back to the Church for internal arbitration. The court held "it would not be appropriate for this Court to interfere at this stage especially considering that the line is close to the Church's doctrines and values" (Badenhorst, 2015:1). The court further ruled that her claim of unfair discrimination should have been referred to the Equality Court for decision (Watson, 2015:1). Badenhorst (2015:1) called the judgment "a great victory for religious freedom and the autonomy of the Church to govern her own affairs".

2.10 "Employment status" of clerics in other non-South African Churches

The study has looked at the cases heard by courts involving ACSA, the Anglican Communion at large and other South African Churches that are not Anglican Churches. This section looks at the cases heard in other jurisdictions, involving non-Anglican Churches which are also outside of South Africa.

2.10.1 The Ermogenous case

This case, *Ermogenous v Greek Orthodox Community of SA Inc* (2002) was heard in the High Court in Australia. The cleric made a claim to the Church for funds he felt were due to him after he had served the Church for more than 20 years. Entitlement to these funds was dependent on him being an employee. This matter was initially dealt with by the lower courts. The Industrial magistrate ruled he was an employee of the Church whilst the Supreme Court dismissed the claim. The High Court agreed with the decision of the Supreme Court and ruled that the cleric was not an employee of the Church and thus, not entitled to employment benefits.

2.10.2 The Davies case

In *Davies v Presbyterian Church of Wales* (1986), the House of Lords came to a conclusion that a cleric may not claim employment rights protection as an employee. This is despite the fact that he was entitled to a stipend under the Church's rules. The verdict of the court was that he was not an employee of the Church.

2.10.3 The Mabon case

The case of *Mabon v Conference of the Methodist Church of New Zealand* (1998) was heard in New Zealand. In it, the court ruled that the cleric had no employment relationship with the Church. The cleric also failed to prove that there was ever any intention between him and the Church to create a legal employment relationship.

2.10.4 The Parfitt case

In the case of *President of the Methodist Conference v Parfitt* (1984) the House of Lords ruled that the cleric was not an employee. There were many reasons for that determination, but the significant factor was that his work had a spiritual character.

2.10.5 The Percy case

The case of *Percy v Board of National Mission of the Church of Scotland* (2006) was heard in Scotland. The cleric wanted to bring a sex discrimination claim against the Church. After hearing the case, the House of Lords ruled that the cleric had a contractual arrangement with the Church, and not an employment contract. The court, however, noted that when it comes to the employment status of clergy, there should be no "presumption" that the cleric is not employed but each case needed to be treated in its own merit (Foster, 2015:1)

2.11 Resolution of conflicts using ACSA's Canon Law

The cases described above have indicated that the secular structures refuse to hear disputes between the Churches and their clerics, mainly because clerics do not fit the definition of being employees. In the recent De Lange Case (2015), the court ruled that Churches need to govern their own affairs and resolve their own disputes. In that context, it is essential to discuss how disputes are dealt with by ACSA. ACSA has set procedures that need to be followed by its clerics in the event that they have a dispute with ACSA. These processes and procedures are outlined in Canon 25 and Chapter VII of the Constitution and Canons (2011:61). The relevant ones are Canons 25, 36, 37, 39, 40 and 41. Canon 38 is outside the scope of this study, as it deals with the proceedings against bishops. Below is a brief description of the proceedings that take place.

2.11.1 Canon 25: Of tenure of clergy

Canons 25 (6) to 25 (8) deal with the process to be followed when clerics are removed from their parishes, or when their licences are revoked for pastoral reasons. Canon 25 (6) directs that the Bishop may move the cleric from one parish to another, provided the cleric consents to the change. If he does not consent, the Bishop and the Cathedral chapter, if the majority agrees, will offer the cleric another ministry in the Diocese. In the event that there is no suitable ministry in the Diocese, the Bishop will consult with the cleric to find him another suitable ministry in the Province. If the cleric refuses to accept another ministry offered, Canon 25 (7) directs the Bishop, after pastoral ministration, to give a three months' notice to the cleric, of his intention to revoke his licence. Canon 25 (8) directs the Bishop to revoke the cleric's licence if the suitable ministry cannot be found in the Diocese, or in the Province. This is done if two thirds of the Chapter agrees to the move. The cleric, however, may within two months of receiving the intention to revoke his licence from the Bishop, appeal to the Archbishop, who shall decide upon review, whether or not the proposed revocation shall take effect.

2.11.2 Canon 36: Of tribunals of the Church

The Canon provides for the following tribunals of the Church to be established:

- **Provincial tribunal of appeal** – This is the tribunal of appeal where clerics can appeal if they are not satisfied with the decisions of their diocesan tribunals. It consists of the Archbishop and two Diocesan Bishops selected by the Archbishop. The Archbishop appoints three priests, each being a Dean, Archdeacon, or Canon, or priest equivalent in similar standing and two lay persons learned in law to assist the Tribunal in a purely advisory capacity.
- **Diocesan tribunal** – The Diocesan Tribunal is the court for the trial of priests and deacons. It consists of the Bishop as President, unless the Bishop is the presenter in the case. In that case, the Archbishop shall nominate another Diocesan Bishop to preside. Other members will be two experienced priests of the diocese nominated by the Cathedral Chapter. Two lay persons, one of whom shall be learned in law, will also form membership of the Tribunal.
- **Bishop's court** – The Bishop's Court is the court that deals with cases that have to do with archdeacons, clerics with mental incapacity, pastoral charges, Church wardens and chapel wardens and disposal and alterations of Churches. It is made up of the Diocesan Bishop only, with the Chancellor of the Diocese to assist in purely advisory capacity.

2.11.3 Canon 37: Of judicial proceedings

Canon 37 (a) gives a list of charges or accusations which clerics of ACSA may be presented for trial. These include, *inter alia*, assault or threat to assault, sexual immorality and misappropriation or misuse of Church property or funds. The other sections of the Canon give a detailed description of the process to be followed. Below are the key things that need to be noted.

- Proceedings must be for offences committed within the period of five years prior to the date of commencement of proceedings.

- All charges must be in writing.
- Both the accused and the presenters may have a Counsel or legal representative at their expense.
- The proceedings shall be public.
- Whenever the sentence has been passed by the Tribunal, the case may be re-heard, should there be any new facts received within thirty days after the sentence.
- The expenses of the Court shall be paid for by the Diocese or the Province.

2.11.4 Canon 39: Of proceedings against priests and deacons

If a cleric is charged with any charge as listed in Canon 37 (a), the Bishop shall initially place the matter in the hands of the Board of Preliminary Inquiry. This Board shall be made up of two priests and a lay person learned in law. The function of the Board would be to determine if there is a *prima facie* case against the accused. The board must reach its decision within twenty-one days. The Bishop may suspend the accused with emoluments within seven days of receiving the report of the Board. The accused will be given a chance to reply to the Board's report. The Bishop may also refuse to try the accused but shall give reasons for doing so. If the Bishop agrees to try the accused, the Diocesan Tribunal will have to sit and hear the case. The processes to be followed are as indicated in Canons 39(6) to 39(9). At the conclusion of the whole process, the Bishop shall pronounce the sentence in terms of Canon 40. The Bishop may also decide to deal with the issue through the Bishop's Informal Tribunal. This happens usually when the Bishop has a reason to believe that, in light of charges brought, the cleric may be guilty of any charges referred to in Canon 37 (1). The processes of the Informal Tribunal are outlined in Canons 39(11) to 39(23)

2.11.5 Canon 40: Of judicial sentences

The sentences passed are to be in ascending scale of severity, depending on the circumstances of the case. These sentences may be in the form of formal

admonition, suspension, deposition or degradation. Canon 40(8) gives guidelines for sentencing. An example is that for a conviction of sexual immorality, an appropriate sentence will be suspension for up to three years, deposition and degradation.

2.11.6 Canon 41: Of appeals

Leave to appeal may be granted, provided an application for such leave to appeal is in writing to the Bishop of the diocese within fifteen days after the sentence has been pronounced. The Bishop shall forward the appeal to the Archbishop who shall decide within forty-two days whether application shall be granted or not. The Provincial Tribunal may refer the case back to the Diocesan Tribunal for review. The Provincial Tribunal may affirm or reverse the judgement of the Diocesan Tribunal and may modify or amend the sentence appealed against, or pass any other sentence in the case, as it thinks just.

2.11.7 The Luvuyo case

It is important to note that not all clerics approach the CCMA and the courts if they are in dispute with ACSA. There are those who follow the internal prescripts of ACSA as contained in the Constitution and Canons. However, if ACSA flouts its own rules, clerics have a recourse to approach the courts to seek redress.

This is what happened in the case of *Luvuyo George Mbombo vs The Church of the Province of Southern Africa, Diocese of Highveld* (2011). When Luvuyo was having a dispute with his Church, he subjected himself to all the provisions of the Canons and Constitution of the Church. However, the Church flouted its own rules and unfairly dismissed him. He approached the courts for redress. The court ruled that his dismissal was unfair and unprocedural. The dismissal was set aside and the matter was referred back to ACSA for fresh consideration (Lee and Bennett, 2016:37).

2.12 Conclusion

This chapter looked at the literature associated with the determination of whether clerics are employed or not. The majority of the available literature on this subject is that of court cases. Almost all of the cases heard in different courts and in different jurisdictions, concluded that clerics are not employees of their respective Churches. This means that the issue of whether clerics of ACSA are employees of ACSA is a closed issue. ACSA merely provides its clerics with the platform to exercise their ministry. It does not employ them and there is never an intention between ACSA and its clerics to enter into a legally enforceable employment relationship.

It is important, however, to note that at the time of writing this research report, no case has ever been heard in South Africa's Supreme Court Appeal or the Constitutional Court regarding the employment status of clerics. It would be interesting to hear what the higher courts of the land would have to say about this issue. The next chapter discusses the methodology.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 Introduction

The previous chapter dealt with the review of the available literature on the research subject. This chapter presents a detailed explanation of the research methodology used in this study. A discussion of the qualitative and quantitative research designs, and the differences between the two is presented. The chapter deals with the population, sample, validity, reliability and questionnaire construction. It concludes with a discussion on pilot study, ethical considerations, data collection and data analysis.

3.2 Research methodology

Cresswell (2014:247) defines research methodology to “involve the forms of data collection, analysis, and interpretation that researchers propose for their studies”. The researcher has to identify different and potentially applicable designs and then explain the reasons for choosing a particular methodology (Sharp, 2002:22). However, research methodology must not be confused with research design, which is a plan of how the researcher intends on conducting the research. Mouton, 2001:56) summarises the differences between research design and research methodology as follows:

Table 3.1:Comparison between research design and research methodology

Research design	Research methodology
Focuses on the end product: What kind of study is being planned and what kind of result is aimed at?	Focuses on the research process and the kind of tools and procedures to be used.
Point of departure = Research problem or question.	Point of departure = Specific tasks (data collection or sampling) at hand.
Focuses on the logic of research: What kind of evidence is required to address the research question adequately?	Focuses on the individual (not linear) steps in the research process and the most “objective” (unbiased) procedures to be employed.

Source: Mouton, 2001:56

For the purposes of this study, the survey method was deemed to be ideal. It is appropriate to the research problem, as well as the research objectives of the study.

3.2.1 Quantitative research

Cresswell (2014:247) defines quantitative research as “a means for testing objective theories by examining the relationship among the variables.” Quantitative research is further defined as the research that specifies numerical assignment to the phenomena under study. Qualitative research, on the other side, produces narrative or textual descriptions of the phenomena under study. (Vanderstoep and Johnston, 2009).

Quantitative research conducts research in a setting that is not natural to the participants. This is in contrast to qualitative research where participants are in their natural setting when the research is being conducted. The disadvantage of quantitative research approach is that the answers participants give do not have much depth. This is due to the fact that the study contains so many participants (Cresswell, 2014:12).

Regionel (2015:1) list the seven characteristics of the quantitative research methods as follows:

- Data gathering instruments contain items that solicit measurable characteristics of the population (e.g. age, the number of children, educational status, economic status).
- Standardized, pre-tested instruments guide data collection, thus ensuring the accuracy, reliability and validity of data.
- For more reliable data analysis, a normal population distribution curve is preferred over a non-normal distribution. This requires a large population, the numbers of which depend on how the characteristics of the population vary. This requires adherence to the principle of random sampling to avoid researcher's bias in interpreting the results that defeat the purpose of research.

- The data obtained using quantitative methods are organized using tables, graphs, or figures that consolidate large numbers of data to show trends, relationships, or differences among variables. This fosters understanding to the readers or clients of the research investigation.
- Researchers can repeat the quantitative method to verify or confirm the findings in another setting. This reinforces the validity of groundbreaking discoveries or findings, thus, eliminating the possibility of spurious or erroneous conclusions.
- Quantitative models or formula derived from data analysis can predict outcomes. If then, scenarios can be constructed using complex mathematical computations with the aid of computers.
- Advanced digital or electronic instruments are used to measure or gather data from the field.

3.2.2 Qualitative research

A qualitative study is a “research involving analysis of data/information that are descriptive in nature and not readily quantifiable” (Sekaran and Bougie, 2013:397). According to Cresswell (2014:185), there has been a general consensus among authors that the basic characteristics of qualitative research are:

- **Natural setting** – Participants in the research are observed in their natural setting and have a face-to-face interaction with the researcher.
- **Researcher as key instrument** – Researchers gather information themselves without relying on instruments like questionnaires.
- **Multiple sources of data** – Researchers do not rely on one data source but can gather data using other forms like interviews, observations, documents and audiovisual information.
- **Inductive and deductive data analysis** – Although the process may begin inductively, deductive thinking plays an important role as the analysis moves forward.
- **Participants’ meanings** – The meaning that the participants hold about the problem or issue, rather than what researchers bring, is what the focus is on.

- **Emergent design** – The initial plan for research cannot be tightly prescribed. Some phases of the process may change after the researcher starts data collection.
- **Reflexivity** – The background of the researchers may shape the direction of the study.
- **Holistic account** – Researchers sketch a larger picture of the problem or issue under study.

3.2.3. Comparison of the qualitative and quantitative research approaches

The qualitative and quantitative research approaches are compared by Vanderstoep and Johnston (2009) as follows:

Table3.2: Comparison between qualitative and quantitative research approaches

Characteristic	Quantitative Research	Qualitative Research
Type of data	Phenomena are described numerically	Phenomena are described in a narrative fashion
Analysis	Descriptive and inferential statistics	Identification of major themes
Scope of inquiry	Specific questions or hypothesis	Broad, thematic concerns
Primary advantage	Large sample, statistical validity, accurately reflects the population	Rich, in-depth, narrative description of sample
Primary disadvantage	Superficial understanding of participants' thoughts and feelings	Small sample, not generalisable to the population at large.
Purpose	Prediction	Description
Focus	Give voice to silenced people and groups	Generalise to large population
Methods	Deductive analysis of units (individual, corporations, etc.)	Inductive analysis of "texts"
Criteria for truth	Statistics, replication and cumulative findings	"Aha" criterion; adequate and realistic

Source: Vanderstoep and Johnston (2009)

3.2.4 Triangulation

Triangulation is defined as “using more than one methodology to address the same question” (Vanderstoep and Johnston, 2009:179). Laws (2003), cited in Bell (2010:118) points out that “the key to triangulation is to see the same thing from different perspectives and thus, to be able to confirm or challenge the findings of one method with those of another”.

According to Sekaran and Bougie (2013:104), there are four kinds of triangulation. These are:

- **Method triangulation:** using multiple methods of data collection and analysis.
- **Data triangulation:** collecting data from several sources and/or at different time periods.
- **Researcher triangulation:** multiple researchers collect and/or analyse the data.
- **Theory triangulation:** multiple theories and/or perspectives are used to interpret and explain the data.

Using the triangulation method has its advantages and disadvantages. The advantage is that it is quicker to complete, as compared to other designs. Each data type is collected and analysed separately and independently. This is done using the techniques used in qualitative and quantitative research. The disadvantage, however, is that collecting and analysing two complete and separate sets of data concurrently needs more effort and expertise. The other disadvantage is the challenge faced by researchers when qualitative and quantitative results are different. This may lead to a need to collect additional data. (De Vos, 2011:443).

3.2.5 Adopted methodology

After considering all the methodologies available, this study adopted a quantitative research method. This was mainly because of the small number of the population

and a small sample under study. A questionnaire was designed and posted to participants to gather data from them.

3.3 Target Population

Sekaran and Bougie (2013:397) defines population as the entire group of people, events or things that the researcher desires to investigate.

For this study, the population included all full-time stipendiary clerics in the dioceses of Natal and Zululand. At the time of the study, there were 99 and 72 full-time stipendiary clerics in the Dioceses of Natal and Zululand respectively. This was per the 2016 clerical directories of these dioceses. The population size was 171 clerics, a total of stipendiary clerics in these two dioceses. The study was conducted in the dioceses within the KwaZulu-Natal Province only. Using all the 28 dioceses of ACSA as the population would have been problematic because the exact number of full-time stipendiary clerics in ACSA was not determinable. This is mainly because the dioceses are autonomous. They ordain and licence their clerics on their own, without any involvement of the province. The other problem with using the clerics of all dioceses in the province was that the province extends beyond the borders of South Africa. It also includes dioceses in St Helena, Mozambique, Swaziland, Namibia, Angola and Lesotho. These countries are likely to have jurisprudence that is different from the South African one.

3.4 Sampling

It is almost impossible to get every member of the population to participate in the study because the numbers are usually huge. It is then the norm to choose a few people from the population to participate in the study. This is known as sampling and the participants chosen are known as the sample. The most important thing in sampling is that the sample needs to be representative of the population. To achieve this and to ensure that there is no bias in the selection of the sample, Cresswell

(2014:158) suggests the use of random sampling. In this regard, each individual in the population has an equal probability of being selected.

The size of the sample is another factor that needs to be taken into consideration when doing the sampling. Sekaran and Bougie (2013:246) lists the factors that affect the decision of the sample size as follows:

- The research objective
- The extent of precision desired (the confidence interval)
- The acceptable risk in predicting that level of precision (confidence interval)
- The amount of variability in the population itself
- The cost and time constraints
- In some cases, the size of the population itself.

The sample of this study was 120 full-time stipendiary clerics, with 70 drawn from the Diocese of Natal and 50 drawn from the Diocese of Zululand. This represented a sample of about 70 percent of the population of each diocese. This sample of clerics was randomly selected from the clerical directories of each diocese (Diocese of Natal, 2016; Diocese of Zululand, 2016). Each cleric had the same chance of being selected. The size of the sample of 120 clerics from a population of 171 clerics (70% of the population) was considered representative enough. The four bishops, though themselves being stipendiary clerics, were excluded from this study. The rationale for their exclusion was that they are regarded as “employers” rather than “employees”.

3.5 Data collection tool

The data collection tool used in the study was a questionnaire that was sent to all participants in the study. The way the questionnaire was designed is discussed below.

3.5.1 Questionnaire design

Babbie (2007:246), cited in De Vos et al (2011:186) defines the questionnaire as “a document containing questions or other types of items designed to solicit information

appropriate for analysis". Questionnaires are less expensive and they take less time to administer, as compared to interviews and observations. However, they have a disadvantage of having a large chance of non-response (Sekaran and Bougie, 2013:148). Over the past years, questionnaires have taken an electronic format with computer programs displaying questions to the respondent (Groves et al., 2009:7). Even though this is the case, mail questionnaires are still useful in some circumstances. The latter method was used in this study because most of the respondents are clerics in rural areas where there is no internet access or expertise.

The questionnaire for this study was designed to investigate the research objectives of the study. These are:

- **Objective 1:** Determine the clerics' awareness of their "not employed" status in ACSA.
- **Objective 2:** Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA.
- **Objective 3:** Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA.
- **Objective 4:** Establish the mechanisms put in place by ACSA in making clerics aware of their "not employed" status.

The questionnaire and measurement scale were developed for this research. The questionnaire (Appendix 1) consists of six sections. Section A has 12 questions that deal with biographical and personal information. Section B has 6 questions that seek to evaluate the respondents' understanding of Labour law and canon law. Section C consists of 11 questions which seek to get answers for objective 1. Section D has 3 questions seeking to get answers for objective 2. Section E has 3 questions for objective 4 whilst Section F has 5 questions for objective 4.

The questions in the questionnaire are closed questions. Participants are asked to choose their answers from the alternatives that are given. Sekaran and Bougie (2013:150) are of the view that closed questions help respondents to make quick decisions to choose among the alternatives given. They stress that care needs to be

taken to ensure that alternatives given are mutually exclusive and collectively exhaustive.

The term “not employed” was not used in the questionnaire, instead the term “employment” with inverted commas around it was used. This was to ensure that respondents are not given answers to the questions posed to them.

3.6 Validity

Validity is a potential of a design to achieve the aim of the research design, which is to establish the relationship between the independent and dependent variables with the high degree of certainty (Bless and Higson-Smith, 1995:135). Validity establishes whether data measures or characterises the author’s claim and that its interpretations follow from them (Sapsford and Jupp, 1996 cited in Bell, 2010:120).

Bless and Higson-Smith (1995:136) identify the four most important types of validity.

- **Content validity:** The researcher has to find a technique which provides some information on all the different components of the research topic. The researcher cannot claim to be measuring whatever it is that he or she is interested in when one or more components are neglected.
- **Criterion-related validity:** This involves testing whether the instrument measures what it is expected to measure by comparing it to another measure which is known to be valid, the criterion measure. If there is a close match between the data collected using the criterion measure and the data collected using the instrument in question, a conclusion can be made that the instrument is valid.
- **Construct validity:** The measurement technique needs to be closely linked with known theory in the area and with related concepts. If there are close links, the instrument is said to be having high construct validity. However, when the links are very weak or non-existent, the instrument is said to be having a low construct validity.

- **Face validity:** This is concerned with the way the instrument appears to the participant. Difficult instruments may result in participants giving up even before they begin. An instrument that is unsuitably simplistic may result in participants not taking the researcher seriously.

The questionnaire of this study was pre-tested on a few clerics who have a research background. They all confirmed the validity of the instrument.

3.7 Reliability

According to Sekaran and Bougie (2013:398), reliability attests to the consistency and stability of the measuring instrument. When an instrument is being used to measure an unchanging value and produces a different score every time it is used, it has low reliability. On the other hand, if it gives the same score when measuring the unchanging value, its reliability is high (Bless and Higson-Smith, 1995:130). If an item is unreliable, then it must also lack validity, but a reliable item is not necessarily also valid (Bell, 2010:120).

Bless and Higson-Smith (1995:131) identified four ways in which the reliability of the research instrument can be assessed:

- **Test-retest reliability:** The same measurement procedure is applied to the same group of people on two or more occasions. If similar results are being produced at each testing, the test-retest reliability is high. However, if the results vary widely, the test-retest reliability is low.
- **Equivalent-form reliability:** Similar to test-retest method, but addresses the problem of reactivity by changing the original test slightly at the second testing. The researcher has to give the equivalent form of instrument after the first testing, instead of giving the same test to the same set of respondents on two or more occasions.
- **Split-halves reliability:** This method is concerned with the internal consistency of instruments. It involves splitting the test into two halves and finding the extent of reliability between the halves.

- **Item analysis:** this is a more detailed method of estimating internal consistency of an instrument. In this method, the interest is finding out how well the responses to each item correspond to the responses to the other items and the test as a whole.

The overall test of internal consistency is usually measured using the coefficient of reliability. According to Bless and Higson-Smith (1995:135), “the value of the coefficient of reliability always falls between 0 and 1. An instrument with no reliability will score 0, while an instrument with very high reliability will score close to 1. For the most part, social scientists like to use instruments which have been shown to have a coefficient of reliability of at least 0.7.”

3.8 Pilot study

Conducting a pilot study is essential in that doubts and vagueness of questions, content, structure and design are identified and resolved (Terre Blanche and Durrheim, 1999:298). The pilot study was conducted by administering the questionnaire to three clerics who have done postgraduate studies. This was done to assess the simplicity and relevance of questions. These clerics gave their feedback, especially on the ambiguity of some questions. Their feedback was taken into consideration and relevant questions were modified.

3.9 Ethical considerations

“Research should be based on mutual trust, acceptance, co-operation, promises and well-accepted conventions and expectations between all parties involved in the research project”(De Vos, 2011:113). Kimmel (2007:114) disagrees with the claim that field studies like this one are more ethically troublesome than laboratory investigations. According to him, it all depends on the nature of the investigation.

For this study, the researcher obtained the ethical clearance certificate from the Research Ethics Committee of the University of KwaZulu-Natal. De Vos (2011:115) lists the following as ethical issues that need to be addressed in any research study:

- Avoidance of harm
- Voluntary participation
- Informed consent
- Deception of subjects and/or respondents
- Violation of privacy/anonymity/confidentiality
- Denial treatment
- Compensation
- Debriefing of participants

During the study the researcher addressed these ethical issues. Each participant received a package that contained information about the study explaining that participation was strictly voluntary and could withdraw at any time. Each participant signed an informed consent form which was returned to the researcher.

3.10 Data collection

Before data collection, permission was sought from the bishops of the dioceses of Natal and Zululand. Once this was granted (Appendices 3a and 3b), data collection started.

A questionnaire package, i.e. a questionnaire together with the covering letter and informed consent form (Appendix 2), were posted to the sample population. In the package there was also a self-addressed stamped envelope that all respondents were requested to use to send back the completed questionnaire to the researcher. The researcher chose to use mail questionnaires because most of the participants are in the remote rural areas. Electronic questionnaires would not work also because most of the participants have little or no access to the internet.

Data collection was conducted between 05 April 2016 and 20 May 2016. The questionnaire was distributed to 120 clerics, being 50 clerics from the diocese of Zululand and 70 clerics from the diocese of Natal. The sample size was in line with the view of Roscoe (1975) cited in Sekaran and Bougie (2013:269), where they argued that the appropriate sample sizes for most research is more than 30 and less than 500. To ensure a good response rate, as many respondents as possible were contacted and asked to respond to the questionnaire. This was done when the researcher met with the clerics in meetings and in Church services. Dillman (2007:149) noted that if a researcher keeps in contact with the respondents, the response rate is improved. SMSes and Whatsapp messages were also sent to remind participants to fill in and return the questionnaire.

De Vos (2011:187) noted that the limitation of mailed questionnaire is that the non-response rate may be very high and that some questions are left unanswered or wrongly interpreted.

3.11 Data analysis

STATA/IC version 13 was used to analyse data. This study used the one sample Pearson Chi Square test. Pearson Chi Square tests were conducted to ascertain whether there was a significant difference between different variables. If the p -value came out as below 0,05, it was concluded that there was a significant statistical difference between the variables. However, if the p -value came out as higher than 0,05, it was concluded that there was no significant statistical difference between the variables.

3.12 Conclusion

This chapter described the various research methods such as qualitative and quantitative research approaches. The approach adopted by this study was discussed. Further discussion on population, sample, questionnaire design, ethical issues and how data were collected and analysed was done. A mention of the pilot study undertaken was also made. Chapter four presents the findings of the study.

CHAPTER 4: RESULTS PRESENTATION AND DISCUSSION

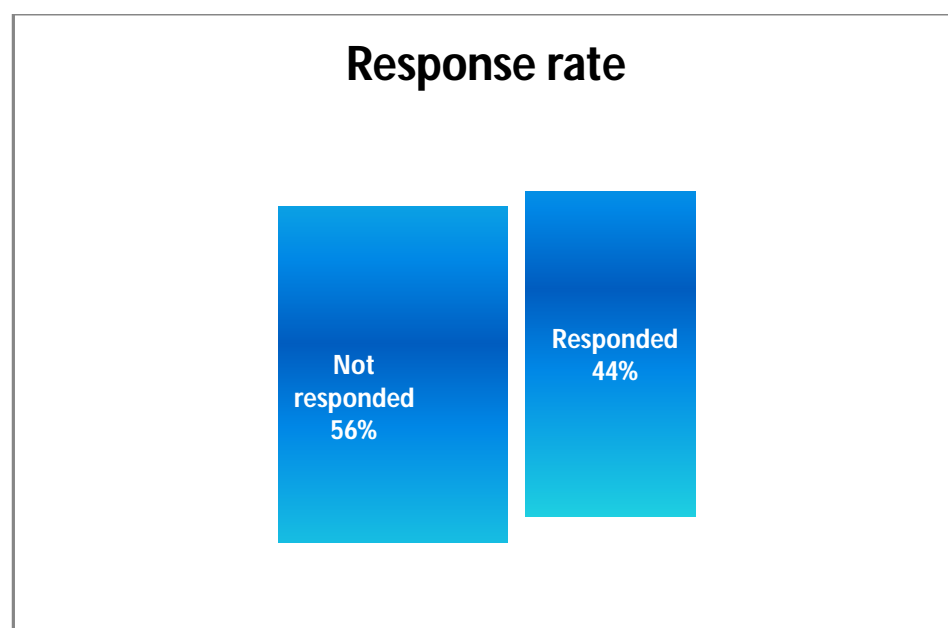
4.1. Introduction

In this chapter, the data collected in the manner described in Chapter 3 are presented and their results discussed. The results of the study are presented in the form of charts, tables and narrative explanations. The chapter has three sections. In the first section, frequencies of data collected are presented. In the following section, data are analysed using the statistical software called STATA/IC version 13. Lastly, results are discussed and a conclusion is provided.

4.1.1 Response rate

Survey questionnaire packages were posted to 120 clerics. A total of 53 completed questionnaires were received when the survey was closed. Presented in figure 4.1 below is the response rate for the research study, which shows that the rate of response was 44 percent.

Figure 4.1: Rate of response of participants



4.1.2 Data normality

The normality of data was tested by plotting the distributions of continuous variables on histograms. The test is that, if the shape of the distribution on histogram is bell-shape, one can conclude that the data are normal. All variables fulfilled this requirement and can therefore be deemed to be normal.

4.2. Data frequencies

The focus of this section is on the frequencies of the data collected from the questionnaires. The data presented are based on the first eighteen items (demographics) of the questionnaire used.

4.2.1 Demographics

The profile of the respondents who participated in the study is presented in Table 4.1

Table 4.1: Demographics of participants

Description	Percentage
Diocese	
Natal	38
Zululand	62
Age	
21 – 40 years	40
41 – 60 years	45
> 60 years	15
Gender	
Male	96
Female	4
Marital status	
Divorced/separated	4
Married	77
Single	19
Race	
Black	85
Indian	4
White	11

Holy order	
Deacon	0
Priest	100
Years ordained	
1 – 10 years	55
11 – 20 years	26
21 – 40 years	19
Chapter membership	
Member of chapter	30
Not a member of chapter	70
Role in chapter	
Archdeacon	69
Canon	25
Dean	6
Number of years in chapter	
1 – 5 years	69
> 5 years	31
Highest education qualification	
Certificate	8
Diploma	51
Bachelor degree	15
Postgraduate degree	26
Parish base	
Rural area	36
Suburban area	30
Urban area	34
Internet access	
Has internet access	81
Does not have internet access	19
Previous work experience	
Has previous work experience	77
Does not have previous work experience	23
Number of years worked	
1 – 10 years	66
11 – 20 years	24
>20 years	10
Possession of copy of Constitution and Canons	
Possess copy of Constitution and Canons	94
Does not possess copy of Constitution and Canons	6
Possession of Acts of the Diocese	
Possess copy of Acts of the Diocese	94
Does not possess copy of Acts of the Diocese	6
Level of understanding of labour law	
Advanced	13
Basic	70
Non-existent	17
Level of understanding of canon law	
Advanced	19

Basic	74
Non-existent	7
Module in labour law during tertiary studies	
Done labour law module	9
Not done labour law module	91
Module in canon law during tertiary studies	
Done canon law module	19
Not done canon law module	81

It is evident from Table 4.1 that the majority of respondents were from the Diocese of Zululand. It is also shown that the majority of respondents were male, black, married, held a diploma qualification and have worked before joining full-time ministry. The majority of respondents possess the Constitution and Canons and Acts of the Diocese. A good majority of the respondents had a basic understanding of both labour and canon law, while a minority of them had done modules in labour law and in canon law during their tertiary studies.

4.3. Data analysis

This section presents, firstly, the general descriptive statistics. This is followed by the analysis of data collected in relation to the four objectives of the study.

4.3.1. Generic descriptive statistics

The generic descriptive statistics is presented below. It is for the distribution of ages, distribution of years of ordination, distribution of years of working experience and distribution of years of chapter membership.

4.3.1.1 Distribution of ages

Table 4.2: Distribution of ages of respondents

	N	Minimum	Maximum	Mean	Std Deviation
Age	53	27	66	45.92453	11.69788

In Table 4.2, the distribution of ages is presented. It shows that the youngest respondent was aged 27 years and the oldest was aged 66 years old. The average age was 46 years old.

4.3.1.2 Years ordained to holy orders

Distribution of years of ordination of respondents

Table 4.3: Distribution of years of ordination

	N	Minimum	Maximum	Mean	Standard Deviation
Years of ordination	53	1	39	12.33962	10.18472

In Table 4.3, the distribution of years of ordination to holy orders is presented. It shows that the lowest number of years of ordination was 1 and the highest number of years of ordination was 39 years. The average number of years of ordination was 12 years.

4.3.1.3 Years of previous work experience of respondents

Distribution of years of previous work experience of respondents

Table 4.4: Distribution of years of previous work experience

	N	Minimum	Maximum	Mean	Standard Deviation
Years of work experience	40	1	34	9.97561	7.97649

In Table 4.4, the distribution of years of previous work experience is presented. It shows that the shortest previous work experience was 1 year, while the longest was 34 years. The average years of previous work experience was 10 years.

4.3.1.4 Years of chapter membership

Distribution of years of chapter membership

Table 4.5: Distribution of years of chapter membership

	N	Minimum	Maximum	Mean	Standard Deviation
Years of Chapter membership	16	1	18	5.0625	4.040936

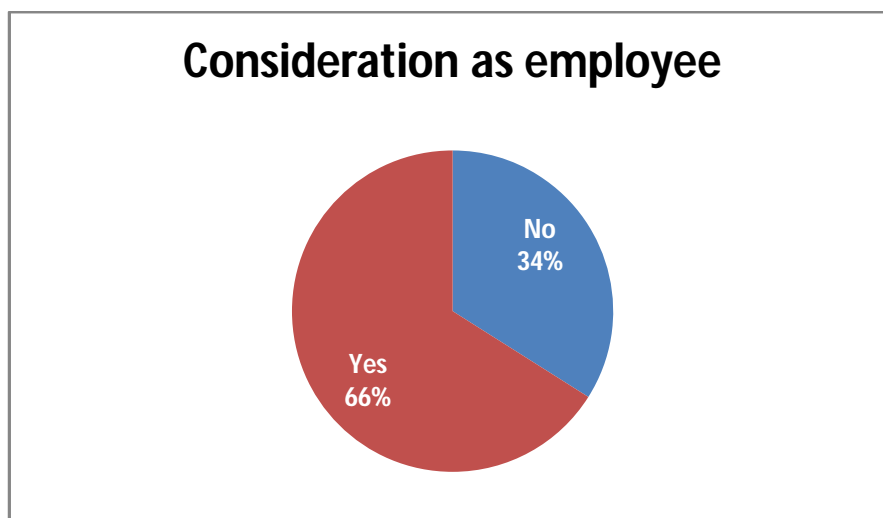
In Table 4.5, the distribution of years of chapter membership is presented. It shows that the shortest number of years was 1 year, while the longest was 18 years. The average years of chapter membership was 5 years.

4.3.2. Objective One: Determine the clerics' awareness of their "not employed" status in ACSA

This section analyses the participants' responses to questions in Section C of the questionnaire. These questions (questions 19 -29) were to determine the clerics' awareness of their "not employed" status in ACSA.

Figure 4.2 below presents the outcome on the question of whether the clerics considered themselves as employees or not.

Figure 4.2: Consideration as employee



The results as indicated in figure 4.2 above show that 66 per cent of respondents considered themselves to be employees, as opposed to the 34 percent which did not consider themselves to be employees.

To ascertain whether there is a significant difference between those who considered themselves to be employees and different variables, the Pearson Chi Square tests were performed. These Chi square tests were performed on the 66 percent of the participants who considered themselves to be employees against various variables. Results are shown in Table 4.6 below.

Table 4.6: Variables vs Consideration as employee

Description	Percentage	<i>p</i> -value
Diocese		0.187
Natal	55	
Zululand	73	
Age		0.000
21 – 40 years	86	
41 – 60 years	38	
> 60 years	100	
Gender		0.044
Male	69	
Female	0	
Marital status		0.196
Divorced/separated	50	
Married	61	
Single	90	
Race		0.132
Black	69	
Indian	100	
White	33	
Years ordained		0.335
1 – 10 years	72	
11 – 20 years	50	
21 – 30 years	50	
31 – 40 years	83	
Chapter membership		0.004
Member of chapter	38	
Not a member of chapter	78	
Role in chapter		0.559
Archdeacon	45	
Canon	25	

Dean	0	
Number of years in chapter		0.330
1 – 5 years	45	
> 5 years	20	
Highest education qualification		0.463
Certificate	7513	
Diploma	74	
Bachelor degree	63	
Postgraduate degree	50	
Parish base		0.677
Rural area	74	
Suburban area	63	
Urban area	61	
Internet access		0.076
Has internet access	60	
Does not have internet access	90	
Previous work experience		0.456
Has previous work experience	75	
Does not have previous work experience	63	
Number of years worked		0.021
1 – 10 years	70	
11 – 20 years	30	
>20 years	100	
Possession of copy of Constitution and Canons		0.218
Possess copy of Constitution and Canons	68	
Does not possess copy of Constitution & Canons	33	
Possession of copy of Acts of the Diocese		0.981
Possess copy of Acts of the Diocese	66	
Does not possess copy of Acts of the Diocese	67	
Level of understanding of labour law		0.075
Advanced	29	
Basic	73	
Non-existent	67	
Level of understanding of canon law		0.855
Advanced	60	
Basic	67	
Non-existent	75	
Module in labour law during tertiary studies		0.765
Done labour law module	60	
Not done labour law module	67	
Module in canon law during tertiary studies		0.076
Done canon law module	90	
Not done canon law module	60	

The p -values of most of the variables are more than 0.05. This shows that there is no significant statistical difference between them. However, the p -values of chapter

membership, gender and whether one worked before joining the ministry, are less than 0.05. This shows that there are significant statistical differences between these.

Table 4.7 below presents responses to the questions relating to their employment.

Table 4.7: Responses to questions about employment

Description	Percentage
Consider as employer (for those who consider themselves to be employees)	
God Almighty	20
ACSA	80
Signed employment contract when starting ministry	
Signed employment contract	40
Did not sign employment contract	60
Signed Oath and Declarations when ordained	
Signed Oath and Declarations	92
Did not sign Oath and Declarations	8
Consider Oath and Declarations to be employment contract	
Consider it to be	55
Does not consider it to be	45
Consider licensing to be employment contract	
Consider it to be	66
Does not consider it to be	34
Consider to be the boss	
God Almighty	30
Diocesan bishop	59
Not sure	11
Aware of bishop's right to revoke licence	
Aware of this bishop's right	100
Not aware of this Bishop's right	0
Contribution to pension fund and UIF, and payment of tax (PAYE)	
Contribute and pay these	100
Does not contribute and pay these	0

Responses in Table 4.7 above show that of those clerics who considered themselves to be employees, 80 percent considered ACSA to be their employer, while 20 percent considered God to be their employer. In total, 40 percent of the respondents admitted to have signed employment contract when they started their ministry and 92 percent of them signed Oath and Declarations when they were ordained. The majority of respondents considered both the signing of Oath and Declarations and the licensing, to be a conclusion of an employment contract. 59

percent of the respondents considered the Diocesan Bishop to be their boss, while 30 percent considered God to be their boss and the remaining 11 percent was not sure of who their boss is. All the respondents were aware that the bishop reserves the right to him/herself and to his/her successors to revoke the licence of a cleric, should there be a just cause to do so. All the respondents contributed to the UIF and to the pension fund and they also paid tax (PAYE).

4.3.3. Objective Two: Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA

This section analyses the responses on the questions in Section D of the questionnaire. These questions (questions 30 - 32) were to determine the clerics' awareness of the implications of their "not employed" status in ACSA.

Table 4.8 below presents the outcome from the respondents.

Table 4.8: Responses on the implications of "not employed" status

Description	Percentage
If you have a conflict with ACSA, would you approach CCMA for assistance?	
Will approach CCMA for assistance	32
Will not approach CCMA for assistance	68
If you have a conflict with ACSA, would you approach Labour Court for assistance?	
Will approach Labour Court for assistance	34
Will not approach Labour Court for assistance	66
If you have a conflict with ACSA, would you follow prescripts of Canons to resolve it?	
Will follow prescripts of Canons to resolve it	96
Will not follow prescripts of Canons to resolve it	4

Table 4.8 above presents the outcomes on the questions relating to the implications of their "not employed" status in ACSA. 32 percent said that they would approach the CCMA for assistance, in the event that they have a conflict with ACSA. Almost the same number (34 percent) also said that if they were to have conflicts with ACSA, they would approach the Labour Court for assistance. 96 percent of respondents

said they would follow prescripts of the Canons to resolve a conflict they would have with ACSA.

To ascertain whether there is a significant statistical difference between different variables, Pearson Chi Square tests were performed.

Firstly, the Pearson Chi Square test was performed on those who say they would approach the CCMA for assistance and various variables. The results are shown in Table 4.9 below.

Table 4.9 Pearson Chi Square test of how respondents would react if they had a conflict with ACSA

Description of Variables	Will approach CCMA		Will approach Labour Court		Will follow Canons	
	%	p-value	%	p-value	%	p-value
Diocese		0.030		0.187		0.715
Natal	50		45		95	
Zululand	21		27		97	
Age		0.604		0.439		0.205
21 – 40 years	38		43		90	
41 – 60 years	25		25		100	
> 60 years	38		38		100	
Gender		0.580		0.625		0.775
Male	31		33		96	
Female	50		50		100	
Marital status		0.593		0.542		0.510
Divorced/separated	50		50		100	
Married	34		37		98	
Single	20		20		90	
Race		0.853		0.888		0.210
Black	31		33		98	
Indian	50		50		100	
White	33		33		83	
Holy order		-		-		-
Deacon	-		-		-	
Priest	32		34		96	
Years ordained		0.529		0.546		0.632
1 – 10 years	31		34		93	
11 – 20 years	21		21		100	
21 – 40 years	50		50		100	

Chapter membership		0.578		0.721		0.343
Member of chapter	6		38		100	
Not a member of chapter	11		32		95	
Role in chapter		0.113		0.379		-
Archdeacon	45		36		100	
Canon	0		25		100	
Dean	100		100		100	
Number of years in chapter		0.889		0.889		-
1 – 5 years	36		36		100	
> 5 years	40		40		100	
Highest education qualification		0.303		0.819		0.823
Certificate	13		25		100	
Diploma	25		33		96	
Bachelor degree	30		25		100	
Postgraduate degree	50		43		93	
Parish base		0.277		0.472		0.090
Rural area	32		32		100	
Suburban area	19		25		88	
Urban area	44		44		100	
Internet access		0.364		0.654		0.487
Has internet access	35		33		95	
Does not have internet	20		40		100	
Previous work experience		0.550		0.522		0.435
Has work experience	34		31		95	
Does not have experience	25		42		100	
Number of years worked		0.263		0.937		0.580
1 – 10 years	41		33		93	
11 – 20 years	30		30		100	
>20 years	0		25		100	
Possession of copy of Canons		0.220		0.981		0.724
Possess copy of Canons	34		34		96	
Does not possess Canons	0		33		100	
Possession of copy of Diocesan Acts		0.962		0.218		0.724
Possess copy of Acts	32		32		96	
Does not possess Acts	33		67		100	
Level of understanding of labour law		0.050		0.073		0.422
Advanced	71		71		100	
Basic	24		30		97	
Non-existent	33		22		89	
Level of understanding of canon law		0.110		0.154		0.689
Advanced	60		60		100	
Basic	26		28		95	
Non-existent	25		25		100	
Module in labour law in tertiary studies		0.160		0.196		0.642
Done labour law module	60		60		100	
Not done labour law module	29		31		96	

Module in canon law in tertiary studies		0.551		0.196		0.487
Done canon law module	40		60		100	
Not done canon law module	30		31		95	

For those who would approach CCMA for assistance, it shows that, except for the diocese, the p -values for other variables are more than 0,05. From this, it can be concluded that there is no significant statistical difference between variables for those respondents who would approach CCMA for assistance, if they were to have conflict with ACSA. However, the p -value for the diocese variable is less than 0,05. This shows that there is a significant statistical difference between the two dioceses.

For those who would approach the Labour Court for assistance, Table 4.9 shows that the p -values for other variables are more than 0,05. From this, it can be concluded that there is no significant statistical difference between variables for those respondents who would approach the Labour Court for assistance, if they were to have conflict with ACSA.

For those who would follow the prescripts of Canons to resolve the conflict, Table 4.9 shows that the p -values for other variables are more than 0,05. From this it can be concluded that there is no significant statistical difference between variables for those respondents who would use the prescripts of the Canons to solve a conflict, if they were to have conflict with ACSA.

4.3.4 Objective Three: Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA

This section analyses the responses to the questions in Section E of the questionnaire. These questions (questions 33 - 35) were to determine the clerics' awareness of the remedies available to them if they were to have conflicts with ACSA.

Table 4.10 below presents the outcome from the respondents.

Table 4.10: Responses on the awareness of the available remedies

Description	Percentage
Familiarity with Canons dealing with proceedings against priests and deacons	
Familiar with these Canons	23
Not familiar with these Canons	77
Understanding of remedies available if there is a conflict with ACSA	
Understand remedies available	60
Does not understand remedies available	40
How conflict was resolved in the past?	
Canons and mediation by archdeacon	8
Canons, mediation by archdeacon and parish council	6
Canons, mediation by bishop suffragan and retired bishop	11
Never had conflict with ACSA	75

Table 4.10 above presents the outcome from the questions relating to the implications of the clerics' awareness of the remedies available to them if they were to have conflicts with ACSA. 77 percent of the respondents were not familiar with the canon that deals with proceedings against deacons and priests. However, 60 percent of the respondents understood the remedies that were available to them, in the event that they had conflicts with ACSA. The majority of the respondents (75 percent) indicated to have never had conflicts with ACSA. Of those who have had conflicts, the conflicts were resolved using canons and through mediation by bishops, archdeacons and the parish councils.

To ascertain whether there is a significant statistical difference between different variables, Pearson Chi Square tests were performed. These Pearson Chi Square tests were performed on those who said they were not familiar with the canon that deals with proceedings against deacons and priests, as well as on those who said they did not understand the remedies that were available for them to solve conflicts in ACSA. Results are shown in Table 4.11 below.

Table 4.11: Chi Square test on those who were not familiar with Canon 37

Description of Variable	Not familiar with Canon about proceedings against priests and deacons		Do not understand remedies available to solve conflicts	
	Percentage	p-value	Percentage	p-value
Diocese		0.301		0.265
Natal	15		30	
Zululand	27		45	
Age		0.626		0.365
21 – 40 years	29		48	
41 – 60 years	17		29	
> 60 years	25		50	
Gender		0.346		0.760
Male	22		39	
Female	50		50	
Marital status		0.061		0.413
Divorced/separated	0		0	
Married	17		39	
Single	50		50	
Race		0.673		0.215
Black	24		44	
Indian	0		0	
White	17		17	
Years ordained		0.635		0.157
1 – 10 years	28		52	
11 – 20 years	21		29	
21 – 30 years	0		0	
31 – 40 years	17		33	
Chapter membership		0.246		0.152
Member of chapter	13		25	
Not a member of chapter	27		46	
Role in chapter		0.595		0.298
Archdeacon	18		36	
Canon	0		0	
Dean	0		0	
Number of years in chapter		0.308		0.755
1 – 5 years	18		27	
> 5 years	0		20	
Highest education qualification		0.616		0.286
Certificate	25		75	
Diploma	30		44	
Bachelor degree	13		25	
Postgraduate degree	14		29	
Parish base		0.585		0.875
Rural area	21		37	
Suburban area	31		38	
Urban area	17		44	
Internet access		0.825		0.456
Has internet access	23		37	
Does not have internet access	20		50	

Previous work experience		0.178		0.239
Has work experience	27		44	
Does not have work experience	8		25	
Number of years worked		0.554		0.852
1 – 10 years	22		41	
11 – 20 years	40		50	
>20 years	25		50	
Possession of copy of Constitution and Canons		0.061		0.324
Possess	20		38	
Does not possess	67		67	
Possession of copy of Acts of the Diocese		0.649		0.149
Possess	22		42	
Does not possess	33		0	
Level of understanding of labour law		0.035		0.076
Advanced	14		57	
Basic	16		29	
Non-existent	56		67	
Level of understanding of canon law		0.397		0.823
Advanced	20		40	
Basic	21		41	
Non-existent	50		25	
Module in labour law during tertiary studies		0.204		0.328
Done labour law module	0		60	
Not done labour law module	25		38	
Module in canon law during tertiary studies		0.825		0.456
Done canon law module	20		50	
Not done canon law module	23		37	

Table 4.11 shows that, except for the level of understanding of labour law variable, the p -values for other variables are more than 0,05. From this, one can conclude that there is no significant statistical difference between variables for those who were not familiar with Canon dealing with proceedings against priests and deacons, as well as for those who did not understand the remedies that were available for them to resolve conflicts with ACSA.

Because the p -value for the variable level of understanding of labour law, a conclusion can be made that there is a significant statistical difference between the levels of understanding of labour law by the respondents.

4.3.5. Objective Four: Establish mechanisms put in place by ACSA in making clerics aware of their “not employed” status

This section analyses the responses to the questions in Section F of the questionnaire. These questions (questions 36 - 40) were to determine if ACSA is doing anything to make clerics aware of their “not employed” status.

Table 4.12 below presents the outcome from these questions.

Table 4.12: Clerics’ knowledge of ACSA awareness campaigns

Description	Percentage
Informed before ordination of “not employed” status	
Informed	26
Not informed	74
Informed after ordination of “not employed” status	
Informed	34
Not informed	66
Attended ACSA meeting/workshop to explain the “not employed” status	
Have attended	30
Have never attended	70
Received or read ACSA document explaining the “not employed” status	
Have received or read	23
Have never received or read	77
Signed document confirming understanding of “not employed” status with ACSA	
Have signed the document	13
Have never signed the document	87

Table 4.12 presents the outcome on the questions relating to the campaigns done by ACSA, in its efforts to make clerics aware of their “not employed” status in ACSA.

74 percent of the respondents said that they were not informed about the “not employed” status before their ordination. Those who were not informed of this status after they were ordained, the number is 66 percent of the respondents. 70 percent of respondents argued to have never attended any meeting or workshop organised by ACSA to explain their “not employed” status. 77 percent of the participants argued to have never read or received any document from ACSA explaining their “not

employed” status. Lastly, 87 percent of the respondents noted that they had never signed any document confirming their understanding of their “not employed” status.

To ascertain whether there is a significant statistical difference between different variables, Pearson Chi Square tests were performed.

The first Pearson Chi Square tests were performed on those who said they were not informed about their “not employed” status before ordination, as well as on those who said they were not informed about it after ordination. Results are shown in Table 4.13 below.

Table 4.13: Pearson Chi Square test of respondents who were not informed about their “not employed” status before and after ordination.

Description of Variable	Not informed before ordination		Not informed after ordination	
	Percentage	p-value	Percentage	p-value
Diocese		0.410		0.635
Natal	80		70	
Zululand	70		64	
Age		0.235		0.077
21 – 40 years	81		81	
41 – 60 years	25		50	
> 60 years	88		75	
Gender		0.388		0.301
Male	69		65	
Female	0		100	
Marital status		0.674		0.542
Divorced/separated	50		50	
Married	73		63	
Single	80		80	
Race		0.184		0.888
Black	69		67	
Indian	100		50	
White	100		67	
Years ordained		0.423		0.335
1 – 10 years	72		72	
11 – 20 years	64		50	
21 – 30 years	75		50	
31 – 40 years	100		83	
Chapter membership		0.878		0.721
Member of chapter	75		63	
Not a member of chapter	73		68	
Role in chapter		0.379		0.646
Archdeacon	82		64	
Canon	50		50	

Dean	100		100	
Number of years in chapter		0.755		0.330
1 – 5 years	73		55	
> 5 years	80		80	
Highest education qualification		0.634		0.632
Certificate	75		75	
Diploma	70		59	
Bachelor degree	63		63	
Postgraduate degree	86		78	
Parish base		0.803		0.595
Rural area	68		68	
Suburban area	75		56	
Urban area	78		72	
Internet access		0.007		0.054
Has internet access	60		72	
Does not have internet access	90		40	
Previous work experience		0.899		0.958
Has work experience	73		66	
Does not have work experience	75		67	
Number of years worked		0.511		0.656
1 – 10 years	74		70	
11 – 20 years	80		60	
>20 years	50		50	
Possession of copy of Constitution and Canons		0.285		0.201
Possess	72		64	
Does not possess	100		100	
Possession of copy of Acts of the Diocese		0.285		0.201
Possess	72		64	
Does not possess	100		100	
Level of understanding of labour law		0.664		0.290
Advanced	86		86	
Basic	70		59	
Non-existent	79		78	
Level of understanding of canon law		0.413		0.870
Advanced	90		70	
Basic	69		64	
Non-existent	75		75	
Module in labour law during tertiary studies		0.469		0.488
Done labour law module	60		80	
Not done labour law module	75		65	
Module in canon law during tertiary studies		0.775		0.769
Done canon law module	70		70	
Not done canon law module	74		65	

Table 4.13 shows that, except for the internet access variable, the p -values for other variables are more than 0,05. From this, one can conclude that there is no significant statistical difference between variables for those who were not informed about their “not employed” status before ordination and also for those who were not informed about their “not employed” status after ordination. Because the p -value for the

variable internet access is lower than 0.05, a conclusion can be made that there is a significant statistical difference between those who had internet access and those who did not have internet access, in relation to being informed about their “not employed” status before ordination.

The second Pearson Chi Square tests were performed on those who said they had never attended a meeting or workshop organised by ACSA to explain the “not employed” status, those who never read or received document from ACSA explaining their “not employed” status, as well as those who never signed any document confirming that they understand their “not employed” status. The results are shown in Table 4.14 below.

Table 4.14: Pearson Chi Square test on the respondents who never attended workshop, never read documents and those who never signed documents about their “not employed” status.

Description of Variable	Not attended meeting/workshop		Not received document		Not signed document	
	%	p-value	%	p-value	%	p-value
Diocese		0.014		0.721		0.591
Natal	50		80		90	
Zululand	82		76		85	
Age		0.121		0.469		0.570
21 – 40 years	86		76		81	
41 – 60 years	58		83		92	
> 60 years	63		63		88	
Gender		0.343		0.435		0.574
Male	69		76		86	
Female	100		100		100	
Marital status		0.271		0.636		0.792
Divorced/separated	50		100		100	
Married	66		78		85	
Single	90		70		90	
Race		0.088		0.612		0.488
Black	76		78		84	
Indian	50		50		100	
White	33		83		100	
Years ordained		0.347		0.436		0.488
1 – 10 years	79		79		90	
11 – 20 years	64		86		79	
21 – 30 years	50		50		75	
31 – 40 years	50		67		100	
Chapter membership		0.157		0.656		0.325
Member of chapter	56		81		94	
Not a member of chapter	76		76		84	

Role in chapter		0.393		0.177		0.202
Archdeacon	55		91		100	
Canon	75		50		75	
Dean	0		100		100	
Number of years in chapter		0.838		0.931		0.486
1 – 5 years	55		82		91	
> 5 years	60		80		100	
Highest education qualification		0.301		0.213		0.199
Certificate	100		100		100	
Diploma	74		85		78	
Bachelor degree	50		63		88	
Postgraduate degree	64		64		100	
Parish base		0.617		0.660		0.312
Rural area	64		84		95	
Suburban area	63		75		88	
Urban area	78		72		78	
Internet access		0.988		0.537		0.481
Has internet access	70		79		88	
Does not have internet access	70		70		80	
Previous work experience		0.246		0.073		0.170
Has work experience	66		83		90	
Does not have work experience	83		58		75	
Number of years worked		0.140		0.112		0.317
1 – 10 years	74		74		85	
11 – 20 years	40		100		100	
>20 years	75		100		100	
Possession of copy of Canons		0.903		0.649		0.487
Possess	70		78		86	
Does not possess	67		67		100	
Possession of copy of Diocesan Acts		0.903		0.649		0.487
Possess	70		78		86	
Does not possess	67		67		100	
Level of understanding of labour law		0.463		0.504		0.436
Advanced	86		86		71	
Basic	65		73		89	
Non-existent	78		89		89	
Level of understanding of canon law		0.748		0.570		0.748
Advanced	60		90		90	
Basic	72		74		87	
Non-existent	75		75		75	
Module in labour law in tertiary studies		0.616		0.330		0.637
Done labour law module	60		60		80	
Not done labour law module	70		79		88	
Module in canon law in tertiary studies		0.453		0.145		0.481
Done canon law module	60		60		80	
Not done canon law module	72		81		88	

Table 4.14 shows that the *p*-values are more than 0,05. From this, one can conclude that there is no significant statistical difference between variables on those who said they never attended a meeting or workshop organised by ACSA to explain the “not

employed” status, those who never read or received document from ACSA explaining their “not employed” status, as well as those who never signed any document confirming that they understand their “not employed” status.

4.4 Discussion of results

This section discusses the results presented in the previous section. The discussion is based the four objectives of the study.

4.4.1 Objective One: Determine the clerics’ awareness of their “not employed” status in ACSA

The results emanating from the analysis of data show that almost two thirds of the respondents considered themselves to be employees. Four fifths of them considered ACSA to be their employer, while the other fifth considered themselves to be God’s employees. An interesting phenomenon is that 40 percent of respondents said they signed employment contracts when they started their ministries. This does not sound to be true, as ACSA normally does not sign the employment contract with its clerics when engaging with them. The respondents were probably confusing the signing of other documents with the signing of employment contracts. The main documents that clerics sign are the Oath and Declarations. Just more than half (55 percent) of the respondents considered signing these to be equivalent to concluding employment contracts. A higher number (66 percent) considered the licensing to a parish to be a conclusion of employment contracts.

All the respondents were aware of the bishop’s right to revoke their licences, should there be a just cause to do so. The respondents however differed on who they considered to be their boss. There is twice the number of those who considered the Diocesan Bishop to be their boss, as opposed to those who considered God to be their boss. 11 percent of them were not sure who their boss was. It is also important to note that all the respondents contributed to what can be defined as “typical” contributions made by employees in other industries. They all contributed to the UIF and Pension funds and are paying the PAYE.

4.4.2 Objective Two: Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA

The results of the study show that about a third (32 percent) of the respondents would approach the Commission for Conciliation, Mediation and Arbitration (CCMA) for assistance, if they were to have conflicts with ACSA. Almost two thirds (68 percent) of the respondents said they would not approach the CCMA. About approaching the Labour Court for assistance in the event that they had conflicts with ACSA, 34 percent of the respondents said they would do so. It has been found in the literature review that the most important implication of the "not employed" status of clerics is that they are not entitled to approach these institutions for assistance. These institutions, the CCMA and the Labour Court, only deal with issues of employees, of which clerics are not. Clerics are supposed to resolve conflicts by following the prescripts of the Canons. A large majority of the respondents (96 percent) said that they would use the prescripts of the Canons. This shows that even those who would approach the CCMA and the Labour Court, would also be willing to follow the internal processes of the Church.

It was also interesting to note that even those who considered themselves to be employees, not all of them were ready to take their conflicts to the CCMA and the Labour Court. This means that the thinking among the respondents was that the internal processes through the prescripts of the Canons needed to be exhausted before taking further action.

4.4.3 Objective Three: Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA

The results of the study also show that more than three quarters (77 percent) of the respondents were not familiar with the Canon that deals with proceedings against priests and deacons. This is an important Canon that outlines what ACSA needs to do when dealing with its clerics on the issues of discipline. However, 60 percent of the respondents understood the remedies that were available to them. It was not a large number, but it was higher than the 23 percent that was familiar with the Canon

on proceedings against priests and deacons. Only 25 percent of the respondents had conflicts with ACSA in the past. These conflicts were mainly resolved through mediation which involved archdeacons, parish councils, bishops suffragan and retired bishops.

4.4.4 Objective Four: Establish the mechanisms put in place by ACSA in making clerics aware of their “not employed” status

The results show that the numbers of the respondents who were not made aware of their “not employed” status in different stages of their ministries were quite high. Almost three quarters of the respondents claimed that they were not informed about this before they were ordained. Two thirds of the respondents said they were not made aware of this status after they were ordained. Many of them had never attended any meeting or workshop organised by ACSA to make them aware of this important part of their relationship. A high number had also not read any document by ACSA on this issue. It was interesting to note that there was 13 percent of the respondents claiming to have signed documents where they confirmed their “not employed” status with ACSA. Once again, like employment contracts, ACSA does not make their clerics sign any documents like this. The perception of these respondents having signed such documents could be explained as them confusing the documents with, for instance, the Oath and Declarations.

4.5. Conclusion

In this chapter, the data collected were presented and the results were also discussed. Firstly, the frequencies of data collected were presented. This was followed by the analysis of this data using STATA/IC version 13 statistical software. The chapter concluded the discussion of the results, drawing from the available literature. Chapter Five presents the conclusions and recommendations, based on the findings of the study.

CHAPTER 5:

CONCLUSIONS AND RECOMMENDATIONS

5.1. Introduction

This chapter presents the conclusions and recommendations on the study, based on the findings presented in the previous chapter. Prior to do that, it is important to reiterate the objectives of the study, which included determining the clerics' awareness of their "not employed" status in ACSA, determining the clerics' awareness of the implications of the absence of an employment relationship with ACSA, determining the clerics' awareness of the remedies available to them in times of dispute with ACSA and establishing the mechanisms put in place by ACSA in making clerics aware of their "not employed" status.

In that view, this chapter discusses the following: an overview of the study, summary of findings, conclusions, recommendations, as well as areas for further research. For the research to be put into perspective, conclusions and recommendations for each research objective are presented.

5.2. An overview of the study

Chapter 1 provided the introduction to the study and set up its objectives. Chapter 2 dealt with the review of literature by looking at relevant cases and the Canons of ACSA. Research methodology used to conduct the study was discussed in Chapter 3. In Chapter 4, results of the study were presented, discussed and analysed. Chapter 5 provides conclusions of the study, recommendations made and proposals for future research.

5.3. Summary of findings

The summary of findings in literature and research are outlined below. These are based on the four objectives of the research.

5.3.1. Objective one: Determine the clerics' awareness of their "not employed" status in ACSA

The findings of the study indicated that there has been a lot of misunderstanding and misinterpretation of the employment status of the clerics of ACSA. Literature has shown that a typical cleric takes it for granted and assumes that he/she is an employee of ACSA. The sad reality is experienced by the cleric when a conflict arises between him/her and ACSA. That is when the cleric seeks the assistance of institutions like the CCMA and that is the time when he/she becomes aware of their "not employed" status.

The findings of the study confirmed that clerics are not employees of ACSA. It was further confirmed that this situation is not only unique to ACSA, as clerics in the worldwide Anglican Communion and in other Churches are in the same situation.

There are many factors that are taken into consideration to determine the employment status of an individual. However, in the case of clerics, their "not employed" status is mainly because of the absence of an employment contract between the clerics and ACSA. It was also found that when the clerics engaged with ACSA, there was never an intention from both parties to conclude an employment contract. This is the case in the Anglican Communion worldwide and in other Churches as well. Various cases discussed in Chapter 2 also confirmed this "not employed" status of clerics as a fact. The mere fact that clerics took ACSA to court is an indication that they were not aware of their "not employed" status.

To determine the level of the clerics' awareness of their "not employed" status, participants were asked questions about:

- whether they considered themselves to be employees, and if so, whom they considered as their employer
- whether they signed an employment contract with ACSA when they started their ministry
- whether they considered the signing of Oath and Declarations, and licensing by the Bishop as a conclusion of contract of employment
- whom they considered to be their boss between God and the Bishop and whether they were aware that the Bishop had a right to revoke their licenses should there be a just cause to do so
- whether they contributed to the Unemployment Insurance Fund (UIF), pension fund and Pay As You Earn (PAYE)

Out of the responses provided, almost two thirds of the respondents considered themselves as employees of the Church. Of the clerics who considered themselves to be employees, a high percentage considered ACSA to be their employer, while a few of them indicated God to be their employer. This shows that the majority of the clerics in ACSA were not aware of their “not employed” status. They considered themselves to be employees of ACSA or God, in the same way like employees of any other company. The main contributor to this was the fact that ACSA *inter alia*, pays PAYE, UIF and Pension Fund contributions. These are normally associated with a “typical” employment relationship.

5.3.2. Objective two: Determine the clerics’ awareness of the implications of the absence of an employment relationship with ACSA

Being “not employed” comes with various implications. One of the main determining implications is that clerics do not have access to earthly powers such as the CCMA and Labour Court to pursue any case against ACSA. Having a cleric approaching the CCMA or the Labour Court for assistance indicates the lack of understanding by the cleric in question, of the implications of being “not employed”. Literature has revealed that there were high levels of lack of understanding of the implications of the “not employed” status among clerics. This is evidenced by the high number of cases where clerics have approached earthly powers for assistance in times of dispute with

ACSA. Had they been aware of the implications, they would not have instituted cases that they were guaranteed to lose. The findings from the cases discussed in Chapter 2 indicated that a high number of clerics were not aware of the implications of the absence of employment relationship with ACSA.

To determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA, respondents were asked

- if they would approach CCMA and Labour Court if they had a conflict with ACSA
- if they would follow the prescripts of the Canons to resolve the conflict with ACSA

The study has found that only a third of the respondents would consider taking their cases against ACSA to either the CCMA or the Labour Court. Two thirds said that they would not approach these earthly powers to get assistance. Almost all of the respondents would prefer to solve their disputes with ACSA in the first instance, using the prescripts of the Canons. Of course, in reality this may differ. This finding is very interesting in that even though two thirds of the respondents considered themselves to be employees of ACSA, only a third would be prepared to take the issue to CCMA and Labour Court. The reconciliatory attitude of being willing to sort issues internally in the first instance may be expected from clerics, the preachers of peace. However, a third of clerics being ready to take ACSA to court or CCMA is a cause for concern. This puts ACSA in a situation where it is likely to have to go and defend itself in unnecessary cases that it would win anyway.

5.3.3. Objective three: Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA

Chapter 2 revealed that ACSA has made remedies for resolving conflicts available to its clerics. These are outlined in Canons 25, 36, 37, 37 and 41 as they appear in the Constitutions and Canons of ACSA. These Canons outline the whole process from when the cleric is being charged, sentencing and ultimately, the appeal process.

ACSA enacted these so that clerics are aware of remedies that the Church has made available to them. These Canons are extensive and explain in detail each and every step that needs to be followed in the resolution of disputes. ACSA went out of its way to revise and refine these Canons to suit the context. The observation is that, as detailed as these Canons are, they are written in a complicated legal language. This may make them not useful to a typical cleric who has no education or training in law.

To determine the clerics' awareness of the remedies available to them in times of dispute with ACSA, respondents were asked:

- if they were familiar with Canons that deal with proceedings against bishops, priests and deacons
- if they understood the remedies that are available to them if they were to have a conflict with ACSA
- how they resolved the conflict if they have it with ACSA in the past

This research has found that a high number of the respondents were not familiar with the remedies that are available to them, in the event that they have conflicts with ACSA. Only a small minority, less than a quarter of respondents, were familiar with the remedies that are available to them. This, once again, is a cause for concern. Having more than three quarters of your "employees" not understanding the dispute resolution processes available to them should be a cause for concern to ACSA. Dispute resolution is important in any company and in the Church, it is essential because the Church, by its nature, is expected to be reconciliatory.

5.3.4. Objective four: Establish mechanisms put in place by ACSA in making clerics aware of their "not employed" status

The literature presented in chapter 2 has revealed that in almost all the cases where clerics took ACSA to court, the clerics really believed they were employees of ACSA and were entitled to take ACSA to court. During the whole time when they were engaged with ACSA, they had this belief. This implies that ACSA never indicated to them, their "not employed" status. The only time they get to hear about this, is when

the CCMA and the Labour Court rule that they are not employees of ACSA. These institutions refuse to hear their cases because they only deal with cases where there is an employer-employee relationship. This lack of knowledge results in unnecessary and costly implications to the clerics and ACSA. Almost all of the cases that went to litigation were not necessary. Had the clerics known that they cannot take ACSA to the Labour Court or CCMA, they would not do so. They would have followed the internal dispute resolution processes prescribed by the Canons.

To establish if there were any mechanisms put in place by ACSA in making clerics aware of their “not employed” status, respondents were asked

- whether they were informed before they were ordained about the “not employed” status of ACSA clerics
- whether they were informed of this status when they were ordained and licensed
- whether they had attended any workshop or meeting, received or read any document or signed any document about their “not employed” status

This research found that a very high percentage of respondents had never been made aware of their “not employed” status by ACSA. This means that ACSA did not inform the majority of respondents, of this status before ordination, nor did it do so after ordination. The majority of respondents indicated that they never attended any meeting or workshop where their “not employed” status was discussed and explained. Also, a large majority of the respondents never read an ACSA document explaining their status, nor have they signed a document where they confirmed their understanding of their “not employed” status. It is strange that ACSA, having been taken to court so many times never considered it necessary to take measures to inform clerics of their “employment” status and implications thereof. It therefore gives the impression that ACSA seem to have turned a blind eye on this issue, hoping it will just fade away. Unfortunately, this is not the case. Clerics are continuing to take ACSA to court at an enormous cost to them and to ACSA. While this is happening, the good name of ACSA is dragged in the mud and the relationship between ACSA and the cleric involved gets affected.

5.4 Conclusions

The conclusions from findings are outlined below. These are based on the four objectives of the research.

5.4.1. Objective one: Determine the clerics' awareness of their "not employed" status in ACSA

The conclusion that can be made from the above findings is that the majority of ACSA clerics were not aware of their "not employed" status. They had a false belief of being employed when in fact they were not employed. This lack of knowledge about their "not employed" status is prevalent across the Churches and it is not something that is unique to ACSA or the Anglican Church worldwide.

5.4.2. Objective two: Determine the clerics' awareness of the implications of the absence of an employment relationship with ACSA

A conclusion that can be made is that even though most clerics consider themselves to be employed, only a minority of them would want to take their hypothetical cases against their Church to the CCMA or Labour Court. Resolving disputes internally, at least in the first instance, is what almost all of the clergy surveyed prefer. The clerics are reconciliatory in that even if they think they are entitled to go to Labour Court or CCMA by virtue of their "employment" rights, they would prefer to sort issues and disputes internally. The conclusion is that the majority of clerics are not aware of the implications of their "not employed" status with ACSA.

5.4.3. Objective three: Determine the clerics' awareness of the remedies available to them in times of dispute with ACSA

This study can conclude that the majority of respondents were not familiar with the Canons dealing with proceedings against priests and deacons. From this, it can also be concluded that they were not aware of the remedies that ACSA made available to

them, in the event of a conflict. This means that clerics would not know what to do in the event of a dispute with ACSA. That could be the reason why many clerics wrongly resort to the Labour Court and the CCMA to resolve their disputes.

It can also be concluded that the Canons in question only deal with “disciplining” clerics if they have stepped out of line. There are no relevant Canons that deal with what clerics can do if they feel aggrieved by ACSA, for example, if they feel they have been racially discriminated.

5.4.4. Objective four: Establish mechanisms put in place by ACSA in making clerics aware of their “not employed” status

A conclusion can be made that ACSA is doing very little, if anything, to make clerics aware of their “not employed” status. The majority of clerics only get to know about it when conflicts arise and ACSA invokes this important aspect that was not revealed to the clerics before. ACSA is in a position to do more on the issue, but it seems to be turning a blind eye on it. Informing clerics of the status of their engagement is as critical as telling them about stipends that they would be paid. For this oversight, conflicts that could have been sorted internally, continue to be served to courts only for ACSA to “win” and the cleric to “lose”.

5.5 Recommendations

The recommendations from findings and conclusions are outlined below. These are based on the four objectives of the research.

5.5.1. Objective one: Determine the clerics’ awareness of their “not employed” status in ACSA

The conception of clerics not being aware of their employment status with ACSA is a cause for concern. ACSA needs to, as a matter of urgency, embark on vigorous awareness campaigns to bring this important issue to the attention of its clerics.

Clerics deserve to be aware of this most important piece of information that defines their future in their ministry. ACSA should discuss this issue in all the gatherings of clerics to ensure that each cleric is aware of his or her status of being “not employed”. In fact, novices entering into the ministry should be made aware of this at the outset. This would give them an opportunity to weigh their options before they engage with ACSA. This needs to be stressed during the whole process that a cleric undergoes. This means it must be stressed at ordination, after ordination, post-ordination training and at clergy schools and forums that clerics attend regularly.

5.5.2. Objective two: Determine the clerics’ awareness of the implications of the absence of an employment relationship with ACSA

Even though only a third of respondents were willing to take ACSA to the CCMA or the Labour Court, it is quite a high number. The cost of litigation is very high. Even though ACSA would in all probability win the case, it needs to defend itself first. That is costly, time consuming and has a potentially damaging effect on ACSA. To avoid this, clerics should be made aware that their “not employed” status has an implication that these earthly powers are not available to assist them. ACSA should also educate its clergy and new recruits in order to enlighten them and thus minimise the potential from clergy pursuing a case that they are highly unlikely to win and that could have harmful media exposure. ACSA should also act on the reconciliatory attitude of clerics and stress to them that disputes need to be sorted internally, without involving earthly powers like CCMA or Labour Court.

5.5.3. Objective three: Determine the clerics’ awareness of the remedies available to them in times of dispute with ACSA

A recommendation which could be made in this regard is that ACSA should embark on teaching campaigns whereby these canons are explained to clerics. Also, the current format of the canons is too legal and hard to be understood by someone who has no legal background. Interpreting them and presenting them in a simple language that can be understood by all the clerics could be advantageous. This

should be treated as a matter of urgency. The canons need to be in a format that is cleric-friendly.

Another recommendation is to call for an establishment of a Dispute Resolution Office. The duty of this office would be to advise clerics, in the first instance, of options available to them if they feel aggrieved. To avoid the perception that Canons were made to “persecute” clerics, a recommendation is made that additional Canons be enacted. These Canons would explain the options available to clerics, in the event that they themselves feel aggrieved by ACSA.

5.5.4. Objective four: Establish mechanisms put in place by ACSA in making clerics aware of their “not employed” status

A recommendation being made is that ACSA needs to embark on vigorous awareness campaigns to alert clerics about this important aspect of their relationship. If clerics are aware and they know what to do if there is a conflict, ACSA would find itself having to deal with zero cases in the future. Candidates for ordination need to be informed about this before they are ordained. This would give them a chance to decide on whether or not they want that type of engagement. Recently ordained clerics must be taught about this in Post Ordination Training (Diocese of Zululand) and Ongoing In-service Training (Diocese of Natal). Clergy schools and clergy forums are also ideal gatherings where ACSA can make clerics aware of their “not employed” status. This should also be taught in colleges where clerics are being trained. A module in canon law will go a long way in addressing this problem. Written material in the form of booklets and flyers need to be produced and distributed. These can serve as a reference resource for clerics, should they have a conflict with ACSA.

ACSA should also open a platform where this issue can be discussed. In the discussion, the views of clerics on the issue can be heard, their suggestions received and a way forward decided. These discussions would also deal with the pros and cons of granting clerics the status of employment in the future. The recent establishment of the Canon Law Committee by ACSA is a welcome innovation. A

similar structure with a strong representation of clerics needs to be established in each and every diocese of ACSA.

5.6. Suggestions for further research

This study has revealed and confirmed the fact that ACSA has not been transparent and open to its clerics, about their “not employed” status. This study was done in only two dioceses in the KwaZulu-Natal province. A suggestion is that further research be done on clerics in all other dioceses of ACSA. This would reveal the extent of the problem throughout the whole ACSA. It would be interesting to read the experience of clerics in ACSA dioceses of countries like Mozambique and Angola, because their jurisprudence is different from that of South Africa.

Further research can also be done on other possibilities of engagement relationships that ACSA can have with its clerics. There are calls being made about clerics to be granted full employment status by ACSA. This can be researched, with the aim of determining the pros and cons of granting clerics a full employment status.

Lastly, further studies need to be undertaken to determine if the Canons that are meant to give remedies are enough to ensure that justice is served. A closer look at the Canons reveals that they only deal with how a cleric is prosecuted. They do not make any mention of what the cleric can do if he or she feels aggrieved by ACSA. Another observation is that these Canons give bishops so much power that basically make them referees and players in one game. Bishops are normally the ones that charge clerics, sentence them and also hear their appeal. A study on this would alert ACSA of the shortcomings, if any, of its Canons and might prompt further action to correct them.

5.8. Concluding remarks

This research investigated the aspects of the employment or lack of an employment status of clerics in the Anglican Church of Southern Africa and the issue of whether

the clerics were aware of their “not employed” status. The research discovered that the vast majority were unaware of their “not employed” status. It was further discovered that the majority of clerics were not aware of the implications that their “not employed” status has on their engagement with ACSA. On whether clerics were aware of remedies available to them if they were to have a conflict with ACSA, it was discovered that the majority of clerics were not familiar with these. Finally, on establishing if ACSA has put any mechanisms in place to make clerics aware of their “not employed” status, the research discovered that ACSA has not put any mechanisms in place to achieve this.

Based on the findings from this study, sound conclusions were arrived at, after having considered the findings in conjunction with the literature and appropriate recommendations have been made which, if adopted, might ensure that clerics are made aware of their “unemployed” status and which should thus minimise the risk of misunderstanding and simultaneously minimise conflict.

Suitable recommendations have been presented as to how ACSA should proceed to address the shortcomings of the situation and thus, create a more informed clergy and to improve the relations between ACSA and the clergy. This should reduce conflict and litigation, which is expensive and is potentially harmful to the image of the Church. This is all the more important as lay people expect Churches to behave and conduct themselves ethically and morally. In public disputes, there is a risk that lay people would not grasp the “not employed” concept and would thus view ACSA or other Churches in a bad light.

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APPENDIX 1: Questionnaire

*“An analysis of clerics’ awareness of their “employment” status
in the Anglican Church of Southern Africa”*

This is anonymous. Please select only one answer, except where specified.

SECTION A

1. Name of your diocese:	<input type="checkbox"/> Diocese of Natal <input type="checkbox"/> Diocese of Zululand
2. You are a	<input type="checkbox"/> Priest <input type="checkbox"/> Deacon
3. You have been ordained for how many years?	_____ years
4. Are you/were you a member of Cathedral Chapter?	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, your role in the Chapter <input type="checkbox"/> Dean <input type="checkbox"/> Archdeacon <input type="checkbox"/> Canon For how many years? _____
5. Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male
6. Marital status	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced/separated <input type="checkbox"/> Widowed
7. Race	<input type="checkbox"/> Black <input type="checkbox"/> Coloured <input type="checkbox"/> Indian <input type="checkbox"/> White
8. Age	_____ years
9. Highest educational qualification	<input type="checkbox"/> Certificate <input type="checkbox"/> Diploma <input type="checkbox"/> Bachelor degree <input type="checkbox"/> Postgraduate degree
10. Did you work before you joined full-time ministry?	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, you worked for how many years? _____

11. Your parish is in the	<input type="checkbox"/> Rural area <input type="checkbox"/> Urban area <input type="checkbox"/> Suburban area
12. Do you have access to the internet?	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION B

13. Do you have a copy of the Constitution and Canons of the Anglican Church of Southern Africa?	<input type="checkbox"/> Yes <input type="checkbox"/> No
14. Do you have a copy of the Acts of your Diocese?	<input type="checkbox"/> Yes <input type="checkbox"/> No
15. How do you consider your level of understanding of labour law to be?	<input type="checkbox"/> Non-existent <input type="checkbox"/> Basic <input type="checkbox"/> Advanced
16. How do you consider your level of understanding of Canon law to be?	<input type="checkbox"/> Non-existent <input type="checkbox"/> Basic <input type="checkbox"/> Advanced
17. Did you do a module (or modules) in Labour Law during your tertiary education studies	<input type="checkbox"/> Yes <input type="checkbox"/> No
18. Did you do a module (or modules) in Canon Law during your tertiary education studies	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION C

19. Do you consider yourself to be an employee?	<input type="checkbox"/> Yes <input type="checkbox"/> No
20. If you consider yourself to be an employee, who do you consider to be your employer?	<input type="checkbox"/> God Almighty <input type="checkbox"/> ACSA <input type="checkbox"/> Not applicable
21. Did you sign an employment contract with ACSA when you started your ministry?	<input type="checkbox"/> Yes <input type="checkbox"/> No
22. Did you sign the Oath and Declarations when you were ordained in ACSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No

23. Do you consider the Oath and Declarations to be a contract of employment between you and ACSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
24. When you were licensed by the Bishop, did you consider the licensing to be an establishment of employment relationship between you and ACSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
25. Are you aware that the Bishop reserves the right to himself and to his successors to revoke your licence should there be just cause to do so?	<input type="checkbox"/> Yes <input type="checkbox"/> No
26. Who do you consider to be your boss?	<input type="checkbox"/> Diocesan Bishop <input type="checkbox"/> God Almighty <input type="checkbox"/> Not sure
27. Do you contribute to the UIF?	<input type="checkbox"/> Yes <input type="checkbox"/> No
28. Do you contribute to the Pension Fund?	<input type="checkbox"/> Yes <input type="checkbox"/> No
29. Do you pay tax (PAYE)?	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION D

30. If you were to have a conflict with ACSA, will you approach the CCMA for assistance?	<input type="checkbox"/> Yes <input type="checkbox"/> No
31. If you were to have a conflict with ACSA, will you approach the Labour Court for assistance?	<input type="checkbox"/> Yes <input type="checkbox"/> No
32. If you were to have a conflict with ACSA, will you follow the prescripts of the Canons to resolve the conflict?	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION E

33. Are you familiar with Canons that deal with proceedings against bishops, priest and deacons?	<input type="checkbox"/> Yes <input type="checkbox"/> No
34. Do you understand the remedies that are available to you if you were to have a conflict with ACSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
35. When you had a conflict with ACSA, you resolved (or tried to resolve) the conflict through [You may choose more than one option, where applicable]	<input type="checkbox"/> the Canons <input type="checkbox"/> the CCMA <input type="checkbox"/> the Labour Court <input type="checkbox"/> Mediation by archdeacon <input type="checkbox"/> Mediation by bishop-suffragan <input type="checkbox"/> Mediation by former or retired bishop <input type="checkbox"/> Parish Council <input type="checkbox"/> Never had a conflict with ACSA

SECTION F

36. Were you informed, before you were ordained, about the "employment" status of clerics in ACSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
37. After you were ordained and licensed, were you informed about your "employment" status in ACSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
38. Have you ever attended a workshop/meeting organized by ACSA where the "employment" status of clerics was explained?	<input type="checkbox"/> Yes <input type="checkbox"/> No
39. Have you ever received or read any document from ACSA explaining the "employment" status of clerics in ACSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
40. Have you ever signed any document confirming that you understand your "employment" status with ACSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No

GENERAL QUESTION

We would be grateful if you would write or tell us anything else about what you feel needs to be done to increase the awareness of clerics of their "employment" rights and obligations

THANK YOU FOR COMPLETING THIS QUESTIONNAIRE!

END: God bless you for helping us!

CONTROL NUMBER	
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APPENDIX 2: Informed consent form



MBA Research Project

Researcher: Nhlanhla Blessing Ntshangase

Tel: +27 62 247 4682 Email address: mfundephakeme@gmail.com

Supervisor: Mr Alec Bozas

Tel: +27 82 3344477 Email address: abozas@mweb.co.za / mwbozas@mweb.co.za

Research office: Ms Mariette Snyman

Tel: +27 31 260 8350 Email address: snymanm@ukzn.ac.za / hssreclms@ukzn.ac.za

Research Project Title:

An analysis of clerics' awareness of their "employment" status in the Anglican Church of Southern Africa

CONSENT

I
(Full names of participant)

a cleric in the parish of

Hereby confirm that I fully understand the contents of this document and the nature of the research project, and I consent fully to participating in the research project.

I understand that I am at liberty to withdraw from the project at any time should I so desire.

SIGNATURE OF PARTICIPANT:

DATE:

PLEASE RETURN TO THE RESEARCHER WITH THE QUESTIONNAIRE

APPENDIX 3A: Permission from the Anglican Diocese of Natal

Bishop of Natal
The Right Revd Dino Gabriel

P O Box 47439
Greyville, Durban
4023

Tel: +27 31 308 9300
Fax: +27 31 308 9316
Email: bishop@dionatal.org.za

Ref/16

8th March 2016

The Revd Nhlanhla Ntshangase
P O Box 39781
QUEENSBURGH
4070

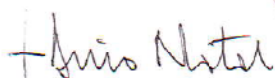
Dear Nhlanhla

Greetings

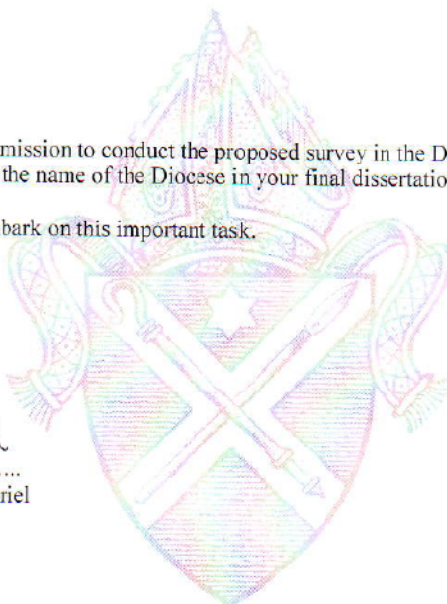
I hereby grant you my permission to conduct the proposed survey in the Diocese of Natal. You are also most welcome to use the name of the Diocese in your final dissertation.

I wish you well as you embark on this important task.

Regards



.....
The Right Revd Dino Gabriel
Bishop of Natal



APPENDIX 3B: Permission from the Anglican Diocese of Zululand

DIOCESE OF ZULULAND

(Anglican Church of Southern Africa)

OFFICE OF THE VICAR GENERAL

P.O. BOX 147
ESHOWE
3815

Tel. (035) 4742047
Fax (035) 4742561
Cell. 0635520376

Email: bishopzld@netactive.co.za

31 March 2016

Revd Nhlanhla B. Ntshangase
University of Kwazulu – Natal
Graduate School of Business and Leadership

Dear Revd Ntshangase

GATEKEEPER'S PERMISSION – MBA RESEARCH PROJECT

In greet you in the wonderful name of our Lord Jesus Christ.

Dear Revd I as the Vicar General (Bishop Elect) of the Diocese of Zululand grant you written permission to Conduct a survey of Clerics within the Diocese of Zululand towards your research project entitled *An analysis of clerics' awareness of their "employment" status in the Anglican Church of Southern Africa*.

Yours in God's service



.....
The Very Revd M. Makhanya
Vicar General (Bishop Elect)

APPENDIX 4: Ethical clearance letter



30 March 2016

Revd Nhlanhla Blessing Ntshangase (214580274)
Graduate School of Business & Leadership
Westville Campus

Dear Revd Ntshangase,

Protocol reference number: HSS/0298/016M

Project title: An analysis of Clerics' awareness of their "Employment" status with the Anglican Church of Southern Africa

Full Approval – Expedited Application

In response to your application received on 23 March 2016, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol have been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

Please note: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Dr Shenuka Singh (Chair)

/ms

Cc Supervisor: Mr Alec Bozas
Cc Academic Leader Research: Dr Muhammad Hoque
Cc School Administrator: Ms Zarina Bullyraj

Humanities & Social Sciences Research Ethics Committee

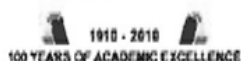
Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

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Website: www.ukzn.ac.za



Partnering Campuses: ■ Edgewood ■ Howard College ■ Medical School ■ Pietermaritzburg ■ Westville

APPENDIX 5: Turnitin report

07/13/2016

Turnitin

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