

Model **Just Employment** Policy

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Jesuit Just Employment Project

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Model Just Employment Policy

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1. Preamble

With this policy, *[institution's name]* recognizes the connection between its Catholic faith and its moral commitment to promote a just work environment. In the words of Pope Francis, “it is through free, creative, participatory and mutually supportive labour that human beings express and enhance their lives.”¹ Consistent with this vision and the Ignatian value of *cura personalis*, *[institution's name]* adopts this Just Employment Policy to fulfill an important dimension of its religious mission and strengthen an essential element of its Catholic identity.

[institution's name] adopts this policy in order to ensure our treatment of workers is consistent with our moral obligation to preserve life and promote the virtue of industriousness. For over a century, Church doctrine has recognized that employers fulfill their obligation to support life when they provide workers with a wage sufficient to fulfill their material, social, and spiritual needs.² Similarly, Church doctrine recognizes that industriousness is a virtue; labor should be spiritually fulfilling, not spiritually degrading.³ Employers promote this virtue when they provide workplaces that protect workers’ dignity⁴ and respect workers’ unions, which “help workers to share in a fully human way in the life of their place of employment.”⁵

2. Covered Workers

a. Direct Employees

Unless a provision states otherwise, this policy applies to all **direct employees**. In this policy, the term “**direct employees**” refers to all employees of the university except **volunteer professionals**. In this policy, the term “**volunteer professionals**” refers to employees working in a capacity other than their primary occupation. A primary occupation is any one from which an individual earns thirty percent or more of his or her wage income in a given year.

b. Contract Workers

This policy applies to **contract workers** where the **contractor** for which they work has one or more agreements with the university with both an aggregate value greater than \$50,000 per year and an aggregate duration longer than one month. In this policy, the term “**contract workers**” refers to individuals who provide services to the university community on behalf of a “**contractor**,” which is a business that has a contract or lease with the university.

c. Unionized Workers

The university must include—and must require its **contractors** to include—the provisions of this policy in initial collective bargaining proposals to unionized **direct**

¹ Francis, Apostolic Exhortation. *Evangelii Gaudium*, 192 (24 Nov 2013).

² Cf. Leo XIII, Encyclical Letter. *Rerum Novarum*, 44 (15 May 1891).

³ Cf. John Paul II, Encyclical Letter. *Laborem Exercens*, 9 (14 Sept 1981).

⁴ *Id.*

⁵ John Paul II, Encyclical Letter. *Centesimus Annus*, 15 (1 May 1991).

employees or **contract workers**. In order to respect the right of workers to bargain collectively over their working conditions, the university must permit—and must require its **contractors** to permit—workers’ bargaining representatives to modify the provisions of this policy that apply to unionized workers through collective bargaining agreements.

3. Just Employment Principles

The university must require its **contractors** to meet the same standards that this section sets for the university.

a. Preference for Full-Time Positions

The university should employ workers on a full-time basis when possible and on a part-time or temporary basis only when necessary.

b. Preference for Employee Continuity

If the university changes **contractors**, it should seek and prefer new **contractors** willing to employ **contract workers** of its previous **contractor**.

c. Equal Access to Community Resources

- (1) The university must provide **direct employees** and **contract workers** equal access to the following community resources: libraries, fitness facilities, cultural institutions (such as musical ensembles), extracurricular programming, language training, transportation services, discounted purchases, credit unions, and **[additional resources to be determined]**.⁶
- (2) This provision does not prevent the university, its **contractors**, or their employees from negotiating access to additional resources as part of employees’ compensation.

d. Living Wage

- (1) By **[date]**, the university must pay workers at least a living wage for a single individual in the **[location]** metropolitan area, as determined by the Poverty in America Project at the Massachusetts Institute of Technology (available at <http://livingwage.mit.edu/>). A living wage is the hourly rate an individual must earn to support her household if she works full time. The university may compensate workers either entirely in cash or in a combination of cash and contributions to health insurance premiums, so long as total hourly compensation is at least equal to the living wage. The living wage rises each year with the cost of living. As such, the university must adjust its wage scales each year to ensure that its lowest wages are at least equal to the living wage.
- (2) By **[date]**, the university should pay workers a living wage for one worker and one-half the cost of a child. At this wage, two full-time employees could support a family of three.

⁶ See Guide to the Just Employment Policy.

And by **[date]**, the university should pay workers a living wage for one worker and one child.

e. Dignified Workplace

(1) ***Nondiscrimination***

(a)

Choose One: ⁷	
Strongest Possible Option	Local Legal Standard Option
The university <u>must</u> not discriminate on the basis of race, color, religion, gender, nationality, alienage, age, disability, height, weight, sexual orientation or political opinion. The university <u>must</u> comply with all federal, state, and local nondiscrimination laws.	The university <u>must</u> provide a work environment that is free of discrimination, consistent with federal, state, and local law.

(b) This provision does not prevent the university from exercising its right to deal on the basis of its religious values with those employees who contribute to its spiritual mission.

(2) ***Occupational Safety & Health***

The university must provide a safe and healthful work environment, consistent with federal, state, and local law.

(3) ***Protection from Workplace Bullying and Harassment***

The university must treat workers with dignity and respect. The university must not subject workers to any physical, sexual, psychological, or verbal abuse or harassment.

(4) ***Freedom of Association***

[Institution name] is committed to freedom of association and recognizes that unions play a productive role in our community. Consistent with federal, state, and local law, the university must respect workers’ rights to freely choose whether or not they wish to be represented by unions, bargain collectively, and engage in other concerted activities for mutual aid and protection.

⁷ See Guide to the Just Employment Policy.

4. Oversight & Implementation

a. Oversight Committee

(1) *Authority*

- (a) The university must create an oversight committee with the authority to:
- i. Review the employment policies and practices of the university and its **contractors** and verify that they comply with this policy and their contractual obligations, respectively.
 - ii. Recommend that the university alter or terminate employment policies and practices and contracts with **contractors** that it believes to be inconsistent with this policy.
 - iii. Inform the **[institution name]** community about how the university is implementing this policy by issuing regular reports to the **[institution name]** community. In its reports to the community, the committee should include (1) a list of university **contractors**, (2) the results of the annual employee census, and (3) the wage scales and benefit packages of the university and its **contractors** and may include items such as a (4) summary of recent university helpline reports and workplace audits.

(2) *Structure*

- (a) The university must appoint the following **[institution name]** community members to the oversight committee, each of whom should serve at least a one-year term:
- i. three faculty members chosen by the faculty governing body, at least one of whom has expertise in Catholic Social Teaching,
 - ii. one member of the human resources department chosen by the university administration,
 - iii. one member of the **[institution name]** Jesuit Community chosen by the Jesuit Community, and
 - iv. two students, one **direct employee**, and one **contract worker**, all chosen by the student government.
- (b) Worker members serve on the committee in an individual, not a representative, capacity. The university must require worker members to agree not to use their committee positions to act as formal representatives of other university workers.

(3) *Access to Information*

- (a) The university must disclose to the oversight committee general information about employment practices of the university and its **contractors**. General information includes wage scales, benefit packages, union neutrality policies,

grievance procedures, contract negotiation procedures, and an annual employee census. An employee census includes the number of workers in each workplace, classified by employment status (full-time, part-time, or temporary).

- (b) The university should disclose information specific to its business operations and those of its **contractors**. Specific information includes wage & hour records, grievance complaints, grievance findings, workplace audits, **contractor** assurances, relevant contract language, relevant contracting history, and helpline reports. Helpline reports include the number of calls to the university helpline,⁸ the topics of callers' complaints, and the manner in which each complaint has been resolved.

(4) **Confidentiality**

- (a) In general, committee members should presume information that the university discloses to the oversight committee is not confidential; the committee may include it in its reports and public communications. Occasionally, the oversight committee may be unable to advise the university without referring to confidential information. Before the university presents the oversight committee with confidential information, the university must communicate to all committee members (1) notice that the information is confidential and (2) the laws or ethical rules that apply to committee members who disclose confidential information.
- (b) In order to ensure an environment in which members feel comfortable discussing university policy, the deliberations of the oversight committee should be confidential.

b. Worker Feedback

(1) **Grievances**

The university must provide **direct employees**—and must require its **contractors** to provide their **contract workers**—with a grievance procedure regarding compliance with this policy. The university must not condition—and must require that its **contractors** not condition—workers' use of this grievance procedure on those workers' forfeiture of any legal rights.

(2) **Meetings**

University officials may meet with workers, individually or in groups, to explain this policy and the process it creates for responding to potential violations. The university may work with **contractors** to investigate and resolve violations of this policy identified through these meetings.

(3) **University Helpline**

The university must maintain a helpline that enables workers to anonymously report actions that they believe to be inconsistent with this policy. The individual

⁸ See §4(b)(3), below.

responsible for the helpline must refer all reports of noncompliance to an impartial university administrator with authority to resolve the alleged violation. The university should work with **contractors** to resolve violations identified through the helpline.

(4) ***Non-Retaliation***

The university must not retaliate—and must require that its **contractors** not retaliate—against any worker, in any manner, for raising a concern about this policy or workplace issues relevant to this policy.

c. **Implementation**

(1) ***Notice***

(a) Notice to students and the university community

The university must publish this policy, as well as the telephone number for its helpline, conspicuously on its website. The university must also inform all students of this policy during new student orientation.

(b) Notice to workers

- i. During new employee orientation, the university must notify **direct employees**—and must require its **contractors** to notify their **contract workers**—of employers’ obligations under this policy. Additionally, the university must require its **contractors** to allow university personnel to notify **contract workers** of community resources to which **contract workers** have access at **contractors’** new employee orientation.
- ii. The university must place—and must require its **contractors** to place—a poster in locations where each typically posts notifications of employee rights. The poster must summarize university and **contractor** obligations under this policy, notify workers of their right to use the grievance procedure, and list the telephone number for the university helpline.
- iii. When providing notice, the university and its **contractors** must communicate both orally and in writing, in English as well as any first language for more than twenty percent of workers in a given workplace.

(2) ***Contract Evaluation & Negotiation***

(a) Evaluation

- i. The university must make prospective **contractors** aware of their future responsibilities under this policy. The university must provide any prospective **contractors** with a copy of this policy.
- ii. The university should enter agreements only with **contractors** that have the capacity to comply with this policy.

(b) Negotiation

In addition to any requirements the university must place on contractors subject to other provisions of this policy, the university must require each **contractor** to:

- i. provide the university with general information about employment practices for **contract workers**,
- ii. provide the university with wage & hour records,
- iii. provide the university with monthly statements assuring the university it is complying with all commitments negotiated in reference to this policy.
- iv. permit the university to conduct announced or unannounced audits to verify that relevant business practices comply with this policy,
- v. permit the university to meet with **contract workers**,
- vi. acknowledge that failure to comply with commitments negotiated in reference to this policy would be a material breach of agreements with the university, and
- vii. reimburse the university for costs it might incur in the event that business practices do not comply with this policy, including reputational and administrative costs.

(3) **Audits**

The university should conduct regular unannounced audits to determine how well the business practices of the university and its **contractors** comport with this policy.

d. NOTICE: Limit On Legal Obligation

The university adopts this policy out of a sense of moral duty. Accordingly, this policy **does not** modify the terms of any employment agreements unless the university explicitly includes one or more provisions of this policy in an employees' written employment agreement.