



# SPC STAFF REGULATIONS

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## Table of Contents

<b>Scope and Purpose</b>	<b>2</b>
<b>Part 1 - Duties, Obligations, Rights and Privileges</b>	<b>3</b>
Regulation 1 - Status as International Civil Servants	3
Regulation 2 - Responsibility of Staff	3
Regulation 3 - Oath or Declaration of Office	3
Regulation 4 - Privileges and Immunities	3
Regulation 5 - Communication of Information	4
Regulation 6 – Conduct	4
Regulation 7 – Outside Activities	4
Regulation 8 - Candidacy for Public Office	4
Regulation 9 – Acceptances of Honours, Decorations, Favours, Gifts or Fees	4
<b>Part 2 – Remuneration, benefits and entitlements</b>	<b>4</b>
Regulation 10 – Classification of jobs and remuneration	4
Regulation 11 - Salaries	5
Regulation 12 - Benefits and Allowances	5
<b>Part 3 – Staff Housing</b>	<b>5</b>
Regulation 13 – Staff Housing	5
<b>Part 4 - Appointment, Transfer and Promotion</b>	<b>5</b>
Regulation 14 - Appointment, Transfer and Promotion of Staff Members	5
Regulation 15 - Selection Policy	5
Regulation 16 – Probation	5
Regulation 16A – Retirement Age	6
<b>Part 5 - Performance Review, Training and Development</b>	<b>6</b>
Regulation 17 - Training and Development	6
Regulation 17A - Performance Review and Management	6
<b>Part 6 – Attendance and Leave</b>	<b>6</b>
Regulation 18 – Working hours and attendance	6
Regulation 19 - Leave	6
<b>Part 7: Provident fund</b>	<b>6</b>
Regulation 20 – Provident fund	6
<b>Part 8: Compensation for Illness, Injury or Death Attributed to Service</b>	<b>6</b>
Regulation 21 - Compensation for Illness, Injury or Death Attributed to Service	6
<b>Part 9: Travel and Removal Expenses</b>	<b>7</b>
Regulation 22 - Travel on Official Business	7
Regulation 23 - Travel on Appointment, Transfer, Leave and Termination	7
<b>Part 10: Termination of Employment</b>	<b>7</b>
Regulation 24 - Termination	7
Regulation 25 –Indemnity for Redundancy	7
<b>Part 11: Disciplinary Measures</b>	<b>8</b>
Regulation 26 - Discipline	8
<b>Part 12 – Right to review</b>	<b>8</b>
Regulations 26A – Right to review	8
<b>Part 12: Staff Representative Committees</b>	<b>8</b>
Regulation 27 - Staff Representative Committees	8
<b>Part 13: General Provisions</b>	<b>8</b>
Regulation 28 – Amendment and saving	8
Regulation 29 - Staff Policies	9
Regulation 30 - Commencement	9

## Scope and Purpose

These Staff Regulations outline the basic conditions of service and the rights, duties and obligations of the staff members of the Pacific Community (SPC).

They contain the broad principles of SPC's staff policy and its remuneration system.

The Director-General has the right to issue and enforce Staff Policies consistent with these Staff Regulations when they consider it necessary (subject to Regulation 29 - Staff Policies). The Staff Policies therefore contain more detailed description of SPC policies than these Regulations.

These Regulations apply to all staff of SPC engaged under an SPC employment contract.

Consultants, independent contractors, volunteers, secondees, interns, attachments or individuals assigned to SPC from other organisations may be engaged under such terms and conditions as the Director-General may determine as appropriate, which may incorporate certain clauses from these Regulations, but they shall not be staff members for the purposes of these Regulations.

## Part 1 - Duties, Obligations, Rights and Privileges

### Regulation 1 - Status as International Civil Servants

The Pacific Community (SPC) is an international organisation. The Director-General and all members of staff of SPC are international civil servants. They are not responsible to their home countries or territories. Instead, they are responsible through the Director-General, to the governing body, which is made up of all the member countries and territories.

### Regulation 2 - Responsibility of Staff

Staff members are subject to the authority of the Director-General, who is responsible for the proper functioning of SPC. By accepting appointment, staff are also bound to accept that they must always carry out their work and behave in a way that serves the interests of SPC only, and of no other person or body, and that they must not seek or accept instructions about their work from any government or other authority external to SPC.

### Regulation 3 - Oath or Declaration of Office

- (a) In accepting their appointment, all staff members will adopt the following oath, declaration, affirmation or promise:

"I solemnly swear (undertake, affirm, declare, promise) to exercise in good faith and conscience the functions entrusted to me as a member of the international service of the Pacific Community, to discharge these functions and regulate my conduct in the interests only of the Pacific Community, and I undertake not to seek or accept instructions in regard to the performance of my duties from any government/administration or from any authority external to the Pacific Community."

- (b) This oath, declaration, affirmation or promise shall be included in the staff member's contract of employment and shall be deemed declared once they have accepted and signed their contract.

### Regulation 4 - Privileges and Immunities

- (a) Appropriate SPC staff members are accorded certain privileges and immunities in accordance with Article XIII (paragraph 43) of the *Agreement establishing the South Pacific Commission [the Pacific Community]* (known as the Canberra Agreement). The privileges and immunities are granted in SPC's interests. Staff members enjoy these privileges and immunities are not excused for non-performance of their private obligations nor failure from observing laws and police regulations.
- (b) If any questions arise concerning these privileges and immunities, the staff member concerned shall immediately report to the Director-General.

## Regulation 5 - Communication of Information

Staff shall exercise utmost discretion and common sense with regard to all matters of official business. They will not discuss any confidential matters related to official business or communicate to any person or the press any unpublished information known to them because of their official position, except as part of their duties or with the authorisation of the Director-General or their authorised representative.

## Regulation 6 – Conduct

Staff members shall avoid any action, and in particular any kind of public statement or activity, which may reflect badly on SPC or on their position as international civil servants. Staff are not expected to give up their national sentiments or their political or religious convictions, but will at all times bear in mind the need for reserve and tact. In particular, they will demonstrate due respect for local customs and cultures with which they may come into contact in the course of their duties.

## Regulation 7 – Outside Activities

- (a) To the extent considered reasonable by the Director-General, the time of staff will be at the disposal of SPC. Staff will not accept, hold or engage in any office or occupation, which in the opinion of the Director-General, would make it difficult for them to properly carry out their duties for SPC.
- (b) All rights in, and title to the results of any work performed by staff in the course of their duties will be the property of SPC.

## Regulation 8 - Candidacy for Public Office

Any staff member who becomes a candidate for a public office of a political character must resign from SPC.

## Regulation 9 – Acceptances of Honours, Decorations, Favours, Gifts or Fees

No staff member shall accept, in respect of their work for SPC, any honour or decoration from any government or, except with the approval of the Director-General, any favour, gift or fee from any government, organisation or person during the period of their appointment.

## Part 2 – Remuneration, benefits and entitlements

### Regulation 10 – Classification of jobs and remuneration

The Director-General will maintain an up-to-date list of Job Classification and SPC Salaries Scale approved by the governing body. These shall be drawn up with due regard to the duties and responsibilities of the various positions and incorporate any amendments approved by the governing body.

## Regulation 11 - Salaries

- (a) The salary and associated conditions of employment of the Director-General shall be fixed by the governing body.
- (b) The salaries of other staff members shall be determined by the Director-General within the grades of the Job Classification and SPC Salaries Scale.

## Regulation 12 - Benefits and Allowances

The governing body may provide for the payment of other additional allowances or payments to staff, on conditions and rates prescribed by the Director-General.

## Part 3 – Staff Housing

### Regulation 13 – Staff Housing

- (a) As far as practicable, SPC shall provide suitable accommodation for housing-entitled staff based in Noumea. It shall also provide furniture in accordance with an approved scale. The Director-General shall control the allocation of available accommodation, with due regard to status and family requirements.
- (b) Any staff member occupying accommodation provided by SPC (in any location) shall pay a percentage of the rent, the rate of which shall be approved by the Director-General but no more than 25% of the normal economic rental of that accommodation. These payments shall be deducted from the staff member's salary.
- (c) If a staff member rents accommodation (in any location) instead of occupying an SPC-provided accommodation, SPC will provide that staff member with a monthly housing allowance, the rate of which shall be approved by the Director-General.

## Part 4 - Appointment, Transfer and Promotion

### Regulation 14 - Appointment, Transfer and Promotion of Staff Members

To ensure the proper functioning of SPC, the Director-General is empowered to appoint, transfer or promote staff. In doing so, they are bound to respect any instructions they may receive from the governing body, as well as the provisions of Job Classification and SPC Salaries Scale, allowances and entitlements approved by the governing body.

### Regulation 15 - Selection Policy

SPC is an equal opportunity employer and shall not discriminate on grounds of gender, sexuality, race or religion. Appointments are based on merit, without restriction as to nationality. Due attention is given to gender equity and the maintenance of strong representation of Pacific Islanders. Preference is given to Pacific Islanders, given equal merit, qualifications and experience.

### Regulation 16 – Probation

Appointment to a position is provisional for a probationary period as prescribed by the Director-General.

## Regulation 16A – Retirement Age

The Director-General may prescribe a retirement age. The Director-General may also prescribe rules to allow limited exceptions.

## Part 5 - Performance Review, Training and Development

### Regulation 17 - Training and Development

Where possible, the Director-General will support staff to receive appropriate training and development necessary to perform their role at SPC.

### Regulation 17A - Performance Review and Management

- (a) The Director-General will ensure that a performance management system implemented and staff are trained in its use.
- (b) The performance of staff members will be appraised periodically to ensure that the required standards of performance are met.
- (c) Ongoing poor performance of staff may lead to termination of the employment relationship with SPC in accordance with Regulation 24.

## Part 6 – Attendance and Leave

### Regulation 18 – Working hours and attendance

- (a) The Director-General shall establish the normal working hours and the normal working week.
- (b) The Director-General shall prescribe the official holidays to be observed by SPC.

### Regulation 19 - Leave

- (a) SPC will provide staff with reasonable leave provisions that provide for annual leave, sick leave, home leave, parental leave, special leave and other leave as approved by, and in circumstances prescribed by the Director-General.
- (b) Leave provisions may be paid or unpaid.

## Part 7: Provident fund

### Regulation 20 – Provident fund

SPC will ensure that staff may contribute to an appropriate provident or retirement fund. The governing body may establish rules for an SPC provident fund or approve an appropriate external fund.

## Part 8: Compensation for Illness, Injury or Death Attributed to Service

### Regulation 21 - Compensation for Illness, Injury or Death Attributed to Service

A staff member or their estate, shall be entitled to compensation in the event of illness, injury or death directly attributed to performing official duties on behalf of SPC, subject to conditions prescribed by the Director-General.

## Part 9: Travel and Removal Expenses

### Regulation 22 - Travel on Official Business

Travel may be an inherent requirement to fulfil the responsibilities of a position. The reasonable costs of such travel will be covered by SPC subject to conditions prescribed by the Director-General.

### Regulation 23 - Travel on Appointment, Transfer, Leave and Termination

Subject to conditions prescribed by the Director-General, SPC shall pay removal costs and travel expenses of staff members and, in appropriate cases, their spouse and dependent children:

- (a) upon appointment to SPC and on subsequent a change of official duty station;
- (b) at appropriate intervals, for a journey to and from the place recognised as the staff member's home at the time of the initial appointment, or equivalent destination, for the purpose of taking approved leave, and
- (c) upon termination of appointment.

## Part 10: Termination of Employment

### Regulation 24 - Termination

The Director-General may terminate the appointment of a staff member:

- (a) in accordance with terms of their contract; or
- (b) at any time, if:
  - (i) the necessities of the service required the abolition of the post or a reduction of the staff;
  - (ii) the performance of the staff proved unsatisfactory;
  - (iii) for reasons of health the staff member is incapacitated for further service; or
  - (iv) the staff member has been found guilty of misconduct, or
- (c) during the probation period, without cause.

### Regulation 25 –Indemnity for Redundancy

- (a) If the Director-General terminates an appointment because the interests of the service require the abolition of the post or reduction of the staff member, the Director-General shall give at least three months' notice and pay an indemnity equivalent to at least three months' salary. The Director-General may reduce the period of notice and increase the amount paid by an equal period with the staff member's agreement. With length of service, or in exceptional circumstances, the amount of the indemnity may be increased to a maximum of six months' salary.
- (b) The provisions of paragraph (a) do not apply to staff members holding contracts for less than 18 months. However, they shall be entitled to receive at least one month's notice and an indemnity equal to at least one month's salary.



## Part 11: Disciplinary Measures

### Regulation 26 - Discipline

- (a) The Director-General may impose disciplinary measures on staff whose work or conduct is deemed unsatisfactory. Disciplinary measures may include:
  - (i) an official reprimand;
  - (ii) a reassessment of salary;
  - (iii) termination under the provisions of Regulation 24;
  - (iv) in a case where financial loss to SPC occurs as a result of negligence or default on the part of staff, staff may, at the discretion of the Director-General, be required to reimburse the amount of SPC's loss
  - (v) other measures deemed appropriate by the Director-General.
- (b) If a staff member is suspected of theft or misappropriation of SPC's property, or misconduct, the Director-General may suspend the staff member pending a full investigation into the allegation. If the suspicion cannot be sustained, the staff member will be fully reinstated with effect from the date of suspension. The Director-General may suspend a staff member without pay.

## Part 12 – Right to review

### Regulations 26A – Right to review

- (a) A staff member has the right to request a review of:
  - (i) any disciplinary measures imposed by the Director-General
  - (ii) any administrative actions taken by the Director-General that appear to be in conflict with their terms of appointment, which include these regulations.
- (b) The Director-General will establish a procedure to ensure a transparent, independent, fair and equitable process is provided for staff members who seek a review.

## Part 12: Staff Representative Committees

### Regulation 27 - Staff Representative Committees

- (a) The Director-General will consult with staff on general questions relating to staff administration and welfare.
- (b) Staff Representative Committees shall be established to represent the views of staff in these consultations.
- (c) These Committees shall be elected by members of staff and will operate according to the requirements set out in a governing document.

## Part 13: General Provisions

### Regulation 28 – Amendment and saving

These regulations may be supplemented or amended by the governing body without prejudice to the acquired rights of staff members.

## Regulation 29 - Staff Policies

- (a) To render these Regulations effective, the Director-General may issue:
  - (i) Staff Policies consistent with these Regulations, and
  - (ii) administrative instructions.
- (b) Where the Director-General proposes to amend any existing Staff Policy and the amendment may involve:
  - (i) an amendment of the Staff Regulations, or
  - (ii) a point of principle, or
  - (iii) substantial budgetary implications

the Director-General shall first submit the substantive questions to the governing body for decision.

- (c) Any significant amendments to Staff Policies shall be reported to the governing body.
- (d) Persons employed by SPC in posts not included in the approved Job Classification and Salaries Scale (for example, temporary positions, interns, volunteers, secondees, attachments or individuals assigned to SPC from other organisations) shall be subject to such of the Staff Policies as the Director-General considers appropriate.

## Regulation 30 - Commencement

- (a) These Staff Regulations supersede all former Staff Regulations and will commence on 1 XX 2020.
- (b) Any action taken under the former Regulations and still effective immediately before the commencement of these Regulations shall continue to have full force and effect until superseded by action under these Regulations.