

# South Pacific Regional Fisheries Management Organisation

DRAFT

Staff Regulations

REGULATION 1

PREAMBLE

1.1 These Staff Regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed employees who render their services in and receive remuneration from the Secretariat of the Commission of the South Pacific Regional Fisheries Management Organisation.

1.2 These Regulations should be applied giving due regard to the geographical distribution of the Members of the Commission of the South Pacific Regional Fisheries Management Organisation (hereinafter called the Commission).

REGULATION 2

DUTIES, OBLIGATIONS AND PRIVILEGES

2.1 Members of the staff of the Secretariat, and the Executive Secretary (hereinafter called "staff members") are international civil servants. Upon accepting their appointments they pledge themselves to discharge their duties faithfully and to conduct themselves with the interests of the Commission in mind.

2.2 For the purposes of these regulations the term "dependant" shall include only:

(a) any unsalaried child, who is born of, or adopted by, a staff member, his or her spouse, or their children, who is below the age of eighteen years and who is dependent on a staff member or his or her spouse for main and continuing support;

(b) any child fulfilling the conditions laid down in paragraph (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;

(c) any handicapped child who is dependent on a staff member or his or her spouse for main and continuing support;

(d) any other child who is given a home by and is dependent on a staff member or his or her spouse for main and continuing support;

(e) any person related by blood or marriage for whose main and continuing support a staff member or his or her spouse is legally responsible.

2.3 Staff members shall at all times conduct themselves in a manner in keeping with the international nature of the Commission. They shall always bear in mind the loyalty, discretion and tact imposed on them by their international responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might be detrimental to the Commission and its aims.

2.4 Staff members are not required to renounce either their national feelings or their political or religious convictions.

2.5 In the performance of their duties, staff members may neither seek nor accept instructions from any government or authority other than the Commission.

2.6 Staff members shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorisation for the release of information for official purposes shall lie with the Commission or the Executive Secretary, as the case may require.

2.7 Staff members shall, in general, have no employment other than with the Commission. In special cases, staff members may accept other employment, provided that it does not interfere with their duties in the Commission, and that prior authorisation by the Executive Secretary has been obtained. The Commission's prior authorisation shall be obtained in respect of the Executive Secretary.

2.8 No staff member may be associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, he or she may benefit from such association or interest.

2.9 Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest within the meaning of regulation 2.8.

2.10 Staff members shall enjoy the privileges and immunities to which they are entitled under the Headquarters Agreement between the Government of New Zealand and the Commission, pursuant to Article 6.3 of the Convention.

### REGULATION 3

#### HOURS OF WORK

3.1 The normal working day shall be eight hours, Monday through Friday, for a total of forty hours per week.

3.2 The Executive Secretary shall establish the working hours and may, in consultation with staff members, alter them for the benefit of the Commission as circumstances may require.

### REGULATION 4

#### CLASSIFICATION OF STAFF

4.1 Staff members shall be classified in either of the two following categories:

##### (a) Professional Category

Positions of high responsibility of a managerial, professional, or scientific nature. These posts will be filled by appropriately qualified professionals, preferably with University qualifications or the equivalent. Staff members in this category will be recruited internationally.

##### (b) General Services Category

Auxiliary administrative and technical positions. Clerical, secretarial and other office personnel. Such staff members shall be recruited ~~in New Zealand~~ from among citizens of Members of the Commission, taking into account potential benefits that may occur from hiring staff locally.

4.2 Persons employed under Regulation 11 shall not be classified as staff members.

### REGULATION 5

#### SALARIES AND OTHER REMUNERATION

**Commented [A1]:** There is no requirement in the Convention or elsewhere that staff members must have the nationality of Members of the Commission. Suggest reverting to original language, which doesn't specify the nationality of the staff members (just where the recruitment will take place).

5.1 The scale of salaries for staff members in the professional category shall be established in US dollars according to the corresponding scales of salaries which would apply to officials of the United Nations Secretariat employed in New Zealand and shall be paid in New Zealand dollars. 5.2 Staff members in the general services category shall, in principle, be paid at rates equivalent to those paid in Wellington for staff of equivalent qualifications and experience.

5.4 The promotion of staff members from one salary scale to another requires the prior approval of the Commission.

5.5 The Commission shall levy from each employee's salary an amount for Staff Assessment. Staff Assessment rates shall be those in force in the United Nations.

5.6 The Executive Secretary shall make arrangements to ensure that any staff member who is subject to national income tax is reimbursed tax paid on his or her salary. Such arrangements shall be made only on the basis that the direct costs of reimbursement are paid by the staff member's home country.

5.7 Each staff member shall have their performance assessed annually by the Executive Secretary. ~~A summary of the performance reviews will be provided to the Commission annually. The annual performance review of the Executive Secretary shall be completed by the Commission.~~

5.8 Staff members may receive annual increments. Increments shall cease once the staff member has reached the highest step in the grade in which he or she is serving.

5.9 Staff members in the professional category are not entitled to overtime pay or compensatory leave.

5.10 Staff members in the general services category required to work more than 40 hours during one week will be compensated:

- (a) with compensatory leave equivalent to hours of overtime performed; or
- (b) by remuneration per overtime hour, to be estimated at the rate of time and a half, or if the additional time is worked on a Sunday, or on holidays listed in Regulation 7.8, at the rate of double time.

## REGULATION 6

### RECRUITMENT AND APPOINTMENT

6.1 In accordance with Article 14 of the Convention, the Contracting Parties shall appoint the Executive Secretary and shall establish his or her remuneration and such other entitlements as it deems appropriate.

6.2 In accordance with Article 14 of the Convention, the Executive Secretary shall appoint, direct, and supervise staff. The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Any staff appointed before the adoption of these staff regulations shall be deemed to have been appointed under these regulations

6.3 Staff shall be required to retire on reaching the age of 65 years with the exception of an Executive Secretary whose four year appointment commenced prior to reaching the age of 65 and who then reaches 65 year during that term, who will be required to retire at the end of that term.

6.4 Upon selection, each staff member shall receive an offer of appointment stating:

- (a) that the appointment is subject to the staff regulations applicable to the category of appointment in question, and to changes which may be duly made in such regulations from time to time;

**Commented [A2]:** Note that Rule 6.2 provides that the Executive Secretary is responsible for the supervision (including presumably, performance reviews). Suggest that it would not be appropriate for Members to be provided with a summary of performance reviews of staff members.

- (b) the nature of the appointment;
- (c) the date on which the staff member is required to commence duty;
- (d) the period of appointment, the notice required to terminate it and the period of probation;
- (e) the category, level, commencing rate of salary and the scale of increments and the maximum salary attainable;
- (f) the allowances attached to the appointment;
- (g) any special terms and conditions which may be applicable.

6.5 Together with the offer of appointment, staff members shall be provided with a copy of these Regulations. Upon acceptance of the offer staff members shall state in writing that they are familiar with and accept the conditions set out in these Regulations.

6.6 Staff members in the professional category may be required to undergo medical examination from time to time as determined by the Executive Secretary or the Commission as the case may require. The medical examinations shall be at the expense of the Commission.

#### REGULATION 7

##### LEAVE

7.1 Staff members shall be entitled to annual leave at the rate of two and half workdays for each full month of service. Annual leave is cumulative, but at the end of each calendar year, not more than 30 workdays may be carried over to the following year.

7.2 The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Commission. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members.

7.3 Annual leave may be taken in one or more periods. 7.4 Any absence not approved within the terms of these Regulations shall be deducted from annual leave.

7.5 Staff members who, upon termination of their appointment, have accumulated annual leave which has not been taken shall receive the cash equivalent estimated on the basis of the last salary received.

7.6 After 18 months of service the Commission shall, in accordance with Regulations pay economy class airfares to the staff member's home country on annual leave for internationally recruited staff members and their dependants. Following this, home leave shall be granted at two-year intervals provided that:

- (a) dependants who benefit from this Commission grant have resided at Wellington for at least 6 months prior to travel;
- (b) it is expected that staff members will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months.

7.7 The possibility of combining travel to home country on leave with official travel in Commission service may also be considered, provided the interests of the Commission are duly borne in mind.

7.8 Staff shall be entitled to the holidays celebrated in Wellington, ie.:

1 January New Year's Day

2 January

January Wellington Anniversary Day

6 February Waitangi Day

Good Friday

Easter Monday

25 April Anzac Day

June Queen's Birthday

October Labour Day

25 December Christmas Day

26 December Boxing Day.

7.9 If under special circumstances members of the staff are required to work on one of the aforementioned days, or if any one of the above holidays falls on a Saturday or Sunday, the holiday shall be observed on another day to be set by the Executive Secretary, who shall take into account the needs of the Commission.

#### REGULATION 8

##### SOCIAL SECURITY

8.1 It is a condition of employment that each staff member will contribute to Kiwisaver or an alternative recognised retirement fund. The Commission shall pay 6% of gross salary to the retirement fund. The Commission shall pay for the cost of medical insurance for staff members and their families who are not eligible for publically funded health services.

8.2 Staff members shall not be granted sick leave for a period of more than 3 consecutive days and more than a total of 7 working days in any calendar year without producing a medical certificate.

8.3 Staff members shall be granted certified sick leave not exceeding 12 months in any 3 consecutive years. The first 6 months shall be on full salary and the second 6 months on half salary, except that no more than 4 months on full salary shall normally be granted in any period of 12 consecutive months.

8.4 Staff members are entitled either to parental leave under the New Zealand Parental Leave and Employment Protection Act 1987, or to the parental leave provided in paragraphs 8.5 or 8.6 below.

8.5 After one year of employment in the Secretariat, staff members who elect not to use the entitlement in paragraph 8.4 above shall be entitled to maternity leave. On the basis of medical advice that the confinement will probably take place within six weeks, staff members shall be entitled to be absent from duty until eight weeks after confinement. During this period staff members shall receive pay at a rate equal to their average pay for the last 12 months and corresponding allowances.

8.6 Paid parental leave of 8 weeks is available to staff members who elect not to use the entitlement in paragraph 8.4 above and who as part of a couple have assumed the care of a child under six they intend to jointly adopt.

8.7 Staff members shall be entitled to bereavement leave upon the death of a family member or relative, up to a maximum of 3 days in any calendar year.

8.8 In the event of death of a staff member following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary, allowances and other corresponding benefits shall cease on the day on which death occurs, unless the deceased leaves dependants, in which case these shall be entitled to mortality allowances and return travel and removal expenses to country of origin or former residence at the expense of the Commission.

8.9 Eligibility of the dependants of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the staff member's death.

8.10 The above mortality allowance for death shall be calculated in accordance with the following scale:

Years of Service Months of Net Base Pay Salary Following Death

Less than 3 years 3 months

3 years and more, but less than 7 years 4 months

7 years and more, but less than 9 years 5 months

9 years and more 6 months

8.11 The Commission shall pay for shipment of the staff member's **body remains and personal effects** from the place of death to the place designated by the spouse, their next of kin, or other individual(s) designated by the staff member.

**Commented [A3]:** Suggest that 'next of kin' would cover spouses or other individuals designated by the staff member.

## REGULATION 9

### TRAVEL

9.1 All official travel shall be authorised by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfilment of duties assigned.

9.2 Prior to official travel, staff may request a travel allowance in advance. Staff may use Secretariat credit cards or have actual and reasonable expenses refunded.

**9.2 bis. Official travel should be planned well in advance to avoid incurring higher costs for airfares and other travel related cost.**

9.3 Economy class shall be utilised for duty air travel, except that Business Class may be used for flights of four hours or more for the Executive Secretary.

**Commented [A4]:** Suggest that all staff members who travel for work for more than 4 hours or more should be entitled to fly Business Class. This is consistent with other staff regulations of RFMOs and the situation for other international civil servants.

9.4 **First-Business** class may be utilised for duty land **or sea** travel, ~~but not for travel by sea or air.~~

9.5 Following completion of a duty journey, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.

**Commented [A5]:** It is our understanding that this provision refers to the ability of staff members to travel by first class train for duty travel. Are there only two classes of train fare – economy and first? Would there ever be a need to travel by train for duty travel? If not, perhaps this provision could be deleted.

9.6 On taking up an appointment in the Professional Category staff members shall be eligible for:

(a) payment of economy class air fares (or equivalent) and travel allowance for themselves, their spouses and dependants to Wellington;

(b) an Installation Grant calculated on the basis of the prevailing United Nations rate;

(c) payment of removal costs, including the shipment of personal effects and household goods from place of residence to Wellington, subject to a maximum volume of 30 cubic metres or one international standard shipping container,

(d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the prevailing relevant United Nations rules. Such payments shall be subject to prior approval by the Executive Secretary.

9.7 Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorisation of the Executive Secretary, be entitled to receive a reimbursement of the costs involved in line with that available to members of the Government Service in New Zealand. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

#### REGULATION 10

##### SEPARATION FROM SERVICE

10.1 Staff members may resign at any time upon giving three months' notice or such lesser period as may be approved by the Executive Secretary or the Commission, as the case may require.

10.2 In the event of a staff member resigning without giving the required notice, the Commission reserves the right to decide whether repatriation expenses or any other allowance shall be paid.

10.3 Appointment of staff members may be terminated upon prior written notice at least three months in advance, by the Executive Secretary when he or she deems this to be for the benefit of the Commission due to restructuring of the Secretariat or if he or she considers that the staff member does not give satisfactory service, fails to comply with the duties and obligations set out in these Regulations, or is incapacitated for service.

10.4 In the event of separation from service with the Secretariat, staff members shall be compensated at a rate of one month base pay for each year of service, beginning the second year, unless the cause of termination has been gross dereliction of duties imposed in Regulation 2.

10.5 On separation from service, a staff member shall, subject to Regulation 10.6 below, be entitled to the following:

(a) payment of economy class air fares (or equivalent) to the staff member's country of origin or former residence, for the staff member and dependent members of his or her family;

(b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in ~~Canberra~~ Wellington to the country of origin or former residence, subject to a maximum volume of 30 cubic metres or one international shipping container;

(c) a repatriation allowance generally consistent with United Nations practice.

10.6 At the discretion of the Executive Secretary, the right to the repatriation expenses provided for in Regulation 10.5 may be cancelled or reduced appropriately if:

(a) less than one year has elapsed between the date of taking up the appointment and the date of separation from service;

~~(a bis) the staff member fails to provide the three months advance notice as specified in paragraph 10.1;~~

(b) the reason for separation from service was termination of employment due to gross dereliction of duty;

**Commented [A6]:** Note that paragraph 10.1 states that the Executive Secretary or Commission can agree to a period less than 3 months if circumstances warrant.

(c) more than six months has elapsed between the staff member's separation from service and his or her return to his or her country of origin or former residence;

(d) less than six months has elapsed since the staff member last visited his or her country of origin or former residence on home leave at the expense of the Commission; or

(e) the staff member has applied for or received status as a permanent resident of New Zealand.

#### REGULATION 11

##### TEMPORARY PERSONNEL UNDER CONTRACT

11.1 The Executive Secretary may contract temporary personnel necessary to discharge special duties in the service of the Commission. Such personnel shall be classified as additional help and may be paid on an hourly basis.

11.2 Persons in this category may include translators, interpreters, typists, and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in New Zealand shall be utilised in such cases.

#### REGULATION 12

##### APPLICATION AND AMENDMENT OF REGULATIONS

12.1 Any doubts or disputes arising from application or interpretation of these Regulations shall be resolved by the Executive Secretary following in consultation with the ~~Chair~~ Chair and Members of the Commission.

12.1 bis. Situations involving the Executive Secretary shall be resolved by the Chair in consultation with Members of the Commission.

12.2 All matters not foreseen in these Staff Regulations that materially affect the operation of the Secretariat or the working conditions of the staff shall be brought to the attention of the Commission by the Executive Secretary.

12.3 Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.

**Commented [A7]:** Suggest deleting this provision as it could unduly restrict the ability of the Executive Secretary to bring issues with the staff regulations to the Commission, which could in turn affect the ability of the Commission to amend the regulations to address these issues.