



REPUBLIC OF SEYCHELLES

**PARASTATAL ORDERS
(SECOND EDITION)**

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CHAPTER I

INTRODUCTION-DEFINITIONS-INTERPRETATION

INTRODUCTION

1. GENERAL

- (a) These Parastatal Orders (hereinafter referred to as "Orders") are Orders of the President and are issued under the President's authority by the Minister of Administration and Manpower Development who has been assigned by the President under Article 70 of the Constitution with the responsibility of the organisation, development and administration of the Service. The terms and conditions of service of all employees shall, subject to the provisions of these Orders and to the directions of the President, be determined by the Principal Secretary of the Ministry of Administration and Manpower Development.
- (b) This, the Second Revised Edition of Parastatal Orders, contain the general conditions of service for the Parastatal Sector of the Republic of Seychelles. It is effective from the 1st January 2001 and replaces all editions of the previous Orders as amended from time to time. Many of the changes which have been introduced in recent years and which have all been incorporated in these Orders have been published in circulars or promulgated under the relevant legislation.
- (c) It is emphasized that although these Orders have no legislative force, they are published by authority of the President. Whereas the provisions of these Orders are normally consistent with the legislation, should they be in any way at variance with the terms of any legislation, the terms of such legislation will naturally prevail. Thus no amending legislation is required in order to vary the provisions of these Orders and they may be modified by any special terms contained in the agreements or letters of appointment of individual employees or by circular instructions.
- (d) It is also emphasized that the Public Sector is a good, modern employer. These Orders are to be followed in order to maintain equity and impartiality in handling personnel matters. Personnel procedures must be uniform and must be well understood by all members of the service. The Orders are intended to provide equitable and impartial answers, read in conjunction with the laws of Seychelles, to all ordinary problems of Public Service administration. Nonetheless, no regulation however carefully framed, can be expected to cover every eventuality and every set of circumstances. Therefore, where special circumstances indicate that the provisions of the relevant Orders are inappropriate, or would cause hardship, a case may be submitted to the Head of the Parastatal Organisation for processing, where

justified, a variation of the provisions concerned in the particular instance. Except as specifically provided, however no variation from these Orders will be authoritative without the prior approval of the Head of Parastatal Organisation.

- (e) These Orders make provision for what is specifically authorized. Where no provision exists, it should be assumed that there is no authority and therefore in such case, a request must be submitted to the Principal Secretary (Ministry of Administration and Manpower Development) for approval. Where any expenditure has been incurred by the Organisation as a result of anything done by an employee without authority, or in excess of his/her authority, arising from either these Orders or any law, it shall be recovered from the person who benefited. The employee who has incurred such expenditure may be surcharged by the Head of the Organisation with all or part of the irregular payment.
- (f) An employee who is concerned with the administration and operation of personnel matters within an organisation, must regard it as a major duty and responsibility to foster good relations within the Public Sector, and at times to be ready to help employees with their personal problems, and to explain the benefits to which they are entitled within the framework of these Orders and by, or under, any law.
- (g) It is the duty of all employees to be acquainted with these Orders. The Orders shall be readily available for consultation, and it shall be the duty of Heads of Organizations to ensure that all employees organizations have access to a copy.
- (h) All copies of these Orders are and shall remain the property of Organisations. Employees to whom copies are issued are personally responsible for keeping their copies up-to-date with all amendments inserted and registered. Amendments to these Orders will be issued by the Principal Secretary of the Ministry of Administration and Manpower Development.
- (i) An employee shall not be allowed either to benefit or lose by any error or omission, which may have occurred in the compilation of these Orders.

2. EXEMPTION OF CERTAIN PERSONS

- (a) These orders shall not apply to the holders of the following offices in so far as they are inconsistent with the provisions of the Constitution:-
 - (i) President of the Court of Appeal
 - (ii) Chief Justice

- (iii) Justices of Appeal
 - (iv) Judges
 - (v) Attorney General
 - (vi) Auditor General
 - (vii) Ombudsman
 - (viii) Electoral Commissioner
- (b) Unless specifically excluded under particular Orders, these Orders shall, in so far as they are not inconsistent with any legislation, apply to members of the disciplined services except those in the Seychelles People's Defence Forces and in the Police Force.

DEFINITIONS

3. DEFINITIONS

For the purposes of these Orders, the following words, phrases or terms will have the meanings shown below unless the context otherwise requires:-

"Accounting Officer" means any Head of Organisation or other employee whose duties involve overall departmental responsibility in connection with public monies and public stores.

"Appointing authority" means any person having power under these Orders to make appointments and promotions to a Parastatal Organisation and includes any persons to whom such powers have been delegated;

"Appointment" means:-

- (a) the conferment of a public office or position upon a person whether or not that person is already in the Public Sector and shall include the exercise by Heads of Organisation of authority delegated to them by the President; or
- (b) the conferment upon an employee of the same or other office by way of extension or renewal of his/her contracted terms and conditions of employment for a further specified period following the expiration of his/her original contract; or
- (c) the conferment of an acting appointment upon an employee in respect of the discharge of the duties of an office;

"Bonding" means entering into a formal agreement binding oneself to work for Government or for an organisation designated by Government or for another employer in Seychelles for a period of time following the completion of one's studies or training;

"Children" means unmarried children of an employee including step-children or legally adopted children who are wholly dependent on the employee and, who have not passed their eighteenth birthday;

"Citizen" means a citizen of the Republic of Seychelles by virtue of the operation of the Constitution;

"*Constitution*" means the Constitution of the Republic of Seychelles;

"*Contract terms*" means those terms applicable to employees whose conditions of service are regulated by a contract or agreement covering a specific period of time;

"*Demotion*" means reduction in the employee's rank that is, being moved to a post in a lower salary band carrying an immediate reduction in salary;

"*Disciplined Services*" shall include members of the Prisons Service;

"*Dismissal*" means the removal of an employee from the Public Sector for disciplinary reason and entails forfeiture of all privileges and benefits under his/her terms of service;

"*Duty station*" means the place or area in which an employee normally performs his/her official duties;

"*Employee*" means a person holding or acting in a public office;

"*Expatriate*" means a person who is not a citizen;

"*Expatriate employee*" means an employee who is not a citizen and who is employed on either local terms and conditions of employment or on contract terms and conditions of employment or under the provisions of multilateral or bilateral agreement;

"*Family*" includes an employee's legal spouse and, if any, the children of such employee as defined;

"*Fixed term*" means consecutive employment for a fixed term It is in relation to a contract of employment and means a term exceeding 14 days the period of which is expressed by reference either to its duration in time or to the duration of a specific scheme or project or of specific works;

"Government" means Government of the Republic of Seychelles;

"Government accommodation" means accommodation provided by the Government whether or not it is the owner;

"Graduate" means an employee who has completed studies at the tertiary level and who holds a degree qualification;

"Gross Salary" means remuneration of an employee before deductions;

"Head of Department" includes an employee holding or acting as the Chief Executive of a Parastatal Organisation.

"Incentive Scheme" means a Scheme for remuneration based on performance which has been measured against time and on production target;

"Judge:" means the Chief Justice, Puisne Judges and Justices of Appeal

"Judicial office" means the office of President of the Court of Appeal, Chief Justice, Justice of Appeal, Judge, Magistrate, Registrar and Assistant Registrar of the Supreme Court;

"Local employee" means an employee who is a citizen;

"Local term and conditions of employment" means those terms applicable to employees whose conditions of service are regulated by a letter of appointment;

"Minister" means a Minister appointed by the President in terms of Article 69 (2) of the Constitution;

"Misconduct" means any act done or omitted to be done without accepted reasonable explanation by an employee which amounts to a failure to perform in a proper manner any duty imposed upon him/her as such, or which contravenes any enactment relating to the Public Sector, or which is otherwise prejudicial to the efficient conduct of the Public Sector or tends to bring the Public Sector into disrepute;

"Next-of-kin" means a person to whom an employee wishes notification made of any serious accident or death which may happen to an employee;

"Official passport" means a passport issued to a public sector employee in accordance with the Passport Act, 1991 (Cap 155).

"Overtime" means hours worked over and above the normal working hours;

"Part time worker" means a worker other than a casual worker who work for the same employer for a period less than 25 hours a week or irrespective of the period of work, for a period less than 3 days a week.

"Parastatal organisation" means an organisation which is not an integral part of Government, but which includes an institution, organisation or agency which is wholly or partly financed or owned and controlled by Government;

"Pensionable employee" means an employee who served, up to 31st December 1978, on pensionable terms and conditions of employment in a pensionable office as defined in the Pensions Act (Cap. 159) and excludes an employee on contract terms and conditions of employment unless he/she served on pensionable terms and conditions of employment prior to his/her transfer to contract terms and conditions;

"Police Office" means an office in the Seychelles Police Force established under the Police Force Act (Cap. 172);

"Police Officer" means a person holding or acting in a Police Office;

"Posting" means the movement of an employee to a similarly designated post within the same Ministry/Department or within the same cadre from one Ministry/Department to another;

"Principal Secretary" means those so officially designated and includes the Chief Justice, the Attorney General and the Commissioner of Police;

"Prison Office" means an office in the Prisons Service established or deemed to have been established under the Prisons Act, 1991 (Cap 180).

"Prison Officer" means a person holding or acting in a Prison Office;

"Probation period" means a trial period on appointment normally not exceeding six months during which the employee will be assessed for his/her performance with a view of confirmation in post;

"Promotion" means the substantive appointment of an employee to a public office for which the salary band is higher than that for the public office which he/she holds substantively.

"Public holiday" means Public Holidays governed by the Public Holidays Act, (Cap 190) but does not include Sunday;

"Public office" means any office in the Public Service the emoluments attaching to which are paid directly from public funds or directly out of monies provided by Act.

"Public Service" means paid service in a public office duly established under the provisions of the Constitution but does not include:-

- a) the office of President or Minister;
- b) the office of the member of any Council, Board, Panel or Committee or other similar board established by or under any law;
- c) the office of a member of the Seychelles People's Defence Forces;

"Public Sector" means paid service in a public office or in a Parastatal Organisation

"Republic" means the Republic of Seychelles;

"Residential Service" means that period when an employee is on duty and includes any authorised absences on vacation leave or paid sick leave, but excludes any authorized absences on unpaid leave, except where a contract provides otherwise;

"Restitution payment" means compensation in full or in part for loss or damage caused by offender;

"Salary Grade" means a range of salary points allocated to a post within the current salary structure;

"Salary Point or "SP" means the salary point within the salary scale for a particular public office.

"Salary Progression" means an increase in salary for which provision has been made in a salary scale.

"Scheme of Service" means an agreed and authorised statement which defines a specific career stream or cadre in the Public Sector and which sets out its particular features. These features shall include:-

- (a) posts in the cadre and the salary grade attaching to each;
- (b) the type of duties appropriate to each post in the cadre;
- (c) the mode or modes of entry into the cadre;

(d) the procedures for advancement within the cadre including minimum experience, examination requirements and specific professional and technical qualifications;

(e) the training schemes applicable to the cadre;

“Seminars, conferences” means meetings that are not training orientated;

“Secondment” means the appointment of an employee for a limited period of time to another public office, or the employee’s attachment to a parastatal, international organisation or any other approved institution;

“Shift Worker” means an employee whose hours of work are performed in shifts;

“Spouse” means a legally married wife/ husband of an employee;

“Student” means a person who is undergoing training. approved by the Government;

“Suspension” means removal from office without pay pending investigation which may lead to disciplinary action;

“Teaching Service” means whole time service in a teaching capacity in a Government or aided school in Seychelles or an institution approved by the President;

“Training” means training approved by the Social and Human Resource Inter-ministerial Committee;

“Transfer” means the appointment of an employee to a different post with or without alteration in its grade and with or without alteration in its grade and with or without alteration to a personal salary;

“Trial Period” means a period normally not exceeding six months during which an employee on transfer may be tried in a new position with a view to confirmation in post.

4. APPLICATION OF PARASTATAL ORDER

- (a) It will be found that in most of these Orders, the term "employee" has been used and thus, where the term is unqualified, such Orders will be interpreted as applying to all employees who fall within the definition given in Order 3, except where the provisions of the Orders are inconsistent with the provisions of any legislation. Where the provisions of these Orders are at variance with the terms of any legislation, the terms of

such legislation prevail. These Orders should therefore be read in conjunction with any relevant legislation applying to employees.

- (b) Where reference to an Act is made in these Orders, such reference will be taken to include reference to any subsidiary legislation passed under the Act and to any relevant legislation passed additional to it.

5. INTERPRETATION

- (a) In any dispute regarding the interpretation of these Orders, the Principal Secretary of the Ministry of Administration and Manpower Development shall be the deciding authority in the first instance. An appeal against the interpretation put on these Orders lies with the President whose decision shall be final and conclusive. Such appeals shall always be channelled through the Principal Secretary of the Ministry.
- (b) The employee may further appeal to the relevant institutions as provided for by the Constitution such as the Ombudsman, and may apply for Judicial Review.

6-10 Unallocated

CHAPTER II

THE ORGANISATION OF GOVERNMENT AND STRUCTURE OF THE PARASTATAL SECTOR

11. THE EXECUTIVE AUTHORITY

The Executive Authority of the Republic of Seychelles is vested in the President and shall be exercised in accordance with the Constitution. Subject to the Constitution, the executive authority may be exercised by the President either directly or through persons holding office in the service of the Republic.

12. FUNCTIONS OF MINISTERS

- (a) A Minister has such title, portfolio and responsibilities as are determined by the President from time to time. All departments of Government fall under the political responsibility of a Minister and the President is politically responsible for any of the departments which are not specifically allocated. Ministers shall perform their responsibilities under the direction of the President. The allocation of responsibilities to Ministers including those retained by the President is contained in the Manual of Government Organisation and Functions, which is issued by the Ministry.
- (b) When a Minister's function is temporarily exercised by the President, any decisions or rulings which the President gives in such circumstances are given in the President's capacity as the temporary Minister. If, subsequently, Presidential authority or ruling is necessary, the Ministry in question must still seek it through the Principal Secretary of the Ministry.
- (c) The execution of duties by officials may, occasionally, result in decisions being taken by them within the Ministry for which the Minister must publicly accept responsibility just as he/she must accept responsibility for all decisions taken in good faith by officials acting on his/her behalf and in his/her name.

13. EXTERNAL RELATIONS

The President is responsible for the external policy of the Republic and the conduct of international relations. The authority for implementing all aspects of these relations is delegated to the Ministry of Foreign Affairs.

14. INTERNATIONAL AGREEMENTS

- (a) International agreements of a technical nature shall be negotiated by the Minister of the appropriate Ministry and his/her official advisers and the Minister shall call for the comments of other interested Ministries/Departments/Parastatal Organisations before drawing up the first draft which must then be passed to the Ministry of Foreign Affairs. The approval of the Ministry of Foreign Affairs must be obtained to all draft international agreements negotiated by other Ministries/Departments . The Ministry of Foreign Affairs shall consult the Ministry of Finance and Communications, the Department of Legal Affairs and the Ministry of Administration and Manpower Development as appropriate. When a draft international agreement has been finalised and approved by the Ministry of Foreign Affairs, it shall be forwarded to the President for final approval.
- (b) The acceptance of international agreements shall be authorised by the President in line with Article 64 (4) of the Constitution.

15. FUNCTIONS OF PRINCIPAL SECRETARIES

The Principal Secretary is the Chief Administrator of a Ministry or Department and is, as such, responsible for its efficient management and overall development in line with Government policy under the direction of his/her Minister. The Principal Secretary is, in this regard, responsible to the Minister for the organisation and efficiency of departments/divisions under his/her charge, and for all technical and professional advice given to the Minister concerning the whole field of his/her activities.

16. THE STRUCTURE PUBLIC SERVICE

The Public Service is the principal executive arm -of Government in the fulfilment of national objectives. It follows therefore that the proper development and utilisation of the human resources available to the Service which includes the Parastatal Sector is of prime importance.

17. ADMINISTRATION OF THE PARASTATAL SECTOR

- (a) The powers of constituting and abolishing offices in the Public Service, of making appointments to offices so constituted and of promotion, termination of appointment, disciplinary control including dismissal, of persons appointed to such offices, are vested in the President under the Constitution.
- (b) Under Article 66 of the Constitution the President may assign responsibility in regard to matters specified in paragraph (a) to a Minister.

18. DELEGATION OF PRESIDENTIAL POWERS

- a) Under the provisions of the Public Offices Act, (Cap 191), the under-mentioned powers (being among those vested in the President by Article 66 of the Constitution) are delegated in accordance with the Public Offices (Delegation of Powers) Order, 1992 (S.I. 78 of 1992) to the Principal Secretary of a Ministry or Department, and to the Chief Justice,
- b) Attorney General, Auditor General, Ombudsman and Electoral Commissioner, and to Heads of Parastatal Organisations having employees substantively holding public offices allocated to the Senior Officers' Grade and below, excluding expatriate employees (notwithstanding that the actual salary of an individual employee holding such a public office may be above the Senior Officers' Grade).

The powers delegated are those concerning the following:-

- (i) making appointments to public offices;
 - (ii) promotion to a public office allocated to the Senior Officers' Grade and below;
 - (iii) termination of appointments, subject to the Negotiation Procedure set out in Parastatal Orders 133 (Appendix 'C');
 - (iv) disciplinary control, including dismissal;
 - (v) resignations, excluding however those of bonded employees.
- (b) The delegated powers referred to in paragraph (a) above may be exercised by the Head of Organisation only with the consent of the Chairman responsible for that Organisation, obtained in each case after consultation with the Chairman. Provided that this paragraph shall not apply to the Chief Justice, the Attorney General Auditor General, Ombudsman and Electoral Commissioner.
 - (c) The delegation shall not prevent the exercise by the President of any power so delegated.

19-20 Unallocated.

CHAPTER III

APPOINTMENTS, PROMOTIONS, POSTINGS AND TRANSFERS

APPOINTMENT, ACTING APPOINTMENTS AND PROMOTIONS

21. CATEGORIES OF APPOINTMENTS IN THE PARASTATAL ORGANISATION

Appointments in the Parastatal Organisations shall normally be into one of the following categories:-

- (i) on local terms and conditions of employment
- (ii) on contract terms and conditions of employment
- (iii) Under the provisions of a multilateral or bilateral agreement;
- (iv) On daily or purely temporary terms.

As a general rule, all appointments of citizens to offices in the Parastatal Organisations as well as of non-citizens recruited locally shall be on local terms and conditions of employment. Contract terms and conditions of employment are confined to appointment of officers by the Public Sector Commission and of expatriates recruited from overseas. The above-mentioned categories of appointment and the general conditions of employment applicable to them may, however, be modified by any special terms contained in the agreements, contract or letters of appointment of individual employees.

22. CONSTITUTION AND ABOLITION OF OFFICES IN THE PARASTATAL ORGANISATION

The powers to constitute and abolish offices in the Parastatal Organisations are vested in the President under Article 62 of the Constitution. The office of a Judge, Justice of Appeal, Attorney General, Auditor General, Ombudsman and Electoral Commissioner shall not, without his/her consent, be abolished during his/her continuance of office, as provided for under Articles 132, 76, 158, 144, 115 and of the Constitution.

23. APPOINTING AUTHORITIES

- (a) The powers of making appointments to the Parastatal Organisation are vested in the President under the Constitution. Subject to the provisions of paragraph (b) below, the President has, however, delegated these powers in respect of appointments to all offices in the Parastatal Organisation allocated to the Senior Officers' Grade and below, to the Principal Secretary Ministry of Administration and Manpower Development.

- (b) The delegated powers may be exercised by a Head of Organisation only with the consent of the Chairman responsible for that Organisation obtained in each case after consultation with the Chairman. Provided that this paragraph shall not apply to the Chief Justice, the Attorney General, the Auditor General, the Ombudsman and Electoral Commissioner.
- (c) The appointments referred to in paragraph (a) above include appointments on promotion and internal transfers (unless specifically excluded) as well as acting appointments.

24. APPOINTMENTS LIMITED BY THE ESTABLISHMENTS REGISTER

No appointment, promotion or transfer shall be made to any post unless provision for that post exists in the approved Nominal Roll, nor may the numbers in any category of post be increased to a number larger than that in the Nominal Roll. This restriction does not, however, apply in the case of employees on daily or purely temporary terms who are paid from an appropriate financial provision made under the “wages” vote in the approved Estimates of Parastatal Organisation.

25. APPLICATION FOR ADDITIONAL POSTS

Applications for additional posts and any other -variation in the Nominal Roll must be submitted by Parastatal Organisations to the Principal Secretary (Ministry of Administration and Manpower Development) in accordance with instructions issued by the latter from time to time. The Principal Secretary (Ministry of Administration and Manpower Development) will consult the Principal Secretary (Ministry of Finance) before granting authority for any additional posts, the creation of which would involve additional expenditure from public funds.

26. RECRUITMENT AND SELECTION

The procedure to be adopted for the recruitment and selection of candidates for posts in the Parastatal Organisation is set out in the Staff Movement Procedures Manual issued by the Ministry of Administration and Manpower Development. This procedure also includes recommendations for promotion, transfer or termination of appointment.

27. EXPATRIATE RECRUITMENT

It is recognised that there may not in all cases be citizen applicants available for posts that require occupation. Recruitment of non-citizens therefore becomes an option. It is however emphasized that every effort will be made to replace a non-citizen employee by a Seychellois. Each time a counterpart must be identified at the onset, and a training programme must be prepared and implemented during the contracted period of employment of the expatriate.

- (a) There are three main categories of expatriate personnel:-
 - (i) locally recruited expatriates;
 - (ii) expatriates recruited from overseas under contracts
 - (iii) expatriates recruited under technical cooperation agreements or aid schemes.
- (b) Where expatriates are available locally to fill a post approved for expatriate recruitment the Parastatal Organisation may recruit such a person who will be on local terms and conditions of employment i.e. Letter of Appointment.
- (c) When no expatriate is available locally, recruitment overseas may then be undertaken in consultation with the Ministry of Administration and Manpower Development, whose approval is necessary.
- (d) Certain posts in the Public Sector may be funded or supplemented by foreign governments or agencies under technical cooperation agreements or other aid schemes :-
 - (i) Requests for such technical cooperation officers or supplemented posts must be submitted to the Ministry of Administration and Manpower Development.
 - (ii) When the need to fill an approved post arises the Parastatal Organisation should inform the Ministry of Administration and Manpower Development as early as possible.
 - (iii) Recruitment for these posts is carried out by the Ministry of Administration and Manpower Development which liaises with the Ministry of Foreign Affairs as necessary.
 - (iv) Parastatal Organisations are sent either a short list of candidates, with the relevant information, or the sponsoring agent may recommend the choice of a candidate.
 - (v) Approval for an appointment must be obtained from the Ministry of Administration and Manpower Development by submitting the prescribed form.
- (e) In all cases of expatriates being employed, the Parastatal Organisations must obtain the written authorization of the Ministry of Social Affairs and Employment prior to initiating recruitment. This does not apply to

expatriates recruited under technical cooperation agreements or aid schemes

28. RENEWAL OR EXTENSION OF CONTRACT FOR EXPATRIATES

In pursuance of the policy of localization, the renewal or extension of contract of an expatriate employee should only be recommended by the Head of Organisation concerned if he/she can satisfy the Principal Secretary (Ministry of Administration and Manpower Development) that his/her localization programme is viable and that there is no suitably qualified citizen who could be appointed or promoted to the post. All requests for renewal or extension of contracts of expatriate employees unless specifically delegated shall be forwarded by Head of Organisation to the Principal Secretary (Ministry of Administration and Manpower Development) on the prescribed form.

29. Unallocated.

30. APPOINTMENTS CONFINED TO HOLDERS OF APPROVED QUALIFICATIONS

- (a) Unless person will be appointed, promoted or transferred to a public office unless the person holds such qualifications as have been approved by Government in the relevant scheme of service or elsewhere as qualifications for appointment to that post. If it is desired to employ, promote or transfer such a person the case should be fully justified and forwarded to the Principal Secretary (Ministry of Administration and Manpower Development) on the prescribed form.
- (b) Trainee appointment including circumstances outlined in Order 67 are subject to approval by the Principal Secretary (Ministry of Administration and Manpower Development). Authority for appointment allocated to Senior Officers' Grade and below has however been delegated to Parastatal Organisation.

31. EMPLOYMENT OF PERSONS CONVICTED OF CRIMINAL OFFENCE OR PREVIOUSLY EMPLOYED IN THE PARASTATAL SECTOR WHOSE APPOINTMENT HAS BEEN TERMINATED.

- (a) No person who has been convicted of a serious criminal offence or who had previously been employed within the Public Sector and had either been dismissed or had his/her appointment terminated or had prematurely retired therefrom may be engaged for employment in the Parastatal Organisation without the prior sanction of the Minister (Ministry of Administration and Manpower Development). If it is desired to engage such a person, the circumstances justifying the proposal should be fully reported to the Head of Organisation to enable him/her to process the matter to the Minister (Ministry of Administration

and Manpower Development). If any employee is found to have concealed his/her past record in respect of the above, the employee shall be liable to summary dismissal as soon as the facts are known.

- (b) The re-appointment of a person, who had previously been employed in the Public Sector and had his/her appointment terminated as a result of failing his/her probationary period, need not be referred to the Principal Secretary (Ministry of Administration and Manpower Development) for approval for posts allocated to Senior Officer Salary Grade and below.

32. EMPLOYMENT OF WOMEN

All avenues of employment in the Parastatal Organisation will be open to women who are suitably qualified and there will be no difference between the salary or other terms of service of men and women employees of equivalent qualifications and experience, except that maternity protection shall be granted as provided in these Orders, in addition to:-

- (a) consideration being given to the special needs of a parent with children below crèche going age;
- (b) flexible working hours and home based work if requested by a parent falling in category (a) may be allowed unless job demands specific working hours or physical presence at the workplace;
- (c) Wherever possible and upon request, a parent falling in category (a) should be transferred to a post which lends itself more easily to (b) above.

33. TERMS OF APPOINTMENT - DETERMINATION OF

The authority for determining the terms to be offered to any person, other than a serving officer, on his/her appointment to a post in the Parastatal Organisation is, subject to the provisions of these Orders and to the direction of the President, vested in the Principal Secretary (Ministry of Administration and Manpower Development). In approving the appointment of a person to an office in the Parastatal Organisations, the appropriate appointing authority will specify the commencing salary and other terms of service in accordance with the provisions of these Orders.

34. MEDICAL EXAMINATION BEFORE APPOINTMENT

All candidates for appointment/re-engagement should normally undergo a medical examination by a registered medical practitioner or a medical practitioner approved by Government. Appointments of drivers, expatriate employees and food handlers will be subject to a certificate of medical fitness being granted.

35. APPOINTMENT ON CONTRACT

All persons appointed to the Parastatal Organisations on contract terms and conditions of employment must be given the appropriate form of contract for acceptance and signature. This form of contract may be varied in any individual case at the discretion of the Principal Secretary (Ministry of Administration and Manpower Development) to meet the requirements of any technical cooperation agreement under which the person is recruited.

36. ISSUE OF LETTERS OF APPOINTMENT AND CONTRACTS

All letters of appointment and forms of contracts of employment will be issued by the appropriate appointing authority.

37. DATE OF APPOINTMENT

An appointment shall be effective from the date on which a person assumes duty.

38. CITIZENS NOT NORMALLY TO BE APPOINTED ON EXPATRIATE TYPE OF CONTRACT

Citizens or resident expatriates may normally not be appointed to the Parastatal Organisations on contract terms and conditions of employment which are normally applicable to expatriate employees. Appointment however by the Public Sector Commission in the case of citizen employees is on local contract terms.

39. EMPLOYMENT OF EXPATRIATES

- (a) Where it becomes necessary to recruit an expatriate candidate from abroad to fill a vacancy, such candidate will normally, unless the technical cooperation agreement, if any, under which the recruitment takes place otherwise states:-
- (i) be appointed on a two-year contract at the appropriate Salary Point within the Grade for the post;
 - (ii) be entitled to the most direct and cheapest air passages for the expatriate, the spouse and up to four children, from his/her place of recruitment (or domicile as appropriate) to and from Seychelles;
 - (iii) be provided with accommodation and basic furniture for which rent will be payable at one of the rates specified in Order 236, according to the type of accommodation provided;
 - (iv) be taxed where appropriate and pay social security contributions on his/her local earnings;

- (v) be required to undergo a medical examination and produce a medical certificate attesting to his/her good health, as prescribed by Government and at his/her own cost.
- (b) An expatriate recruited locally from within Seychelles shall be appointed on exactly the same terms as a citizen, the difference from the terms in paragraph (a) being:
 - (i) no contractual status, but month to month terms;
 - (ii) accommodation provided only in exceptional circumstances;
 - (iii) no passage entitlement;
- (c) An expatriate employee's 'Terms of Reference' shall include training of a Seychellois understudy with a view to localizing the post on completion of contact as required under Order 27.

40. Unallocated

41. NEXT-OF-KIN RECORDS

Details of next-of-kin must be completed by every newly appointed person and submitted to the Head of Organisation concerned. It is essential, and in the interests of employees, that these records should be kept up-to-date and when they are outdated, employees are personally responsible for submission of revised particulars. This information must be recorded on the Personal Record Card.

42. MONITORING OF DELEGATED DECISION MAKING

- (a) In order to enable the Principal Secretary (Ministry of Administration and Manpower Development) to monitor the manner in which the delegated powers in cases of appointments, acting appointments, postings, and transfers, promotion, renewal of contracts, are being exercised, it is essential that each case approved by Heads of Organisation under their delegated authority:
 - (i) are reported immediately in writing to the Principal Secretary (Ministry of Administration and Manpower Development) on the prescribed forms and including all relevant supporting documentation;
 - (ii) other documentation of newly appointed employees are obtained;

If the Principal Secretary (Ministry of Administration and Manpower Development) observes any irregularity, he/she will communicate the same to the Head of Organisation concerned with a view to its rectification.

- (b) Head of Organisation will maintain full records of the particulars of service of all members of their staff. These details will be recorded on Personal Record Cards in the form specified by the Ministry of Administration and Manpower Development.

43. Unallocated

44. ACTING APPOINTMENTS

- (a) Acting appointments will be confined to employees required to undertake the full duties and responsibilities of a post on a temporary basis. Thus an employee who is called to act in a higher post, already has reached a level very close to the post in which the employee will act.
- (b) Acting appointments shall not be for longer than twelve consecutive months, and they shall be considered only if there is no substantive post-holder, or if the substantive post-holder would be absent from duty for such length of time as would justify an acting appointment to be made. An acting appointment must be seen not only as a temporary staffing measure in organisational terms, but as an important opportunity to extend the performance capabilities of the acting employee.
- (c) Acting appointments are a major component in the career development of every employee. It is for this reason that wherever possible a citizen employee should be recommended for the acting appointment.
- (d) Where it is necessary for statutory reasons for an employee to be required to assume duties of a post for a short period for which normally acting appointments are made, the approval of the appropriate authority will be obtained before the date on which the employee is called upon to perform the statutory functions. No acting allowance will be payable in such cases.
- (e) Provided the authority of the Head of Organisation has first been obtained an employee who is appointed to act in an office for a period of six consecutive months or more may draw an acting allowance with effect from the date following the completion of the period of six months. This shall be at the rate of the difference between the employee's current salary and the minimum Salary Point within the Grade for the post in which the employee is required to act, or two Salary Points over and above the salary currently earned by the employee, whichever is the greater.

45. RESPONSIBILITY FOR MAKING ACTING APPOINTMENTS

For making acting appointments to offices allocated to the Senior Officer Grade and below, Head of Organisation should proceed in accordance with the powers delegated to them under Order 23 and notify the Principal Secretary (Ministry of Administration and Manpower Development) of the acting appointment. Recommendations for acting appointments to offices allocated to the Senior Executive Grade II and above shall be forwarded to the Principal Secretary (Ministry of Administration and Manpower Development) sufficiently in advance of the effective date.

46. SELECTION FOR ACTING APPOINTMENTS

- (a) In selecting employees for acting appointments, the efficiency of the Service is of prime importance. An employee may not be selected for an acting appointment unless it is intended that he/she should perform the full duties and assume all the additional responsibilities of the office in question and unless the employee is properly qualified to do so.
- (b) No employee can claim as a right the privilege to act in a senior appointment on any ground whatsoever. Preference will normally be given to the person next in seniority to the post to which the acting appointment is required. Where, however, a candidate other than the one next in seniority is recommended for an acting appointment, it will be necessary to furnish to the Principal Secretary (Ministry of Administration and Manpower Development) full and adequate explanation in support of such recommendation. Furthermore, the fact that a junior employee is selected for an acting appointment does not, in itself, prejudice in any way the chances of future advancement of employees who are senior to the selected junior employee.

47. DATE OF PROMOTION

The effective date of promotion of an employee to fill a vacancy shall be the date from which the promotion is approved or another approved effective date, provided the employee is qualified for the post. No back-dating shall be authorised.

48. REFUSAL OF OFFER OF PROMOTION, EFFECT OF

Only for the most exceptional reasons would the simple refusal of a promotion prejudice an employee's prospects of further offers. An employee who receives an offer of promotion is at liberty to accept or refuse entirely in the light of the employee's own interest, though it is desirable that the employee should follow up a refusal with an explanation, confidential or otherwise, of his/her reasons. Which

would afford some guidance in determining whether any, or what kind of, further offer might be acceptable to the employee at a later date.

49. SENIORITY ON PROMOTION

Seniority as between employees promoted to posts having a common Grade shall be determined by the date of their promotion. Where two or more employees are promoted on the same date, their relative seniority shall be determined by their respective ages.

POSTINGS AND TRANSFERS

50. POSTINGS AND TRANSFERS - GENERAL

1. (a) Any employee may be posted or transferred to other duties within his/her employing Ministry/Department in Seychelles or to another Government Ministry or Department or to any other Parastatal Sector organisation. All postings and transfers between Ministries/Department will be authorised by the Principal Secretary (Ministry of Administration and Manpower Development).
- (b) Postings and transfers may generally be made in any of the following circumstances:-
 - (i) as part of planned job rotation designed to broaden the employee's experience, enhance his/her promotability and provide a degree of manning flexibility. This would not normally be invoked unless the employee had been in the post for two or three years;
 - (ii) pending the recruitment of a permanent post-holder, or the return to office of a post-holder from leave, sickness or other absences;
 - (iii) the abolition of the post which the employee held;
 - (iv) where it is in the interest of the organisation for the transfer to be made:
 - (v) the employee has become generally unsuitable for retention in the present post as a result of his/her incompatibility with the requirements of his/her office.
 - (vi) the employee has been successful in his/her application for the post as a result of a properly published advertised vacancy;
 - (vii) as a result of training or re-training;

- (viii) exceptionally, and for very good reasons, as a result of the employee's own wish.
- (c) Where an employee has expressed a desire to be transferred, he/she and the employing organisation will be required to furnish details of reasons to the Principal Secretary (Ministry of Administration and Manpower Development). All requests for transfer must be channeled through the Head of the employing organisations.
- (d) The employee transferred in the circumstances of (c) will, as applicable, revert to the Grade of the post he/she transfers to.
- (e) In the case of a transfer to a post in a lower Grade in the circumstances of b (iii), (iv) and (v), the employee shall be paid the post salary but may retain salary progression under Order 69 at the discretion of the Principal Secretary (Ministry of Administration and Manpower Development).
- (f) In the case of transfer between Ministries/Departments and parastatal organisations, the receiving organisation must inform the employing organisation and the Principal Secretary (Ministry of Administration and Manpower Development) at least six weeks in advance, of the intended request of transfer of an employee. However, in the case of personnel occupying posts grade Senior Executive Grade II and above, the employing organisation must be notified at least nine weeks in advance.
- (g) The procedure for effecting postings and transfers is set out in the Staff Movement Procedures Manual issued by the Ministry of Administration and Manpower Development.

2. Inter-Parastatal Organisation or Inter-Departmental postings and transfers.

Where it is desired to make Inter-Parastatal or Inter-Departmental postings or transfers, there is no objection to preliminary discussions being held between the Departments concerned and provisional agreement reached, before the Principal Secretary (Ministry of Administration and Manpower Development) is approached.

It is necessary to organize a proper handing over to the incoming employee. This should be incumbent on the Head of Department or the person holding the post prior to transferring to another position.

51. SECONDMENT TO APPROVED INSTITUTIONS.

An employee may be seconded to any approved institution with the approval of the Minister for Administration. Subject to the Minister's directions, secondment will be on such terms and conditions as will be determined in each individual case

by the Principal Secretary (Ministry of Administration and Manpower Development). During the period of secondment, the employee concerned shall be subject to the functional control of the institution, to which he/she has been seconded, in carrying out his/her duties and responsibilities. The deployment within that institution shall be at the institution's discretion.

For the purposes of this Order, an approved institution shall mean a Board, a Council, a Parastatal organisation, a Government undertaking, the Seychelles People's Defence Forces, a training institution, a regional or international body or any other institution declared as such by the Minister.

52. PERSONAL FILE

- (a) On first appointment of an employee, the Head of the employing organisations as well as the Principal Secretary (Ministry of Administration and Manpower Development) will cause a personal file for the employee to be opened which will contain, among other documents, a copy of the employee's application for employment, a copy of his/her letter of appointment or a copy of the contract of service or employment. Copies of all other correspondence of a personal nature concerning the employee during his/her period of service will also be placed on this file.
- (b) An employee will be permitted to have access or seek any rectification to his/her personal file in the presence of an official designated by his/her Head of Organisation. This is in accordance with Article 28 (4) of the Constitution.

53. SCHEDULE OF DUTIES TO BE ISSUED

It is the responsibility of the appropriate Head of Organisation to draw up and issue to each employee on his/her appointment, promotion or transfer to a post, a schedule of duties, including names and positions of officers for whom he/she is responsible.

54. VARIATION OF TERMS AND CONDITIONS OF EMPLOYMENT.

- (a) Where it is necessary to vary the terms and conditions of any employee for reasons other than discipline and the varied terms and conditions are going to be less favourable to the employee, the matter shall be discussed and the employee's written agreement accepting the new terms and conditions shall be necessary. If the employee does not accept the new terms and conditions, the matter shall be subject to the provisions of the Employment Act.
- (c) All variations in the terms and conditions of employment, whether or not these variations are less favourable to the employee, shall be in writing.

55-60

Unallocated.

CHAPTER IV

SALARIES, ENHANCEMENT OF SALARIES, WAGES, INCREMENTS AND ADVANCES OF SALARY

SALARIES

61. SALARY STRUCTURE

The salary structure applicable to the Public Sector comprises nine Grades each containing a range of Salary Points (SP's). The structure has been designed to afford an opportunity for all employees to advance to the highest level in relation to the post they occupy provided their work in quality and quantity merits such advancement. The Grades and Salary points are:-

| Grade | Salary | Points | | | | |
|---------------------------|--------|--------|------|------|------|------|
| Chief Executive Grade | 5925 | 6025 | 6125 | 6225 | 6325 | 6425 |
| Senior Executive Grade I | 5425 | 5525 | 5625 | 5725 | 5825 | 5925 |
| Senior Executive Grade II | 4925 | 5025 | 5125 | 5225 | 5325 | 5425 |
| Senior Officer Grade | 4425 | 4525 | 4625 | 4725 | 4825 | 4925 |
| Grade 1 | 3925 | 4025 | 4125 | 4225 | 4325 | 4425 |
| Grade 2 | 3425 | 3525 | 3625 | 3725 | 3825 | 3925 |
| Grade 3 | 2925 | 3025 | 3125 | 3225 | 3325 | 3425 |
| Grade 4 | 2525 | 2625 | 2725 | 2825 | 2925 | |
| Grade 5 | 2025 | 2125 | 2225 | 2325 | 2425 | 2525 |

The appropriate grade for each post will be determined either by the job evaluation scheme operated by the Ministry of Administration and Manpower Development or in accordance with an approved scheme of service.

The Salary Point for the individual employee within the grade allocated to the post they occupy will be determined by their Head of Organisation in the case of posts allocated to Senior Officer Grade and below, and by the Ministry of Administration and Manpower Development for posts allocated to Senior Executive Grade II and above.

Where an employee reaches the maximum Salary Point in the Grade allocated to the post they occupy, the employee may continue to be awarded salary progression whilst staying in the same post on a personal to holder basis.

62. PAYMENT OF SALARIES

- (a) Salaries of employees occupying posts allocated to Grade 4 and above are paid in arrears by bank transfer before the end of each calendar month. Salaries of employees occupying posts allocated to Grade 5 may also elect to have their salaries paid by this method. All other employees are paid in cash before the end of each calendar month.
- (b) Salaries paid from public funds shall be paid to employees in rupees except for those employees whose duty station is abroad, who may be paid in the currency of the country in which they are residing at the exchange rate published by the Central Bank of Seychelles on the date of payment in Seychelles.
- (c) When an employee is proceeding overseas on duty or on training overseas his/her Head of Organisation may, in his/her discretion, pay salary up to the end of the month in which the employee leaves. Salary in advance will not be granted in the case of employees proceeding on local or overseas leave.
- (d) Where payment for a period of less than one month is to be made, it shall be calculated according to the number of days worked or pro-rata the calendar month, as the case may be.

63. SALARY ON PROMOTION.

On promotion an employee shall receive a salary of any Salary Point within the Grade allocated to the post as determined by their Head of Organisation, or a minimum of one salary point above their current salary point, whichever is the greater.

64. SALARY SUPPLEMENTATION

- (a) The salary of an employee may be supplemented in accordance with provisions of specific Scheme of Service.
- (b) Returning graduates who had to undertake a language course exceeding the normal period of study shall benefit from a salary supplement, where the period of study exceeds:-
 - (i) four years for a first degree in one of the following disciplines:-

- Education
- Arts;
- Fine Arts, Music;
- Law;
- Social Sciences, Economics;
- Administration;
- Business, commerce;
- Exact and natural sciences;
- Agriculture; and
- Pharmacy

(ii) Five years in the case of engineering and technological degrees; and

(iii) six years for medical science i.e.

- Medicine;
- Dentistry, and
- Veterinary medicine

(iv) two years for a post-graduate degree

(c) Salary supplementation at the rate of R600 per annum will be granted for each additional year of training completed with effect from the date the employee commenced employment.

65. EFFECT OF SUSPENSION ON SALARY

An employee who is suspended from the Service shall, with effect from the date of suspension, cease to be entitled to receive any salary or other allowance.

66. PAYMENT OF SALARY WHILST ON TRAINING ABROAD

(a) An employee who is sent on approved training overseas, the duration of which is not more than two months, shall receive his/her salary in full.

(b) If the training course is for more than two months the employee shall receive:-

(i) in the case of a married employee, or those living in a proven defacto relationship whose spouse/partner is employed, one third salary;

(ii) in the case of married employee or those living in proven defacto relationship whose spouse/partner is unemployed, two thirds salary;

- (iii) in the case of a single employee, one third of the employee's salary;
 - (iv) in the case of a single parent with two or more children and subject to proof that only one party is maintaining the children, two thirds salary.
- (c) Payment of salaries (or portion of salaries) for in-service employees during training of any duration is the entire responsibility of the respective employing organisation, except where otherwise specified by the Government.
 - (d) Pre-service students attending courses on Government scholarship are paid by the Training Fund.
 - (e) If an organization earmarks a fresh graduate from the Polytechnic for overseas training, the candidate should complete a minimum of 2 years employment before he/she proceeds overseas, and only then will he/she be considered as an in-service student.

In the event that training materializes before the 2 years, the candidates will be considered as a pre-service student and he/she will not earn a salary whilst on overseas training. In the circumstance, he/she will have to resign from the service prior to proceeding overseas.

67 WAGES OR ALLOWANCES FOR STUDENTS ON TEMPORARY ATTACHMENT / EMPLOYMENT

- (a) In the context of this Order, students are categorised in the following circumstances:-
 - (i) those whose overseas studies are interrupted and are employed whilst waiting for another scholarship;
 - (ii) those who are on overseas training and take up a job whilst on holiday at home;
 - (iii) those undergoing practical training/attachment locally and this being a requirement of their course/syllabus.
- (b) Categories (i) and (ii) shall be compensated as follows, since they are considered as being in employment:-
 - (i) they should draw a salary point of the Grade allocated to the post if they meet the requirements of the post;

- (ii) if they do not meet the requirements of the post, they should be held against the post and be paid a lower salary as laid down in the Scheme of Service commensurate with the qualifications already obtained;
- (iii) if they do not meet the requirements of the post and there is no relevant Scheme of Service a percentage of the salary of the post should be paid:-

Year 1 - 70% of the minimum Salary Point in the Grade allocated to the post

Year 2 - 80% of the minimum Salary Point in the Grade allocated to the post

- (c) All categories of students at a) (i) (ii) and (iii) shall be paid their salary by organisations employing them but their stipend should cease during this period. If the stipend continues during the period of practical attachment this allowance may be adjusted depending on the amount of stipend received from the host country/organisation.

68. DEDUCTIONS FROM SALARY.

Only social security contributions, pensions scheme contributions, and overpayments of any kind, debt due to organisation e.g. as a result of damage caused to government property and any deduction prescribed by law shall be deducted at source from the salary of an employee, unless he/she gives written authority to his/her Head of Organisation for other deductions to be made. Such deductions will also governed by the provisions of the Employment Act.

69. SALARY PROGRESSION

Employees may progress from their current Salary Point to the next higher Salary Point in the salary structure by means of salary progression. Progression is therefore at the rate of SR1200 per year. Salary progression may not be awarded more frequently than once per calendar year. Salary progression awards are based on performance appraisal and are at the discretion of the Head of Organisation. Salary progression is not automatic and many factors, including the financial situation of the organization, will need to be considered before progression can be awarded. All salary progression awards must be advised to the Ministry of Administration and Manpower for record and monitoring purposes.

70. ADVANCES OF SALARY – GENERAL CONDITIONS

Advance of salary may be made to an employee subject to the following conditions and at the discretion of the Head of Organisation:-

- (i) the total amount of advance to an employee shall not exceed three quarters of his/her annual salary;
- (ii) the advance must be repaid in equal monthly installments within a maximum period of 48 months or, in the case of an employee on contract, within the period of his/her contract;
- (iii) where interest is payable on an advance, repayment will be made in equal monthly installments of principal and interest calculated on a monthly basis;
- (iv) where an advance is granted for the purchase of any article, it will be paid direct to the vendor and not to the employee concerned;
- (v) no article for the purchase of which an advance has been granted may be sold or otherwise disposed of until the advance has been repaid in full, except with the specific authority of the Head of Organisation.
- (vi) advances to purchase articles will be subject to the limits prescribed from time to time;
- (vii) the employee has not already been selected for a training course overseas – in that case any advance would be restricted to the purpose set out in Order 219.

71. ADVANCES NOT A RIGHT

Advances of salary are granted with the approval of the Head of Organisation upon recommendation by the Board of Directors and no employee can, as of right, claim to receive an advance. In all cases, it will be carefully considered whether the employee can afford to meet the deductions without hardship and, where he/she asks for an advance to buy a motor vehicle, whether the employee needs one for the efficient performance of his/her duties. All applications for advances will be forwarded, to the Head of Organisation concerned, giving particulars of the post occupied by the applicant and the employee's gross salary.

72-80 Unallocated.

CHAPTER V

CODE OF CONDUCT AND DISCIPLINE RULES OF CONDUCT

81. RESTRICTION ON EXTERNAL INTERESTS.

- (a) No employee may at any time engage in any activity which would in any way impair his/her usefulness as an employee.
- (b) No employee may engage in any occupation or undertaking which might in any way conflict with the interest of the organisation or be inconsistent with his/her position as an employee.
- (c) No employee or his/her spouse may hold any investments or shares or be a director, partner, board member or proprietor of any business or co-operative in, or with interest in, the Republic or elsewhere except with the express permission of the Principal Secretary (Ministry of Administration and Manpower Development). This permission must be sought in writing through the employee's Head of Parastatal Organisation whose views must also be forwarded to the Principal Secretary (Ministry of Administration and Manpower Development). The employee will be required to forward the following information together with his/her application:
 - (i) Memorandum of Association;
 - (ii) Article of Association;
 - (iii) The number of Shares held;
- (d) Every employee shall, on first appointment to the Parastatal Organisation, disclose to the Head of Organisation particulars of any investment or shareholding which he/she or his/her spouse or minor children may possess in any undertaking carrying on business in the Republic. If the Principal Secretary (Ministry of Administration and Manpower Development) shall decide that by reason of the facts disclosed, the employee's private affairs might be brought into real or apparent conflict with his/her duties or in any way influence him/her in the discharge of his/her duties, the employee shall, to such extent as the Principal Secretary (Ministry of Administration and Manpower Development) may direct, divest himself/herself or cause his/her spouse or minor children to divest themselves of such interest.

82. COMPLIANCE WITH PARASTATAL ORDERS, INSTRUCTIONS, REGULATIONS AND DIRECTIVES.

An employee shall comply with Parastatal Orders, instructions and such other laws, regulations and directives as may be enforced from time to time. Such compliance shall be regarded as an essential part of the terms and conditions of

service of the employee and shall be deemed to have been incorporated into his/her conditions of employment.

83. EMPLOYEES MAY BE REQUIRED TO UNDERTAKE ANY DUTIES

Employees are required to discharge the usual duties of the office to which they are appointed and any other reasonable duties which they may be called upon to perform. It is an essential part of the duties of an employee to assist and teach the staff working under him/her, and a positive approach should be developed towards this responsibility.

84. DISCREDITING THE PARASTATAL ORGANSATION

An employee shall avoid reckless or indulgent action, for example, heavy gambling, excessive drinking, speculation or rash borrowing likely to discredit him/her or the image of his/her employer.

85. OTHER REMUNERATIVE EMPLOYMENT

- (a) No employee may engage in any activity for reward even if only part-time without the written permission of the Principal Secretary (Ministry of Administration and Manpower Development). Such permission will not usually be given unless it is to the public advantage that it should be granted. The amount of the remuneration must be approved by the Principal Secretary (Ministry of Administration and Manpower Development).
- (b) Notwithstanding the provisions of paragraph (a) any employee may be employed on a remunerative basis in giving part-time instruction outside normal working hours, at any Government grant-aided education or training institution provided that:
 - (i) an employee desiring an appointment as a part-time instructor/teacher must apply to the head of the institution concerned through proper channels;
 - (ii) the employee may only be appointed if his/her application has the support of his/her own employing organisation;
 - (iii) the rate of payment to be made for such part-time work shall be subject to the approval of the Principal Secretary (Ministry of Administration and Manpower Development).

86. PAID EMPLOYMENT DURING LEAVE OF ABSENCE.

No employee on leave of absence is permitted to accept any paid employment without previously obtaining express sanction of the Principal Secretary (Ministry of Administration and Manpower Development). Such sanction will not normally be given except in the case of an employee on final leave pending termination of appointment.

87. FEES AND/OR ALLOWANCES PAID TO PUBLIC SECTOR EMPLOYEES BY QUASI - PUBLIC BODIES.

- (a) An employee who, by virtue of his/her appointment in the Public Service, is nominated as an ex-officio member or director of a quasi - public body (e.g. Board, Commission, Corporation or Company) will not be entitled to retain any fees and/or allowances payable by such body, but will be required to credit the monies so received to general revenue, except where the Principal Secretary (Ministry of Administration and Manpower Development) otherwise directs in any particular case. Notwithstanding this provision an employee who is nominated to serve as an ex-officio:
 - (i) Chairman of the Board of Directors of a parastatal organisation may retain the honorarium paid by the Board, not exceeding the rates as prescribed by the Ministry of Administration and Manpower Development.
 - (ii) Executive Chairman on the Board of Directors of a parastatal organisation (other than the parastatal where the employee is a full time employee as Executive Chairman) may retain the honorarium paid by the Board, not exceeding the rates as prescribed by the Ministry of Administration and Manpower Development.
 - (iii) A Director on the Board of Directors of a parastatal organisation or any other organisation approved by the Principal Secretary (Ministry of Administration and Manpower Development) may retain the honorarium paid by the Board, not exceeding the rates as prescribed by the Ministry.
- (b) If such employee is required to be away from Seychelles in connection with the business of such an organisation, he/she will be regarded as travelling on official duty and will be granted travelling privileges and allowances by that organisation.

88. CONTRIBUTIONS TO THE PRESS ETC

No employee can be permitted to be editor of a newspaper or directly or indirectly take part in its management, with the exception of a Government's owned newspaper or other official Government periodical. An employee is forbidden,

except in the proper course of his/her duties, to make communications to the press or to give talks on questions of the organisation's policy or business. No such communication may be made or such talk given without the specific authority of the employee's Board of Directors. The term "communications to the press" refers not only to formal written communications or interviews, but also includes casual or indiscreet conversations with representatives of the press or other people wherever they may take place. Whilst there is no desired to interfere with an employee's liberty to free speech, any acts of indiscretion likely to embarrass the organisation may result in serious consequences for the individual responsible.

89. PUBLICATION OF BOOKS OR OTHER WORKS BY EMPLOYEES

- (a) An employee may not, without the permission of the Principal Secretary (Ministry of Administration and Manpower Development), publish a book or other work, the subject matter of which is connected with his/her official duties or those of other employees.
- (b) An employee may, with the prior approval of the Principal Secretary (Ministry of Administration and Manpower Development), publish papers on scientific, technical or general subjects. The term "General Subject" includes, for example, ordinary travel or descriptive articles that may have some bearing on the Public Sector. It will be the responsibility of the Principal Secretary (Ministry of Administration and Manpower Development) to satisfy himself/herself that such articles are acceptable from the point of view of public interest.
- (c) If an employee receiving a fee for the publication of such papers, he/she may retain it.

90. USE OF COMPANY PROPERTY OR LABOUR FOR PRIVATE WORK

No company labour or property whatsoever may be used for private tasks except where they have been hired out.

91. STATE SECURITY AND UNAUTHORISED DISCLOSURE OF INFORMATION

No employee may disclose to unauthorised persons anything affecting the internal security, defence or military resources of the Republic or contravening the provisions of the State of Security Act, in any other way. It is emphasised that this restriction applies not only during the tenure of office of the employee but also after he/she has ceased to be in the Public Sector.

92. RESTRICTION OF TAKING COPIES AND REMOVAL OF OFFICIAL DOCUMENTS

- (a) No employee is allowed to take copies of minutes or correspondence for his/her own purposes even though such papers may pass through the employee's hands in the course of official duties. This instruction does not apply to a case in which a particular document relating to an officer is sent to him/her expressly for noting.
- (b) Where an employee takes copies of official documents for his/her own purposes or removes any document without permission, the employee will be regarded as guilty of a serious breach of disciplinary and will be dealt with by disciplinary action.

93. DEALINGS WITH THE PUBLIC

An employee shall serve the public courteously and equitably and be manifestly beyond corruption in all his/her dealings. Any attempt to bribe, corrupt or threaten an employee shall immediately be reported by the employee to the Head of the Parastatal Organisation who shall forthwith inform the Commissioner of Police.

94. PRESENTS AND GIFTS

- (a) Employees are prohibited from giving or receiving valuable presents whether in the shape of money, goods, free passage (except where the free passage is given by virtue of the position held by the employee ex-officio within a parastatal organisation) or other personal benefits. This Order applies not only to employees themselves but also to their families and employees will be held responsible for its observance by their families.
- (b) This is particularly important in relation to those individuals and commercial firms who take Christmas as an occasion on which to offer gifts often of considerable value to their clients or associates. The acceptance of such gifts by an employee, or his/her family, is bound to affect his/her reputation for impartiality in the community in which he/she lives, and is likely to affect the public confidence in the complete integrity of the Service.
- (c) The restriction on the acceptance of a gift or advantage does not apply in the following circumstances:-
 - (i) where it is of insignificant value;
 - (ii) where it has been made collectively by a number of colleagues to mark an appropriate occasion such as marriage, departure from a post or retirement;

- (iii) where it is in the form of private or official hospitality or entertainment given on an appropriate occasion in appropriate surroundings;
- (iv) where it is received in circumstances in which it cannot be refused without detriment to the public interest and receipt of the gift is reported to the employee's Head of Organisation concerned who will give instructions for its disposal.

Provided that if an employee feels any doubt about the propriety of accepting the gift or advantage in any of these circumstances, he/she should, in his/her own interests, report the matter without delay to his/her immediate superior.

95. PECUNIARY EMBARRASSMENT

Serious pecuniary embarrassment, from whatever cause, will be regarded as necessarily impairing the efficiency of an employee and will render him/her liable to disciplinary proceedings. An employee who is insolvent or gets into heavy debt must at once report the fact to his/her Head of his/her organization. Having reported his/her insolvency or indebtedness, the employee must then at the earliest possible time, submit a complete statement of the facts of his/her case to his/her Head of Organisation who will decide, in consultation with the Principal Secretary (Ministry of Administration and Manpower Development), where appropriate, whether the circumstances are such as to call for disciplinary action. In no circumstances, may an employee who is insolvent or seriously in debt continue to be employed on duties involving the handling of public funds.

96. ABSENCE FROM DUTY WITHOUT PERMISSION

- a) Without prejudice to the taking of disciplinary proceedings, including dismissal, in respect of any absence from duty without leave or reasonable cause, where an employee is absent from duty without leave or reasonable cause for a period exceeding three days, he/she shall be liable to summary dismissal with the consequent loss of all privileges. If the employee returns to duty before the decision to dismiss him/her is taken, disciplinary proceedings may be instituted against him/her.
- b) An employee who is absent from Seychelles while on duty without permission shall be liable to summary dismissal with the loss of all privileges.

97. RESTRICTION ON SEEKING POLITICAL INFLUENCE

An employee is not permitted to seek political influence with a view to obtaining advancement in the organisation or intervention on his/her behalf if any matter

affecting him/her personally which is in dispute between him/her and the employing organization, or with a view to furthering any ends which do not form part of Government's accepted policy. Any such approach will be regarded as misconduct and render the employee liable to disciplinary action.

98. DISPOSAL OF PERSONAL PROPERTY

In cases where an employee wishes to dispose of any of his/her personal property or effects by sale to his employing organisation, the sanction of the Principal Secretary (Ministry of Finance) must first be obtained for the transaction. Such sanction will be given only if it is in the interest of the Parastatal Organisation to make such a purchase.

99. EMPLOYEE'S PARTICIPATION IN POLITICAL ACTIVITIES

- (a) Employees, as citizens of Seychelles, are free to participate in political activities and may become office bearers of a political party.
- (b) It is however essential that the organisation and the public should have confidence that the political views of the employees do not influence the performance of their duties. Therefore the public interest demands the maintenance of political impartiality by employees in the discharge of their duties.
- (c) Participation in political activities must be done outside official working hours.
- (d) An employee should not use his/her office for the advancement of his/her political views or that of a political party or on behalf of others. The employee should also not use his/her office for political propaganda.
- (e) Employees are expected to serve all members of the public with dignity and respect regardless of their own political affiliation or that of the members of the public.
- (f) Disciplinary action will be taken against those employees who use their office for political activities.

100. PARTICIPATION IN TRADE UNIONS

It is the policy to encourage active participation by employees in the affairs of trade unions. Such active participation shall not prejudice an employee's official career.

101. LEGAL PROCEEDINGS AGAINST EMPLOYEES

- (a) When a criminal prosecution or civil action is instituted against any employee acting in his/her official position for an act committed or omitted in the course of his/her official duties, the employee will be at liberty to apply to his/her Head of Organisation for assistance in his/her defence.
- (b) If the Head of Organisation is satisfied that:
 - (i) the act was committed or omitted in good faith in the execution of official duties of the employee concerned and was not in contravention of any regulations or instructions; or
 - (ii) that the charge is malicious and is brought solely on account of the official position which the employee holds; and
 - (iii) that it is the public interest that the employee should be defended at its expense, he/she will immediately report the matter to the Board of Directors and ask for arrangements to be made for the employee's defence.
- (c) In making reports to the Company Lawyer under paragraph (b), the Board of Directors will include certificates in writing on the guidelines indicated in that paragraph.
- (d) If the Lawyer is satisfied that it is proper and just to do so, he will, with the consent of the employee concerned, arrange for the employee's defence. The cost of the employee's defence will then be met by the Parastatal Organisation concerned.
- (e) If, in a case in which his/her defence has been arranged under paragraph (d), the employee loses the case and is required to pay any sum by way of damage, costs, fine or compensation, such payment may be met by the employing organization which will, have the right right to obtain a contribution from the employee in the event of judgment being entered against him/her. If the employee is successful in his/her case, and is awarded costs and/or damages, he/she will be required to refund to the employing organisation the amount of the financial help he/she received, or the amount of damages or costs recovered, whichever is the lesser amount.

102. PROCEEDINGS FOR DEFAMATION

Employees are permitted to institute proceedings against any person or persons for defamation of character or other similar offence arising out of their official

position but should inform the Principal Secretary (Ministry of Administration and Manpower Development) of the action they intend to take.

103. OFFICE HOURS AND ATTENDANCE ON DUTY

- (a) Offices of Parastatal Organisations shall normally be opened during the following hours:-

Monday to Friday
8.00 or 8.30 a.m. to 12.00 noon
1.00 p.m. to 4.00 or 4.30 p.m.

Certain offices, may arrange their official hours of opening and closing to suit their particular needs, bearing in mind the requirements of the public, but in the aggregate the number of official hours of duty shall not be less than those normally applicable to the other branches of the Service. All alternative arrangements shall be subject to the prior approval of the Principal Secretary (Ministry of Administration and Manpower Development).

- (b) All offices shall be open at the official times, both in the morning and the afternoon, and an employee shall attend punctually at these times, or earlier where required, and shall not absent himself/herself during official duty hours without the approval of his/her supervisor officer. Unpunctuality in attending for duty shall be considered to be a reflection on the efficiency and conduct of an employee and prompt disciplinary proceedings shall be taken against him/her who frequently late for work or who has a poor attendance record.
- (c) Any employee may, if the exigencies of the Service so demand, be required by his/her Head of Organisation to work, within reason, outside or beyond the prescribed hours.
- (d) A high standard of discipline, efficiency and output is necessary for a developing country. Employees must appreciate that they are paid for the quality and quantity of the work they do and not merely for the time they are present.

104. UNIFORMS, PROTECTIVE CLOTHING AND CODE OF DRESS IN THE PUBLIC SERVICE

In the context of this order, uniforms and protective clothing may be issued at organisation's expense, to certain categories of employees only. Uniforms shall include such items of clothing necessary to:

- (j) distinguish employees from the general public; and
(ii) protect employees

As a result of the above only the following categories of employees shall be eligible to receive uniforms/protective clothing at organisation's expense:

- (i) officers who need to enforce law/authority towards the public i.e. Security Guards, those dealing with the public on a daily basis who needs to be distinguished;
- (ii) all employees who need protective clothing such as Nurses, Laboratory workers and Fire Officers, Artisans and Conservancy Labourers.

For those officers who may require identification in pursuance of their duties, identity cards (and NOT Uniforms) bearing such personal details as is considered necessary will be provided by the employing organization.

A uniform shall consist of items such as dresses, skirts and blouses, trousers and shirts, overalls and complementary items such as caps/hats, shoes, socks, handbags. Except when required for protection purposes, (e.g. as in the case of Fireman, Conservancy Labourers) and except for certain categories of staff, shoes, socks and handbags will be purchased by employees. The only employees who will be exempted from buying such items are Security Guards.

There is also a need to limit the number of uniforms to be provided by the organization. In all cases each officer will receive, in the case of women, 3 dresses or 3 skirts and 3 blouses per year, in the case of men, 3 pairs of trousers and 3 shirts per year.

For those officers requiring supplementary items at the organisation's expense the following will be provided:

Shoes =2 pairs per year

Socks/stockings =6 pairs per year

Cap =1 every 2 years

Protective clothing such as Laboratory coats, overalls, etc., will be provided according to needs and with the approval of the Head of the Organisation.

All other items will be purchased by the employing organization and sold to staff according to needs. This is necessary so as to maintain uniformity and a desired standard.

During the period stipulated an officer may augment his/her stock of uniform at his her expense. Proper maintenance of uniforms is mandatory; if at any time an

item of uniform is lost/destroyed or damaged through negligence of the officer concerned, he/she shall be bound to replace such items, at his/her expense.

Each Parastatal Organisation is advised to prepare a Uniform Manual detailing the types of uniform and how they should be worn and maintained. In addition staff should be made aware of the code of conduct whilst they are in uniform.

This policy applies to uniforms and protective clothing issued by the employing organisation; if staff members who do not qualify for free issue of uniforms feel that they wish to have one, they may do so at their own expense, with the approval of the Board Directors.

All employees, including those in uniform, are expected to behave and dress to an image acceptable image to the public in general. Clothing and grooming should suit the occasion and culture. The most common expectation is that an officer will appear clean and dressed in a manner that will avoid silent criticism.

CODE OF DISCIPLINE

105. DISCIPLINARY AUTHORITIES.

- (a) In accordance with the provisions of Article 66 of the Constitution, the powers of disciplinary control of persons appointed to offices in the Parastatal Sector are vested in the President. Subject to the provisions of paragraph (b) below, the President has, however, delegated these powers of disciplinary control in respect of holders of all offices in the Parastatal Organisations employed in posts allocated to the Senior Officer Grade and below to the following:-
 - (i) The Head of Organisation concerned in respect of offices as specified above except those which fall within the common cadres as defined, or those which are held by employees who are expatriates or those which are held by bonded employees and in all cases of termination of appointments on grounds other than misconduct;
 - (b) The delegated powers shall not be exercised by those to whom they have been delegated without the consent of the Head responsible for that Parastatal Organisation, obtained in each case after consultation with the Board of Directors.
 - (c) The maintenance of good order, discipline and efficiency is a major management responsibility and the Head of Organisation should not hesitate to take prompt disciplinary action when this is necessary.

106. TENURE OF OFFICE NOT AS OF RIGHT.

No employee holds his/her office as of right as any such office may be abolished by the President at any time without assigning any reasons. Exceptions are Chief Justice, Puisne Judges, Justice of Appeal, Attorney General, Auditor General, Ombudsman and Electoral Commissioner.

107. DISCIPLINARY OFFENCE - GENERAL DEFINITION

Any act, omission, misconduct, failure to take reasonable care or failure to discharge his/her duties in a reasonable or satisfactory manner by or on the part of an employee which, in the opinion of the disciplinary authority, warrants disciplinary proceedings being taken against the employee, shall constitute a disciplinary offence.

108. DISCIPLINARY OFFENCES - CATEGORIES.

Disciplinary offences are divided into two different categories, minor disciplinary offences and serious disciplinary offences, as follows:-

- (1) Minor disciplinary offences:
 - (a) within a period of 12 months fails to observe working hours on one or not more than two occasions;
 - (b) within a period of 12 months fails to report for work on one or not more than two occasions;
 - (c) is absent without permission from the undertaking or post of the worker during working hours;
 - (d) fails to obey reasonable orders or instructions given by the employer or representative of the employer;
 - (e) makes any illicit or unauthorised use of the property or equipment of the undertaking;
 - (f) negligently causes minor damage to the property of the undertaking;
 - (g) fails to keep a secret connected with the work of the worker, the production of goods or the provision of services, where required by law or by the rules of the employer to keep it;
 - (h) fails to comply with the rules and regulations of the undertaking;

- (i) commits an offence under this Act other than an offence referred in Part II (j) of this Schedule;
 - (j) appears at work while under the influence of alcohol or dangerous drugs or consumes alcohol or dangerous drugs while at work or within the undertaking;
 - (k) knowingly makes false statements during investigation of accidents at work or of breaches of discipline.
- (2) Serious disciplinary offences:-**
- (a) fails repeatedly to observe working hours or is absent from work without authorisation on 3 or more occasions within a period of 12 months;
 - (b) is absent from work without justification for a whole day on 3 or more occasions within a period of 12 months;
 - (c) fails repeatedly to obey reasonable orders or instructions given by the employer or representative of the employer.
 - (d) fails to keep a secret connected with the work of the worker, the production of goods or the provision of services, where the failure results in serious prejudice to the undertaking of the general interests of the Republic;
 - (e) wilfully or intentionally damages the property of the undertaking thereby causing a reduction or stoppage of production or serious
 - (f) prejudice to the employer;
 - (g) is unable to carry out the duties of the worker due to the effect of alcohol or dangerous drugs;
 - (h) commits any offence involving dishonesty, robbery, breach of trust, deception or other fraudulent practice within the undertaking or during the performance of the work of the worker;
 - (i) in the course of the employment of the worker assaults, or inflicts bodily injury upon a client of the employer or another worker;
 - (j) commits any active or passive bribery or corruption;
 - (k) commits an offence whereby the employee causes serious prejudice to the employer or employer's undertaking;

- (l) does any act, not necessarily related to the work of the worker, which reflects seriously upon the loyalty or integrity of the worker and causes serious prejudice to the employer's undertaking;
- (m) shows a lack of respect to, insults or threatens a client of the employer or another worker whether it be a superior, a subordinate or a colleague;
- (n) wilfully, repeatedly and without justification fails to achieve a normal output as fixed in accordance with standards applicable to the his work;

109. DISCIPLINARY PROCEDURES

- (a) Verbal reprimand or warning - this may be issued by a supervisor in respect of a minor case or unsatisfactory work or conduct by an employee under his/her control.
- (b) Summary proceedings - shall be instituted where, in the opinion of the disciplinary authority, the offence which the employee is alleged to have committed is more serious than in (a) above but is not of such gravity as to warrant, in the event of him/her being found guilty thereof, his/her dismissal, demotion or reduction in salary.
- (c) Formal proceedings - shall be instituted where, in the opinion of the disciplinary authority, the offence which the employee is alleged to have committed, is of such gravity that, were he/she to be found guilty, it might warrant the employee's dismissal, demotion or reduction in salary.
- (d) Suspected criminal offence – where the Head of Organisation has reason to believe a member of his/her staff has committed a serious criminal offence, the matter should be reported immediately to the Police for their action.

110. SUSPENSION FROM DUTY

- (a) Where formal proceedings have been instituted the employee may be suspended from duty without pay depending on the circumstances of the case. The suspension should not exceed on calendar month except in the circumstances of Order 109 (b).
- (b) Where a case involving an alleged serious offence has been reported to the Police for their action, the employee shall be suspended from duty forthwith without pay. The suspension may

continue until the outcome of the trial. Please refer to Appendix “A” - 4. General - Clause (1) (a), for further guidelines.

111. DISCIPLINARY PROCEEDINGS - GENERAL GUIDELINES

- (a) No disciplinary action shall be taken against an employee for a disciplinary offence unless there has been an investigation of the alleged offence, or where the act or omission constituting the offence is self-evident, unless he/she is given the opportunity of explaining the act or omission.
- (b) The disciplinary authority shall ensure that the investigation in respect of a minor disciplinary offence, even when it consists of no more than requiring an explanation for a self-evident act or omission, is conducted fairly and that the employee has, if he/she so wished, the assistance of a colleague or shop steward, if any, and of such witnesses as he/she may wish to call.

112. SUMMARY PROCEEDINGS.

- (a) Where the disciplinary authority decides to institute summary proceedings against an accused employee, the authority shall prepare a statement giving particulars of the charge or charges and arrange for it to be handed to the accused.
- (b) The disciplinary authority shall appoint the date, time and place for the investigation of the charge or charges, which shall be within fourteen days of the decision to institute summary proceedings, and shall give the accused seven days notice of the same.
- (c) The accused shall have a right to be present at the investigation and make his/her defence; provided that failure by the accused to be present at the investigation shall not invalidate the proceedings.
- (d) The investigation of the charge or charges shall be carried out in such manner as the disciplinary authority may determine.
- (e) Upon the conclusion of the investigation, the disciplinary authority shall make a finding whether the accused is guilty as charged and if so, the authority shall proceed to award such punishment as is appropriate; provided that under no circumstances shall the accused be punished by dismissal, demotion or reduction in salary.
- (f) Where an investigation under this Order is being, or has been held, the disciplinary authority may at any time before awarding punishment institute formal proceedings against the accused if the evidence given

discloses facts which add to the gravity of the charge or charges or which show that the accused has or may have committed other disciplinary offences warranting formal proceedings.

113. FORMAL PROCEEDINGS

The arrangements for inquiries into disciplinary cases where formal proceedings are to be undertaken are set out in Appendix 'A' to these Orders.

114. CRIMINAL CHARGE NOT CONNECTED WITH EMPLOYMENT

- (a) Where an employee is charged with a criminal offence which is not connected with his/her employment, any action to be taken by his/her employer will depend on the seriousness of the offence. Should the employee be detained in custody he/she shall be suspended without pay until such time as the case has been decided. Where the employee is not detained in custody, the employer shall decide whether or not the employee may be permitted to carry on with his/her duties until the case has been decided. In either case the Principal Secretary (Ministry of Administration and Manpower Development) shall be immediately informed of the decision which has been taken.
- (b) Where an employee has been found guilty, whether he/she is sentenced to imprisonment or not, Head of Organisation shall decide what action, if any, should be taken. Where the Head of Organisation decided that the employee should have his/her employment terminated as a serious disciplinary offence the appropriate action shall be taken as set out in Order 113 (Appendix "A").

115. PUNISHMENT FOR DISCIPLINARY OFFENCES

The following punishment may be imposed upon an employee as a result of disciplinary proceedings:-

- (i) dismissal, that is termination of appointment with forfeiture of all privileges in accordance with the provisions of any form of agreement or law for the time being in force;
- (ii) demotion, that is, removal to a post allocated to a lower grade carrying an immediate reduction in salary;
- (iii) reduction in personal salary by up to five salary points;
- (iv) written warning;

- (v) in addition to any of the punishments as specified under (i) to (iv) above, restitution payment, that is, the recovery of the amount of any loss caused to the organisation or the value of any property of the organisation destroyed or damaged or the cost of repairing any property destroyed or damaged, by the employee by any wilful act or omission or by reason of his/her failure to take reasonable care or to discharge his/her duties in a reasonable manner.
- (vi) 3 days' pay for one day's unauthorized absence for each second or subsequent unauthorized absence within a period of 12 months.

116. DISCIPLINARY MEASURES

Whilst it is impracticable to determine a rigid code assigning particular punishment to particular offences, it is important that there is as much uniformity and consistency as possible in this matter. For this reason a schedule showing the range of disciplinary offences is set out in Appendix "B" to these Orders. The schedule is intended to provide guidelines for all disciplinary authorities and shall not in any way be interpreted as restricting a disciplinary authority from imposing any punishment, as he/she deems appropriate, in any particular instance. Additional guidelines follow:-

- (i) Occasional minor offences e.g.; infrequent lateness or unauthorized absence, small oversights, omissions, untidiness, occasional low productivity, periodic unwillingness etc., should be dealt with by verbal reprimand. If such occurrences become a regular feature or more serious matters are at issue, e.g., laziness, drunkenness, poor performance, carelessness, etc., a written letter of warning should be issued. In this context an employee who has not committed a further minor offence for twelve months from the date he/she was warned shall be considered to have a clear record.
- (ii) Serious breaches of discipline or regulations or culpable neglect will normally justify a more severe penalty e.g., demotion, restitution payment or dismissal.
- (iii) Where an employee is suspected of having committed a criminal offence e.g., theft, corruption, etc., or thought to be guilty of a serious breach of discipline, e.g., disclosure of confidential information, sabotage, gross insubordination, etc., the employee should be suspended immediately pending an investigation. An employee charged with a relevant criminal offence (see sub-paragraph (vi) below) must at once be suspended until the outcome of the case is known. An employee convicted of a criminal offence shall remain suspended pending disciplinary action. If the employee appeals against the conviction, his/her suspension shall continue until the

appeal is adjudged. Conviction upon a criminal offence will normally lead to dismissal.

- (iv) If an employee who has been suspended is acquitted or his/her appeal upheld, he/she may be reinstated and his/her withheld salary restored.
- (v) An employee who has been suspended under (iii) above, may terminate his/her contract of employment with notice.
- (vi) Disciplinary action may be required if an employee is charged with a criminal offence. Certain minor criminal offences will not normally warrant disciplinary proceedings, e.g., vehicle parking offences. Criminal offences involving fraud or theft will always entail disciplinary action. The Commissioner of Police shall advise the organization concerned as well as the Principal Secretary (Ministry of Administration and Manpower Development) whenever an employee is charged with or convicted or acquitted of a criminal offence. Also, it is the duty of the employee charged with a criminal offence to advise his/her Head of Organisation thereof. Heads of Organisations should consult the Principal Secretary (Ministry of Administration and Manpower Development) in particular instances, when they are uncertain whether a criminal charge or conviction against an employee warrants disciplinary action.

117. REMOVAL IN THE PUBLIC INTEREST

The President may remove an employee from a public office if he considers it is in the public interest to do so. The decision of the President shall be signified through the Principal Secretary (Ministry of Administration and Manpower Development). The question of any pension or gratuity, where appropriate, will be dealt with in accordance with the appropriate legislation.

118. MONITORING OF DELEGATED DISCIPLINARY POWERS

In order to enable the Principal Secretary (Ministry of Administration and Manpower Development) to monitor, on behalf of the President, the manner in which his/her delegated powers in the matter of disciplinary control are being exercised, it is essential that each case of disciplinary action by Head of Organisations under their delegated powers is reported immediately in writing to the Principal Secretary (Ministry of Administration and Manpower Development) and in the case of dismissal by completion of the prescribed form. If the Principal Secretary (Ministry of Administration and Manpower Development) observes any irregularity, he/she will communicate the same to the Head of Organisation concerned with a view to its rectification.

119. RECOMMENDATIONS FOR DISCIPLINARY ACTION IN CASES WHERE PRESIDENTIAL POWERS NOT DELEGATED

All recommendations for disciplinary action in cases where Presidential powers have not been delegated shall be submitted to the Principal Secretary (Ministry of Administration and Manpower Development), on the prescribed form.

120. APPEAL AGAINST DISCIPLINARY PUNISHMENTS

- (a) (i) An employee who, as a result of disciplinary proceeding against him/her is aggrieved by reason of a disciplinary punishment awarded against him/her, may initiate the grievance procedure under the Employment Act, with competent officer of Ministry of Social Affairs and Employment within fourteen days from the date of the notification of the punishment awarded.
- (ii) Where there exist internal procedures for resolving disputes between employer and worker, these should be exhausted by the employee prior to registering a grievance with Principal Secretary (Ministry of Social Affairs and Employment).
- (iii) The aggrieved employee or his/her representative shall prepare the grounds of appeal and forward them to the Competent Officer (Ministry of Employment and Social Affairs).
- (iv) The Competent Officer will deal with the grievance in line with the Employment Act.
- (v) Following consideration by the Competent Officer (Ministry of Employment and Social Affairs) he/she shall convey his/her determination, to the employee or his/her representative, as the case may be. This determination shall be notified within 42 days of the
- (vi) The employee, may, not later than 7 days after being notified of the decision, under Order 120, register an appeal in writing to the Minister of Employment and Social Affairs against that determination who shall make a final determination on the case.
- (b) Where an employee is still aggrieved with the final determination under Order 120 (a) (v) and having exhausted all avenues for finding a solution to his/her complaint, the employee may further seek judicial review.

121. RECORD OF DISCIPLINARY PUNISHMENTS

Any disciplinary punishments shall be recorded on the employee's personal record card in the personal file kept by his employer.

122 -130 Unallocated

CHAPTER VI

RETIREMENT, RESIGNATION AND TERMINATION OF APPOINTMENT

131. RETIREMENT

- (a) The Employment Act 1995 Specifies the age at which an employee shall retire. No employee shall continue in employment beyond that age, without the approval of the Ministry of Administration and Manpower Development and Ministry of Social Affairs and Employment.
- (b) Under the Pensions Act (Cap. 159) employees qualified by virtue of service prior to 1st January, 1979 to benefit under that Act, may, subject to the approval of the President, commence to draw a pension, or gratuity, on attaining the age of 55 years. In special cases he/she may be retired on or after attaining the age of 45 years or on the completion of 25 years service, whichever is the earlier, or on grounds of ill-health or due to abolition of office.

132. RESIGNATION

- (a) Any employee, excluding those serving on special contract terms but including those who held pensionable offices as at 31st December 1978, may resign his/her appointment by giving to the organisation one month's gross salary in lieu of such notice.
- (b) An employee serving on contract or agreement terms may resign his/her appointment in accordance with the relevant provisions of his/her contract or agreement. Where no such specific provision has been made, he/she will be required to give not less than three month's notice of his/her intention to do so or, alternatively, he/she will be required to pay two months' basic salary in lieu of such notice.
- (c) Notwithstanding the terms of paragraph (b), an employee who is required to give three months' notice but who resigns for justifiable reasons at short notice will be eligible to have the two months' salary due from him reduced proportionately.
- (d) A resignation will be accepted only when the Head of Organisation is satisfied that satisfactory arrangements have been made to refund any outstanding liabilities to organisation. In this context special attention must be paid to resignations of bonded employees which must all be referred to the Principal Secretary (Ministry of Administration and Manpower Development) for decision. Any amount of money due to the employee may be withheld and applied towards any sum due by him/her. On

resignation from the organisation, the employee forfeits all the privileges of his/her office but he/she may take outstanding leave or be paid salary in lieu, provided that the required period of notice has been given.

133. TERMINATION OF APPOINTMENT OTHERWISE THAN BY DISMISSAL

- (a) An employer may terminate a contract of employment with notice, upon a determination of the Competent Officer (Ministry of Social Affairs and Employment), following the negotiation procedure, initiated under Part VI of the Employment Act.
- (b) Appointments may be terminated by the employer, on grounds other than misconduct in the following circumstances:-
 - (i) redundancy;
 - (ii) premature retirement i.e. for employees who were holding pensionable offices as at 31st December, 1978, in circumstances set out in the Pensions Act;
 - (iii) on medical grounds following the decision of a medical board;
- (c) Notwithstanding Paragraph (b) above an employer may terminate the appointment of an employee with notice in the following cases:-
 - (i) during or following a probationary period of employment, where training, guidance, counseling and adequate supervision have been to no avail, and performance is below the required minimum level;
 - (ii) following marked deterioration in work and personal standards where remedial measures taken have been to no avail;
 - (iii) in the interests of the organisation;
- (b) The procedure for termination of appointment other than on grounds of misconduct is set out in Appendix 'C' to these Orders.

134. PENALTIES INCURRED WHEN EMPLOYEES LEAVE THE SERVICE IN EXCEPTIONAL CIRCUMSTANCES

- (a) An employee who fails to take up his/her appointment will be liable to refund any cost incurred by Government in respect of the transport of himself/herself, his/her family and personal effects from his/her place of engagement to his/her duty station.

- (b) An employee who has signed an agreement with an organisation to continue in the service of that organisation for a fixed period on being selected to attend a course of study wholly or partly at the expense of that organisation, and who resigns without completing the period for which the employee has undertaken to serve the organisation, will be liable to refund that proportion of the expenditure specified below by which his/her service, following the course of study, falls short of the total period for which the employee had undertaken to serve:-
 - (i) all expenditure incurred by the organisation in connection with the employee's course including any sums paid to him/her or on his/her behalf by way of salary, allowance, fees or expenses; and
 - (ii) the cost of the employee's transport between the Republic and his/her place of training.

135. RESPONSIBILITY FOR RECOVERIES

The Head of Organisation concerned is responsible for ensuring that any amounts due under the provisions of this Chapter, and also any other amounts due to the organisation, are collected before the date on which the employee ceases duty. Any amount due to the employee may be withheld and applied towards the refund due by him/her. In the event of any difficulty, the matter should be reported to the Principal Secretary (Ministry of Finance).

136. RE-EMPLOYMENT AND REHABILITATION OF INCAPACITATED EMPLOYEES

- (a) The performance of an employee may deteriorate for medical reasons to a point where he/she is unable to discharge fully the responsibilities of his/her post. In such cases, the medical condition is often treatable and not serious enough for a medical board to recommend termination of appointment or premature retirement. The board or individual medical advice as the case may be, would recommend that re-deployment in a job which is less demanding or which does not contain the components, deemed to have brought about the deterioration, could well lead to full recovery. In such cases, the medical authorities will provide the employing organisation with a detailed account of the circumstances in order to facilitate re-deployment.
- (b) It is organisation's responsibility, as an employer, to bring such employees back to a high level of productivity and satisfaction. The following steps should therefore be taken in trying to achieve this aim:-
 - (i) Knowledge of a potential problem will reach a Head of Organisation in a variety of ways. If the Head of Organisation thinks it is, or may become, an "unfit for work" situation, he/she

should hold an administrative inquiry to assemble all the facts including medical reports.

- (ii) The Head of Organisation should then determine whether or not the employee can carry on with his/her assigned duties.
- (iii) If the Head of Organisation decides that the employee can carry on, a counselling interview may be necessary and further monitoring of the situation should take place.
- (iv) If the Head of Organisation decides the employee cannot carry on, he/she should:-
 - (a) consider re-deployment in the same or similar skills area in the organisation but in another work environment; and
 - (b) inform the Principal Secretary (Ministry of Administration and Manpower Development) who is thus alerted in case he/she has to take action later as per sub-paragraph (viii) below.
- (iv) If this move is successful, with further monitoring, the Principal Secretary (Ministry of Administration and Manpower Development) should be informed.
- (vi) If a move is not possible or, being possible, not successful, consideration should be given to redeployment to a different skills area in the same organisation. Inform the Principal Secretary (Ministry of Administration and Manpower Development) if re-training is advisable to the extent that outside involvement is necessary. The Principal Secretary (Ministry of Administration and Manpower Development) will try to help and at the same time ascertain whether other options are more suitable.
- (vii) If such re-deployment is really impossible, or has been tried and found unsuccessful, the Principal Secretary (Ministry of Administration and Manpower Development) should be informed.
- (viii) The Principal Secretary (Ministry of Administration and Manpower Development) once alerted (see sub-paragraph (iv)) will try to re-deploy to another Ministry/Department/Parastatal Organisation. This may involve a re-training. Close collaboration is most essential between the new employing organisation, Ministry of Administration and Manpower Development and medical authorities, as the new job can be seen as part of total rehabilitation.

- (ix) The employee remains on the payroll of his/her former organisation. The Principal Secretary (Ministry of Administration and Manpower Development) has six weeks to re-locate the employee who is sent on leave, pending a decision.
- (x) The employee so re-deployed will be subject to a 6-month trial period. The new Head of Organisation should submit a report to the Principal Secretary (Ministry of Administration and Manpower Development) thereafter advising on retention of services, or otherwise.
- (xi) If the employee's services are not retained, the Principal Secretary (Ministry of Administration and Manpower Development) will try again (see sub-paragraph (ix) above) or, depending on the report, will consider termination of appointment.
- (xii) If termination is decided, the Ministry of Social Affairs and Employment will be informed with a view to re-deployment. If this is not possible, Social Security benefits may be payable upon termination of appointment.
- (xiii) When in the new post, the employee receives the salary for the post, or his/her personal salary, whichever is the lesser amount.
- (xiv) Re-deployment of such people should take priority over recruitment to vacant posts of persons from outside the Public Sector.

137. CERTIFICATE OF EMPLOYMENT

- (a) A certificate of employment in the prescribed form shall be given to an employee upon the cessation of his/her appointment. When completing such certificates, it should be borne in mind that their main purpose is for use as a reference covering the employee's period of service, should he/she wish to seek other employment.
- (b) Efficiency and general conduct will be assessed as "Very Good", "Good", "Satisfactory" (i.e., normal or average), "Indifferent" or "Poor".
- (c) Where an employee has not given entire satisfaction throughout his/her service, it is important that the certificate should be worded as to give him/her credit for any good qualities which he/she may have shown. It should not, through a lack of precision or by the bare expression of a general adverse opinion, have the effect of prejudicing the holder's chances of obtaining subsequent employment. Normally, it should not be necessary to add anything on the reverse side of the certificate of employment unless

it is impossible to convey adequately in a few words the information required.

- (d) Cause of cessations of appointment on the certificate should normally be given as indicated below, or as may be appropriate:-
 - (i) Retirement
 - (ii) Resignation
 - (iii) Dismissal
 - (iv) Abolition of office
 - (v) Discharged owing to redundancy
 - (vi) Completion of contract
 - (vii) Transfer
 - (viii) Termination of appointment: i.e. Health

138. PAYMENT OF COMPENSATION FOR PAST PERIOD OF SERVICE

- (a) Payment of Compensation for past period of service from 1st January 1979 or thereafter is an accrued benefit, and it applies to employees in continuous employment of a Parastatal Organisation as at 1st January 1992 and thereafter.
- (b) Continuity of service for the purpose of payment of the compensation is necessary and breaks of service will not be permitted. Authorised absence on leave without pay in accordance with Order 149 for periods not exceeding twenty four months will not constitute a break but will be discounted for the purpose of length of continuous service.

Period of suspension without pay in accordance with Order 110 should also be discounted for that purpose.
- (c) Unpaid sick leave falling within the limit provided under the Employment Act Regulations, will not be deducted from the compensation.
- (d) Notwithstanding the provision of paragraph (b), where an employee has left the service under the following circumstances:
 - (i) resignation

- (ii) termination of appointment
 - (iii) redundancy
 - (iv) after completion of fixed term contract (as per Employment Act 1995 Section 19 but excluding employees on the Public Sector Commission contract) and within a month from date of leaving, was re-appointed to the Public Sector, the employee's period of service prior to and after the break may be considered continuous. The period of the break will however be discounted for the purpose of length of continuous service.
- (e) The length of service of employees who proceed on training sponsored by Government or by the Parastatal Organisation will not constitute a break and will not affect continuity of service.
 - (f) Transfers between public service and parastatal organisations will not affect the payment of compensation.
 - (g) In the case of external transfer from a Parastatal Organisation to a Ministry/Department, the Parastatal Organisation will pay the proportionate compensation into a centralised vote held by the Ministry of Administration and Manpower Development. Likewise, where the transfer is vice versa, Government will pay proportionate compensation due to the employing Parastatal Organisation. The procedure of transfer took effect from 1st January 1993.
 - (h) Requests for payment of compensation should be paid by the Parastatal Organisation on the prescribed form, copied to Ministry of Administration and Manpower Development for monitoring and records.
 - (i) An employee (including an expatriate on local letter of appointment) who has continuity of service and who leaves the employing organisation in one of the following circumstances, is eligible for payment of compensation:
 - (i) resignation
 - (ii) on reaching the national retirement age of 63 years
 - (iii) death (payable to legal heir(s));
 - (iv) an employee who is taking up appointment on contract terms under the Public Sector Commission of the Public Service; for period of service from 1st January 1979 and till the day preceding the first day of his/her contract;

- (v) termination on grounds of failing probationary period
 - (vi) premature retirement
 - (vii) completion of part time employment.
- (j) The compensation following termination of appointment under the following grounds will however be paid by the employing organisation, under the Employment Act:
- (i) redundancy
 - (ii) on medical grounds following decisions of a medical board
 - (iii) in the interest of the organisation
 - (iv) following marked deterioration in work and personal standards where medical measures have been to no avail.
 - (v) Localisation
- (k) For avoidance of doubt, it is declared than an employee who leaves the Public Sector in one of the following circumstances;
- (i) completion of fixed term contract
 - (ii) completion of Apprentice Scheme
 - (iii) termination of appointment on grounds of misconduct is not eligible for payment of compensation under this Order.
- (l) Compensation payable is calculated at the rate of one day's wage for every completed month of service as from 1st January 1979 or thereafter.

The salary to be used for the calculation of compensation will be the gross basic salary at the time when payment is due. Social security not be deducted.

The following formula shall be used for calculation of compensation and this takes effect form 1st May 1993:-

$$\frac{A \times B \times C}{52 \times D}$$

Where: A = Salary per annum

B = Working hours per day

C = Number of days entitled as period of continuous service

D = Number of working hours per week

- (m) For avoidance of doubt, it is declared that gross basic salary for the purpose of this order includes the following:
- (i) supplementation allowance paid in the case of an expatriate employee to supplement salary package, and those prior to taking a Public Sector Commission Contract (but not including expenses for utilities, entertainment, clothing, telephone, housing, and transport);
 - (ii) acting allowance.
- (n) Notwithstanding the above provisions an employee of a Parastatal Organisation who is entitled to compensation under the Employment Act shall not be entitled to compensation under this Order.

139. PAYMENT OF GRATUITY FOR PAST YEARS OF CONTINUOUS SERVICE.

- (a) Payment of gratuity for past years of continuous service from 1st January 1979 or thereafter applies to employees in continuous employment of Parastatal Organisation at 1st January 1992 and thereafter.
- (b) Continuity of service for the purpose of payment of the gratuity is necessary and breaks of service will not be permitted. Authorised absence on leave without pay in accordance with Order 149 for periods not exceeding twenty four months will not constitute a break but will be discounted for the purpose of length of continuous service.

Period of suspension without pay in accordance with Order 110 will also be discounted for that purpose.
- (c) Unpaid sick leave falling within the limit provided under the Employment Act Regulations, will not be deducted from the gratuity.
- (d) The period of absence of employees who proceed on training sponsored by Government or by the Parastatal Organisation will not constitute a break and will not affect continuity of service.

- (e) Transfers between Government and Parastatal Organisations will not affect the payment of gratuity.
- (f) Members falling under specific Schemes of Service e.g. Teaching, Nursing, Police etc. will not be eligible for payment of gratuity under this Order as provisions have already been made for payment of same under their respective Schemes of Service. This also applies to employees on contract under the Public Sector Commission.
- (g) In the case of external transfer from a Parastatal Organisation to a Ministry/Department, the Parastatal Organisation will pay the proportionate gratuity into a centralised vote held by the Ministry of Administration and Manpower Development. Likewise, where the transfer is vice versa, Government will pay proportionate gratuity calculated at the time of transfer, to the employing Parastatal Organisations. The procedure for transfer of funds takes effect from 1st January 1993.
- (g) Requests for payment of gratuity should be referred to Principal Secretary, Ministry of Administration and Manpower Development for approval, on the prescribed form. As an exercise in preparation for annual estimates, a summary of personnel information including name, national identity number and date of appointment of all employees together with the amount of gratuity due should be submitted to the Ministry of Administration and Manpower Development by 30th June each year, for gratuity due in the following year.
- (h) An employee (including an expatriate on local letter of appointment) who has continuity of service and who leaves the employing organisation in one of the following circumstances, is eligible for payment of proportionate gratuity on pro-rata basis:
 - (i) Termination of appointment on medical grounds;
 - (ii) Termination of appointment in the interest of the organisation (as approved by the Ministry of Administration and Manpower Development);
 - (iii) Redundancy;
 - (iv) On reaching national retirement age of 63 years;
 - (v) Premature retirement (as approved the Ministry of Administration and Manpower Development) under Order 133 (a) (ii);
 - (vi) Termination on grounds of localization under Order 133 (b) (vii)

- (vii) Death (payable to legal heir(s) under Order 265);
- (viii) Following a review of dismissal where the Minister (Ministry of Administration and Manpower Development or Ministry of Social Affairs and Employment) determines that the employee's appointment should be terminated on grounds other than misconduct;
- (ix) An employee who is taking up appointment on contract terms under the Public Sector Commission of the Public Service for period of service from 1/1/79 till the day preceding the first day of the employee's contract;
- (x) Completion of part time employment.
- (i) If an employee re-joins the Parastatal Sector after leaving in the circumstances outlined at (h) (i) to (vi), his/her continuity of service will be counted from date of rejoining, except where he/she re-joins:
 - a. after having been absent for a continuous period of one month within the period under review; or
 - b. After having been absent for a period of one month in aggregate with the period under review.

The absence will not constitute a break of service but the period will be discounted for length of continuous service.

- (j) For avoidance of doubt, it is declared that where an employee leaves the Service in circumstances outlined at (j) (a) to (b), his/her period of service will not be counted as continuous even if he/she re-joins within one month, but will be counted from the date of re-joining.

However, continuity of service will exist where an employee leaves the service on:

- (k) For avoidance of doubt, it is declared that an employee who leaves the Public Sector in one of the following circumstances is not eligible for payment of gratuity under this Order:-
 - (i) completion of fixed-term contract;
 - (ii) An employee employed on contract terms including that under the Public Sector Commission.
 - (iii) Completion of Apprentice Scheme

- (iv) Those employed under a Scheme of Service which provides for a gratuity.
 - (v) Termination of Appointment set out in Order 133(a), (iv) and (v)
 - (vi) Dismissal
 - (vii) resignation;
- (l) Continuous service gratuity will be paid at the following rates:-
- (a) First 15 years (180 months) - SR 20,000
 - (b) Next 10 years (120 months) - SR 20,000
 - (c) Next 5 years (60 months) - SR 15,000
 - (d) Next 5 years (60 months) - SR 15,000
 - (e) Next 5 years (60 months) - SR 15,000
- (m) Part-time employees are also eligible to payment of gratuity on a proportional basis in relation to the number of hours worked. The following formula shall be used for calculation of part-time gratuity:

$$\frac{K \times L \times I}{7 \times J}$$

- Where
- K = Hours worked per day
 - L = Amount due (e.g. R20,000)
 - I = Number of months qualifying for gratuity
 - J = Number of months (e.g. 180 months = 15 years)

140. Unallocated.

CHAPTER VII

LEAVE

141. LEAVE ENTITLEMENT.

- (a) The whole concept of granting leave is to allow the employees leisure time to recuperate after a sustained period of work.
- (b) All employees (except those serving under specific agreements) shall be entitled to 1.75 days leave for each completed month of residential service.
- (c) Employees who are governed by specific agreements shall be entitled to such leave as is provided for in their respective agreements.
- (d) Employees appointed for part-time duties shall be entitled to the same leave rate as for those engaged on full-time duties in the proportion which the number of hours worked by him/her bears to the number of hours which a full time employee in the same occupation would have worked.
- (e) The annual leave entitlement is taken each year by mutual arrangement between the employing organisation and the employee but the Head of the Organisation must ensure that all (other than those serving under a contract) employees take a minimum of 14 consecutive days' leave each year.

142. METHOD OF COMPUTATION AND GRANT OF LEAVE

- (a) There will be an annual leave-cycle commencing 1st January each year and leave will normally be taken as earned and in arrears. When an employee proceeds on leave, he/she should normally be granted the leave earned provided that no newly appointed employee should be granted leave before he/she completes six months' service from the date of his/her first appointment. In the case of newly appointed employees any leave earned for the period of service prior to the commencement of the annual leave-cycle on 1st January shall be added to the first year's leave.
- (b) Leave will commence on the first working day after an employee's last day of duty before proceeding on leave and will end on the day immediately preceding that of his/her return to duty. Saturdays, Sundays and Public Holidays falling between the beginning and end of leave will count as part of that leave. All leave periods are leave-earning in that they count as residential service except in circumstances in which an employee is on leave pending retirement, resignation or termination of appointment or is on leave without pay or is on a full-time training course lasting for more

than one academic year. Sick and convalescent leave with pay will be treated as residential service and will be leave-earning.

- (c) In exceptional circumstances employees may be permitted to take their leave piecemeal, provided that at least seven consecutive days are taken during each year, but they will be required to take their full leave entitlement during the annual leave cycle. Any leave not taken during the leave cycle, except where an employee has been recalled from leave (see Order 144) or has been permitted to accumulated his/her leave (see Order 143), shall be forfeited.
- (d) It will be in order for an employee to commence his/her leave in one cycle and for the leave to expire in the following leave cycle.
- (e) Where an employee who is eligible for leave but will not be resuming duty owing to resignation, retirement or termination of appointment, including by dismissal, he/she will be granted leave proportionate to the number of completed months or his/her leave-earning cycle. Any authorised accumulated leave not taken may be added to leave earned during the current leave cycle.
- (f) Where a newly appointed employee on completion of six months' service, takes his/her annual leave and subsequently resigns before completion of 12 months' service, he/she shall be required to refund to Government the salary equivalent to the leave taken in excess of his/her entitlement.
- (g) If very exceptional circumstances consideration may be given to converting above 7 days' leave in any one calendar year into a cash payment. This may be approved by the Organisation concerned.
- (h) The following formula shall be used to calculate payment of leave:-

$$\frac{\text{Annual Salary} \times \text{Number of days leave earned}}{365 \text{ days}}$$

143. ACCUMULATION OF LEAVE

- (a) An employee may in exceptional circumstances and with the prior permission of his/her Head of Organisation, accumulate up to a maximum of 42 days leave. Any accumulated leave in excess of 42 days shall be forfeited.
- (b) Notwithstanding the provisions of paragraph (a), an employee who is engaged on contract terms will be normally granted the leave due to him/her satisfactory completion of the period of his/her engagement.

144. RECALL FROM OR DEFERMENT OF LEAVE

- (a) An employee may be recalled from leave before its expiration by his/her Head of Organisation if necessary in the interests of the Service. Except that this shall not apply in the case of an employee who is on leave pending retirement, resignation or leave granted on termination of his/her service
- (b) A Principal Secretary/Head of Department may require an employee at any time to defer all or part of his/her leave, if the exigencies of the Service so require. An employee whose leave has been deferred or who has been recalled from leave may be permitted to take it at one time or by installments, at the discretion of his/her Principal Secretary/Head of Department.

145. APPLICATIONS FOR LEAVE

- (a) All applications for leave will be submitted on the appropriate Leave Application Form and will require the approval of the Head of the Division or Section concerned. In cases of employees who are heading Divisions, approval of the Head of Organisation will be required. The granting of any leave to an employee to be spent outside Seychelles require the concurrence of the Head of Organisation concerned.
- (b) The Head of Parastatal Organisation will notify the Principal Secretary (Ministry of Administration and Manpower Development) of their intended local leave so that appropriate action can be taken regarding acting appointments. If overseas leave is intended authority from the Minister of Administration and Manpower Development should be obtained through the Principal Secretary (Ministry of Administration and Manpower Development).
- (c) Employees should submit applications for leave to be spent locally, at least two weeks in advance and for leave to be spent overseas, at least one month in advance.

146. FORFEITURE OF LEAVE

- (a) Any period during which an employee has been in lawful custody or under suspension unless he/she is later acquitted of a charge brought against him/her, or on leave without pay, or on overseas training for a period exceeding one calendar year, shall not be leave-earning.
- (b) An employee who resigns his/her appointment without giving adequate notice shall forfeit thirty days of his/her leave if any, but shall be granted any outstanding balance of accumulated leave.

MATERNITY LEAVE

- (a) A women employee shall be eligible for a grant of 10 weeks maternity leave on full pay, of which two weeks should be taken before the expected date of confinement. Should the confinement be delayed, any additional days prior to delivery shall be treated as sick leave (see Order 151).

For the purpose of clarification the effect of this Order is that every employee on maternity leave shall receive a total of 10 weeks paid maternity leave, together with sick leave for a late delivery within the terms of Order 151.

- (b) Any women employee who is medically unfit to return to duty after the expiry of her maternity leave will be granted sick leave within the terms of Order 151.
- (c) Maternity leave arrangements will apply to all employees regardless of their marital status.
- (d) Maternity leave may not be converted into cash.
- (e) A women employee is entitled, on request, to an additional four weeks unpaid maternity leave preceding confinement, or following maternity leave.
- (f) Where possible, at the discretion of her Head of Organisation, no night work (work at any time between 10.00 p.m. and 5.00 a.m.) and no overtime shall be undertaken by female employees during pregnancy. Night work and overtime work shall be prohibited from the sixth month of pregnancy and up to at least three months after confinement. Any other work prejudicial to the women's health or that of her child shall similarly be prohibited.
- (g) During pregnancy and up to at least three months after confinement an employee who presents a medical certificate stating that a change in the nature of her work is necessary in the interests of her health and/or that of her child shall have the right to be re-deployed to appropriate duties without loss of pay. Should redeployment not be possible, the employee shall be entitled to sick leave as laid down in Order 151.
- (h) A pregnant employee shall give to her employer at least 3 months' notice of her expected date of confinement.

148. SPECIAL LEAVE OF ABSENCE

(a) (i) **Sporting events:**

Employees who are selected to represent Seychelles as competitors or recognized team officials at National or International sporting events may, subject to the exigencies of the Service and to the approval of their Head of Organisation, be granted the leave necessary to participate in these events. Such leave will be on full pay and will not count against normal leave entitlement.

(ii) Leave for training in preparation for such National or International events shall either be without pay under Order 149 (a) or deducted against normal leave entitlement.

(b) **Conferences, seminars and other activities:**

Employees selected to attend local conferences, seminars, or other activities sponsored by recognized official organizations, may, subject to the exigencies of the Service, be granted special leave of absence. Such leave will be on full pay and will not count against normal leave entitlement.

(c) **Leave on urgent private affairs:**

An employee may, at the discretion of his/her Head of Organisation, be granted leave of absence to attend to urgent private affairs and such leave shall be deducted from his/her annual leave entitlement.

(d) **Compassionate leave:**

Compassionate paid leave, not exceeding four days per calendar year, may be granted to an employee at the discretion of his/her Head of Organisation.

(e) **Education leave - training programmes:**

Where there is an approved training programme directed towards persons of a particular occupation, an employee in that occupation who has not attended such or a similar programme is entitled to education leave for the purpose of attending the programme. Where education leave extends beyond twelve consecutive calendar months, the provisions of annual leave under Order 141 (b) shall not apply.

(f) **Leave - civic duties:**

An employee may be granted an aggregate maximum of 14 days paid leave in any period of 12 months for the purpose of fulfilling any approved civic duties. This will not be deducted from his/her normal leave entitlement.

(g) **Study leave:**

(i) Where an employee has been released to attend local training at any approved Institution under Order 213 (b) he/she may be granted up to two days study leave, per term exams and for re-sit of exams, at the discretion of his/her Head of Organisation.

(ii) Study leave may also be granted to employees following any course at the School of Continuing Education, at the discretion of his/her Head of Organisation.

In both cases of (i) and (ii) the leave will be on full pay and will not count against normal leave entitlement.

149. LEAVE WITHOUT PAY

(a) (i) Where an employee has utilised all the leave due, his/her Head of Organisation may, where justified, grant him/her leave without pay up to a maximum of 8 weeks in any leave cycle.

(ii) Leave without pay for a period of up to two years may also be granted, in exceptional circumstances to an employee with the approval of the Minister for Administration and Manpower Development.

(iii) Where an employee has to accompany his/her spouse for long term overseas training, a further extension to the two years may exceptionally be granted with the approval of the Minister of Administration and Manpower Development .

(iv) In both cases of (ii) and (iii) above the employee will be required to undertake in writing to return to the Public Sector on completion of his/her leave. If the employee's absence exceeds the full approved period of leave he/she will be deemed to have resigned.

(v) On resumption of duty, the employee may be liable to be transferred to any suitable post that may be available at the time, if his/her previous post has been filled.

If a transfer cannot be found, the employee will continue to remain on unpaid leave for a maximum period of three months, until a placement is found.

If a suitable post is not available within that period, the employee will be made redundant.

- (vi) If the employee is not prepared to accept any position to which he/she may be transferred, he/she will have the option to resign from the Service in accordance with Order 132.

(b) Leave without pay within contract

Where an expatriate on contract takes leave within his/her contract, such leave will be considered as unpaid leave and will be added onto the contract's expiry date to cover for the period of absence

Expatriates married to Seychellois employees can take paid leave within the period of their contract, and this will not be extended on to their contract period.

150. SICK LEAVE

- (a) The approved absence of an employee from duty on account of illness is regarded as sick leave. Sick leave shall be granted:-
 - (i) If the employee himself/herself is sick; or
 - (ii) If the employee's child aged under 12 years is sick and a person authorized by the Ministry of Health recommends that the employee attends to the child; or
 - (iii) In exceptional circumstances when an employee's dependent other than a child under 12 years is medically certified as sick by a person authorized by the Ministry of Health and a social worker certifies that the sick person has been attended to by the employee.
- (b) (i) Absence from duty on account of illness, which would not require medical attention, must be reported by the employee concerned to his/her immediate superior on the first day of absence. The immediate superior at his/her discretion and depending on the circumstances will give verbal authorisation for the employee to be absent for up to two days (48 hours) on account of illness and will confirm this in writing to the employee. Absences exceeding 48 hours must be supported by a certificate from a Medical Practitioner.

- (ii) The certificate must be produced when the employee resumes duty but this does not preclude the employee from informing his/her immediate superior, after he/she has seen a Medical Practitioner, that he/she has been granted a period of sick leave. This will enable the immediate superior to plan and organise the workload whilst the employee concerned is on sick leave.
- (iii) Failure by the employee concerned to obtain written approval for being absent for up to 48 hours or to produce a medical certificate for the period of absence, will entail non-payment of wages for those days. In addition, to any other disciplinary action unless there were circumstances in which in the opinion of the Head of Organisation, it was impossible for the employee to obtain authorisation or a medical certificate, and he/she was genuinely ill.

151. LIMITATION OF SICK LEAVE

- (a) An employee is entitled to sick leave in any period of 12 months as follows:-
 - (i) an aggregate maximum of 30 days' paid sick leave.
- (b) When an employee is required by a medical practitioner to be confined to a hospital or similar institution if:-
 - (i) the worker has not exhausted his/her 30 days' paid sick leave referred to in paragraph (a), and
 - (ii) the worker is confined at the hospital or similar institution for a continuous period which extends beyond the in-exhausted part of the 30 days' paid sick leave, the worker shall be entitled to a further maximum 30 days' paid leave during that continuous period;
- (c) An aggregate maximum of 60 days' unpaid sick leave after the exhaustion of paid sick leave under this regulation, for which the employee's salary will be paid proportionately by the Social Security Division.
- (d) At the beginning of each year, an employee is credited with sick leave as stipulated at (a). Each calendar year forms a sick leave cycle and any sick leave is not carried forward
- (e) Full details of all periods of sick leave granted must be maintained by Organisation in order to ensure that these limitations are not exceeded.

- (f) Sick leave will be additional to normal leave entitlement and will not be deducted therefrom. Leave given for dental treatment shall be treated as sick leave.
- (g) Sick leave granted during unpaid leave is to be unpaid sick leave.
- (h) A part-time employee is entitled to paid sick leave when he/she absents himself/herself from work on grounds of sickness and produces a medical certificate, but such entitlement is limited to the number of working days' absence which bears the same proportion to 60 days as the number of days worked by the part-time employee in a week bears to 5 days.

152. EXTENSION OF ANNUAL LEAVE ON MEDICAL GROUNDS.

- (a) If an employee on leave falls ill so as to require medical attention and is unable to resume duty on expiry of such leave, he/she will report the matter to his/her Head of Organisation and at the same time forward a certificate from a medical practitioner stating the nature of illness and, if possible, its probable duration.
- (b) Any additional sick leave granted under the provisions of paragraph (a) will be subject to the overall limitations laid down in Order 151.
- © No extensions of leave on medical grounds will be granted to an employee who has proceeded on leave pending retirement, redundancy, termination of appointment or resignation.

153. RESPONSIBILITY FOR RETURNING FROM LEAVE ON TIME

It is the responsibility of every employee to return to duty from leave on the due date; failure to do so may render him/her liable to disciplinary action as set out in Order 116.

154. ADDRESS ON LEAVE.

Before proceeding on leave, an employee must notify his/her leave address to the officer who granted his/her application for leave and must advise him/her immediately of any change of address while on leave.

155. APPLICATION FOR EXTENSION OF LEAVE.

Except in cases of illness or other unforeseen cases of emergency, applications for extension of leave (which must state the grounds on which the extension is asked for) will not be considered unless they are submitted in time to convey its decision before the end of leave.

156. PUBLIC HOLIDAYS

- (a) The observance by Government of Public Holidays is governed by the Public Holidays Act, (Cap 190) which provides that the under-mentioned days shall be Public Holidays:-

Sundays

The First and Second of January

Good Friday

Easter Saturday

Labour Day (1st May)

The Fete Dieu (Corpus Christi)

Liberation Day (5th June)

National Day (18th June)

Independence Day (29th June)

Assumption Day (15th August)

All Saints Day (1st November)

The Feast of the Immaculate Conception (8th December)

Christmas Day (25th December)

- (b) Where any Public Holiday except Sunday falls on a Sunday, the next following day, not being itself a Public Holiday, shall be a Public Holiday.
- (c) For the purpose of these Orders, public holiday in relation to shift-workers does not include Sunday

157-160

Unallocated.

CHAPTER VIII

ALLOWANCES

161. SUBSISTENCE ALLOWANCE- GENERAL

The object of paying subsistence allowance to an employee when he/she is required to travel on official duty is to compensate him/her for the extra expenses he/she incurs because of such travelling, and to ensure that, as far as possible, he/she is not out of pocket. Subsistence allowances are payable in the following circumstances:-

- (i) for duty journeys within the Republic not involving transfers;
- (ii) for duty journeys outside the Republic.

162. SUBSISTENCE ALLOWANCE FOR DUTY JOURNEYS WITHIN THE REPUBLIC NOT INVOLVING TRANSFERS.

(a) An employee travelling on duty to any island within the Republic who is required to be absent from his/her duty station for a period not exceeding three months will be eligible to receive subsistence allowance as follows:-

- (1) For the first seven nights:
 - (i) reasonable expenses for board and lodging up to a maximum of SR450 per night where the employee stays at a hotel or guest house;
 - (ii) reasonable expenses for board and lodging up to a maximum of SR350 per night where the employee is accommodated otherwise than in a hotel or guest house.

- (2) For periods in excess of seven nights:
 - (a) reasonable expenses for board and lodging up to a maximum of SR350 per night;
 - (b) Subsistence allowance in terms of paragraph (a) (i) shall be paid by Accounting Officers only on production of receipted bills, or, in advance, in which case the employee shall have to account for his/her expenses on return to his/her duty station. Any such

advances must be cleared within seven days of his/her return. No claim will be allowed in respect of wine, liquor, additional meals for guests or for entertainment.

- (c) In the case of allowance under (a) (1) (ii), no receipts are required but the employer has to be satisfied that the employee actually travelled and stayed overnight in accordance with the employee's claim.
- (d) An employee who is posted for duty away from his/her duty station for a period in excess of three months will normally be regarded as being transferred (except for employees who are posted to the outlying islands to complete a particular project), and in these circumstances a disturbance allowance under the provisions of Order 165 will be payable on transfer.
- (e) Where an employee is transferred to one of the inner or outlying islands and where his/her Organisation is unable to provide accommodation for him/her, the employee will be eligible to receive subsistence allowance at the rate of SR1000 per month to assist him/her towards the accommodation expenses, until such time as his/her Organisation is able to provide suitable accommodation.
- (f) Claims for subsistence allowance under the provisions of this Order will be submitted to the Accounting Officer concerned on the prescribed form.

163. REFUND OF MEAL CHARGES.

- (a) In exceptional circumstances where an employee travelling on duty within the Republic is absent from his/her normal duty station during official hours and including the lunch break on any day but returns to his/her home at night, the employee will be eligible to be reimbursed, on production of a receipted bill, with the cost of lunch necessarily taken during the day at an hotel, guest house or restaurant, up to a maximum of R150. The cost of tea or coffee or other beverages taken between meals is not reimbursable.
- (b) Where an employee travelling in circumstances described in paragraph (a) makes his/her own arrangements for meals, he/she will be eligible to claim subsistence allowance of SR50 without production of any receipted bill.
- (c) Claims for the refund of meal charges will be made on the prescribed form and must be certified by a senior officer especially designated by the Head of Organisation before payment is made.

164. SUBSISTENCE ALLOWANCES FOR DUTY JOURNEYS OUTSIDE THE REPUBLIC

- (a) Subsistence allowances for duty journeys outside the Republic are as follows:-

Countries in Group A

| | <u>Ministers</u> <u>Per diem</u> | <u>Head of Delegation</u> <u>Per diem</u> | <u>Public Service</u> <u>Employee</u> <u>Per diem</u> |
|---------------------|-------------------------------------|--|---|
| Full Subsistence | SR2520 | SR2160 | SR1800 |
| Reduced Subsistence | SR450 | SR432 | SR360 |

Cayman Islands, Japan,

Countries in Group B

| | <u>Ministers</u> <u>Per diem</u> | <u>Head of Delegation</u> <u>Per diem</u> | <u>Public Service</u> <u>Employee</u> <u>Per diem</u> |
|---------------------|-------------------------------------|--|---|
| Full Subsistence | SR2100 | SR1800 | SR1500 |
| Reduced Subsistence | SR420 | SR360 | SR300 |

Angola, Anguilla, Antigua, Argentina, Austria, Azerbaijan, Bahamas, Belgium, Bermuda, Bosnia-Herzegovina, Brazil, British Virgin Islands, Brunei, Cameroon, China, Colombia, Croatia, Cuba, Czech Republic, Djibouti, France, Georgia, Germany, Greenland, Guinea, Hong Kong, Iceland, India, Ireland, Israel, Italy, Jordan, Kazakhstan, Kuwait, Libya Arab Jamahiriya, Luxembourg, Mayotte, Republic of Moldova, Morocco, Netherlands Antilles, Nicaragua, Nigeria, Norway, Peru, Poland, Reunion, Russian Federation, Seychelles, Singapore, Slovakia, Slovenia, Spain, St Lucia, St Vincent, Sweden, Switzerland, Syrian, Arab Republic, Tahiti, Tanzania Republic, Trust Territory of the Pacific Islands, Turkmenistan, Turks and Caicos Islands, Uganda, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen Republic, Zaire.

Countries in Group C

| | <u>Ministers</u> <u>Per diem</u> | <u>Head of Delegation</u> <u>Per diem</u> | <u>Public Service</u> <u>Employee</u> <u>Per diem</u> |
|---------------------|-------------------------------------|--|---|
| Full Subsistence | SR1400 | SR1200 | SR1000 |
| Reduced Subsistence | SR280 | SR240 | SR200 |

Algeria, American Samoa, Antigua/Barbuda, Armenia, Australia, Bahrain, Bangladesh, Barbados, Belarus, Benin, Botswana, Bulgaria, Burundi, Cambodia, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Cook Islands, Cuba, Denmark, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, French Guiana, Gambia, Ghana, Greece, Grenada, Guadeloupe, Guam, Guinea Bissau, Haiti, Honduras, Hungary, Indonesia, Iran, Iraq, Jamaica, Kenya, Korea D.R., Latvia, Lebanon, Liberia, Macao, Madagascar, Malawi, Malaysia, Martinique, Mexico, Montserrat, Mozambique, Union of Myanmar, Netherlands, New Caledonia, New Zealand, Niger, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, St. Kitts/Nevis, Sudan, Thailand, Turkey, U.S. Virgin Islands, United Arab Emirates, Wallis Island, Yugoslavia.

Countries in Group D

| | <u>Ministers</u> <u>Per diem</u> | <u>Head of Delegation</u> <u>Per diem</u> | <u>Public Service</u> <u>Employee</u> <u>Per diem</u> |
|---------------------|-------------------------------------|--|---|
| Full Subsistence | SR980 | SR840 | SR700 |
| Reduced Subsistence | SR196 | SR168 | SR140 |

Afghanistan, Albania, Belize, Bhutan, Bolivia, Burkina Faso, Canary Islands, Cape Verde, Costa Rica, Cote d'Ivoire, Cyprus, Dominican Republic, Equatorial Guinea, Eritrea, Gabon, Gibraltar, Guatemala, Guyana, Kiribati, Kyrgyzstan, Laos People's Democratic Republic, Lesotho, Lithuania, Macedonia (former Yugoslavia), Maldives, Mali, Malta, Mauritania, Mauritius, Mongolia, Namibia, Nauru, Nepal, Niue, Paraguay, Puerto Rico, Qatar, Samoa, SaoTome and Principe, Solomon Islands, Somalia, South Africa, Sri Lanka, Suriname, Swaziland, Tajikistan, Togo, Tokelau, Tonga, Trinidad/Tobago, Tunisia, Tuvalu, Vietnam, Zambia, Zimbabwe.

- (b) The allowance is intended to cover all expenses including accommodation, and meals at a reasonable hotel, cost of entry visas, local transport and taxi fares within a distance of 30 kilometres, laundry charges, cost of local telephone calls, tips, airport tax, casual but official hospitality etc.
- (c) The subsistence allowances will be granted for each night necessarily spent away from the Republic (but excluding those nights spent on the air journey).
- (d) Notwithstanding the provisions of paragraph (a), where an employee accompanies the President or a Minister on an official visit outside the Republic, the employee will be entitled to receive subsistence allowances at increased rates applicable to Ministers.
- (e) When the subsistence expenses of an employee travelling on duty outside the Republic are met by another Government or organisation concerned with the visit, he/she will be entitled to receive the allowance at the reduced rate per night.
- (f) Notwithstanding the foregoing provisions, where an employee, in the course of his/her duty outside the Republic incurs, for good reasons, an expenditure in excess of the specified allowances, he/she will be eligible to claim reimbursement of the actual expenditure on production of receipted accounts and acceptable reasons for incurring the additional expenditure.
- (g) It is emphasized that any duty visit outside the Republic by an employee requires the prior approval of the President conveyed by the President's Office.
- (h) An employee must submit, where necessary, an account of his/her subsistence expenses to the Organisation on his/her return, on the prescribed form.
- (i) "Head of delegation" for the purpose of this Order is an employee who has been so formally designated by the Government of Seychelles, or when the host country or organisation requires that a delegation is formally headed or when an official invitation so requires.

165. DISTURBANCE ALLOWANCE

- (a) An employee who is required by Organisation to change residence on transfer to a different duty station for a period exceeding three months will be eligible to receive a disturbance allowance once, upon transfer at the following rates:-

- (i) From one duty station to another within Mahe or Praslin - SR600
 - (ii) Between Mahe, Praslin, La Digue, Silhouette or other inner islands SR800
 - (iii) To the outer islands - SR1000
- (b) Where both husband and wife are employees and are both transferred, only one of them will be eligible to receive the disturbance allowance since the purpose of the allowance is to assist an employee towards the inevitable expenditure involved in such a move.
- (c) Disturbance allowance will not be payable:
- (i) when an employee is transferred at his/her own request;
 - (ii) when an employee is posted on a temporary basis (e.g. on relief duty) for a period not exceeding three months.
- (d) Claims for disturbance allowance will be submitted to the Head of the Organisation concerned who shall examine each claim and approve it only if it is within the provisions of this Order.
- (e) Where an employee who had previously received a disturbance allowance is required to make a further move, he/she shall be eligible to receive the disturbance allowance provided for in this Order.

OVERTIME ALLOWANCE

166. PAYMENT OF OVERTIME - GENERAL CONSIDERATIONS

The following general considerations govern payment of overtime:-

- (a) The remuneration of all employees is determined on the assumption that their whole time is at the disposal of Organisation. Payment for overtime can therefore only be justified by exceptional circumstances which cannot be met in any other way.
- (b) Many posts in the Public Sector, cannot be considered to have regular fixed working hours. By reason of the nature of the duties of these posts, hours are of necessity long and irregular. This factor is taken into account in assessing the salary attached to such posts and the holders cannot therefore become eligible for overtime payment. There is, of course, no objection to giving time off after unusually arduous spells of duty.

- (c) Where there is no independent supervision or checking of the work done outside normal hours, claims for overtime payment cannot be entertained.
- (d) Overtime payments, where justified, will be confined to employees who occupy post allocated to Senior Officers' Grade and below.

167. CIRCUMSTANCES UNDER WHICH OVERTIME MAY BE PAID.

Subject to the provisions of Order 166, Heads of Organisation may authorise the payment of overtime based on hours of overtime worked, to an employee who occupy post allocated to the Senior Officers Grade and below where the following conditions are fully satisfied:- .

- (i) the overtime is of an irregular nature which does not justify the engagement of additional staff;
- (ii) the employee concerned has been in personal attendance upon the public outside normal working hours which can be done at no other time;
- (iii) the employee cannot be compensated by time off during normal working hours.

168. RATE OF OVERTIME ALLOWANCE AND METHOD OF COMPUTATION

- (a) In the case of an employee who works normal working hours, the rate is 1.5 hour's pay for 1 hour's work over and above the normal working hours on weekdays which may include Saturdays and 2 hour's pay for 1 hour's work on Sundays and Public Holidays.
- (b) In the case of a shift-worker, the rate for additional hours on any day (to include Sundays but not Public Holidays) is 1.5 hour's pay for 1 hour's work.
- (c) Where a shift worker works overtime on a Public Holiday, he/she is entitled to double pay for that day or to an alternative holiday at the option of the Head of Organisation.
- (d) Where the Public Holiday falls on the shift worker's "day off" and he/she is required to work on that day, he/she shall be paid at the rate of 3 hours pay for 1 hour's work on that day.
- (e) When a shift worker works overtime on a Public Holiday, he/she shall be paid a rate of 3 hours' pay for 1 hour's work on that day.

- (f) The hourly overtime is calculated as follows:

$$\frac{\text{Salary per year}}{52 \times \text{weekly working hours}} = \text{hourly rate}$$

- (g) Hours worked as overtime shall not exceed 60 hours in a month: or an aggregate of 15 hours per day.
- (h) For avoidance of doubt, it is declared that where a Public Holiday falls on a Sunday and the next following Monday becomes a Public Holiday, a worker may be paid double only for that Monday, If he/she worked on that day.

169. TIME OFF IN LIEU OF PAYMENT FOR OVERTIME

Where an employee qualifies for overtime payment, he/she may at the discretion of his/her Head of Organisation be given time off equivalent to the number of hours earned as overtime in lieu of payment.

170. COMMUTED OVERTIME ALLOWANCE

- (a) Where an employee is required to do regular overtime work to enable essential and urgent works to be carried out, he/she may be paid a commuted overtime allowance at such rate as may be determined by the Principal Secretary (Ministry of Administration and Manpower Development) in each individual case. Such commuted overtime allowance shall be authorized only where the Head of Organisation concerned certifies that time off in lieu of overtime is not possible or practicable and that the employee understands that he/she will be eligible for the allowance only so long as he/she holds the particular post or so long as the need for overtime work continues to exist.
- (b) Where an employee in receipt of the commuted overtime allowance is absent on leave or on duty overseas, he will be paid a proportional allowance based on the number of days which he was at work.

OUTFIT ALLOWANCE

171. OUTFIT ALLOWANCE

- (a) An employee except those whose contract of service otherwise stipulates, who travels overseas on duty will be eligible to receive an outfit allowance once a year, irrespective of the period of the visit or the climate of the country to be visited. The allowance is payable at the following rates:

- | | <u>Male Officers</u> | <u>Female Officers</u> |
|---|----------------------|------------------------|
| i. Employees who travel once to three times a year | SR1,500 | SR3,000 |
| ii. Employees who travel four to six times per year | SR3,000 | SR6,000 |
| iii. Employees who travel over six times per year | SR6,000 | SR12,000 |
- (b) The outfit allowance is paid to enable the employee to purchase warm or suitable clothing as well as to equip himself/herself to represent Seychelles smartly and efficiently while abroad.
- (c) An employee who proceeds on overseas training shall receive an outfit allowance of R1000 once during the period of the training, regardless of the period or venue of training, if the sponsoring organisation does not provide for such an allowance. Where the training is sponsored by the Government the allowance shall be payable by the Ministry of Education and Youth.
- Where however, Parastatal Organisations are responsible to pay the employees' salaries whilst on training, they should also pay the outfit allowance in that respect.
- (d) Outfit allowance shall not be payable where provision is made for the payment of a similar allowance under the sponsorship, or study programme for which the employee has been nominated.
- (e) Outfit allowance shall not be payable to Heads of Parastatal Organisations.

ENTERTAINMENT ALLOWANCE

172. GOVERNMENT HOSPITALITY - GENERAL

- (a) All Heads of Parastatal Organisation are allocated funds for official entertainment. The object of providing such funds is to afford each Head of Organisation the ability to offer official hospitality to those most directly concerned with his/her Organisation field of responsibility and generally, to enable him/her to establish personal contacts in social

environments with those whose goodwill it is in the Organisation's interest to cultivate.

- (b) All entertainment on behalf of the Organisation should be kept as simple as possible and no attempt should be made at pretentious hospitality.

173. REIMBURSEMENT OF HOSPITALITY COSTS.

- (a) Where an employee is authorised by his/her Head of Organisation to incur expenditure on official entertainment in his/her own home, he/she will be eligible to claim reimbursement of the expenditure so incurred up to the following limits:-
 - (i) Cocktail parties: SR45 per head
 - (ii) Lunches: SR100 per head
 - (iii) Dinners: SR125 per head

The reimbursement specified for entertainment to lunches and dinners includes the cost of wine served with meals as well as pre-meal drinks.

- (b) Where a formal entertainment takes place in a hotel or restaurant, the reimbursement will be on the basis of actual expenditure incurred.
- (c) An employee who, at the request of his/her Head of Organisation, accommodates an official visitor at his/her residence, will be entitled to receive an entertainment allowance at the rate of SR225 per night where the visitor is single, or at the rate of SR300 per night where the visitor is accompanied by his/her family. This payment is intended to cover the provision of bed and breakfast. In addition, the employee will be eligible to claim reimbursement of expenditure incurred on lunches and dinners at the rates specified in paragraph (a) above.

174. COMMUTED HOSPITALITY ALLOWANCE

- (a) Commuted entertainment allowance may be paid to employees as applicable. Where an employee is appointed to act in an office to which a commuted entertainment allowance attaches, for a period in excess of one month, he/she will draw the allowance for the whole of the acting period including the first month. The substantive holder of the post will cease to draw the allowance during the same period.
- (b) Where the substantive holder of the post in receipt of an entertainment allowance is absent on leave, on training or on duty overseas for more than

one month, the employee will be paid a proportional allowance based on the number of days which he/she was at work.

TRANSPORT ALLOWANCES

175. COMMUTED TRANSPORT ALLOWANCE

- (a) Where an employee regularly requires motor transport for the proper discharge of his/her duties, he/she may apply to the Head of Organisation, to be paid a monthly commuted transport allowance. (This however does not apply to those whose contract specifies otherwise). The amount to be paid will be determined by the Principal Secretary (Ministry of Administration and Manpower Development) based on the average monthly distance travelled and the transport allowance rates in force at the time. The basis of calculation should be retained for inspection by audit and should be reviewed at least once a year.
- (b) Where an employee in receipt of a commuted transport allowance does not use his/her vehicle for more than one month consecutively, because he/she is on leave, training or absent on duty overseas or because the employee's vehicle is off the road for a road for a time or for any other good reason, he/she will be paid a proportionate allowance for the month based on the number of days which it has been used. The employee, if any, who acts for him/her in post will draw the transport allowance proportionately provided he/she has a vehicle.
- (c) An employee who is in receipt of a commuted transport allowance may not use the Company's transport except when his/her own vehicle is unserviceable or because of the special circumstances of the duty journey which may reasonably require the use of a Company vehicle, e.g. four wheel drive vehicle over rough terrain, need to accompany missions etc. Use of vehicle should be properly authorized by a senior officer.
- (d) In any case where a person, not being an employee, drives a Company vehicle after being duly authorized so to do, both he/she and the vehicle should be covered by insurance for the period during which he/she is driving the vehicle.

176. RATES OF TRANSPORT ALLOWANCES

- (a) An employee, other than drawing a commuted transport allowance under the provisions of Order 175 whose contract terms specify otherwise, may, with the approval of the Head of Organisation concerned, receive transport allowance at the rates specified below in respect of the occasional journeys which the employee performs in his/her own vehicle on official business.

Claims in respect of such journeys should bear an endorsement explaining the necessity thereof. The rates of allowances are as following:

(i) Motor car

SR 4.75 per kilometre for the first 100 kilometres of duty journeys in any one calendar month, and thereafter SR 4.45 per kilometre.

(ii) Motor cycle

SR 2.12 per kilometre for the first 100 kilometres of duty journeys in any one calendar month, and thereafter SR 1.56 per kilometre.

(b) Every employee claiming transport allowance under this Order is required to keep a log of duty journeys in the prescribed form. Claims for transport allowances, accompanied by log sheets, should be submitted to the Accounting Officer concerned at the end of each month on the prescribed form. The full responsibility for the certification of claims will rest with the Heads of Organisation/Sections, subject to any specific directions that may be issued by the Accounting Officer. The certifying officers may disallow a journey that they do not consider to have been essential in the public interest.

(c) Where an employee who is eligible to claim a transport allowance is necessarily required to undertake journeys in his/her own vehicle between his/her residence and place of work outside normal working hours, in order to carry out work which can be performed at no other time, he/she may claim normal transport allowance in respect of such journeys. Examples of duties which can be performed at no other time are emergency calls for the inspection of security arrangements at important installations at night, the meeting of aircraft, etc. Head of Organisations should exercise a strict scrutiny of all claims for transport allowance under the terms of this paragraph to ensure that there shall be no abuse.

(d) Where an employee has been allocated a Company or officially hired motor vehicle under the provisions of Order 200, he/she will be required to pay for private usage.

177. COMPANY NOT LIABLE FOR LOSS DAMAGE

Where an employee uses his/her own vehicle for travelling on duty, the company will not accept any liability for its loss or for any damage that it may sustain.

178. BICYCLE ALLOWANCE

Where an employee is regularly required to use his/her own bicycle on duty and to

cover a substantial distance, he/she may be paid, at the discretion of his/her Head of Organisation, a commuted bicycle allowance at the rate of SR120 per month. Head of Organisations should not approve the payment of bicycle allowances unless they are satisfied that the employee concerned is maintaining his/her bicycle in good running condition and using it regularly on duty. No bicycle allowance will be payable in respect of any month during which an employee's bicycle was unserviceable for more than one month or during which he/she was absent from duty for any reason, including leave, for more than one month.

179. BAGGAGE ALLOWANCE

- (a) An employee who is entitled to free passages from and to his/her country of origin at Company's expense under the terms and conditions of his/her employment shall be entitled to a baggage allowance of 25 kilos excess baggage by air freight for himself/herself and a similar allowance for his/her spouse over and above that which is allowed free on the tickets. This allowance will be granted on first engagement, on satisfactory completion of the period of engagement (including when the employee is re-engaged for further service on completion of his/her contract) as well as on termination of appointment otherwise than by dismissal. There will be no additional allowance for an employee's children. On completion of his/her second tour the baggage allowance shall be increased to 35 kilos and at the end of the third and subsequent tours it shall be increased to 45 kilos. Employees who do not utilise their full entitlement shall surrender the unused baggage vouchers to the Parastatal Organisation. Unused baggage allowances shall not be accumulated nor are unused voucher renewable. The baggage allowances cannot be converted into cash payment, and cannot be used for any other purpose.
- (b) The baggage concession applicable to expatriate employees who are recruited under the terms of technical cooperation agreements will be governed by the terms of those agreements.
- (c) Employees to whom this Order applies will be responsible for insuring their own baggage and no liability for loss or damage will be accepted by Parastatal Organisations.

180. DRIVING ALLOWANCE

- (a) A driving allowance may be paid at the rate of SR200 per month to employees provided the following criteria are met:-
 - (i) where an employee is carrying out driving duties in addition to his/her normal duties.

- (ii) where employee is responsible for a Company vehicle which he/she uses on a regular basis;
 - (iii) where an employee is employed in a post allocated to Grade 4 or below.
- (b) Where an employee in receipt of a driving allowance is absent for any reason including leave for more than one month he/she will be paid a proportional allowance based on the number of days which the employee was at work.

181-190 Unallocated.

CHAPTER IX

TRANSPORT AND TRAVELLING

191. TRANSPORT - DEFINITION

- (a) "Transport" in this context shall mean the approved method of transport which an employee is permitted to use when he/she is making an essential journey for the proper performance of his/her duties. This shall include those occasions when the employee is authorised to make a journey overseas outside the Republic.
- (b) The approved method of transport may be by air, road, rail or sea. Road transport shall include travel in the employee's own motor vehicle as well as by public road transport services.

192. TRAVEL TO BE IN MOST ECONOMICAL MANNER

Journeys shall be undertaken in the most economical manner, bearing in mind the need for the expeditious dispatch of the Organisation's business generally, and efficient performance of an employee's duties on arrival at his/her destination. The Head of Organisation shall ensure that public funds are not wasted in this regard.

193. CIRCUMSTANCES IN WHICH TRANSPORT FOR AN EMPLOYEE MAY BE PAID OFFICIALLY

Subject to the provisions of these Orders an employee may be granted officially paid transport when travelling:-

- (i) on first appointment;
- (ii) on duty;
- (iii) on posting or transfer away from his/her duty station;
- (iv) on termination of appointment otherwise than by dismissal;
- (v) to attend seminars, conferences, in-service training courses, etc.

194. CIRCUMSTANCES IN WHICH OFFICIALLY PAID TRANSPORT IS NORMALLY GRANTED TO THE FAMILY OF AN EMPLOYEE

- (a) Subject to the provisions of these Orders, an employee may be granted officially paid transport for his/her spouse and children if they accompany, precede or follow him/her on:-
 - (i) first appointment;

- (ii) posting or transfer away from the employee's duty station;
 - (iii) termination of appointment otherwise than by dismissal.
- (b) It is clarified for the avoidance of any doubt that officially paid transport for the spouse, where applicable, shall be confined to the legally married spouse.

195. AIR TRANSPORT

- (a) The exigencies of the Service may require that an employee travels by air on duty whether within the Republic or overseas, and the Head of Organisation concerned may authorise such travel where appropriate.
- (b) All employees shall travel by economy class at such cheaper rate when travelling by air and by the national carrier as may be available.
- (c) If in any particular case authority is given for an employee's spouse to accompany him/her on an official journey, the spouse shall be provided with the same class of travel by air.
- (d) An employee travelling by air on duty should confine his/her personal baggage within the allowance on the ticket in use. Charges for excess baggage will normally be met by the Organisation only if necessitated by the carriage of bulky official documents instruments, etc. When such charges are incurred the employee should submit a claim to the Head of Organisation for reimbursement.

196. INSURANCE FOR EMPLOYEES TRAVELLING ON DUTY

- (a) An employee who travels on duty within the Republic or overseas at the Organisation's expense should automatically be insured for a maximum sum of SR150,000 under a policy arranged by the Organisation with the State Assurance Corporation of Seychelles or any other insurance company. The policy could covers:-
 - (i) absence on travels of up to one month for a 24 hour cover from the date of departure from the duty station in Seychelles to the date of return to that station; should the absence be for more than one month special arrangements will have to be made with the State Assurance Corporation of Seychelles by the Parastatal Organisation;
 - (ii) medical expenses due to an accident nor whilst travelling and includes repatriation of the insured back to Seychelles; and

- (iii) medical expenses incurred through illness whilst travelling outside the Republic, such illness neither being due to an accident nor to include continuing treatment or examination for a condition which existed prior to departure from the Republic; (Where it is necessary to seek medical treatment in respect of a condition which existed prior to departure from the Republic, free public health services must be utilised where they exist. In exceptional circumstances, where there are no such facilities, a claim may be submitted to the Head of Organisation, who shall refer the matter to the Principal Secretary (Ministry of Health) service for his/her decision as to whether any refund should be made.)
- (b) The policy can be extended to cover baggage and personal effects. Employees travelling on duty who wish to take advantage of this extension must make their own arrangements with the State Assurance Corporation of Seychelles, or any other Insurance Corporation
- © All international air travel bookings should be made through Orchid Travel Co. Ltd. Local air travel bookings should be made through Air Seychelles.

197. TRANSPORT FOR FAMILY ON DEATH OF THE EMPLOYEE

If an employee who is entitled to transport at public expense dies whilst in the Service, his/her family shall retain his/her entitlement under Order 194 and 198 for a period not exceeding twelve months. Thereafter, the entitlement shall lapse. It will be the responsibility of the Head of Organisation concerned to ensure that the family is aware of this entitlement.

198. TRANSPORT OF PERSONAL EFFECTS

An employee travelling at public expense on first appointment, transfer or termination of appointment otherwise than by dismissal, between his/her place of engagement, home or duty station will be entitled to transport, at public expense, of all his/her personal effects within reasonable limits at the discretion of the employee's Head of Organisation. The cost of such transportation shall be in accordance with the limits laid down in Order 179.

PROCEDURE FOR THE USE OF GOVERNMENT VEHICLES

199. GENERAL

- (a) Except under the conditions stated below, no one other than the authorised driver will drive a motor vehicle of the organisation. The exceptions are:-
 - (i) in an emergency, due to the sudden illness of the driver;

- (ii) in the absence of the driver when the use of the vehicle is urgently required; and
- (iii) when, in the opinion of the person in charge of the vehicle, it is necessary or justified by special circumstances, such as use by short term consultants.

In all cases the person in whose immediate charge the vehicle is, may drive it himself/herself or authorise a person other than the authorised driver to drive it provided that no person shall drive a vehicle unless he/she is in possession of a valid driving licence.

- (b) An official log book shall be maintained in respect of every Government motor vehicle. It is the duty of the employee in charge of the vehicle to ensure that the log book is kept up to date.
- (c) An employee to whom a motor vehicle has been allocated or lent must:-
 - (i) maintain the log book accordance with paragraph (b) above:-
 - (ii) report any damage that it may sustain to his/her designated Transport Officer within twenty-four hours;
 - (iii) as far as possible, park it under cover and secure it against theft;
 - (iv) keep it clean and report mechanical faults that occur;
 - (v) not permit any person except himself/herself, or an authorised driver to drive it;
 - (vi) not use it for private running without the prior written authority of the Head of the Organisation.
- (d) An employee to whom a motor vehicle has been lent or allocated will, at all time, be liable for any injury or damage that may be caused through his/her fault or negligence.
- (e) An employee to whom a Company motor vehicle has been allocated or lent for duty purposes outside normal working hours (for the purpose of this Order, these are defined as hours between 6.30 p.m. and 6.30 a.m. including weekends and public holidays), must carry in the vehicle, a note of authority on the prescribed form and signed by the employee's Head of Division or a more senior officer.
- (f) It is the duty of the Head of Division or another more senior officer referred to in (e) to ensure that if a motor vehicle is assigned to an

employee for a period exceeding 30 days, a copy of the duly signed note of authorised is sent without delay to the Principal Secretary (Ministry of Administration and Manpower Development) for information. Assignment of a vehicle to an employee should not exceed six months which is the maximum period for which a note of authority may be issued at a time

- (g) Employees driving a motor vehicle of a Parastatal Organisation in the circumstances referred to in (e) and (f) must cooperate with the Police by producing the note of authority for inspection by the Police when so requested.

200. PRIVATE USE OF GOVERNMENT VEHICLES

- (a) The use by an employee of a Company motor vehicles for private purposes is prohibited, except as described in paragraph (b) below. An employee who contravenes the provisions of this Order will be liable to disciplinary action in accordance with Order 201 (b).
- (b) Where an employee has been lent or allocated the Organisation's vehicle or officially hired motor vehicle for private purposes, he will be required to pay for private usage at the rate of R4.75 per kilometre for the first 100 kilometre and thereafter R4.45 per kilometre in any one month. The employee will record in the vehicle log book full details of all official running, but need not record the details of private running except kilometres travelled. At the end of each month, the employee will submit to the Head of Organisation certified returns of official and private kilometres run and pay the amount due.
- (c) The provisions of paragraph (b) do not apply to expatriate employees serving under terms and conditions which specifically include the provision of a motor vehicle for private use, except for a record of private running for kilometres travelled.

201. CONTROL OVER THE USE OF COMPANY VEHICLES

- (a) To ensure better control over the use of company motor vehicle, The Heads of Organisation is required to ensure that within their Organisation, suitable employee is designated as the Transport Officer who will be responsible for ensuring:-
 - (i) that vehicles are used only for authorised journeys;
 - (ii) that vehicle log books are properly maintained; and where private usage is recorded, that it has been properly authorised.
 - (iii) that vehicles not in use are properly parked;

- (iv) that vehicles are identified, maintained properly and kept clean;
 - (v) that any damage sustained is reported to the Head of Department of the Organisation concerned within twenty-four hours.
 - (vi) that use of vehicles outside normal working hours is properly authorised (order 199 (e))
- (b) Disciplinary action shall be taken against any employee who contravenes the instructions concerning the use of Government vehicles. The following are guidelines for disciplinary action to be taken:-

| <u>Type of offence</u> | <u>Type of action</u> |
|--|---|
| Unauthorised journey/ misuse of vehicle | first offence: written warning, Second offence: written warning, Third offence: dismissal |
| Excessive speed/bad handling of vehicle without damage | first offence: written warning, Second offence: written warning, Third offence: dismissal |
| Accident/damage to company vehicle | |
| (i) driver fully at fault | surcharge of cost of damage or dismissal |
| (ii) driver partly at fault | surcharge of proportion of cost of damage |

© In addition to the above, any employee except those Chief Executives on contract who uses a Company motor vehicle for private purposes without the proper authority will be surcharged for SR200 for each day on which it was so used.

OVERSEAS DUTY

202. MISSION REPORTS

All Senior employees employed in a post allocated to Senior Officer Grade 6 and above travelling overseas on duty, shall prepare a report on the purpose and results of their mission. These reports should be sent to the Principal Secretary (Ministry of Administration and Manpower Development) through the Head of the Organisation within two weeks of the date of return to Seychelles.

203. OFFICIAL PASSPORT

- (a) In order to facilitate immigration formalities abroad for senior officers travelling on duty, the Government has introduced official passports to the following post holders who are citizens:
 - (i) Head of Division;
 - (ii) staff members of Seychelles' diplomatic missions abroad not entitled to diplomatic passports;
 - (iii) staff members of Seychelles' tourism offices abroad.
- (b) Applications for an official passport must be endorsed by an authorised representative of the employing organisation.
- (c) An employee who ceases to hold a post which entitles him/her for an official passport must surrender the passport at the time that he/she ceases to hold the post.

204-210 Unallocated

CHAPTER X

TRAINING

211. TRAINING - COURSES

In the context of this Chapter "training courses" means full time training overseas for not less than three months and includes study leave, but does not include duty visit or conferences etc.

212. RESPONSIBILITY FOR TRAINING IN THE PUBLIC SECTOR

- (a) Government recognises that if it is to achieve its development objectives, as set out in the Public Sector Investment Plan, great emphasis must be placed on human resources development. The availability of skilled manpower being essential for the effective implementation of the Plan Government therefore assumes overall responsibility for national training and manpower development.
- (b) Training of employees is part of their career development, the enhancement of which enables jobs to be carried out more efficiently, thereby enabling the Organisation's development objectives to be reached more quickly and more completely. These responsibilities rest fully with the Management of the Organisation concerned. As the Management is charged with the attainment of organisational goals, the fullest professional and personal development of the human resources available to it in that process is clearly their responsibility. It may well use facilities, human and technical, outside its organisation, but the ultimate responsibility lies with the management. Only with the commitment of Management (in this instance the term "Management" may be taken to be the leadership of the Organisation, Division, Section or even of small units charged with achieving stated goals) can the training needs be identified and action be taken to change the situation.
- (c) The Ministry of Administration and Manpower Development shall be responsible to the Social and Human Resource Inter-Ministerial Committee (SHRC) for Public Sector training policy, for monitoring its implementation and for assisting individual Organisation in executing their own training programmes. It will also design and execute training programmes for the common cadres as part of its management responsibility for the development of these cadres.
- (d) Ministry of Administration and Manpower Development's functions include:-

- (i) the identification for training needs and determining how best they can be met;
- (ii) evaluation of training effectiveness;
- (iii) career counselling;
- (iv) design and review of Schemes of Service;
- (v) job rotation;
- (vi) localisation programmes.

213. IN-SERVICE TRAINING LOCALLY

- (a) Wherever possible all necessary training shall be done locally. Overseas training shall be considered when all local resources have been exhausted or are not available. Heads of Organisation shall arrange such in-service training of their staff locally to meet training shortfalls in their Organisation. In this connection they may seek the advice and support of the Principal Secretary (Ministry of Administration and Manpower Development).
- (b) It is emphasised that when an employee is nominated by his/her Head of Organisation for a particular type of in-service training locally, he/she should be allowed to complete such training uninterrupted. The employee should not, except in an emergency, be required to report to his/her place of work or to undertake any other duties whilst he/she is under full-time training.
- (c) Employees released to attend full-time training locally will be required to enter into a formal bonding agreement with the Organisation or sponsoring organisation under Order 217.

214. TRAINING ADMINISTRATION PROCEDURES.

- (a) All employers on a yearly basis, are invited to draw up organisational training requirements based on training needs analysis. A summary of all training requirements, suitably prioritised, is submitted to the Social and Human Resource Inter-Ministerial Committee, through its Training Sub-Committee.
- (b) Following the Board approval of the Annual Training Plan, National Training Institutions and the Ministry of Education and Youth prepare their annual training plans and budget and submit the same to the

Manpower Division of the Ministry of Administration and Manpower Development.

- © The Manpower Division analyses the projected supply of training in relation to demand and in particular:
 - (i) proposes alternative training strategies and costs where necessary
 - (ii) draws up a proposed budget for submission to the Social and Human Resource Inter-Ministerial Committee through its Training Sub-Committee for approval/review
- (d) The Manpower Division will then inform employers of training needs that may be fulfilled during the following year

215. Applications for Post Formal Training

- (a) The Manpower Division requests/invites employers to complete application and security clearance forms for individuals in accordance with the organisational training requirements as approved by the social and Human Resource Inter-Ministerial Committee. Other documents required to be submitted along with application and security clearance forms are: performance appraisal review form, job description, and course contents
- (b) The Manpower Division assesses individual potentials vis-à-vis course specifications, job requirement along side national and organisational objectives, and makes recommendations to the Training Sub-Committee.
- (c) Training Sub-Committee recommends applicant and fields of training in principle to the Minister of Administration and Manpower Development who will give final approval.
- (d) The Manpower Division instructs the International Cooperation Section of the Ministry of Education and Youth to seek placement.
- (e) Ministry of Education and Youth (International Cooperation Section) will inform employees and Human Resources Division of the Ministry of Administration and Manpower Development of the date of departure of participants.

216. AD-HOC TRAINING.

- (a) Ad-Hoc Training
 - (i) either the employers or the Ministry of Education and Youth inform the Manpower Division of Ministry of Administration and

Manpower Development of fully funded course offers they have received for which there are no applications based on organisation training needs submitted.

- (ii) employers inform Manpower Division of Ministry of Administration and Manpower Development of additional nominations not included in their organisational training needs submitted. These will not be considered unless supported by valid reasons other than lack of planning. These, however, will not receive priority over planned training.
 - (iii) local training institutions in view of additional resources organise a training programme not included in the training plan.
- (b) Manpower Division will invite nominations from relevant employers by way of circular where necessary.
 - (c) Applications will be submitted and processed as stipulated in Order 215.

217. BONDING

- (a) On award of a scholarship either from the Seychelles Government or a foreign agency the pre-service students and in-service students will be bonded to work in Seychelles. In-service students will be bonded to their sponsoring organisation.

Pre-service students sponsored by parastatal or private organisations may be bonded to and work for that organisation. Those benefiting from such training shall enter into a formal bonding agreement to work either with the Parastatal Organisation or the sponsoring organisation as applicable, following completion of his/her training, for a specified minimum period.

- (b) The “specified minimum period” referred to in (a) shall also be linked with training investment costs and shall be as follows:

| Duration/Cost of Training | Period of Bonding |
|---|-------------------|
| 3-12 months, or under 3 months but costing SR30,000 | 1 year |
| 2 years | 2 years |
| 3 years | 3 years |
| 4 years | 4 years |

5 years

5 years

- (c) The bonding will take effect on the date the employee or graduate assumes duty from training.
- (d) The maximum bonding period will therefore be five years. However, where it is necessary for a student to sign more than one bonding agreement due to fragmented forms of training, the period of the bonding agreement is added but will not exceed 5 years
- (e) The provisions in (a), (b), (c) and (d) will also apply to employees released to attend full-time training locally under Order 213 (c)
- (f) The time taken to learn a foreign language for purpose of study shall be discounted for the purpose of bonding.
- (g) It is emphasised that failure to complete the specified maximum period of bonding will result in the employee being called to refund to the Parastatal Organisation or sponsoring organisation expenses in respect of the training (including passages stipulated in Order 223), in proportion to which the employee's terms of office falls short of the specified period of bonding.

218. TRAINING REPORTS

- (a) An employee for whom a training course is authorised is required to submit reports at intervals, to the International Cooperation Section of the Ministry of Education and Youth during the course he/she is attending.
- (b) Additionally, an employee is required to submit a final report, at least three weeks after his/her return to the workplace, to the Manpower Division of the Ministry of Administration and Manpower Development through his/her respective Head of Parastatal Organisation.

219. ADVANCE OF SALARY

- (a) An employee may, with the approval of the Head of Organisation be granted an advance of salary repayable over twelve equal monthly installments or such time as is determined by the Head of the Organisation, to meet the costs of any approved correspondence course or other local training or external training courses which he/she wishes to pursue.
- (b) Where an employee successfully completes any approved training which has been approved by the Principal Secretary (Ministry of Administration and Manpower Development) as being directly relevant to his/her present and/or future work and in advance, he/she may be refunded, at the

discretion of the Principal Secretary (Ministry of Administration and Manpower Development), the expenses connected with such training. All applications for such refund shall be supported by documentary evidence of the employee's success in the examination and by receipted bills covering the expenditure incurred.

220. TRAINING COURSES WHEN NOT LEAVE-EARNING.

Full-time training courses of longer than one year's duration shall not be leave-earning.

221. RESPONSIBILITY FOR RETURNING GRADUATES

The Principal Secretary (Ministry of Administration and Manpower Development) shall, after being notified by the Ministry of Education and Youth of returning employees, be responsible for the first appointment of returning employees and pre-service students who wish to be employed in the Public Sector.

222. SCHEMES OF SERVICE

(a) Schemes of Service are designed:-

- (i) to present employees in the cadre and others aspiring to join the cadre, the career pattern before them, criteria for entry into, and advancement within the cadre, duties and responsibilities attaching to the posts and training requirements;
- (ii) to ensure as far as possible consistency in standards and performance throughout the service;
- (iii) to prescribe qualifications and experience realistically related to normal job requirements at each working level;
- (iv) to set out the in-service training arrangements necessary for the sustained career development of the post holders and the efficient maintenance of the cadre.

(b) Parastatal Organisations shall be responsible for the design, in consultation with the Principal Secretary (Ministry of Administration and Manpower Development) of Schemes of Service in respect of their technical/departmental cadres and for the implementation of such schemes after they have been approved by the Ministry of Administration and Manpower Development.

223 Payment of Passages

In the case of an employee proceeding on further studies, the Parastatal Organisation will not be responsible for passages for accompanying spouse and children.

224-230 Unallocated

CHAPTER XI

HOUSING

231. EXTENT OF PARASTATAL ORGANISATION'S OBLIGATION TO PROVIDE ACCOMMODATION

It is Government's policy that public effort in the matter of housing should be directed towards the provision of housing for the population in general rather than for employees as such. Government however recognizes that it will be necessary to continue to provide accommodation where appropriate or assist with a housing allowance for employees as indicated below:-

- (i) institutional accommodation where applicable;
- (ii) those serving under a technical cooperation agreement negotiated with a foreign Government or international agency also other expatriate employees recruited from overseas whose terms of appointment necessarily include an entitlement to housing;
- (iii) Returning citizen graduates, for a temporary period of 12 months maximum on arrival in the Republic, provided they meet all the criteria listed below:-
 - (a) those who have been absent from the Republic on a course of training for a period of not less than two years;
 - (b) those who graduated with a degree or equivalent professional qualification;
 - (c) who have been appointed in a graduate position Grade 1 and above;
- (iv) Returning citizen graduates who meet the criteria at (iii) (a) and (b) above, and whose needs are considered critical, whilst awaiting placement.
- (v) Professional employees holding a post allocated to the Senior Officer Grade and above and whose needs are considered critical, for an agreed period not exceeding 12 months.
- (vi) Tied housing for a duty post; e.g. Medical Officer attached to a hospital on "short-call".

232. RETURNING CITIZEN GRADUATES AND PROFESSIONALS

A graduate who meets the criteria in Order 231 (iii) and (iv) may, on his/her return, be assisted by the provision of a temporary housing allowance to afford

him/her the opportunity to obtain permanent housing accommodation. The allowance will be up to a maximum rate of SR1000 net per month and will be paid either for a period of 12 months or an earlier date. Applications for the housing allowance should be submitted to the Head of the Organisation within two years of the employee return and the allowance will commence immediately the accommodation has been assessed for a reasonable rent, and a lease agreement produced, subject to the maximum of R 1000 net per month.

To obtain permanent housing accommodation an employee earning a salary of SR4425 per month and above and a graduate who meets the criteria in Order 231 (iii) may apply for housing loan, under the Scheme “Housing for Returning Graduates”, administered by the Ministry of Administration and Manpower Development.

233. GRADES OF ACCOMMODATION IN THE PUBLIC SECTOR

All Public Sector accommodation is, for purposes of rent deduction, classified into the following grades:-

- (i) Super Executive
- (ii) Grade I
- (iii) Grade II
- (iv) Grade III
- (v) Grade IV

Housing accommodation rented by Parastatal Organisation, is treated as Public Sector accommodation and graded as such.

234. SCALE OF FURNITURE ACCOMMODATION IN THE PUBLIC SECTOR

- (a) All Public Sector accommodation will be provided with basic furniture which include one desk and chair, a sofa, easy chairs, coffee tables, occasional tables, a sideboard, a bookcase, beds and mattresses, bedside tables, wardrobes, a dressing table, a cooker, a dining table, chairs, curtains and a refrigerator.
- (b) Where an employee is, under the terms of his/her employment, entitled to fully furnished accommodation, he/she will be provided, in addition to the basic furniture referred to in paragraph (a), with the following additional items:-

Fans, pillows, linen, kitchen utensils, glassware, cutlery, dinner and tea sets.

235. RENTAL FOR ACCOMMODATION AND FURNITURE IN THE PUBLIC SECTOR

- (a) Except in cases where the terms of employment of any employee provide for free housing, and subject to paragraph (d), all employees will be required to pay a rents at the following rates for the occupation of Public Sector accommodation:-

| Grade of accommodation | Rent contribution |
|-------------------------------|--------------------------|
| Super Executive | SR1200 per month |
| Grade I | SR1000 per month |
| Grade II | SR 800 per month |
| Grade III | SR 650 per month |
| Grade IV | SR 500 per month |

- (b) Where the accommodation is authorised to be occupied by two or more entitled employees, the rental due shall be apportioned equally between them.
- (c) Where the accommodation is occupied by a married couple who are both employed by the same Parastatal Organisation and who are both entitled to housing, the rent due shall be apportioned in accordance with the provisions of paragraph (b) above or, if it is the wish of the couple, the full rent due may be payable by either one of them.
- (d) Where Order 231 provides for a maximum period of rental for any category of persons employed by the Parastatal Organisation and an employee has otherwise agreed that the provision of the accommodation shall be for a period which is less than the maximum period (herein referred to as the “agreed period”) the relevant rent specified in paragraph (a) applies only for the maximum period or agreed period whichever is the lesser. For a period in excess of the maximum period, the rent shall be as determined but shall be not less than the corresponding rent specified in Paragraph (a) and not more than the rent which the accommodation would fetch on the open market.

236. RENT DEDUCTED FROM SALARY

The rent payable by an employee for the occupation of Public Sector accommodation is deducted from his/her salary and Accounting Officers are responsible for ensuring and arranging that such deductions are made. Employees

themselves should bring to the notice of their Accounting Officers any omission or error. Expatriate employees who do not receive a local salary, but who occupy accommodation for which a rent is payable, are responsible for paying such rent monthly to the employing organization.

237. POWER TO EVICT

The Parastatal Organisation reserves the right to call upon an employee to vacate the accommodation allocated to him/her at any time without notice should such a course be considered necessary. All allocation of Public Sector accommodation are subject to this express condition.

238. SUB-LETTING OF PUBLIC SECTOR ACCOMMODATION

In no circumstances will an employee let or sub-let Public Sector accommodation which has been allocated to him/her or any part of such accommodation or its grounds. This prohibition applies in all circumstances including those where an employee has been permitted to retain the accommodation during absence on leave. Furthermore, an employee who has been permitted to retain his/her accommodation during his/her absence on leave may not permit it to be used by any person during such absence without the approval of the Head of Organisation.

239. ABSENCE ON LEAVE

Any employee who has been allocated Public Sector accommodation will continue to be liable for the usual rent deduction during his/her absence on leave.

240. CARE AND MAINTENANCE OF PUBLIC SECTOR ACCOMMODATION AND FURNITURE.

- (a) An employee who is allocated accommodation is responsible for maintaining the same, together with its fittings and fixtures and furniture, in a clean and satisfactory condition. He/she is also responsible where appropriate for keeping the premises and grounds neat and tidy. He/she will be liable to make good any damage not caused by fair wear and tear.
- (b) If it becomes necessary to redecorate or recondition the premises and/or grounds solely as a result of the negligence or carelessness of the employee or his/her family, he/she will be liable to be surcharged with the cost involved. He/she will also be liable to meet the cost of any unauthorised alterations or additions to the premises, including the cost of and consequential work necessary to restore the accommodation to its original condition.

Employees may be requested by the Parastatal Organisation to pay a deposit not exceeding SR 2,000 upon allocation of accommodation as a

provision against possible negligence and carelessness on their part. This deposit is refundable subject to the condition of the accommodation when vacating the premises.

- (c) No trees or shrubs may be uprooted without the written consent of the Head of the Parastatal Organisation.

241. INSPECTION OF ACCOMMODATION

An employee to whom accommodation is allocated is required to provide reasonable access for inspection by a duly authorised officer.

242. RESTRICTION ON PRIVATE ARRANGEMENTS WITH LANDLORD

Under no circumstances may an employee who has been allocated accommodation that has been rented by the Organisation enter into any private arrangement with the landlord which might affect the terms of the tenancy agreement.

243. VACATION OF PUBLIC SECTOR ACCOMMODATION

- (a) Notice of vacation of the accommodation must be given to the Parastatal Organisation by the employee concerned at least one month in advance. Failure to do so may result in the continued rent deduction from his/her salary for a period of up to one month from the date on which he/she vacates the accommodation. In addition, he/she is also required to arrange for the water and electricity meters to be read by the appropriate authorities on the day on which he vacates his/her accommodation, and will be liable for any charges raised resulting from his/her failure to complete such formalities.
- (b) In the event of an employee dying in the Service, his/her dependents will be granted a period of not less than two months to vacate the accommodation.
- (c) Where an employee has a telephone, he/she is responsible for completing the necessary formalities on vacating his/her accommodation.

244. HANDING OVER KEYS OF PUBLIC SECTOR ACCOMMODATION

An employee vacating his/her accommodation should hand over the keys of the accommodation to the authorized officer of the Parastatal Organisation and not direct to the incoming tenant. Should an employee vacating accommodation fail to surrender the keys to the authorized officer, he/she will be held financially liable for any defects or deficiencies found when the accommodation and furniture are checked for the incoming tenant, and when the accommodation is not immediately

reoccupied, he/she will be liable for the payment of rental charges up to and including the date on which the keys are handed to the authorized officer.

245. RESPONSIBILITY FOR FURNITURE

Whenever furniture and equipment are issued, the occupant will be required to acknowledge receipt. He/she will become personally responsible for the furniture and equipment, including the liability to make good any loss or damage. Normal repairs and replacements will be made by Parastatal Organisation. On vacating the accommodation, he/she is responsible for handing back the furniture and equipment in good condition.

246. PAYMENT OF HOTEL EXPENSES ON FIRST APPOINTMENT OR ON DEPARTURE ON COMPLETION OF SERVICE

- (a) An employee who is entitled to accommodation shall, on first arrival in the country, be booked into a hotel or guest house by the Parastatal Organisation, on full meals and accommodation terms, until he/she is allocated Public Sector housing. The hotel expenses for meals and lodgings will be paid by the Organisation subject to his/her contribution to such expenses as follows:-

| | |
|------------------------|------------------|
| Unaccompanied employee | SR 100 per night |
| Accompanied employee | SR 150 per night |

Any extra e.g. bar, telephone calls, laundry, meals for friends, etc, will be the responsibility of the employee.

- (b) The employee must stay in the hotel or guest house where accommodation has been booked and must not change without prior permission. Failure to comply with this Order will result in the employee being required to meet his/her expenses in full. The provisions Order apply also to an employee who is offered accommodation but, without good and acceptable reasons, refuses to take up the offer.
- (c) An expatriate employee leaving the country on completion or determination of his/her contract by Organisation may spend up to three nights in an hotel or guest house prior to his/her departure. This accommodation shall also be booked for him/her by Organisation and the payment for meals and lodgings shall be on the same terms and conditions as provided in (a) and (b) of this Order.

247. EMPLOYEES PROVIDED WITH FREE ACCOMMODATION

Only expatriate employees recruited under technical cooperation agreements whose contract specifies that they shall be provided with free accommodation shall so be provided by the employing organization.

248. PAYMENT OF HOUSING ALLOWANCE TO EMPLOYEES ENTITLED TO FREE ACCOMMODATION

Employees falling under Order 247 will, when accommodation is not made available to them, be eligible to receive a housing allowance restricted to the maximum amount of SR 3000 per month or to the actual monthly rent, whichever is less. This allowance is subject to social security contributions and tax as applicable.

249. PAYMENT OF HOUSING ALLOWANCE TO ENTITLED EMPLOYEES NOT ACCOMMODATED BY THE PARASTATAL ORGANISATION

Where an employee who is entitled to be accommodation is not provided with such accommodation and where, as a result, he/she is obliged to rent private accommodation, he/she will be eligible to receive a housing allowance equivalent to the actual monthly rent of the accommodation or SR 3000 per month, whichever is less subject to the deductions specified in Order 235. The Parastatal Organisation must be satisfied that:-

- (i) the rent charged is reasonable;
- (ii) the accommodation occupied is in good condition and that it is not out of proportion to the employee's requirements based on the size of his/her family.

250. WHEN HOUSING ALLOWANCE NOT PAYABLE

When an employee entitled to accommodation refuses to occupy or vacates such accommodation which in the opinion of the organization is adequate for him/her and makes his/her own accommodation arrangements, he/she shall not be entitled to any housing allowance.

251-260 Unallocated.

CHAPTER XII

PENSIONS, GRATUITIES AND SOCIAL SECURITY BENEFITS

261. THE LAWS RELATING TO THE GRANT OF PENSIONS, GRATUITIES AND SOCIAL SECURITY BENEFITS.

- (a) The current laws relating to the grant of pensions and/or gratuities to persons employed in the Public Service including those in the teaching service are contained in the Pensions Act (Cap.159), as amended.
- (b) Notwithstanding the provisions of the pensions legislation referred to in paragraph (a), no pension, gratuity or other payment under the said legislation shall be paid in respect of service under Government or as a teacher after 31st December, 1978 in terms of the provisions of the Pensions (Special Provisions) Decree, (Cap 161). The Decree referred to provides that, with effect from 1st January, 1979, service in the Public Service or as a teacher shall cease to be pensionable and that a pension, gratuity or other payment under the Pensions Act referred to shall be payable in terms of that Act only in respect of service under Government or as a teacher prior to 1st January, 1979.
- (c) The Police Force Act (Cap. 172) provides that the President may in his/her absolute discretion grant a gratuity of such sum and at such time to a police officer who was serving in the Force on 26th May, 1982 in respect of his/her service before that date.
- (d) The grant of social security benefits to every person Seychellois who is resident in Seychelles and is in receipt of an income (including persons in the Public Service) is governed by the Social Security Act, (Cap 225).
- (e) The information contained in this Chapter shall be regarded only as a general guide to the award of pensions, gratuities and social security benefits and must not be construed as superseding or replacing the provisions of relevant laws which shall always override the provisions of these Orders.

262. THE NATIONAL PROVIDENT FUND

Prior to 1st January 1979, certain categories of employees who were employed on non-pensionable terms were required to register as members of the National Provident Fund established under the National Provident Fund Act (Cap. 142)

With the establishment of a Social Security Fund under the terms of the Social Security Decree, 1979 (No. 7 of 1979), no further contributions are payable to the National Provident Fund in respect of employment after 1st January, 1979, but

benefits earned under the National Provident Fund shall continue to be payable to members in accordance with and subject to the National Provident Fund Act (Cap 142).

263. PENSION NOT OF RIGHT

All pensioners (i.e. those who have been paid their retiring benefits upon attaining the age of 55) who are still employed in the Public Organisation should continue to draw their salary ad personam provided it is a salary within the salary structure.

Any pensioner who for good reasons, re-joins the Service (following a break of service) should be paid the basic salary of the post only.

264. REGULATIONS REGARDING PENSIONS AND GRATUITIES AND METHOD OF CALCULATION OF BENEFITS

The Government has issued a Manual of Administration of Pensions and Gratuities which explains the Regulations governing the various Pensions Acts and the method of calculating pensions and gratuities.

265. DEATH GRATUITY

(a) Where an employee who was holding a pensionable office at 31st December, 1978 dies whilst in the service of the Parastatal Organisation, his/her heirs may be granted a gratuity of an amount not exceeding either his/her annual pensionable emoluments, or his/her commuted pension gratuity if any.

(b) Where an employee including those who have an entitlement to a death gratuity under (a) above, dies whilst in the service of Parastatal Organisation there may be paid to his/her legal heirs the following:-

(i) a gratuity equal to three months' salary

(ii) pro-rata gratuity under Order 139

(iii) compensation under Order 138

Payment of (ii) and (iii) is effected from 1st January 1979 or thereafter provided the employee dies on or after 1st January 1992, the date the regulation came into force.

(c) In all cases where an employee dies whilst in the service of the Organisation, the monetary value of any leave standing to the credit of the deceased employee shall be paid to his/her legal heirs.

- (d) It is emphasized that the Head of the Organisation must ensure that documents of the legal heirs are in order before making payment of benefits by checking birth the death certificates.

266. RETIREMENT AGE

Since the abolition of permanent and pensionable terms as from 1st January 1979, there is no Parastatal Sector retirement age, per se. The age of 55 years of 30 years continuous service are used, notionally, as the limits at which frozen terminal benefits become payable under the Pensions Act (Cap 159). No employee shall continue in the Service beyond the age of 63 years without the approval of the Minister of Administration and Manpower Development and final approval from the Ministry of Social Affairs and Employment .

267. SOCIAL SECURITY FUND.

The Social Security Fund has been established under the Social Security Act, (Cap 225) and this replaces previous pension and gratuity provisions. All claims for benefits under the Fund must be made in writing to the Director of the Social Security Fund.

268. SOCIAL SECURITY BENEFITS.

- (a) The following benefits are payable under the Social Security Decree:-

- (1) Sickness Benefit.
- (2) Maternity Benefit.
- (3) Invalidity Benefit.
- (4) Disablement Benefit.
- (5) Survivor's Benefit.
- (6) Retirement Pension.
- (7) Dependent's Benefit.
- (8) Injury Benefit.
- (9) Funeral Benefit.
- (10) Orphaned and Abandoned Children's Benefit.

- (b) Certain of these benefits which are payable to employees through the employer may be refundable to Government in part from the Social Security Fund. It is the responsibility of the Accounting Officer of each Ministry/Department to ensure that action is taken, where appropriate, to claim such refunds.

269. CONTRIBUTIONS TO THE SOCIAL SECURITY FUND

Contributions to the Social Security Fund, both by the employee and the employer, shall be payable at such rates as are prescribed by the Minister of

Finance from time to time and the employee's contributions shall be deducted monthly from his/her salary.

270. CONTRIBUTION TO THE SEYCHELLES PENSION SCHEME

In accordance with the Seychelles Pension Scheme Act, (Cap 220), it is compulsory for the Organisation as an employer contributes according to the prescribed rate in respect of all its employees. Employees are encouraged to make voluntary contributions to the Scheme.

271 SCHEME OF SERVICE GRATUITIES

The Government may from time to time include gratuity payments to certain schemes of service.

Employees who benefit from a gratuity under a specific Scheme of Service are not entitled to the continuous service gratuity under Order 139.

272-280 UNALLOCATED

CHAPTER XIII

CORRESPONDENCE AND GENERAL OFFICE ROUTINE

281. FORM OF CORRESPONDENCE - GENERAL.

Conciseness and brevity should be aimed at in all official writings, which should be well considered and couched in a tone of courtesy. Familiar and everyday words should be used.

282. CORRESPONDENCE BETWEEN GOVERNMENT OFFICES AND PARASTATAL ORGANISATION

- (a) Correspondence between Government Ministries/Departments and Parastatal Organisations should normally be conducted in the form of "Memos". All "Memos" will be official note paper, headed with the name, address and telephone number of the originating Organisation. Each communication should be confined to one subject only or be concerned with one officer only, the matter being either stated briefly as a heading or made clear in the first paragraph. Reference numbers and dates of previous correspondence (if any) should be quoted.
- (b) Succeeding paragraphs should logically and concisely:-
 - (i) give a brief outline of the history of the subject;
 - (ii) explain the points to be considered;
 - (iii) refer to any relevant decisions on similar or allied subjects.
- (c) Any authority of law, regulation, Government ruling or precedent connected with the subject should be quoted; where reference is made to any notice which has been published in the Official Gazette, the year and number of the notice must be quoted.
- (d) Paragraphs should be numbered consecutively, and if the communication extends to two or more sheets, each page should also be numbered.
- (e) Enclosures, where essential, should be similarly paragraphed and paged.
- (f) Communications should normally be typewritten and dated with the actual date of dispatch. However, the communication may be hand-written at the writer's discretion, if it is of a strictly confidential nature.
- (g) No preface or conclusion such as "Dear Sir" or "Yours faithfully" is necessary in such communications.

- (h) In all cases where the officer addressed is likely to require to pass the communication on to some other officer, the communication should, in order to save copying, be sent in duplicate at least, and wherever possible, the full number of copies likely to be required by the addressees should be enclosed.
- (i) Parastatal Organisation and Ministries/Departments should generally communicate with each other in writing and not by passing files. However, files will need to be passed to the President where his/her ruling is required, or to the Attorney General's Chambers where legal advice is sought or to the Ministry of Administration and Manpower Development when so requested.

283. CORRESPONDENCE FROM PARASTATAL ORGANISATION

Correspondence emanating from a Parastatal Organisation shall be issued under the authority of the Organisation.

284. CORRESPONDENCE WITH FOREIGN GOVERNMENT AND AGENCIES

Correspondence with foreign Governments and Agencies shall normally be conducted through the Ministry of Foreign Affairs. Where matters being discussed are of a purely technical, professional or routine nature, such correspondence may be conducted directly with Governments and Agencies concerned but copies of such correspondence must be sent to the Ministry of Foreign Affairs.

285. CORRESPONDENCE WITH THE GENERAL PUBLIC

It is important that correspondence received by Parastatal Organisations from public bodies, organisations and private individuals should be dealt with promptly. Letters from the public should normally be acknowledged immediately they are received.

286. REGISTERED CORRESPONDENCE

Heads of Organisations will ensure that the employees in charge of each Division under their control are personally responsible for keeping a record of all registered letters and articles received and dispatched in such a form that the responsibility for the loss of any registered packet or the contents thereof may be determined without difficulty.

287. LEGIBILITY OF SIGNATURE

To avoid the possibility of error, an employee will have his/her name typed or stamped below his/her signature on all correspondence.

288. RUBBER STAMPS

Original letters, receipts, licences, etc. must be signed by a responsible employee. Rubber stamps should be used only on copies of letters.

289. CLASSIFIED CORRESPONDENCE

Good security is an essential factor in the efficient working of the Organisation. All employees whose duties involve the handling of classified material must ensure that security is maintained.

290. GOVERNMENT DECISIONS

When decisions of the Organisation have to be conveyed to members of the public, these should be communicated as decisions of the Organisation concerned and not as decisions of an individual.

291. RESTRICTION REGARDING DISCLOSURE OF INFORMATION

No correspondence that has passed between Parastatal Organisations, Ministries/Departments or between the public and Ministries/Departments may be communicated to the press or any members of the public without the approval of the Head of the Organisation concerned. Information of a purely general nature which may help in discussing local questions need not be withheld provided such information is not of a confidential nature or likely to embarrass others. Unauthorised disclosure of official information will make an employee liable to disciplinary action and/or criminal prosecution (Order 40 - Official Secrets Declaration, Order 108 - Disciplinary Offences).

292. MEDIA AND PUBLIC RELATIONS.

- (a) The Director, Nation Publishing Division, is the recognized channel for all Government information to the media about the Public Sector. The accurate compilation and dissemination of information on the work of Government Ministries and Departments, and Parastatal Organisations particularly on the progress of development projects, is of the highest priority. To enable the Ministry responsible for Information to be informed of their activities, all Heads of Organisations should appoint a senior employee within their Organisation to act as a liaison officer with the Ministry responsible for Information. Information of a factual nature, not connected with major questions of policy and development, to be given publicity in the local media should be channeled through this officer. Consequently, it is to this officer that the officers of the Ministry of Finance must go first for any information which they might require.

- (b) Where the information to be given out relates to a matter of major importance, and policy, the channel of communication will be between Head of Organisation concerned and the Director, Information Division of the Ministry of Finance.

293. POLICY STATEMENTS

It is essential that publication and information concerning Government's attitude and strategies about development programmes or statements, which have a bearing on Government policy in any respect are submitted by the Parastatal Organisation concerned for clearance by the President. It will be the responsibility of the Ministry responsible for Information to arrange for the clearance by the President of any such statements before they are released.

294. COMMUNICATIONS AFFECTING INDIVIDUAL EMPLOYEES

Any recommendation made in respect of an employee must be regarded as a confidential communication and should not in any circumstances be brought to the attention of the employee concerned until a final decision is made.

295. TELEPHONE CALLS

Whenever information or advice can be obtained by telephone call, this means should be used and correspondence avoided, although it is advisable that a brief record of the call should be made; in the case of decisions, a record is essential and should be confirmed later in writing.

296. USE OF FAX AND E-MAIL

Strict economy must be exercised in sending fax and e-mail messages. All fax and e-mail messages should be printed for filing purposes. Telefax formal correspondence should also be mailed.

Communication with the Attorney-General

297. LEGAL ADVICE

- (a) Legal advice should, except in abnormal circumstances, be sought in writing. The employee making the request should ensure that the full facts are given to the Attorney-General, should draw attention to any previous legal opinions which might have a bearing on the case, and should set out in a separate paragraph the specific question or questions of law on which advice is desired.

- (b) Except for routine matters (such as scrutinising of minor documents) requests for legal advice should not be made by an employee below the level of Head of Division.
- (c) In the case where it is necessary for legal advice to be sought by a personal approach an appointment should, whenever possible, be made with the member of the Attorney-General's chambers from whom the advice is sought and he/she should be given advance notice of the questions upon which legal advice is desired.
- (d) The Attorney-General should always be consulted:-
 - (i) before any payment of compensation is made or refused;
 - (ii) before an employee produces official documents in court in a civil matter in which the State is not a party;
 - (iii) before criminal proceedings are instituted since the final decision whether or not such proceedings shall be taken or shall proceed rests with the Attorney-General.
- (e) If a communication to a member of the public entails the decision being based upon a legal opinion expressed by the Attorney-General's chambers, the legal advice should not be quoted, nor should the communication indicate that the decision is based upon legal advice. Such communications should be drafted on the basis that the decision conveyed is that of the Organisation concerned.

COMPLAINTS SUGGESTIONS

298. COMPLAINTS, REPRESENTATION, SUGGESTIONS AND PETITIONS – PRINCIPLES AND PROCEDURE

- (a) Complaints, representations or suggestions, whether they are of a private nature, or affect the Organisation, including the application of conditions of service generally or specifically, may be made by any employee through the normal official channels. They may be made by an individual, by a group of employees or by a trade union. No complaint, representation or suggestion may be made anonymously.
- (b) Employees may make their own representations and they shall involve a trade union only if direct approaches fail to resolve particular issues.
- (c) Complaints, representations or suggestions shall normally be made in writing explaining the issues clearly and concisely and be signed by the employee or the agent initiating it. In the case where an agent initiates a complaint representation or suggestion on behalf of the employee, the

agent shall state on whose behalf he/she is acting. The letter shall be addressed to the employee's immediate superior who shall investigate the issue promptly. If the recipient of the letter cannot within his/her own authority resolve the issue, he/she shall forward it to his/her superior until, where necessary, it reaches the Principal Secretary (Ministry of Administration and Manpower Development) in which case the comments of those dealing with the matter must be included.

299. SUGGESTIONS.

- (a) Suggestions aimed at improving the efficiency and effectiveness of the Organisation shall be encouraged. Employees who tender valid proposals shall be encouraged. Employees who tender valid proposals shall be accredited accordingly and account taken of their contributions when their progress within the Public Sector is considered.
- (b) Any scheme to encourage suggestions should be introduced after consultation with the Principal Secretary, (Ministry of Administration and Manpower Development), including the comments of all parties involved.

300. HANDLING OF COMPLAINTS, REPRESENTATIONS AND SUGGESTIONS.

- (a) Whilst frivolous representations by employees are to be discouraged, every issue, however apparently insignificant, shall be considered carefully and answered in writing. In the case of a negative answer, the reasons therefore should be given. Employees should always be kept informed of the progress of the matters which they have raised.
- (b) If an employee considers that a complaint, representation or petition is being disregarded or ignored, the matter should be taken up with the Ministry of Administration and Manpower Development as a means of ensuring equitable treatment of the case.

301. APPEAL AGAINST DECISIONS

If an employee wishes to appeal against a decision given upon a matter he/she has raised, on decisions conveyed in accordance with these Orders, he/she shall do so in writing within fourteen days of the date the decision was addressed to him/her. The employee shall address his/her appeal to the superior of the person who made the decision. At the same time, the appellant must pass a copy of his/her letter to the person who made the decision.

302. APPEALS AND PETITIONS.

- (a) An employee shall have the right to appeal to the Head of the Organisation on any matter, whether it is of a private nature or one affecting the Public Sector.
- (b) An employee shall be at liberty to petition the President on any important matter, whether it is of a private nature or one affecting his/her employment. He/she shall do so in accordance with the procedure set out in these Orders and with any circular instruction issued by the Principal Secretary (Ministry of Administration and Manpower Development).

GENERAL

303. CIRCULARS INSTRUCTIONS ON STAFF MATTERS

Heads of Parastatal Organisations to whom circulars instructions on staff matters are issued by Government from time to time, are responsible for bringing them to the attention of all employees in their Organisation.

304. USE OF COLOURED INK

- (a) It should be noted that in all ordinary correspondence blue or black ink should be used. Except in the case of the drawing offices where they may be required for the preparation of maps and plans, the use of green ink or pencil in the transaction of official business is restricted to the staff of the Audit Department and of purple ink or pencil to the Internal Audit staff of the Ministry of Finance.
- (b) The use of red ink in writing minutes or signing documents is reserved for the President.

305. NATIONAL ARCHIVES

All Heads of Parastatal Organisation shall ensure that a complimentary copy of every newspaper, periodical, book booklet, pamphlet, circular, etc., referring to Seychelles and whether printed or mimeographed in Seychelles or overseas and for which publication they are responsible, shall be given to the National Archives.

306. STORAGE AND DISPOSAL OF RECORDS

- (a) To ensure that records worthy of permanent preservation are in fact preserved, Heads of Organisations should, in consultation with the Director of the National Archives and Museums, arrange for the transfer annually of all such records.

- (b) Parastatal Organisations should regard the National Archives as a logical extension of their own registries. The files of each Organisation are kept separately and any file at any time can be recalled by the Organisation from which it originated. All records transferred are treated as confidential and no papers can be referred to by any outsider without the written authority of the depositing Organisation.
- (c) Before transferring records to the National Archives, Heads of Organisations should ensure that no records are transferred which should be destroyed. The list as set out in Appendix "D" shows the type of records which may be destroyed by the Organisation, with the appropriate disposal instructions shown against each category.
- (d) Destruction of records should be effected by burning or shredding.

307-320. Unallocated.

CHAPTER XIV

MISCELLANEOUS

321. OCCUPATIONAL ACCIDENTS / OCCUPATIONAL SAFETY AND HEALTH ACT

- a) All employers are required to take certain measures/precautions at their work premises to ensure the health, safety and welfare of their employees at work. In this context, the Occupational Safety and Health Decree (Cap 151) make the necessary provisions.
- b) Under the Occupational Safety and Health Decree (Cap 151), an employer is required to report to the Ministry of Employment and Social Affairs any accident which results in a worker's death or injury of sufficient seriousness to necessitate absence from work for a period exceeding three days.

322. ACCIDENT WHILST ON DUTY/PAYMENT OF COMPENSATION.

- (a) If an employee is injured or dies as a result of an accident sustained whilst he/she is on duty, an immediate preliminary investigation should be carried out by the Head of Division and the report forwarded to the Head of the Organisation. A medical report giving the details of injuries sustained and capability of resuming duty and/or extent of disability should also be obtained.
- (b) The Head of Organisation will then forward a case to the Principal Secretary (Ministry of Administration and Manpower Development), who at his/her discretion will decide on an amount of compensation if any, to be paid for the injuries sustained or for death. Where the employees are covered under insurance, then a claim can be made against the insurance Company concerned.

323. SERIOUS ILLNESS OR DEATH OF AN EMPLOYEE

The report of an employee's critical or serious illness or that of his/her death must be sent immediately to his/her Head of Organisation and all employees must inform their next of kin of this requirement.

324. OFFICE ACCOMMODATION

The provision of office accommodation in the Public Sector shall be the responsibility of the Principal Secretary (Ministry of Administration and Manpower Development) except where specific buildings are provided by specific Parastatal Organisations for their exclusive use in which case the Head of Organisation concerned shall be responsible. Where more than one

Parastatal Organisation occupies an office building, a maintenance committee will be set up by the Ministry of Administration and Manpower Development and one of the Parastatal Organisation is nominated as a landlord.

325. TELEPHONES IN PARASTATAL ORGANISTIONS

- (a) The responsibility for authorising the provision, removal and transfer of telephone equipment in offices and the control of its use rests with Heads of Parastatal Organisations.
- (b) The Head of Organisations shall be entitled to a telephone at their residence, the cost of installation of which and its monthly rentals shall be payable by the Organisation. Other employees may be similarly provided with a telephone at their residence at the Organisation expense at the discretion of the Head of the Organisation who will authorize such installation only where he/she is satisfied that because of the nature of his/her duties the employee concerned needs to be contacted outside working hours. In such cases the Organisation will meet the cost of monthly rental.
- (c) The employee shall be responsible for meeting the cost of the calls but he/she may claim reimbursement of the cost of those calls which were made in connection with his/her official duty.
- (d) Only one telephone may be provided. If the employee moves from one house to another at his/her own request, he/she shall be required to pay the standard charges for telephone removal and reconnection. Where the move from one house to another is as a result of the Organisation's directive, the standard charges shall be borne by the Organisation.

326. FIRE-FIGHTING PRECAUTIONS

- (a) Dangerous, flammable and corrosive goods shall be stored most carefully. The advice of the Chief Fire Officer shall always be sought regarding such storage. All Parastatal Organisations should have fire-fighting appliances which shall be thoroughly tested at least once a year to ensure their efficiency.
- (b) Heads of Organisation shall ensure their staff are familiar with the position and operation of any fire-fighting appliances installed and the procedures to be followed in case of fire.

327. DAMAGE TO PUBLIC SECTOR PROPERTY

Whenever any Public Sector property or building is destroyed or damaged, a formal inquiry shall immediately be held. A copy of the record of the inquiry,

which must indicate whether the damage was attributable to negligence or not, should be sent to the Principal Secretary (Ministry of Finance).

328. ELECTRICITY TO BE SWITCHED OFF

It is the responsibility of the occupants of the Organisation's offices, workshops, etc., to ensure that electrical appliances and lights are switched off when the offices or other premises are vacated.

329. COMPENSATION FOR LOSS OF PRIVATE PROPERTY

No employee shall be entitled to claim compensation in respect of losses of or damage to private property incurred through fire, theft or otherwise in the course of his/her service, but special cases may be considered by the Principal Secretary (Ministry of Administration and Manpower Development) at his/her discretion. Any payment which may be authorized by the Principal Secretary will be purely ex-gratia and, as a rule, not more than two thirds of the value of the property lost will be allowed. In exceptional cases, however the whole amount may be granted when the total is very small or is of special circumstances, such as the efforts of an employee to save public property at the risk of his/her own. No claim will be entertained if the loss could have been avoided by the exercise of prudence or if insurance against loss could have been affected on reasonable terms, but this will not debar consideration of cases in which prudence does not demand insurance.

330. TIME-BAR ON CLAIMS BY EMPLOYEES

Any claim made by an employee for an entitlement under these Orders or under any other regulations more than one year after the claim became due, will be treated as time-barred.

APPENDIX "A"

Procedure for undertaking formal proceedings in disciplinary cases under Order 113

1. Preliminary Action

- (1) No formal proceedings for a disciplinary offence shall be instituted against an employee unless he/she has been served with a copy of the charge setting out the offence which he/she is alleged to have committed. The charge shall set out in a concise form the allegations made against him/her and copied to the Union.
- (2) The charge shall be prepared by the disciplinary authority after such preliminary investigations as he/she may consider necessary, and he/she may consult the Attorney-General or the Company's Legal Adviser if he/she so wishes.
- (3) After a disciplinary charge has been drawn up, the disciplinary authority shall arrange for it to be handed to the accused.
- (4) Every charge shall be accompanied by a notice addressed to the accused inviting him/her to state, in writing, within such period as may be specified in the notice being not less than fifteen days, the grounds upon which he/she relies to exculpate himself/herself.
- (5) No formal proceedings instituted under this Order shall be invalid by reason only of any irregularity in the framing of the charge.
- (6) Where the disciplinary authority is satisfied that the representations made by the accused amount to a complete admission of the charge or charges against him/her, it shall not be necessary to hold any further inquiry. The disciplinary authority shall thereupon record a finding of guilty.
- (7) Where an employee has been served with a charge and fails to make representations in writing giving the grounds upon which he/she relies to exculpate himself/herself, or makes representations which, in the opinion of the disciplinary authority, do not amount to a complete defence to the charge, the disciplinary authority shall, after informing the trade union where appropriate, either himself/herself conduct an inquiry or appoint one or more Inquiry Officers to hold the inquiry.
- (8) **Persons not to be appointed Inquiry Officers.**
 - (a) No employee shall be appointed an Inquiry Officer unless he/she is the holder of a post allocated to a higher salary band than that attached to the post held by the accused.

- (b) Notwithstanding the provisions of paragraph (a), where the accused occupies a post allocated to the Senior Officers' Salary Band and above, no person shall be appointed as an Inquiry Officer unless he/she is a Chief Executive or Head of Division.

2. Procedure on Inquiry

- (1) In this context the term "officer conducting inquiry" means the Inquiry Officer and includes the disciplinary authority.
- (2) Where the officer conducting the inquiry wishes to be assisted by persons with professional or technical competence concerning matters likely to arise in the course of the proceedings, he/she may request that assistance.
- (3) The officer conducting the inquiry shall notify the accused of the date, time and place upon and at which the inquiry shall be within fourteen days of the decision to hold an inquiry.
- (4) The accused shall have a right to be present, examine witnesses and be heard at the inquiry; provided that failure by the accused to be present or represented at the inquiry shall not invalidate the proceedings.
- (5) The officer conducting the inquiry may permit the accused or representative of a Union and of such witnesses as the worker may wish to call and the disciplinary authority to be represented by an employee or advocate or representative of a Union and of such witnesses as the worker may wish to call; provided that where either party is permitted to be so represented the other party shall also be so permitted.
- (6) The accused or his/her representative shall have a right:-
 - (i) to cross-examine any witness examined by the officer conducting the inquiry or by the disciplinary authority or his/her representative;
 - (ii) to examine and make copies of any document produced as evidence against him/her,
 - (iii) to call witnesses on his/her own behalf and produce any document relevant to the inquiry.
- (7) The officer conducting the inquiry may take into consideration any evidence which he/she considers relevant to the subject of the inquiry before him/her, notwithstanding that such evidence would not be admissible under the law relating to evidence.

- (8) The officer conducting the inquiry shall record the essentials of the evidence given before him/her.
- (9) An inquiry heard under this Order shall not be open to other employees or to the members of the public.
- (10) If, during the course of the inquiry, it appears that the evidence given discloses grounds for an additional charge, the officer conducting the inquiry shall formulate such charge and give a copy to the accused.
- (11) Where any such additional charge is formulated the officer conducting the inquiry shall proceed to inquire into the same and may recall any witness for further examination or cross-examination.
- (12) Subject to the foregoing provisions of this Order, an officer conducting an inquiry may regulate the procedure at the inquiry in such manner as he/she may think fit in order to reach a speedy and just conclusion.

3. Procedure on the conclusion of inquiry.

- (1) Upon the conclusion of an inquiry, the officer conducting the inquiry shall, except where such officer himself/herself is the disciplinary authority, forward the record of proceedings before him/her together with his/her report thereon to the disciplinary authority.
- (2) Every report under paragraph (1) by the officer conducting the inquiry shall state:-
 - (i) whether in his/her opinion the charges against the accused have been proved;
 - (ii) the reason for such opinion;
 - (iii) any fact which aggravates or mitigates the gravity of the charges;
 - (iv) any other fact which in his/her opinion is relevant.

Provided that no such report shall contain any recommendation as to the form of nature of the punishment to be awarded.

- (3) Where the disciplinary authority is of the opinion that further investigation into the case is necessary, it may refer the matter back to the officer conducting the inquiry with such directions as it considers necessary, and such officer shall re-open the inquiry.
- (4) The disciplinary authority shall, after considering the evidence, and, where the inquiry was not conducted by the authority, the report of the officer conducting the

inquiry, make and record a finding whether the accused is guilty of the disciplinary offence with which he/she was charged.

- (5) Where the disciplinary authority's findings as to the guilt or innocence of the employee is contrary to the opinion of the officer conducting the inquiry as expressed in his/her report, the disciplinary authority shall record its reasons for the finding.
- (6) Where the disciplinary authority finds the employee guilty, it shall proceed to award punishment.
- (7) It should be clarified for the avoidance of any doubt that in all cases of disciplinary proceedings against an employee holding an office allocated to the Senior Officers' Salary Band or above, or against a bonded employee, the record of such proceedings on the conclusion of the inquiry shall be forwarded to the Principal Secretary (Ministry of Administration and Manpower Development) for processing onwards to the Minister.

4. General

- (1) Where an employee is alleged to have committed a disciplinary offence and that offence also constitutes a criminal offence under any written law, the following rules shall apply:-
 - (a) if no disciplinary proceedings under these Orders have been commenced, but proceedings for the criminal offence (hereinafter referred to as "criminal proceedings ") have been instituted against the accused in any court of law, then no disciplinary proceedings shall be commenced until after the conclusion of the criminal proceedings; it is therefore necessary that disciplinary offence is dealt with without delay so that a decision could be taken before the case opens in court.
 - (b) if disciplinary proceedings have been commenced and during such proceedings criminal proceedings are instituted, the disciplinary proceedings shall be stopped and no further steps shall be taken in respect thereof until after the conclusion of the criminal proceedings;
 - (c) where criminal proceedings have been concluded against the accused and where the accused is acquitted of the criminal charge, such acquittal shall not be a bar to disciplinary proceedings being instituted against him/her on a charge based on other aspects of his/her conduct in the matter, provided that the issues raised are different from those contained in the charge on which he/she was acquitted. Such disciplinary proceedings may be instituted against the accused who may, if found guilty, be punished, therefore, as if no criminal proceedings had been instituted against him/her;

- (d) where the accused has been convicted of a criminal offence, he/she shall be deemed to have been found guilty under the provisions of these Orders of a disciplinary offence based upon the same facts, and the disciplinary authority shall, without continuing or instituting any disciplinary proceedings, proceed to punish the accused in respect of the disciplinary offence provided that no employee shall be punished in terms of this paragraph until he/she has been served with a notice specifying:-
 - (i) the disciplinary offence of which he/she has been found guilty;
 - (ii) the punishment which the disciplinary authority is to impose;
 - (iii) the time within which the employee may make a plea in mitigation, and the disciplinary authority having taken into consideration any plea made by the employee within the time specified in the notice;
 - (e) where a notice under the proviso to sub-paragraph (d) of paragraph (1) is given to the employee, the disciplinary authority, having taken into consideration any plea made by the employee under the said proviso, shall not be bound to impose the same punishment as that specified in the notice but may impose any lesser punishment;
 - (f) where an employee has been convicted of a criminal offence but prior to the commencement of the criminal proceedings he/she was found guilty by a disciplinary authority of a disciplinary offence based on the same facts as the criminal charge, the disciplinary authority may substitute for the disciplinary punishment imposed upon the accused any other disciplinary punishment which is warranted in view of the conviction and punishment of the accused with regard to the criminal offence.
- (2) For this purpose, criminal proceedings shall be deemed to be concluded:-**
- (a) where there has been no appeal against the conviction, upon the expiry of the time allowed for such appeal;
 - (b) where there has been an appeal against the conviction, upon the expiry of the time allowed for any further appeal.
- (3) Where there has been an appeal or a further appeal against a conviction, the judgement of the appellate tribunal shall be the deciding factor in determining whether the employee has been convicted.
- (4) Nothing in the proviso to sub-paragraph (d) of paragraph (1) above shall preclude the disciplinary authority from instituting disciplinary proceedings against the employee convicted of a criminal offence at the conclusion of criminal proceedings independently of his/her conviction.

- (5) Where, consequent upon his/her conviction on a criminal charge involving fraud or theft or other offence which is similarly serious on his/her part an accused person is punished by dismissal from the service for a disciplinary offence based on the same facts, his/her dismissal shall take effect from the date upon which he/she was suspended from the Service.
- (6) For avoidance of doubt, it is declared that should the Provisions of Appendix 'A' be at variance with the Employment Act, the provisions of the Act with prevail.

APPENDIX "B"

(See Order 115)

Guidelines for applying disciplinary action

| OFFENCE | SUGGESTED ACTION | | | | | |
|---|------------------|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 1. A misdemeanour or omission. | + | | | | | |
| 2. A series of misdemeanors or omissions. | | + | + | + | | |
| 3. Avoidable pecuniary embarrassment or recklessness | | + | + | | | |
| 4. Conviction of a criminal offence. | | + | + | + | + | |
| 5. Insubordination or misconduct | + | | + | + | + | |
| 6. Disclosure or use, without permission of verbal or written material regarding Government activities or that of the Parastatal Organisation (Short of an offence under State Security Act.) | + | + | + | + | + | |
| 7. Disloyalty. | + | + | + | + | + | |
| 8. Inciting others to be disloyal. | + | + | + | + | + | |
| 9. Drunkenness on duty; drunkenness in public to the extent that Government's image or that of the Parastatal Organisation becomes tarnished. | | | | + | + | + |
| 10. Failure, without good reason, to carry out a reasonable instruction(s) | + | + | + | + | + | + |
| 11. Failure to comply with rules and regulations. | + | | + | + | + | |
| 12. Gross negligence or recklessness (generally a single act) | | | + | + | + | |
| 13. Inefficiency | | + | + | + | + | + |
| 14. Unauthorised absence(s) | | + | + | + | + | + |
| 15. Unauthorised use of Government's resources or that of the Parastatal Organisation | | + | + | + | + | |
| 16. Breach of trust. | | + | + | + | + | |
| 17. Fraudulent practice. | | | + | + | + | |
| 18. Dishonesty. | | | + | + | + | |

KEY

1. Written warning.
2. Redeployment.
3. Suspension from work without pay for a period of up to 14 days.
4. Demotion.
5. Dismissal.
6. Non payment of wages.

Notes:

1. Conviction of a criminal offence, No. 4, must result in disciplinary action. The nature of that action necessarily depends on the seriousness of the offence and whether it is a first offence or not - hence the wide range of suggested action.
2. Where a wide range of action is suggested, e.g., No. 5 and 10, it is to enable both severity and/or frequency of the offence to be accommodated. It should be noted that three minor offences may be considered a serious offence.
3. Suspension from duty without pay is the appropriate action to take following a suspected offence. The final action, following inquiry, can be any of those suggested above, with or without the restoration of duty and restoration of pay. Where the final action is dismissal, pay stopped from the date of suspension shall not be restored.
4. Officers inquiring into alleged breaches of discipline should take steps to assemble the full facts before them and obtain the accused's reaction before making recommendations. Dismissal must not be confused with Termination of Appointment and separate clauses in the contract of service. Dismissal from the service the most serious punishment and follows a proven disciplinary offence. A dismissed worker loses all privileges, e.g. period of notice/pay in lieu. If on contract the officer loses all advantages enshrined in the contract.
5. It should be clarified for the avoidance of any doubt that in all cases of disciplinary proceedings against an employee holding an office allocated to the Senior Officers' Salary Band or above, or against a bonded employee (all levels), the record of such proceedings on the conclusion of the inquiry shall be forwarded to the Principal Secretary (Ministry of Administration and Manpower Development) for processing to the Minister for approval.

APPENDIX "C"

(See Order 133)

Procedure for Termination of Appointment (i.e. on grounds other than of misconduct)

Restriction on Termination of Appointment

1. No Head of a Parastatal Organisation is authorised to terminate the appointment of an employee on any ground other than the misconduct unless the Head of Department/Ministry has complied with the negotiation procedure out-lined below, has been complied with. This is in accordance with the Employment Act.
2. For the purpose of this Appendix, an employee shall have been guilty of misconduct where:-
 - (a) he/she willfully fails to comply with or refuses to carry out any reasonable instruction of the Head of the Organisation or his representative arising out of or related to his/her terms of reference;
 - (b) he/she engages in conduct or behaviour which is inconsistent with the proper and effective discharge of his/her dutiesor
 - (c) he/she habitually or seriously neglects to discharge his/her duties. Provided that an employee shall not be guilty of misconduct by reasons only that he/she did any lawful thing with a view to improving or avoiding any deterioration in his/her terms and conditions of employment.
3. Any employee whose appointment is terminated on ground other than misconduct, if the employee considers he/she was not guilty of misconduct, may initiate the grievance procedure to the Principal Secretary (Ministry of Administration and Manpower Development) for a review of the termination within 14 days after being notified of the termination and where he/she does so, the negotiation procedure under the Employment Act shall apply

4. Where as a result of the negotiation procedure:-
- (a) Principal Secretary (Ministry of Administration and Manpower Development) determines that the employee's appointment should not be terminated the said employee will remain in post;
 - (b) Principal Secretary (Ministry of Administration and Manpower Development) determines that an appointment should be terminated, the employing Organisation shall pay to the employee an amount by way of compensation calculated in accordance with the provisions of the Employment Act;
 - (c) Principal Secretary (Ministry of Administration and Manpower Development) determines that a purported termination of appointment on the grounds of misconduct or otherwise was not justified in the circumstances of the case, Principal Secretary (Ministry of Administration and Manpower Development) shall further determine that the employee concerned shall either be:
 - (i) reinstated in the employment concerned
or
 - (ii) be offered other suitable employment in the Organisation;
 - (iii) not be reinstated or offered other suitable employment but shall be paid by Organisation, an amount of compensation calculated in accordance with the provisions of the Employment Act.
5. Where it has been decided that the employee is reinstated in his/her former post or is offered an alternative posting in the Organisation and the employee has not received a salary for that period, the Organisation concerned shall, when implementing the determination of Principal Secretary (Ministry of Administration and Manpower Development) pay to the employee concerned the salary not received.

PART I

Participation of Employees.

Every employee whose contract of employment is or whose terms and conditions of employment are to be subject to consideration under the negotiation procedure of the Employment Act is entitled to participate either by himself/herself or by a representative nominated by him/her in the negotiation procedure in addition to the participation in that procedure by the Union.

SCHEDULE

Scale of Compensation

1. Where the Principal Secretary (Ministry of Social Affairs and Employment) determines that a contract of employment shall be terminated and the cause of termination is in no way attributable to the employee, the employing Organisation shall compensate each employee affected as follow:-
 - (i) at the rate of one day's wage for every month of service in the case of contracts of continuous employment.
 - (ii) at double the rate of (i) above in the case of fixed term contracts; or
 - (iii) such other rate as determined by the Principal Secretary (Ministry of Social Affairs and Employment)

2. Where the Principal Secretary (Ministry of Social Affairs and Employment) determines that a contract of employment shall be terminated and the cause of the termination is partly or wholly attributable to the worker, the employing Organisation shall compensate each employee at a lesser rate of compensation than at 1 or none as the Principal Secretary (Ministry of Social Affairs and Employment) may assess.

APPENDIX "D"

(see Order 307)

List showing type of Records which may be destroyed with appropriate disposal instructions shown against each category

A- Miscellaneous Records

Where destruction after a specific period of years is indicated this is intended to be permissive and not mandatory. Running files, for example, containing the type of records listed below may be destroyed when they have reached the age of 2 years. If, however, it is desired to keep them longer than this period for the convenience of an office, this may be done. On the other hand nothing should be kept beyond the period stated unless there is a very clear reason for doing so.

| Type of Record | Disposal Period |
|---|---|
| Drafts and contributory material of Annual Reports | Destroy after two years |
| Correspondence relating to preparation, printing and distribution of Annual Reports | Destroy after two years |
| Unsuccessful for Applications employment: | Destroy after two years |
| Circulars, Inter-departmental | A department originating circulars should preserve a full set of them. All offices receiving circulars may dispose of them at their discretion. |
| Consignment notes | Destroy after two years from date of delivery |
| Contracts | See Tenders and Parastatal Contracts |
| Delivery books, Messengers | Destroy at one year from the last entry |
| Application for Employment | See Applications for employment |
| Routine correspondence concerning Furniture and Equipment | Destroy after one year |
| Leave returns | Destroy after one year |
| Registers of Letters dispatched | Destroy at five years from the last entry |

| Type of Record | Disposal Period |
|--|--|
| Registers of Letters received | Destroy at five years from the last entry |
| Transport allowance returns | Destroy after three years |
| Monthly returns and reports(excluding returns) | The office making the reports or returns may destroy them after two years. The office receiving the reports or returns must preserve them indefinitely |
| Routine correspondence concerning postal matters | Destroy after one year |
| Publications | Printed publications no longer required should be transferred to the National Archives for sorting and possible re-distribution to other departments or to libraries |
| Registered letter books | Destroy at two years from the last entry |
| Annual Reports | See Annual reports |
| Monthly Reports | See Monthly reports |
| Cabinets of Ministers Papers | Destroy after five years |
| Telegram books, Telex (carbon copies) | Destroy after one year |
| Routine Correspondence concerning telephones | Destroy after one year |
| Tenders and Parastatal contracts: | |
| Staff: casual: staff and pay records | Preserve indefinitely in Personal File |
| Audit queries | Destroy three year after completion |
| Bank deposit slips | Destroy three years after audit. |
| Bank Statements | Destroy three years after audit |

| Type of Record | Disposal Period |
|--|---|
| Bin stock cards | Destroy three years after date of last entry |
| Cash books:- Appropriation account | Destroy after ten years, of subject to their having been audited. |
| Imprest: deposit and contingency | Destroy three years after audit. |
| Income | Destroy three years after audit. |
| Trust funds | Transfer to Records Centre to be permanently preserved. |
| Cheque:- Counterfoils | Destroy one year after audit |
| Paid | Destroy eight years from date thereof, subject to all audit requirements having been met |
| Debtors' personal files (if fully paid up) | Destroy six years from final payment |
| Estimates of revenue and expenditure Draft | Destroy two years from date thereof |
| Expenditure, voted monies: Appropriation ledgers | Destroy after ten years, subject to their having been audited |
| Cash books | Destroy after ten years, subject to their having been audited (except those concerning Trust Funds, which are to be preserved permanently) |
| Creditors' card (except Curator of Vacant Estate credits and deposits) | Destroy after ten year, subject to their having been audited. |
| Suspense memoranda; advance | Destroy after ten years, subject to |
| Temporary deposits, disallowances, etc | Their having been audited and not currently in use |
| Vouchers, cash and journal, and supporting documents | Transfer to Records Centre two years from date thereof; to be destroyed after eight years, subject to their having been audited (except those relating to Trust Funds, which are to be preserved permanently) |

| | |
|--|--|
| Warrants, Paid Ledgers:- Appropriation | Destroy after ten years, subject to their having been audited |
| Deposit and contingency accounts | |
| Trust Funds | Transfer to Records Centre to be preserved permanently |
| Movable assets: Schedules and Correspondence | Destroy five years after date thereof, subject to all audit requirements having been met. |
| Receipt books | Destroy three years after audit |
| Remittance advice | Destroy one year after audit |
| Remittances received through the post, Registers of | Destroy three years from date of last entry, subject to all audit requirements having been met |
| Requisitions (duplicate copies retained by the requisitioning office, routine correspondence relating to requisitions):- | |
| Inter-departmental | Destroy one year from date thereof, subject to audit requirements having been met. |
| Tradesmen's | Destroy three years from date thereof, subject to all audit requirements having been met. |
| Stock Ledgers | Destroy five years from date thereof, subject to all audit requirements having been met. |
| Time sheets | Destroy two years from date thereof, subject to all audit requirements having been met. |
| Vouchers:- Cash and journal | Transfer to Records Centre two years from date thereof, to be destroyed after eight years, subject to all audit requirements having been met (except those concerning Trust Funds, which are to be preserved permanently) |

| | |
|----------------------|---|
| Issue | Destroy three years from date thereof and after audit |
| Warrants, Paid | Destroy after eight years, subject to all audit requirements having been met (except those concerning Trust Funds, which are to be preserved permanently) |
| Workshop, job sheets | Destroy after two years, subject to all audit requirements having been met. |

(**Note:-** Destruction of papers relating to successful tenders and contracts may in no case take place until all obligations pursuant to the contract have been satisfied)
 Routine correspondence concerning Tours Destroy after one year completion of tour and Visits or visit

Routine correspondence concerning the Destroy after one year provision of transport for the movement of officers

B - Accounting Records

Records specified in the following list may be disposed of in the manner stated without the necessity of any further authority.

Where destruction after a specific period of years is indicated this is intended to be permissive and not mandatory. Debtor's personal files, for example, may be destroyed at six years from the date the debt is fully paid up. If, however, it is desired to keep the files longer than this for the convenience of an office, this may be done. On the other hand nothing should be kept beyond the period stated unless there is a very real reason for doing so.

| Type of Record | Disposal Period |
|---------------------------------------|---|
| Staff: casual: routine correspondence | Destroy five years after final termination of service |
| Staff: casual: staff and pay records | Destroy five years after termination of service |
| Audit queries | Destroy three years after completion |
| Bank deposit slips | Destroy three years after audit |
| Bank Statements | Destroy three years after audit |
| Bin stock cards | Destroy three years after date of last entry |

Cash books:-
Appropriation account Destroy after ten years, of subject to their having been audited

| Type of Record | Disposal Period |
|--|---|
| Imprest: deposit and contingency | Destroy three years after audit |
| Income | Destroy three years after audit |
| Trust funds | Transfer to Records Centre to be permanently preserved |
| Cheques:- Counterfoils | Destroy one year after audit |
| Paid | Destroy eight years from date thereof, subject to all audit requirements having been met |
| Debtors' personal files (if fully paid up) | Destroy six years from final payment |
| Estimates of revenue and expenditure Draft | Destroy two years from date thereof |
| Expenditure, voted monies: Appropriation ledgers | Destroy after ten years, subject to their having been audited |
| Cash books | Destroy after ten years, subject to their having been audited (except those concerning Trust Funds, which are to be preserved permanently) |
| Creditors' card (except Curator deposits) | Destroy after ten year, subject to of Vacant Estate credits and their having been audited |
| Suspense memoranda; advances, | Destroy after ten years, subject to their having been audited and not currently in use |
| Temporary deposits, disallowances, etc. | Destroy after ten years, subject to their having been audited and not currently in use |
| Vouchers, cash and journal, and supporting documents | Transfer to Records Centre two years from date thereof; to be destroyed after eight years, subject to their having been audited (except those relating to Trust Funds, which are to be preserved permanently) |

| Type of Record | Disposal Period |
|--|---|
| Warrants, Paid | Ditto |
| Ledgers:- Appropriation | Destroy after ten years, subject to their having been audited |
| Deposit and contingency accounts Trust Funds | Ditto Transfer to Records Centre to be preserved permanently |
| Moveable assets: Schedules and Correspondence | Destroy five years after date thereof, subject to all audit requirements having been met |
| Receipt books | Destroy three years after audit |
| Remittance advice | Destroy one year after audit |
| Remittances received through the post, Registers of | Destroy three years from date of last entry, subject to all audit requirements having been met |
| Requisitions (duplicate copies retained by the requisitioning office, routine correspondence relating to requisitions):- | |
| Inter-departmental | Destroy one year from date thereof, subject to audit requirements having been met |
| Tradesmen's | Destroy three years from date subject to all audit thereof, requirements having been met |
| Stock Ledgers | Destroy five years from date thereof, subject to all audit requirements having been met |
| Time sheets | Destroy two years from date thereof, subject to all audit requirements having been met |
| Vouchers:- Cash and journal | Transfer to Records Centre two years from date thereof, to be destroyed after eight years, subject to all audit requirements having been met (except those concerning |

Type of Record

Disposal Period

Trust Funds, which are to be preserved permanently)

Issue

Destroy three years from date thereof and after audit

Warrants. Paid

Destroy after eight years, subject to all audit requirements having been met (except those concerning Trust Funds, which are to be preserved permanently)

Workshop, job sheets

Destroy after two years, subject to all audit requirements having been met

APPENDIX "E"

(see Order 40)

OFFICIAL SECRETS DECLARATION

My attention has been drawn to the provisions of the State Security Act, 1977 Section 5, which are set out on the back of this/her document, and I am fully aware of the serious consequences which may follow any breach of these provisions.

I understand that this Section of the State Security Act, 1977 covers material published at home or overseas in speech, lecture, or radio or television broadcast, or in the Press or in book form. I am aware that I should not divulge any information gained by me as a result of my appointment to any authorised person, either orally or in writing without the previous official sanction in writing of the Organisation appointing me, to which written application should be made and two copies of the proposed publication be forwarded. I understand also that I am liable to be prosecuted if I publish without official sanction any information I may acquire in the course of my tenure of an official appointment (unless it has already officially been made public) or retain without official sanction any sketch, plan, photograph, model, cipher, note, document or article which is no longer needed for my official duties and that these provisions apply not only during the period of my appointment but also after my appointment has ceased.

Signed

Rank (or appointment)

Witness to Signature

Organisation

Date

.....
Head of Division

.....
Name in Block Letters

To be signed by persons on appointment to the Parastatal Sector before assuming duty.