

SPREP Working Group on Staff Regulations Report of the Chair

Background

1. At the 21st SPREP Meeting held in Madang, Papua New Guinea in September 2010, the meeting considered the need for a more efficient process for making amendments to the SPREP Staff Regulations ("the Regulations") on an inter-sessional basis rather than solely at the SPREP Meeting. Taking this into consideration, the Meeting established an open-ended Working Group to meet intersessionally in order to (i) dispose of amendments to the staff regulations that arise during the course of the year; and (ii) recommend a more efficient process for dealing with amendments intersessionally. In response to this, the Secretariat convened the Inaugural Working Group on the Staff Regulations on Thursday 7th July 2011, which was originally Chaired by Samoa and included representation from New Zealand and Tokelau with FSM and USA participating via teleconference. The Secretariat outlined the process of change management that has been undertaken at the Secretariat over the past two years, identifying that there was need for the Regulations to be updated, and in some places amended, to address the daily needs of the organization. Further, there was a recognition that in terms of content, the Regulations contain some provisions which are of an operational, or administrative character which require approval from the SPREP Meeting for amendment or revision.
2. The Working Group responded by tabling a paper to the 22nd SPREP Meeting, held in Apia, Samoa, which invited the Meeting to continue its mandate to meet inter-sessionally with the Secretariat to endorse proposed amendments to the Staff Regulations and submit a final draft to the 23rd SPREP Meeting. The Meeting approved this approach.
3. Since the 22nd SPREP Meeting the Working Group has met on three occasions: on Thursday 19th April 2012, Monday 23rd July 2012 and on Thursday 16th August 2012. All three Meetings have been attended by representatives from SPREP Members, including Samoa, Tokelau, the Republic of the Marshall Islands, Federated States of Micronesia, New Zealand and the United States.
4. This Report presents the results of the discussions and recommendations for amendment to the SPREP Meeting for approval by Members. It also attaches a copy of the revised regulations for approval by the Committee.

The Balance Between Operational and Policy Matters in the Regulations

5. SPREP's Staff Regulations outline the terms which apply to the Secretariat and its Staff. They cover a range of issues related to the employment and management of the Secretariat's employees, terms and conditions of employment and other relevant issues. They are given operational effect by the Policies and Procedures adopted at the Secretariat level, with formal authorization given by the Director General. Originally, the Regulations were the sole document (other than a contract of employment) governing a variety of staff matters within the Secretariat. In this form, the Regulations were playing a dual role in being both a statement of broad principles of the Secretariat's staff policy and outlining the detail of the operational policies and procedures underpinning them.

Consolidation and Updating

6. The Secretariat prepared a paper which outlined in detail current regulations which were out of date due to changes made to some aspects of SPREP's operational policies and procedures. This assisted the working group in concluding that many of the changes to the regulations were being sought to make these consistent with current practice at the Secretariat. In addition, there was also a need for the Regulations to be consolidated in order to provide for greater clarity for staff.

Specific Issues for SM Consideration

7. The Working Group understands that many of the changes sought to the Regulations are intended to reflect SPREP's current policies and procedures. Many of these changes are operational in nature and are appropriate to be made by the Director General in his role as the Chief Executive of SPREP without the need for approval of the SPREP Meeting. There are some areas, however, in which the Working Group felt that a decision by the SPREP Meeting would be required because of the potential budgetary implications involved. In the case of the revised regulations, this applies in respect of two measures, the Retention Allowance and the Security Allowance. A decision by the SPREP meeting is also specifically sought on the proposed Amendment procedure at Regulation 14, which will formalize the approach taken by the Working Group in terms of how the Director General should approach subsequent amendments to the regulations.

Retention Allowance

8. The Retention Allowance provides for a payment to be made to a staff member who has completed a full term contract and who has accepted another fixed term contract to ensure that they will remain at SPREP for the full term of the contract. In the event that the staff member is paid a retention allowance and subsequently resigns from his or her position, he or she is required to pay back the allowance on a pro rata basis.

9. Given the budgetary implications, the Working Group did not feel it could reach a recommendation on this proposal without the issue being discussed at the SPREP meeting.

Security Allowance

10. The Security Allowance was adopted by the Director General as a Staff Instruction in response to an upsurge in the number of break-ins which were occurring in SPREP Staff residences. The allowance contributes a modest amount towards enhancing security at staff residences through a lump sum payment of [2000 wst] per year.

11. As a Staff Instruction, the provision is presently outside the Staff Regulations, and the Working Group's recommendation is that if the provision is approved, it should be included in the revised regulations. However, because of the financial implications of the provision, a decision by the SPREP Meeting is sought on whether or not to include this in the revised Staff Regulations.

Amendment Procedure

12. As noted above, current practice is that any amendments to the Staff Regulations are made by the SPREP Meeting. The Working Group has noted that it may be desirable to alter this procedure to enhance flexibility, consistent with the obligations placed by SPREP members on the Director General to have operational responsibility for the running of SPREP. Accordingly, it is recommended that as a general rule amendments to the regulations may be made by the Director General without the approval of the SPREP Meeting *unless* these have a significant financial implication. Where proposed amendments have financial implications on the budget, these will be notified to the SPREP Meeting for formal consideration and decision. To ensure transparency any other any other amendments will be tabled each year at the SPREP Annual meeting as part of a noting paper.

Recommendation

13. The Working Group invites the Meeting to

- ✓ **Note** the report of the Working Group and discuss any amendments
- ✓ **Adopt** the revised Regulations as proposed by the Working Group, noting that the Meeting will need to separately make a decision on the inclusion of two proposed elements with significant financial implications: the Retention Allowance and the Security Allowance.