

## MINUTES

### SPREP Staff Regulations Working Group

Thursday 19<sup>th</sup> April 2012, SPREP Compound

Participants: Perina Sila, (Chair, Samoa), Stuart Horne (New Zealand), Ake Puka (Tokelau) Andrew Yatilman (FSM, via telephone), Dr. Norman Barth (USA, via telephone)

Secretariat: Kosi Latu (Deputy Director General), Simeamativa Leota-Vaai (HR Advisor), Andrew Kennedy (Legal Intern)

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#### A. Opening

1. The Working Group was called to session by the Chair (Samoa), who thanked the participants for their attendance and the Secretariat for their preparation of the documents. She particularly thanked the non-Apia based missions for their support in participating in the Working Group

#### B. Adoption of the Agenda

1. The Chair called on participants to adopt the Agenda of the SPREP Staff Regulations Working Group.
  - i. The Working Group adopted the Agenda as published by the Secretariat.

#### C. Background Information of SPREP's Staff Regulations

1. The Chair asked the Secretariat to provide the working Group with background information on the issues under discussion, and for the Secretariat to elaborate on the *Discussion Paper on the SPREP Staff Regulations* prepared for the Working Group. The Secretariat outlined the purpose of the paper which was to contextualize the general issues that have arisen in relation to the Staff Regulations at SPREP.
2. The Secretariat reminded the Working Group that currently, the Staff Regulations contain a mix of provisions which are both operational and policy oriented. The implications of the former category, namely those of an operational nature, being included in the Staff Regulations have presented difficulties in implementing changes to operational procedures to ensure that the Secretariat is efficiently responding to changes in practices of other agencies, particularly those within the Council of Regional Organisations of the Pacific (CROP). As a result, the Secretariat is obliged to present any and all amendments to the Staff Regulations to the SPREP Meeting. This means that provisions which contain specific 'factual' information are given the same weight of oversight of the SPREP Meeting as those of a broader policy nature.
3. In the discussion paper, the Secretariat sought to demonstrate the practical meaning of this distinction in practice. It was added that the Paper did not represent an exhaustive list, but merely gave examples in clarification.

4. The Secretariat also asked the Working Group for advice on the status of the *SPREP Instructions to the Director*, in particular Instruction (III).

**D. Regulation 13 Appointment Procedures**

1. The Secretariat outlined the nature and scope of Regulation 13, which was to specify the process for appointing staff to the Secretariat.
2. USA highlighted that its view was that certain grades of appointment, particularly those at Programme Director Level and above, ought to remain subject to the approval of the SPREP Meeting. In relation to positions below this level, USA was of the opinion that these were to be within the powers of Executive and Senior Management in their operational roles.
3. New Zealand stated that an important role of the Director General as head of the Secretariat was in making decisions relating to the recruitment of staff at this level, and that as a result, it would be undesirable if the SPREP Meeting were to become involved in appointments made at this level.
4. The Secretariat highlighted that the *Approved SPREP Recruitment and Selection Policy* gave detailed guidance on the selection of staff and the process for appointment emphasizing that the final decision rested with the Director General. It was submitted by the Secretariat that the purpose of the Regulations was to set the overall direction of the Secretariat in Appointment of Staff, and to assign the responsibility for executing it according to the principles set out in the Regulations.

**E. Regulation 16.2 Removal Expenses**

1. The Secretariat outlined that this regulation provides for removal expenses for staff and their personal effects in taking up their post in Apia. It sets the specific allowance of a 20ft container for staff members and dependents. The Secretariat outlined that periodically amendments need to be made in order for SPREP to take account of the employment market. Under the current regime, these are amendable only at the SPREP Meeting, and this presents a difficulty in responding to market changes in a timely fashion.
2. USA and New Zealand raised the issue that although amendments such as these were operational in character, there was concern about the financial implications of alterations of these measures which needed to be taken into consideration. This also had to be balanced with the fact that the Director General is charged to make decisions on how best to ensure the smooth running of the Secretariat.

**F. Regulation 20 (Performance Increments)**

1. The Secretariat outlined that this regulation provides for the award of salary increments to staff based on positively assessed performance. It sets out the power for the Director to authorize,

under set circumstances, a performance increment which applies to professional and support staff alike.

2. The Secretariat stated that a new system of responsive performance assessment had been adopted at SPREP, the 'Performance Development Programme'. This framework had been adopted at SPREP to conform to the CROP Harmonisation and Remuneration Guiding Principles. The Performance Development Programme Policy also specifies the linkages between it and the Remuneration Policy at SPREP. Instead of the decision to award increments being based on the individual staff member's annual performance assessment, the award of a salary increase is now based on the performance of the staff member in relation to his or her PDP. The PDP itself is a document which outlines the specific tasks and personal development targets which apply to a particular staff member, together with a time-bound set of objectives. It is against this that SPREP Staff are now assessed, and the decision to award a salary increase is determined by whether and to what extent the staff member has achieved the specified objectives. It was submitted that the current staff regulations do not reflect this adopted policy, and are as such in need of specific updating to take account of these developments in internal practice.
3. This was an example of where the provisions in the regulations were unduly specific, which meant that in practice it is difficult to amend, particularly where more specific, updated policies have been enacted at the operational level.

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#### **H. Regulation 25 (Annual Leave)**

1. The Staff Regulations on Annual Leave set out the level of annual leave which professional and support staff are entitled to and the process for applying to the Director for Annual Leave and provisions for public holidays.
2. This section contains 'factual' provisions that may be subject to limited change from time-to-time, such as the number of working days to which SPREP staff are entitled to Annual Leave. Further, under the new structure, applications for leave are no longer to be granted from the Director level, but from the Division Director of the division applicable to the particular member of staff.
3. New Zealand outlined its view that again a balance had to be struck between ensuring operational flexibility with proper oversight of cost control- clearly, it is foreseeable that there are cost implications in play should the Secretariat, for example, raise the level of Annual Leave entitlement which would properly fall within the ambit of the SPREP Meeting.

#### **I. Any Other Business**

1. The Secretariat outlined the options for the Working Group in engaging a consultant to carry out a review of the Staff Regulations and Policies to ensure that the former set the broader, policy related direction of HR Governance at SPREP and that the latter contained the operational instructions for applying and enforcing the principles of the Staff Regulations at SPREP.
2. In the view of the Secretariat, another alternative to the expense of engaging a consultant would be for it to prepare a comprehensive paper containing a review of the Staff Regulations which would outline the rationale for alteration as well as specific suggestions on wording. This would be prepared for the Working Group by late June 2012 to give the Working Group time to consider it prior to the next meeting, where it would identify which provisions could be altered by the Secretariat.
3. The Working Group would present the findings to the 23<sup>rd</sup> SPREP Meeting in September 2012.
  - i. The Working Group *adopted* this approach, and asked the Secretariat to prepare, without delay, a paper outlining the specific changes it sought across the Staff Regulations.

#### **J. Date of Next Meeting**

1. The Working Group decided that a specific date for its next meeting would be decided on after the paper on the Staff Regulations was prepared by the Secretariat, but at any rate would be no later than the end of June.