



Tonga

PUBLIC SERVICE POLICY 2010



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Arrangement of Policies

Policy

PART I - PRELIMINARY		5
1	Short Title and Commencement	5
2	Interpretation.....	5
3	Purpose.....	5
4	Instructions.....	6
5	Application.....	6
6	Copy of this Policy to be provided	6
7	Official Secrets Act.....	6
PART II - ORGANISATION AND CLASSIFICATION		6
8	Permanent employees	6
9	Contract employees.....	6
10	Daily Paid Labourers and Casual Employees	7
11	Effective and Efficient Structures.....	7
12	Post Minimum Requirements	7
PART III - STAFFING		7
13	Recruitment.....	7
14	Merit principle	7
15	Induction	7
16	Re-employment.....	7
17	Probation.....	8
18	Permanent transfers.....	8
19	Transfer Expenses and Allowances	8
20	Redundancy of Post	8
21	Termination of service	8

22	Pre-termination Leave	8
23	Notification of Termination	8
24	Resignation.....	9
25	Retirement.....	9
26	Instructions.....	9

PART IV – EMPLOYMENT CONDITIONS 9

27	Application.....	9
28	Hours of work and attendance.....	9
29	Leave	10
30	Authority for Leave.....	10
31	Allocation of Government housing	10
32	Performance Management procedures	10
33	Performance Awards	11
34	Eligibility for Performance Awards	11
35	Chief Executive Officer’s Performance Agreement.....	11
36	Format	11

PART V - REMUNERATION AND ALLOWANCES 12

37	Principles of the Remuneration System	12
38	Remuneration and allowances.....	12
39	Control of salaries and wages costs.....	13
40	Classification, Grade and Remuneration Level.....	13

PART VI - EDUCATION, TRAINING AND DEVELOPMENT 13

41	Principles.....	13
42	Training instructions	13

PART VII - MISCELLANEOUS 14

43	Government transport.....	14
44	Corporate Plan.....	14
45	Annual Management Plan	14
46	Annual Report	14
47	Official correspondence	14
48	Human resource files.....	14

PART VIII - DIPLOMATIC AND CONSULAR SERVICES 15

49	Application.....	15
50	Appointment.....	15
51	Conditions for locally-recruited employees	15
52	Instructions relating to diplomatic and consular services	15
53	Repeal and Transition.....	15



PUBLIC SERVICE POLICY 2010

PUBLIC SERVICE ACT 2002

IN EXERCISE of the powers conferred by section 23 of the Public Service Act 2002, the Public Service Commission with the approval of Cabinet, makes the following Policy-

PART I - PRELIMINARY

1 Short Title and Commencement

- (1) This Policy may be cited as the Public Service Policy 2010.
- (2) This Policy shall come into force on a date to be declared by the Public Service Commission.

2 Interpretation

In this Policy, unless the context otherwise requires –

“**Commission**” means the Public Service Commission;

“**employee**” means a person employed in the Public Service; and

“**Chief Executive Officer of the Commission**” means the Secretary of the Public Service Commission appointed under the Public Service Act 2002.

3 Purpose

The purpose of this Policy is to set out the general policies for the Public Service.

4 Instructions

The procedures for applying these policies shall be set out through Instructions issued by the Commission.

5 Application

- (1) This Policy applies to all employees who are employed in the public service.
- (2) Persons who are appointed to fill designated posts on a contractual basis are subject to the terms of this Policy, provided that the contract shall prevail if there is any provision inconsistent with this Policy.
- (3) Notwithstanding sub-policy (2) contracts shall be subject to the Public Service Act.

6 Copy of this Policy to be provided

- (1) The Commission shall ensure that a copy of this Policy is available to all employees.
- (2) Every Chief Executive Officer shall ensure that the employees in his Ministry are aware and understand this Policy.
- (3) Employees shall familiarise themselves with the Policy.

7 Official Secrets Act

Employees shall take the oath set out in the Schedule to the Official Secrets Act within one month of their appointment.

PART II - ORGANISATION AND CLASSIFICATION

8 Permanent employees

- (1) Permanent employees shall be appointed to permanent posts funded from the annual estimates of the relevant Ministry.
- (2) Permanent posts may be established on a full time or part time basis, or on contract.

9 Contract employees

- (1) Contract employees shall be appointed for a fixed term on an individual contract.

- (2) All appointments on contract shall be approved by the Commission before any remuneration is paid out.

10 Daily Paid Labourers and Casual Employees

- (1) Daily paid labourers and casual employees shall be employed only for work that is for a short term period, provided that such employment shall be for a period not exceeding four months, or for a total accumulated contract period not exceeding seven months in any financial year.
- (2) Daily paid labourers and casual employees are to be used only for unskilled work.

11 Effective and Efficient Structures

The Chief Executive Officer shall organize the Ministry's work in order to optimize effective and efficient operations.

12 Post Minimum Requirements

The Commission shall set through Instructions the minimum requirements and specifications for each job classification and grade of a post.

PART III - STAFFING

13 Recruitment

The Commission shall issue Instructions for recruitment and employment in the public service.

14 Merit principle

All appointments and promotions shall be based on the merit principle and in accordance with Instructions issued by the Commission regarding recruitment.

15 Induction

New employees shall undergo an induction training organised by the Commission.

16 Re-employment

Subject to the Constitution, former employees are entitled to be re-employed in accordance with Instructions issued by the Commission.

17 Probation

New employees shall initially be employed for a probationary period as determined in Instructions issued by the Commission.

18 Permanent transfers

Employees may be permanently transferred within a Ministry to a new station in a substantive capacity for an indefinite period.

19 Transfer Expenses and Allowances

The Commission shall, with the approval of Cabinet, determine the appropriate allowances to be paid to employees who are transferred either permanently or temporarily to another station.

20 Redundancy of Post

- (1) The Commission may decide that an established post be made redundant, in accordance with Instructions issued by the Commission.
- (2) Redundancy may be either voluntary or involuntary and shall be implemented according to Instructions issued by the Commission.

21 Termination of service

- (1) The Commission may terminate the employment of permanent or contract employees, provided that the Commission is a party to the contract.
- (2) The relevant Chief Executive Officer, with the consent of the relevant Minister, shall have the power to terminate the employment of daily paid labourers and casual employees.

22 Pre-termination Leave

Pre-termination leave may be granted to an employee before the date of resignation or retirement, which shall consist of the balance of annual leave due to the employee at the date notification of resignation or retirement is made.

23 Notification of Termination

The Chief Executive Officer shall as soon as practicable be responsible for notifying terminations of employment or intentions to terminate employment to the Commission and the Ministry of Finance.

24 Resignation

Permanent staff shall give 20 working days notice prior to resignation.

25 Retirement

Employees shall retire on attaining the age of 60 years, unless otherwise approved by the Commission and shall be based on an exigency basis.

26 Instructions

The Commission may issue Instructions regarding the following matters –

- (a) entitlements at retirement;
- (b) periods of notice;
- (c) termination of employment on grounds of ill health;
- (d) entitlements on termination of employment under paragraph (c);
- (e) dismissal;
- (f) death of an employee;
- (g) Government's responsibility on the death of an employee;
- (h) entitlements of next-of-kin at the death of a retired employee unless otherwise stipulated by law; and
- (i) any other matter relating to staffing.

PART IV – EMPLOYMENT CONDITIONS

27 Application

This Part applies to all employees except –

- (a) school teachers whose attendance is stipulated by the Ministry of Education; or
- (b) sea-going crews of fishing and research vessels, who are remunerated on a salary plus bonus system and are not subject to conditioned hours or paid overtime.

28 Hours of work and attendance

The Commission shall set by way of Instructions the conditions for hours of work and attendance in addition to the following -

- (a) employee's responsibility;
- (b) supervisor's responsibility;
- (c) overtime; and
- (d) any other matter consistent with the objectives of the Public Service Act.

29 Leave

- (1) Public servants shall have the following leave entitlements:

Leave Type	Entitlement
Annual Leave	20 working days
Sick Leave (out patient)	15 working days
Sick Leave (in patient)	30 working days
Maternity Leave	3 months (calendar days)
Paternity Leave	5 working days
Leave Without Pay	20 working days
Casual Leave	7 working days

- (2) Annual leave shall not be carried forward to the next year.
- (3) The Commission shall have the authority to grant leave other than those specified in sub-policy (1).

30 Authority for Leave

- (1) The Chief Executive Officer may approve leave for employees.
- (2) The relevant Minister may approve leave for his Chief Executive Officers.

31 Allocation of Government housing

Allocation and other matters relating to Government housing shall be decided by the Housing Committee in accordance with the priorities and conditions determined by Instructions issued by the Commission.

32 Performance Management procedures

The Commission may issue Instructions establishing procedures to be used to assess the annual performance of employees.

33 Performance Awards

- (1) Performance awards may be granted to employees based on assessment of annual performance in accordance with the performance management system prescribed by the Commission or as determined by the Chief Executive Officer.
- (2) Performance awards under sub-policy (1) may be paid out by increment or in lump sum, or in other forms determined by the Chief Executive Officer.

34 Eligibility for Performance Awards

- (1) The Commission may issue Instructions for Ministries to determine those employees eligible for performance awards.
- (2) The following shall be the threshold for considering performance awards –
 - (a) at the commencement of the review period, there is a current position description that establishes the performance expected in the post;
 - (b) there is a mid-year review that indicates that performance above the standard required for the post is being achieved;
 - (c) there is an annual performance appraisal that confirms the performance level; and
 - (d) all three of the above requirements are attested as true and correct by the supervisor, their manager and the Chief Executive Officer.

35 Chief Executive Officer's Performance Agreement

- (1) The Chief Executive Officer shall prepare an annual performance agreement to be agreed to with the Minister.
- (2) The Commission shall assist the Minister in reviewing and assessing performance agreements of Chief Executive Officers.
- (3) Performance Agreements shall specify the achievements in key result areas expected of the Chief Executive Officer and provide the basis for annual performance assessment.

36 Format

The basic format of performance agreements shall be prescribed through Instructions issued by the Commission.

PART V - REMUNERATION AND ALLOWANCES

37 Principles of the Remuneration System

The following principles shall apply to remuneration paid to employees –

- (a) remuneration shall be affordable to the Government, fair and appropriate within the national economy;
- (b) remuneration policy shall link job performance with the pay of deserving employees;
- (c) job evaluation shall be used to assess or re-assess the grade of any post;
- (d) the responsibilities actually carried out by any post holder shall be the same as those assessed by job evaluation to determine the grading of the post;
- (e) salary scales shall be reviewed formally at least once every 3 years to consider salary variations in the various job classes and recruitment-retention issues;
- (f) a fair and reasonably objective system of performance appraisal shall be applied to determine employees deserving recognition for their job performance;
- (g) salary scales shall be adjusted periodically in response to cost of living changes;
- (h) salary increments shall be used to give recognition to employees with a job performance that is outstanding;
- (i) a lump sum payment in lieu of a salary, increments may be granted to deserving employees at the top of their respective salary scale;
- (j) employees may receive a salary increment(s) for the attainment of a substantive, high level, relevant qualification from a recognized tertiary institution and professional qualification;
- (k) the Chief Executive Officer shall negotiate on behalf of an employee with the Ministry of Finance an affordable rate of repayment of any overpaid salary to an employee; and
- (l) any changes in remuneration may be implemented over time and as they become affordable to the Government.

38 Remuneration and allowances

The Commission shall issue Instructions on remuneration and allowances based on the above principles.

39 Control of salaries and wages costs

- (1) The Commission shall undertake a review of remuneration paid in the public service every three years.
- (2) The Commission may submit to Cabinet a general wage adjustment that is linked to the performance and reform of the public service, taking into consideration the principles of the remuneration system set out in policy 37.
- (3) Chief Executive Officers shall ensure that there is an adequate system of control over the employment and the extent of all salaries and wages costs.
- (4) Chief Executive Officers shall ensure that detailed internal instructions are issued to accounting officers, time-keepers and supervisors, on the method to be used for the recording and checking of attendance and of overtime authorized and worked.

40 Classification, Grade and Remuneration Level

The Commission shall determine the remuneration of all posts.

PART VI - EDUCATION, TRAINING AND DEVELOPMENT**41 Principles**

- (1) Education, training and development of all public servants are an integral part of the Commission's planning.
- (2) Employees shall be given an opportunity to develop their full potential within a learning institution in order to strengthen productivity.
- (3) Employees are encouraged to work together with their respective Chief Executive Officer to develop learning plans that enhance their professional development and support the needs of their Ministry.

42 Training instructions

The Commission may issue instructions regarding –

- (a) training plans;
- (b) short-term training;
- (c) long-term training; and
- (d) any other matter relating to education, training and development of employees.

PART VII - MISCELLANEOUS

43 Government transport

- (1) Government vehicles and vessels are the property of His Majesty's Government.
- (2) Vehicles and vessels may be transferred at agreement between Chief Executive Officers.
- (3) The Commission may, in consultation with the relevant Chief Executive Officers, withdraw a vehicle or vessel from a Ministry and transfer it to another Ministry.
- (4) The Commission may issue Instructions on the detail of implementation of this policy.

44 Corporate Plan

- (1) Chief Executive Officers shall, with the consent of the relevant Minister, submit to the Ministry of Finance and the Commission an updated three-year Corporate Plan on a date to be specified by Instructions issued by the Commission.
- (2) The Commission, after consultation with the Ministry of Finance, shall issue an Instruction that specifies the procedures and format for Corporate Plans.

45 Annual Management Plan

Chief Executive Officers shall submit to his Minister an Annual Management Plan on a date to be specified by the Minister.

46 Annual Report

Chief Executive Officers shall prepare an Annual Report for his Minister in accordance with the Public Service Act 2002.

47 Official correspondence

The Commission may issue Instructions on standards and procedures relating to all government correspondences, both internal and external.

48 Human resource files

The Commission may issue Instructions on what minimum human resource records needs to be retained.

PART VIII - DIPLOMATIC AND CONSULAR SERVICES

49 Application

This policy applies to persons appointed to diplomatic and consular missions of the Government.

50 Appointment

- (1) All appointments to diplomatic and consular services overseas shall be made in accordance with clause 39 of the Constitution.
- (2) Support staff to diplomatic and consular services overseas shall be appointed by the Head of Mission.

51 Conditions for locally-recruited employees

The Head of Mission shall, with the approval of the Commission and Cabinet, determine the conditions of service for locally recruited employees, taking into account local circumstances.

52 Instructions relating to diplomatic and consular services

The Commission may issue Instructions regarding the –

- (a) grading of employees in diplomatic missions and consular services;
- (b) remuneration of diplomatic and consular services;
- (c) entitlements;
- (d) responsibilities; and
- (e) any other matter relating the Government's diplomatic and consular services.

53 Repeal and Transition

- (1) The Public Service Policy Manual 2006 is hereby repealed.
- (2) Any decision made before this Policy came into force shall continue as if this Policy had not come into force.

Made at Nuku'alofa this 8th day of December 2010.