

6<sup>th</sup> Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018

**COMM 6 – PROP 12\_rev1**  
**Proposal to amend the SPRFMO Staff Regulations**  
*Chairperson*

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**Brief note from the Commission Chairperson**

The proposed amendments intend to tidy up some administrative gaps in the Staff Regulations in relation to leave, travel, and separation from service to ensure there is no confusion or doubt in their application. The amendments aim to strengthen accountability and transparency.

As identified in the separate amendment proposal for the SPRFMO Financial Regulations (Commission Chairperson), this document also proposes that any official travel not identified in the proposed provisional travel plan be approved by the Chairperson.

Oswaldo Urrutia

SPRFMO Commission Chairperson



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# **Staff Regulations**

**of the**

**South Pacific**

**Regional Fisheries Management Organisation**

## 1. REGULATION 1

- 1.1. These Staff Regulations (Regulations) establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed employees who render their services in and receive remuneration from the Secretariat of the Commission of the South Pacific Regional Fisheries Management Organisation. These Regulations, together with the terms of the offer of appointment provided to each employee, form the terms and conditions of employment of the relevant employee.
- 1.2. These Regulations should be applied giving due regard to the geographical distribution of the Members of the Commission of the South Pacific Regional Fisheries Management Organisation (hereinafter called the Commission).
- 1.3. In the application of these Regulations, any discrimination based on any grounds such as sex, race, colour, ethnic or social origin, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation shall be prohibited.
- 1.4. While respecting the principle of non-discrimination, mandatory retirement age is justified as based on objective and reasonable grounds.

## 2. REGULATION 2

### RECRUITMENT AND APPOINTMENT

- 2.1. In accordance with Article 14 of the Convention, the Contracting Parties shall appoint the Executive Secretary in accordance to the UN categories and level, including his or her remuneration and such other entitlements, as it deems appropriate.
- 2.2. In accordance with Article 14 of the Convention, the Executive Secretary shall appoint, direct, and supervise employees. The paramount consideration in the appointment, transfer or promotion of the employees shall be the necessity for securing the highest standards of efficiency, competence and integrity.
- 2.3. Any employee appointed before the adoption of these Regulations shall be deemed to have been appointed under these Regulations and, save for any specific terms set out in the offer of appointment of the employee, these Regulations will be deemed to form the terms and conditions of employment of the employee.
- 2.4. Employees shall be required to retire on reaching the age of 65 years with the exception of an Executive Secretary whose four-year appointment commenced prior to reaching the age of 65 and who then reaches 65 years during that term, who will be required to retire at the end of that term.
- 2.5. Upon selection, each employee shall receive an offer of appointment stating:
  - a) that the appointment is subject to the Regulations applicable to the category of appointment in question, and to changes which may be duly made in such Regulations from time to time; b)  
the nature of the appointment;
  - c) the date on which the employee is required to commence duty;

- d) the period of appointment, the notice required to terminate it and the period of probation;
  - e) the category, level, commencing rate of salary and the scale of increments and the maximum salary attainable;
  - f) the allowances attached to the appointment;
  - g) any special terms and conditions which may be applicable.
- 2.6. Together with the offer of appointment, employees shall be provided with a copy of these Regulations. Upon acceptance of the offer employees shall state in writing that they are familiar with and accept the conditions set out in these Regulations.
- 2.7. The instrument of appointment shall state the date on which the appointment takes effect. This date will not be prior to the date on which the employee takes up his or her duties.
- 2.8. Either prior to or during the period of employment, in order to ascertain whether an employee remains able to perform the full range of duties, employees may be required to undergo medical examination from time to time as determined by the Executive Secretary or the Commission as the case may require. The medical examinations shall be at the expense of the Commission. If the employee refuses to undergo any medical examination, the Executive Secretary or Commission may be required to make a decision in the absence of any information that may be provided by a medical examination.

### 3. REGULATION 3

#### DUTIES, OBLIGATIONS AND PRIVILEGES

- 3.1. Members of the staff of the Secretariat, and the Executive Secretary (hereinafter called "employees") are international civil servants. Upon accepting their appointments, they pledge themselves to discharge their duties faithfully and to conduct themselves with the interests of the Commission in mind.
- 3.2. Employees shall at all times conduct themselves in a manner in keeping with the international nature of the Commission. They shall always bear in mind the loyalty, discretion and tact imposed on them by their international responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might be detrimental to the Commission and its aims.
- 3.3. Employees are not required to renounce either their national feelings or their political or religious convictions.
- 3.4. In the performance of their duties, employees may neither seek nor accept instructions from any government, authority, organisation or person other than the Commission.
- 3.5. Employees shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorisation for the release of information for official purposes shall lie with the Commission or the Executive Secretary, as the case may require.

#### Confidentiality requirements

- 3.6. For the purposes of these Regulations “confidential information” means all information which is not in the public domain and which, due to its nature or the method by which it was communicated, would be regarded as confidential by a reasonable person, including, but not limited to:
- a) business and technical information in respect of or relating to the Commission;
  - b) business methods and management systems of the Commission;
  - c) undisclosed financial information relating to the Commission.
- 3.7. Other than in the proper performance of their duties, employees will hold all confidential information in confidence and will not, without the written consent of the Executive Secretary after consultation with the Chairperson of the Commission, directly or indirectly, at any time during their appointment or following its termination (for so long as the information continues to be confidential information):
- a) use any confidential information;
  - b) disclose any confidential information to any person, other than to the extent necessary to carry out these Regulations; or
  - c) copy any material containing confidential information for personal use or for use by any other unauthorised person, firm, company or entity.
- 3.8. Any invention, improvement, design, process, trademark, copyright, system or intellectual property right whatsoever made or discovered by an employee in the course of the performance of their duties must be immediately disclosed to the Commission and will be the absolute property of the Commission. [Independence](#)
- 3.9. Employees shall, in general, have no employment other than with the Commission. In special cases, employees may accept other employment, provided that it does not interfere with their duties in the Commission and is not incompatible with the interest of the Commission, and that prior authorisation by the Executive Secretary has been obtained. The Commission's prior authorisation shall be obtained in respect of the Executive Secretary.
- 3.10. No employee may be associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, he or she may benefit from such association or interest. Upon accepting their appointment with the Commission and on a continuing basis thereafter, employees are required to immediately disclose any associations or financial interests that may cause a conflict of interest or a potential conflict of interest with the Commission.
- 3.11. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest within the meaning of paragraph 3.10. [Privileges and immunities](#)
- 3.12. Employees shall enjoy the privileges and immunities to which they are entitled under the Headquarters Agreement between the Government of New Zealand and the Commission, pursuant to Article 6.3 of the Convention.

#### 4. REGULATION 4

##### HOURS OF WORK

- 4.1. The normal working day shall be eight hours, Monday through Friday, for a total of forty hours per week, inclusive of at least a half hour unpaid lunch break each day. Any individual arrangements in respect of working hours, including part-time and flexible working time arrangements, will be set out in the offer of appointment of the relevant employee.
- 4.2. The Executive Secretary shall establish the working hours and may, in consultation with employees, alter them for the benefit of the Commission as circumstances may require.

#### 5. REGULATION 5

##### CLASSIFICATION OF STAFF

- 5.1. Employees shall be classified in either of the two following United Nations (UN) categories:
- a) Professional Category  
Positions of high responsibility of a managerial, professional, or scientific nature. These posts will be filled by appropriately qualified professionals, preferably with University qualifications or the equivalent. Employees in this category will be recruited internationally (including, where appropriate, from New Zealand). This category shall comprise different levels in accordance with the UN Staff categories.
  - b) General Services Category  
Auxiliary administrative and technical positions. Clerical, secretarial and other office personnel. Such employees shall be recruited from among citizens of Members of the Commission, taking into account potential benefits that may occur from hiring staff locally. This category shall comprise different levels in accordance with the UN Staff categories.
- 5.2. Persons employed under Regulation 11 shall not be classified as employees for the purposes of these Regulations.

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#### 6. REGULATION 6

##### SALARIES AND OTHER REMUNERATION

- 6.1. The scale of salaries for employees in the professional category shall be established in US dollars according to the corresponding scales of salaries which would apply to officials of the United Nations Secretariat employed in New Zealand for a given category and level and shall be paid in New Zealand dollars. The exchange rate used to calculate the relevant New Zealand dollar amount will be referenced against the UN Operational Rate of Exchange as at 1 January, 1 April, 1 July and 1 October each year and updated on a quarterly basis accordingly.
- 6.2. Salaries or wages for employees in the general services category shall be set by the Executive Secretary and will be detailed in the offer of appointment for each employee. Such rates will, in principle, be paid in New Zealand dollars at rates equivalent to those paid in Wellington for staff of equivalent qualifications and experience.

- 6.3. The promotion of employees from one category and/or level to another requires the prior approval of the Commission.

#### Taxes and levies

- 6.4. Subject to paragraph 6.5, the Commission shall levy from each employee's salary (and such other emoluments of staff members as are computed on the basis of salary), an amount for Staff Assessment. Staff Assessment rates shall be those in force in the United Nations at the time of the relevant levy.
- 6.5. The Executive Secretary shall make arrangements to ensure that any employee who is subject to national taxes on income is reimbursed tax paid on his or her salary. Such arrangements shall be made only on the basis that the direct costs of reimbursement are paid by the employee's home country. The Staff Assessment will not be levied in respect of employees who are subject to national taxes on income that cannot be reimbursed by the Executive Secretary.
- 6.6. Each employee shall have their performance assessed annually by the Executive Secretary. A summary of the performance reviews will be provided to the Commission annually. The annual performance review of the Executive Secretary shall be completed by the Chair on behalf of the Commission.
- 6.7. Employees may receive annual increments at the discretion of the Executive Secretary (or, in respect of the Executive Secretary, the Commission). There is no guarantee that any employee's salary or wages will be increased. Increments shall cease once the employee has reached the highest level in the category in which he or she is serving.

#### Dependants and spouses

- 6.8. For the purposes of these Regulations the term "dependant" shall include only:
- a) any unsalaried child, who is born of, or adopted by, an employee, his or her spouse or partner, or their children, who is below the age of eighteen years and who is dependent on an employee or his or her spouse or partner for main and continuing support;
  - b) any child fulfilling the conditions laid down in paragraph (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;
  - c) any handicapped child who is dependent on an employee or his or her spouse or partner for main and continuing support;
  - d) any other child who is given a home by and is dependent on an employee or his or her spouse or partner for main and continuing support;
  - e) any person related by blood or marriage for whose main and continuing support an employee or his or her spouse or partner is legally responsible.
- 6.9. For the purposes of these Regulations "spouse" means husband or wife and "partner" in the phrase "spouse or partner" and in related contexts, means a civil union partner or a recognised de facto partner.

#### Education allowance

- 6.10. Subject to any alternative arrangements that may be reached with any employee (with any such arrangements being recorded in the offer of

appointment), internationally recruited employees shall be eligible to receive an education allowance in respect of each dependent child in full-time attendance at an educational institution. However, no education allowance for a dependent child shall be paid:

- a) in respect of children of New Zealand staff members;
  - b) for attendance at a New Zealand school;
  - c) for attendance at a University in New Zealand;
  - d) for correspondence courses or private tuition;
  - e) when schooling does not require regular attendance at an educational institution;
  - f) in respect of education expenses covered from scholarship grants or subsidies from other sources.
- 6.11. The education allowance shall be limited to two-thirds of proven costs up to the maximum amount applying from time to time in the United Nations Secretariat.

#### Overtime

- 6.12. Employees in the professional category are not entitled to overtime pay or time off in lieu (TOIL). The employees agree that their salaries and other benefits compensate them fully for the performance of their duties for the Commission.
- 6.13. Employees in the general services category required to work more than 40 hours during one week will be entitled to take as TOIL the equivalent to the hours of overtime performed, provided that the hours of overtime have been approved in advance by the Executive Secretary. Any TOIL accrued must be used within six months of the date of accrual at a date to be agreed between the employee and the Executive Secretary. Failing agreement, the Executive Secretary may appoint a date upon which such leave may be taken.

## 7. REGULATION 7

### LEAVE

- 7.1. Employees shall be entitled to annual leave at the rate of two and half workdays for each full month of service, pro-rated for part-time employees. Annual leave will be paid in the pay period during which the leave is taken and will be paid in accordance with the Holidays Act 2003 (NZ) or any replacement legislation. Annual leave is cumulative, but at the end of each calendar year, not more than 15 days may be carried over to the following year. Annual leave may be taken in advance of entitlement accruing at the discretion of the Executive Secretary (or the Commission in respect of the Executive Secretary). If annual leave has been taken in advance and the employee's employment terminates prior to the employee accruing sufficient leave, the employee agrees that the Commission may deduct the relevant leave payment from the employee's final salary or wage payment or, if this is not sufficient to cover the leave payment, the employee will repay the relevant amount to the Commission prior to the termination date.



- 7.2. The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Commission. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal *circumstances*, needs and preferences of employees. The Chairperson shall approve leave in respect of the Executive Secretary, bearing in mind his/her personal circumstances, needs and preferences.
- 7.3. Annual leave may be taken in one or more periods.
- 7.4. Any absence not approved within the terms of these Regulations shall be either unpaid or deducted from annual leave at the election of the employee. This paragraph is without prejudice to any disciplinary action which may be taken against an employee (up to and including termination of employment) in respect of any unauthorised absences.
- 7.5. Employees who, upon termination of their appointment, have accumulated annual leave which has not been taken shall receive the cash equivalent calculated in accordance with the Holidays Act 2003 (NZ) or any replacement legislation.

#### Home leave

- 7.6. After 18 months of service the Commission shall, in accordance with these Regulations, pay economy class airfares to the employee's home country for internationally recruited employees and their spouse or partner and dependants if the employee has sufficient accrued annual leave ("home leave"). Employees will be required to take annual leave for any period of home leave.
- 7.7. Following this, home leave shall be granted at two-year intervals on the expectation that the employee will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months. A spouse, partner or dependant who benefits from this Commission grant must have resided at Wellington for at least 6 months prior to travel.
- 7.8. If an employee leaves their appointment with the Commission within 6 months of returning from a period of home leave (except in cases of redundancy or termination of employment due to illness, injury or death), the employee will be required to reimburse the Commission for the amount of the airfares on a pro-rated basis (for example, if the employee leaves two months after returning from home leave the employee will be required to repay 4/6 of the airfare amount). The employee agrees that such amounts may be deducted from any sums owing to the employee on termination, including final salary and holiday pay.
- 7.9. The possibility of combining travel to the employee's home country on leave with official travel in Commission service may also be considered, provided the interests of the Commission are duly borne in mind.
- 7.10. For the purposes of these Regulations, an employee's home country is the country of their nationality. The Executive Secretary (or, in respect of the Executive Secretary, the Chairperson) may, in exceptional circumstances, authorise an employee to designate a different country as his or her home country if the employee has maintained normal residence in such other country

for a prolonged period preceding his or her appointment and that employee continues to have close family and personal ties in that country.

#### Public holidays

7.11. In addition to annual leave, employees shall be entitled to the holidays celebrated in Wellington as follows:

- 1 January New Year's Day
- 2 January
- Wellington Anniversary Day
- 6 February Waitangi Day
- Good Friday
- Easter Monday
- 25 April Anzac Day
- Queen's Birthday
- Labour Day
- 25 December Christmas Day - 26 December Boxing Day.

7.12. Employees may, at their option, observe either Wellington Anniversary Day or select an alternative holiday at a date that enables them to observe their religion, customs and/or traditions provided that does not interfere with their duties at the Commission. This holiday must be used during the relevant calendar year and may not be carried over to the following year. Employees wishing to transfer Wellington Anniversary Day to an alternative day, must discuss this with (and have the relevant day approved by) the Executive Secretary at least two weeks prior to Wellington Anniversary Day in respect of that calendar year.

7.13. If under special circumstances employees are required to work on one of the aforementioned days set out in paragraph 7.11 (with the exception of Wellington Anniversary Day for employees observing an alternative holiday), or if any one of the above holidays falls on a Saturday or Sunday, the provisions of the Holidays Act 2003 (NZ) or any replacement legislation will be observed.

## 8. REGULATION 8

### SOCIAL SECURITY

8.1. Where an internationally recruited employee wishes to contribute to a recognised retirement fund, the Commission shall pay two-thirds of the total contributions to that fund, up to the maximum percentage applying from time to time in the United Nations Secretariat.

8.2. The Commission shall pay two-thirds of the proven cost of:

- a) medical insurance cover for internationally recruited employees and their dependants who are not eligible for publicly-funded health services; and
- b) life and disability insurance cover for internationally recruited employees,
- c) up to the maximum percentage applying from time to time in the United Nations Secretariat.

#### Sick leave

- 8.3. Employees (other than casual employees) will be entitled to 10 days' paid sick leave per year of service (which may be accumulated to maximum of 40 days), calculated in accordance with the Holidays Act 2003 (NZ) or any replacement legislation, (pro-rated for part-time employees) when they are absent:
- a) due to the employee's illness or injury; or
  - b) for the purposes of caring for a spouse, partner or dependant of the employee who is ill or injured and requires the employee's care and support or who required care due to an unexpected emergency.
- 8.4. Employees shall not be granted paid sick leave in accordance with paragraph 8.3 above for a period of more than 3 consecutive days and more than a total of 7 working days in any calendar year without producing a medical certificate. [Parental leave](#)
- 8.5. Employees are entitled either to parental leave under the New Zealand Parental Leave and Employment Protection Act 1987, or to the parental leave provided in paragraphs 8.6 or 8.7 below at the employee's election.
- 8.6. After one year of continuous employment with the Commission, a female employee giving birth to a child who elects not to use the entitlement in paragraph 8.5 above shall be entitled to maternity leave. The employee will be entitled to 14 weeks' paid leave, up to six weeks of which may be taken prior to the expected due date of the child. During this period, employees shall receive pay at a rate equal to their average pay for the last 12 months and corresponding allowances.
- 8.7. Paid parental leave of 8 weeks is available to employees who elect not to use the entitlement in paragraph 8.5 above and who have assumed the care of a child under six they intend to adopt.

#### Bereavement leave

- 8.8. Employees shall be entitled to bereavement leave upon the death of a family member or relative, up to a maximum of 3 days per bereavement. For the purposes of this section, "family member or relative" will include the employee's spouse or partner, parent, child, brother or sister, grandparent, grandchild or spouse's or partner's parent.
- 8.9. In the event of death of an employee following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary, allowances and other corresponding benefits shall cease on the day on which death occurs, unless the deceased leaves a spouse, partner or dependants, in which case these shall be entitled to mortality allowances and return travel and removal expenses to their home country or former residence at the expense of the Commission.
- 8.10. Eligibility of the spouse, partner or dependants of a deceased employee for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the employee's death.

### Mortality allowance

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

Years of Service - Months of Net Base Salary Following Death

- Less than 3 years - 3 months
- 3 years and more, but less than 7 years - 4 months □ 7 years and more, but less than 9 years - 5 months
- 9 years and more - 6 months

8.12. The Commission shall pay for transfer of the employee's remains and personal effects from the place of death to the place designated by the spouse, the next of kin, or other individual(s) designated by the employee.

## 9. REGULATION 9

### TRAVEL

- 9.1. Where official travel is identified in the Travel Plan adopted pursuant to Regulation 2 of the Financial Regulations, such official travel shall be authorised by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfilment of duties assigned. All official travel shall be conducted in accordance with any Commission travel policies and procedures in force at the time. The Chairperson shall approve any unforeseen official travel not included in the Travel Plan in advance, provided it is within the limits of the budget.
- 9.2. Staff may use Secretariat credit cards for pre-approved expenses while travelling or have actual and reasonable expenses refunded. Any use of Secretariat credit cards or reimbursement of travel expenses must be approved by the Executive Secretary in accordance with any travel policies or procedures in force at the time.
- 9.3. Further to Regulation 2.2bis of the Financial Regulations, official travel should be planned well in advance to avoid incurring higher costs for airfares and other travel related cost.
- 9.4. Economy class shall be utilised for duty air travel, except that business class may be used for flights of nine hours or more, unless the employee's instrument of appointment expressly provides for more favourable conditions.
- 9.5. Subject to the above, business class may be utilised for duty land travel, but not for travel by sea or air.
- 9.6. On taking up an appointment in the Professional Category employees who are not ordinarily resident in Wellington shall be eligible for:
- a) payment of economy class air fares (or equivalent) and travel allowance for themselves, their spouse or partner and dependants to Wellington;
  - b) an Installation Grant calculated on the basis of the prevailing United Nations rate;
  - c) payment of removal costs, including the shipment of personal effects and household goods from place of residence to Wellington, subject to a

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maximum volume of 30 cubic metres or one international standard shipping container; and

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

- 9.7. Employees who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorisation of the Executive Secretary, be entitled to receive a reimbursement of the costs involved in line with the current New Zealand Inland Revenue mileage reimbursement rate. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

## 10. REGULATION 10 SEPARATION FROM SERVICE

- 10.1. Employees may resign at any time upon giving three months' written notice or such lesser period as may be approved by the Executive Secretary or the Commission, as the case may require.
- 10.2. In the event of an employee resigning without giving the required notice, the Commission reserves the right to decide whether the amounts set out at paragraph 10.6 below or any other allowance shall be paid.
- 10.3. Appointment of employees may be terminated upon prior written notice at least three months in advance (or payment in lieu of notice) by the Executive Secretary when he or she deems this to be for the benefit of the Commission due to restructuring of the Secretariat or if he or she considers that the employee does not give satisfactory service, fails to comply with the duties and obligations set out in these Regulations, or is incapacitated for service. Where an employee's appointment is being terminated by reason of not having given satisfactory service, prior to any termination notice being provided, the employee will be provided with a reasonable opportunity to improve the level of service provided.
- 10.4. Notwithstanding paragraph 10.3, appointment of employees may be terminated summarily by the Executive Secretary if the Executive Secretary is satisfied that the employee has committed a gross dereliction of his or her duties. For the purposes of these Regulations, a gross dereliction of duties includes (but is not limited to) theft, bullying, violence in the workplace, harassment, intentional breach of confidentiality or misappropriation of information. In the event of a separation from service due to a gross dereliction of duties, any benefits set out in paragraph 10.6 will be at the sole discretion of the Executive Secretary.

10.4 bis the Commission may terminate the Executive Secretariat subject to the terms and conditions set out in his or her instrument of appointment

- 10.5. In the event of separation from service with the Secretariat by reason of redundancy employees shall be compensated at a rate of one month's base pay (less any tax or staff assessment applicable) for each year of service, beginning the second year (to a maximum of six months' base pay).
- 10.6. On separation from service, an employee shall, subject to paragraph 10.7 below, be entitled to the following:
- a) payment of economy class air fares (or equivalent) to the employee's home country or former residence, for the employee, the employee's spouse or partner and the employee's dependants;

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

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

10.7. Notwithstanding any other provision of these Regulations, at the discretion of the Executive Secretary in consultation with the Commission Chair (or, in the case of the Executive Secretary, the Commission), the right to the repatriation expenses provided for in paragraph 10.6 may be cancelled or reduced appropriately if:

- a) less than one year has elapsed between the date of taking up the appointment and the date of separation from service;
- b) the employee fails to provide the three months' advance notice as specified in paragraph 10.1;
- c) the reason for separation from service was termination of employment due to gross dereliction of duty;
- d) more than six months has elapsed between the employee's separation from service and his or her return to his or her home country or former residence;
- e) less than six months has elapsed since the employee last visited his or her home country or former residence on home leave at the expense of the Commission; or
- f) the employee has applied for or received status as a permanent resident of New Zealand.

10.8. The separation payments in this Regulation (together with salary and entitlements to the termination date and annual leave payments owing) will constitute all benefits and entitlements that the employee is entitled to receive under these Regulations in respect of the separation from service.

## 11. REGULATION 11

### TEMPORARY PERSONNEL UNDER CONTRACT

- 11.1. The Executive Secretary may contract temporary personnel necessary to discharge special duties in the service of the Commission. Such personnel shall be classified as additional help and may be paid on an hourly basis.
- 11.2. Persons in this category may include translators, interpreters, typists, and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in New Zealand shall be utilised in such cases.

## 12. REGULATION 12

### HEALTH AND SAFETY

- 12.1. The Commission is committed to maintaining a safe and healthy working environment and will take reasonably practicable steps to ensure the safety of employees and other individuals affected by its work.
- 12.2. Each employee agrees to take reasonably practicable steps to ensure:
  - a) their own safety while at work; and
  - b) that no action, or inaction of the employee while at work causes harm to any other person.
- 12.3. Each employee agrees to abide by all reasonable instructions and all policies of the Commission regarding health and safety, whether written or oral. This includes providing any relevant health information which the Commission may be required to provide to its insurers.
- 12.4. Each employee agrees to notify the Executive Secretary as soon as practicable, of anything in the workplace that may endanger the health and safety of the employee or any other person. Each employee agrees to notify the Executive Secretary as soon as possible of any accident, incident or near miss which occurs in the course of the employee's work for the Commission.

### 13. REGULATION 13

#### APPLICATION AND AMENDMENT OF REGULATIONS

- 13.1. Any doubts or disputes arising from application or interpretation of these Regulations shall be resolved by the Executive Secretary in consultation with the Members of the Commission. In making any decision as to the application or interpretation of the Regulations, the Executive Secretary will take account of the application or interpretation proposed by any relevant employee. However, any decision made by the Executive Secretary in respect of the application or interpretation of these Regulations having consulted with the above parties, will be final.
- 13.2. Situations involving the Executive Secretary shall be resolved by the Chair in consultation with Members of the Commission.
- 13.3. All matters not foreseen in these Regulations that materially affect the operation of the Secretariat or the working conditions of the employees shall be brought to the attention of the Commission by the Executive Secretary.
- 13.4. Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.



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