



Government of Pitcairn Islands
ISLAND COUNCIL

EMPLOYMENT GUIDANCE

Reference:

GPI Employment Policy

The Laws of Pitcairn, Henderson, Ducie and Oeno Islands:

- The Local Government Ordinance, Part II, Section 7, Island Officers, Island Council.
- Immigration Control Ordinance.
- Children Ordinance, Section 10a, 10b.
- Summary Offences, Part III, 10, 11

Revised Edition 2001, CHAPTER XXVI, AN ORDINANCE TO ESTABLISH A CODE FOR ALCOHOL WITHIN THE ISLANDS, pages 402, 403 cap 26 section 3, paragraph 6, 7, 7.1, 7.2, 8, 9.

The following Guidance should be read in conjunction with the GPI Employment Policy (November 2015) and the Code of Management for Pitcairn Public Service⁴ (October 2014)

Index

- 1) Eligibility for Employment
- 2) Conflict of Interest
- 3) Child/Children in the Workplace
- 4) Recruitment
- 5) Equal Opportunities
- 6) Confidentiality
- 7) Code of Conduct
- 8) Bullying or Harassment in the Workplace
- 9) Performance Management
- 10) Disciplinary procedures

Annexes

- a) Code of Management for Pitcairn Public Service (October 2014)
- b) GPI Harassment complaints procedure
- c) GPI complaint form
- d) GPI course of action form
- e) Annex A: GPI Performance Measurement Form.



Government of Pitcairn Islands
ISLAND COUNCIL

(1) Eligibility for Employment:

- a) Unless specified under Pitcairn Law all persons who having reached the age of 16 and intend to reside indefinitely are eligible to apply for employment (unless exempt from these controls under the Immigration Ordinance).
- b) The Head of the Public Service may authorise exceptions to a) when efforts to find a suitable candidate have failed or the need arises.
- c) Child/Children who have reached the age of 13 are eligible to enter into the GPI workforce on a casual basis during school holidays.

Definitions:

Immediate Family

Spouse, parents, children, brothers, sisters, mother in law, father in law, brothers in law and sisters in law, daughters in law and sons in law. Adopted and step members are also included in immediate family.

De-Facto relationship

Persons who live together as a couple; and are not married; and are not siblings or a parent or child of each other.

Child/Children

Person(s) under the age of 16 years.

(1) Conflict of interest:

“A conflict of interest (COI) occurs when an individual within GPI is involved in multiple interests, one of which could possibly corrupt the motivation for an act in the other.

A conflict of interest can only exist if a person is entrusted with some impartiality; a degree of trust is necessary to create it. The presence of a conflict of interest is independent from the execution of impropriety. Therefore, a conflict of interest can be discovered and voluntarily defused before any corruption occurs.

More generally, conflicts of interest can be defined as any situation in which an individual or organisation (either private or governmental) is in a position to exploit their professional or official employment for personal gain or provide favour for an individual or organisation not otherwise entitled to that consideration.

Because of Pitcairn’s unique position if conflict of interest cannot be avoided then it should be minimized where possible. Any potential conflict of interest must be advised at the time of recruitment or immediately the conflict arises if the individual is already in employment with the Pitcairn Public Service.

(1) Child/Children in the workplace:

A child/children may enter into the GPI workforce at the age of 13 only on a casual basis and if there is a vacancy advertised during the school holidays. They must apply in the usual manner by submitting a GPI Application form within the closing date to the relevant Division. Child safety is paramount and GPI must comply with the Children Ordinance and other relevant policies.

Work Experience:



Government of Pitcairn Islands
ISLAND COUNCIL

A child/children having reached the age of 13 who has a specific interest in gaining knowledge and experience in a particular field/position may apply to the relevant Division Manager for work experience during the school holidays. Work Experience is unpaid and on a voluntary basis only.

(1) Recruitment

All job vacancies will adhere to the following process.

- a) Draft job descriptions for new positions must be submitted to the Head of the Public Service for approval prior to being advertised.
- b) Job vacancies will be advertised as soon as possible and will include the closing date for applications.
- c) A job vacancy notice will be placed on both Public Notice Boards and by way of Public announcements on Channel 16 during evening hours as required. A reminder announcement will be made the day before the application closes on Channel 16 during evening hours.
- d) Job descriptions (JD) and GPI Job Application forms are available at the Division Manager's office and/or Island Secretary's office.
- e) Job applicants will have 5 working days to submit the GPI Job Application form to the relevant GPI Division Manager or Island Secretary.
- f) An interview panel will be formed relevant to the advertised position and a date and time will be arranged for interviews. All applicants will be notified of the date, time and location of their interview.

Selection of the Interview Panel:

- a) When the vacant position has closed and job applications have been received the Division Manager or Head of the Public Service will then select the relevant interview panel members applicable to the position required.
- b) Where the vacant position is for Divisional Manager, the Mayor with the Head of the Public Service will select the relevant interview panel members
- c) The Interview panel will consists of no less than two stake holders. and ideally at least one independent person;
- d) All members selected for the panel must be able to interview all applicants for the job advertised.
- e) The independent person in all cases shall be the Administrator or, if unavailable, someone appointed by the Administrator in consultation with the Chair of the interview panel. Where the Administrator chooses to appoint someone that person should have minimal conflict of interest.

Where there is no conflict of interest:

- a) In the case where the job is for a DM positions two of the stake holders are the Head of the Public Service, the Mayor or the Financial Controller (PIO). The Head of the Public Service shall chair the panel.
- b) In the case where the job is for HoD, two of the stakeholders are the DM for that Division and an independent member, not engaged by that Division. The DM shall chair the panel.



Government of Pitcairn Islands
ISLAND COUNCIL

- c) Where the job is for an employee within a Department two of the stake holders are the DM for the Division and the HoD. The DM shall chair the panel.
- d) Where the job is for employees of a Project two of the stake holders are the Project Manager and the DM for which the project falls under. If the project falls under Council then the Mayor and a Councillor whose name shall be drawn from a hat will be the stake holders. The Mayor shall chair the panel. The Administrator will act as independent panel member.
- e) When Management positions are required for a Project that person is treated as though he or she were a HoD and the procedure in b) above applies. If the project falls under Council then two of the stake holders are the Mayor (or Deputy Mayor) and one other Councillor (whose name is to be drawn out of a hat. The Mayor (or Deputy Mayor) shall chair the panel.
- f) Where the job falls under an external organisation, responsibility for the position falls to the relevant DM and the Administrator.
- g) Where the job falls under an NGO, the recruitment and payment of that position will be the responsibility of that NGO in consultation with the relevant DM and the Administrator.

When there is a conflict of Interest:

- a) When a Councillor cannot sit on the panel due to a conflict of interest the Administrator will notify the Mayor (or the Deputy Mayor if there is a conflict of interest with the Mayor) who will then select an eligible Council member by drawing names out of a hat.
- b) If a DM cannot sit on the panel due to a conflict of interest then the Administrator will Chair the interview panel.
- c) If a HoD cannot sit on the panel due to a conflict of interest then the DM will select an eligible HoD from within Division.

Confidentiality:

Panel members should be mindful that matters relating to the interview of applicants are confidential.

Procedure for interview panel

- a) The interview panel will be organized by the Chair of the panel who will meet with the other panel members and agree on a set of questions to ask potential applicants.
- b) The interview Panel may consider accepting an applicant without interviewing the person if that person is the sole applicant.
- c) Each interviewer will have a copy of each question agreed by the interview panel.
- d) When there is more than one applicant each applicant will be asked the same questions.
- e) The interview panel shall take into account any relevant previous job references, CV or any other document/s supplied by the applicant.
- f) During the interview each interviewer will record next to each question any comments he or she feels are relevant relating to the response of the applicant.
- g) Once all applicants have been interviewed the panel will then discuss each applicant's responses and decide on the successful candidate. The panel will also determine who



Government of Pitcairn Islands
ISLAND COUNCIL

would be the second successful applicant (if any) in case the first successful applicant declines the position.

- h) The Chair will notify all applicants of the outcome of their interview within five working days.
- i) If the successful applicant declines the job offer the Chair shall call the interview panel members and notify them of the applicant's decision. The Chair will then notify the second successful applicant (if any) or re-advertise the job.
- j) All interview question forms with applicant's responses will be filed under the relevant Division Manager, Head of Public Servicer or, if applicable, the Island Secretary for safe keeping.

Procedure for notifying unsuccessful applicant after Interview:

The chair of the interview panel will contact each unsuccessful applicant.

If asked, the Chair of the interview panel should advise any unsuccessful applicants the reason why they were not chosen.

Procedure for notifying the successful applicant(s):

Subject to the applicant's acceptance, the Head of Public Service/DM/HOD will advise them of the proposed start date and issue their employment contract.

If a handover period is necessary this should be considered when issuing starting dates for new employees.

Procedure for unsuitable applicant(s).

- a) If applicants are deemed unsuitable for the advertised position by the interview panel, the job will be re-advertised. If there are no applicants by the closing date, the Head of Public Service/ /DM/HOD will announce and advertise in writing that the position has not been filled and that the vacancy is left open. After this time if they are approached by an applicant, they should re-announce the vacancy and set a new closing date for applications and follow the agreed interview process.
- b) If the position has to be filled and there are no applicants, the Council/Division Manager may modify the role to meet the minimum requirements necessary and re-advertise the new role. If after this process a suitable applicant is found but they will only work to conditions outside the current budget or job description, the Administrator's approval must be sought before the applicant is employed.
- c) The Chair of the interview panel will provide the Government Treasurer with the new appointee's start date.

GPI Wage Structure:

- a) Minimum Adult (16 years and upwards) wage: \$10 per hour
- b) Child (age 13 and up to age 16) wage: \$5 per hour. During School Holidays up to a maximum of 25 hours per week is permitted.



(1) Equal Opportunities

Definitions:

Discrimination: is treating an individual with a particular attribute less favourably than an individual without that attribute or with a different attribute under similar circumstances. It can also be, seeking to impose a condition or requirement on a person with an attribute who does not or cannot comply, while people without that attribute do or can comply.

Equality: GPI ensures that all employees are given equal access to training, promotion, appointment or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.

Victimisation: happens where an employee is treated harshly or subjected to any detriment because they have made a complaint.

GPI ensures that Equal Opportunity applies to all employees:

- a) All GPI employees ensure that they meet equal opportunity requirements in all obligations when performing their responsibilities.
- b) GPI ensures that any matter which does not comply with the principles of EEO are identified and addressed as promptly and sensitively as possible.
- c) GPI provides ongoing support and guidance to all employees in relation to EEO principles and practice.
- d) GPI will ensure that all employees understand and are committed to the principles relating to equal opportunity and that they are applied in the workplace.
- e) All decisions relating to GPI appointment, promotion and career development are made without regard to any matters, other than the individual's inherent ability to carry out the job.
- f) GPI treats all employees with respect and professionalism.

Employees who believe they are being treated unfairly as a result of discrimination should notify the relevant GPI representative.

(1) Confidentiality

Confidential Information means information relating to but not necessarily restricted to: financial and other accounts, reports, medical records and personal details however obtained. E.g. telecommunications and video links.

- 1) All information must be handled with integrity and kept securely
GPI employees must not disclose any confidential information unless:
 - a) Required to by law;
 - b) Prior written consent is granted by the Government of Pitcairn Islands;
 - c) Required to do so in the legitimate exercise of their duty



Government of Pitcairn Islands
ISLAND COUNCIL

- 2) all departments dealing with confidential information must
 - a) maintain proper and secure storage of all “confidential information”; and prevent disclosure of the “confidential information” to or by third parties.
- 3) All GPI employees who manage hardcopy and/or electronic confidential information must;
 - a) Return said documentation promptly upon the termination of their employment with the GPI; or at any time upon GPIs request
- 4) Any breach of these conditions may result in disciplinary action taken by GPI

(2) Code of Conduct

The code of conduct has been designed to assist employees in understanding their responsibilities and obligations by providing guidance in establishing the right work environment for high standards of behaviour and performance.

The purpose of the code of conduct is to ensure that all employees of the Government of Pitcairn Islands are aware of what is acceptable behaviour. If a breach of the Code occurs GPI may take disciplinary action. All employees will be treated fairly and consistently.

The term GPI employee excludes HMG employees.

- 1) Employees will act with professionalism and integrity, and maintain high standards of courtesy, co-operation, reliability and safety.
- 2) Employees will perform their duties honestly, faithfully, diligently and efficiently.
- 3) Employees will respect the rights of colleagues and other persons without discrimination or harassment.
- 4) Employees will at all time refrain from any conduct that could bring GPI into disrepute.

Misconduct:

Any conduct in breach of the principles in the preceding paragraphs may be regarded as misconduct and dealt with under the Disciplinary Procedures.

The following are examples of misconduct. Other action or behaviour may also be regarded as misconduct.

- 1) Acting in a negligent or careless manner when carrying out duties.
- 2) Inefficiency or incompetence.
- 3) Lateness or lack of application to assigned duties.
- 4) Gambling on work premises.
- 5) Failure to observe safety or health rules.
- 6) Reporting for work in such a condition as to be unable to perform duties in a safe and proper manner.
- 7) Using obscene or threatening language.
- 8) Misuse or unauthorised use of equipment.
- 9) Failure to comply with GPI policies or the direction of the Divisional Manager.
- 10) Breach of individual employment agreement.



Government of Pitcairn Islands
ISLAND COUNCIL

Serious Misconduct:

Any conduct in breach of the principles in the preceding paragraphs may be regarded as serious misconduct and dealt with under the GPI Disciplinary Procedure.

The following are examples of serious misconduct. Other action or behaviour may also be regarded as serious misconduct.

- 1) Any action which may be deemed to be of a criminal nature.
- 2) Excessive absenteeism or unacceptable patterns of absenteeism.
- 3) Repeatedly failing to use timekeeping methods as directed.
- 4) Theft.
- 5) Fraud, embezzlement and other acts of dishonesty.
- 6) Reporting false or misleading information.
- 7) Falsifying documents or records for personal gain.
- 8) Soliciting or accepting kickbacks/gifts.
- 9) Consuming alcohol or any illegal substances during work or 12 hours prior to operating machinery and longboats.
- 10) Engaging in illegal conduct.
- 11) Abusive behaviour.
- 12) Disrupting the work environment.
- 13) Using position for personal gain.
- 14) Workplace Harassment.
- 15) Assault.
- 16) Breach of individual employment agreement.
- 17) Conduct that could be regarded as misconduct but so serious as to be dealt with as serious misconduct under the GPI Disciplinary Procedure.

Serious Misconduct

- a) GPI Employees found to have engaged in serious misconduct may be dismissed without notice or prior verbal or written warnings. See (7) Code of Conduct for definitions of Misconduct.

(3) Bullying or Harassment in the Workplace

Harassment includes but is not limited to:

- a) Unreasonable behaviour
- b) Bullying
- c) Verbal abuse
- d) Intimidation
- e) Initiation pranks
- f) Sexual harassment
- g) Excluding or isolating employees
- h) Giving a person the majority of an unpleasant or meaningless task with the intent to demean
- i) Humiliation through sarcasm, or belittling someone's opinions
- j) Constant unjustified criticism
- k) Spreading misinformation or malicious rumours



Government of Pitcairn Islands
ISLAND COUNCIL

- l) Deliberately setting work routines or procedures to inconvenience certain employees
- m) Displaying written or pictorial material, which may degrade or offend certain employees

“Unreasonable behaviour” is behaviour that is offensive, humiliating, intimidating, degrading or threatening.

Workplace harassment can occur:

- a) Between two or more employees
- b) At any level in an organisation, can be experienced by both men and women and may involve a co-worker, contractors, manager, or customer. Certain behaviour may constitute harassment when it continues after a request from the recipient for the behaviour to stop, or at the point it becomes intimidating, offensive or humiliating.

An **“employee”** in this guidance refers to all GPI employees or others working on or behalf of the GPI.

The Government of Pitcairn Islands has a ‘zero tolerance’ policy towards bullying or harassment in the workplace.

- a) A breach of this policy will result in disciplinary action. Depending upon the severity of the case, consequences may include apology, demotion, dismissal, or other forms of disciplinary action deemed appropriate.

GPI encourages any employee who feels they have been harassed, or have witnessed harassment taking place, to take action. Any reports of harassment will be treated seriously and promptly with sensitivity and complete confidentiality.

- a) All employees should keep a running diary of when, where, what and who is involved in the harassment incident(s).
- b) Complaints will be processed in an appropriate manner.
- c) GPI managers should respond to anything that indicates harassment of an employee.

False or malicious allegations of harassment or bullying made by an employee.

If it has been found that the nature of the complaint made was false or malicious then GPI may take action under the serious disciplinary procedures which may result in dismissal.

GPI employees who fail to take appropriate corrective action when aware of bullying or harassment of an employee may be subject to disciplinary action.

- a) It is the obligation and responsibility of every employee to ensure that the workplace is free from bullying and harassment.

It is the responsibility of GPI to provide a safe working environment for all employees to attend work and perform their duties without fear of being bullied or harassed.

- a) GPI provides employment policies and procedures to protect both the employer and the employee.



(4) Performance Management

Performance management is aimed at supporting the GPI Strategic Plan.

- a) All Division managers and HODs are required to encourage effective delivery of agreed performance levels which are aligned to GPI's Strategic Plan.

Performance Monitoring

- a) Division managers and HODs are required to carry out individual appraisals for all staff within their Divisions against agreed standards and templates for monitoring results/outcomes and measuring task completion dates of all employees in their departments on an annual basis.

Performance Levels

- a) If an employee's performance does not meet agreed standards, GPI will consider what additional training is required to help the employee meet agreed standards.
- b) All performance improvement training sessions will be documented and assessed on an individual basis.
- c) Performance will be reviewed at six monthly intervals and all meeting records will be filed with the Division Manager
- d) All employee performance management meetings and related documentation is confidential.
- e) Performance improvement training will continue until the expectation is reached, the standards are agreed by both parties to be changed, or the employee is repositioned.

(5) Disciplinary Procedures

There are three phases to the process:

- a) Formal Verbal Warning
- b) Written Warning
- c) Dismissal

The following procedures set out the process:

A meeting with the employee to discuss disciplinary concerns.

- a) The employee should be given written notice of the meeting in advance, along with a general explanation of the reason for the meeting.
- b) It may be appropriate to ask the employee to stand down, with pay, while the investigation of the circumstances is undertaken.
- c) While the initial meeting should be dealt with at a relatively low level to avoid escalating matters unnecessarily, the employee will be advised that they can bring a support person with them if they so desire.
- d) Another senior GPI representative may be present as an independent witness at the meeting.



Government of Pitcairn Islands
ISLAND COUNCIL

The first meeting – Formal Verbal Warning

- a) If the employee has chosen to have a support person present, this should be noted. At the first meeting, the employee must be clearly informed as to what the unacceptable conduct is, why it is unacceptable and the expected standard of conduct to be met.
- b) The employee must then be given an opportunity to respond to the concerns of the GPI representative and explain any reasons for the alleged performance inadequacies.
- c) The GPI representative must listen to the employee's explanation and give it due consideration.
- d) The GPI representative will then outline the expectations and/or appropriate conduct to the employee and set reasonable targets for improving performance, as well as a time period in which those targets are to be met.
- e) The discussion should be recorded in a meeting note which clearly outlines the reason for dissatisfaction and requirements for improvements. The employee will be provided with a written copy of the note.
- f) A date for the next review should be agreed and the employee's performance should be monitored carefully during this time. Where possible, the employee's progress should be documented.
- g) The GPI representative will also provide the employee with any reasonable assistance they need to meet the requested targets, which may involve further training or support.

Following the interview the GPI representative will undertake such steps considered appropriate to assist the employee to address their inappropriate behaviour or inadequate performance. Depending on the seriousness of the employee's conduct, these steps may include:

- a) Written clarification of duties
- b) Provision of training and/or mentoring
- c) Demotion

Second Meeting – Written Warning

- a) The GPI representative should advise the employee in advance of the reasons for the meeting and then repeat the process that was followed at the first meeting.
- b) If performance expectations still have not been reached, the employee should be advised of this and a further time limit for reaching these targets should be set.
- c) At this point the employee should be made aware that his or her employment may be in jeopardy if their performance does not improve.
- d) The employee will be given a written warning following this meeting explaining how the employee's behaviour is deemed to be unsatisfactory, together with a requirement to improve performance.
- e) The warning should make it clear that if targets are not met then disciplinary action, possibly including dismissal, may follow.



Government of Pitcairn Islands
ISLAND COUNCIL

Dismissal

- a) If the employee is still not meeting the outlined requirements or agreed standards of behaviour after a reasonable period of time, as documented in the process, the GPI representative will make a recommendation to the Head of the Public Service that the employee's contract be terminated.
- b) The GPI representative will need to show that the dismissal action is fair and reasonable and that the above procedures were properly followed.
- c) Before a final decision is made, the employee should be advised of the recommendation and given a final opportunity to provide any mitigating circumstances.
- d) If the employee provides an explanation, or asks that the employer take any external factors into account, the employer is required to do so before making a final decision. If the employer decides that dismissal is appropriate, the decision will be given in writing to the employee.
- e) GPI employees may be dismissed without prior verbal or written warnings in cases of serious misconduct.

A copy of this document should be signed by the employee and retained on the employee's file.

Approved by the Island Council

Date: 12 /11 / 2015

Document Control

Edition: 1

Originating date: 12/11/2015

Review: 12/11/2017