



REPUBLIC OF SEYCHELLES

**PUBLIC SERVICE ORDERS
(SECOND EDITION)**

JUNE 1996

(Updated based on circulars issued between 1996 and Dec 2003)

TABLE OF CONTENTS

Chapter	Subject	Order
Part 1 : Preliminary		
	Title/introduction/ Objectives	1 - 2
Part 2: Interpretation		
Chapter 1	Glossary/definition/ Interpretation	3-5
Part 3: Public Service		
Chapter 2	Organisation of government and structure of the public service	11-18
Chapter 5	Code of conduct and discipline	81-121
Part 4: Seychelles Public Service Employees general		
Chapter 3	Appointments, promotions, postings and transfers	21-54
Chapter 4	Salaries, increments, enhancements of salaries, advances of salaries and wages	61-71
Chapter 6	Retirement, resignation and termination of appointments	131-139
Part 5: Seychelles Public Service Employees – Incentives		
Chapter 7	Leave	141-156
Chapter 8	Allowances	161-180
Chapter 9	Transport and travelling	191-203
Chapter 10	Training	221-223
Chapter 11	Housing	231-251
Chapter 12	Pensions, gratuities and social security benefits	261-271
Part 6: Seychelles Public Service Employees – Miscellaneous		
Chapter 13	Correspondence and general office routine	281-307
Chapter 14	Miscellaneous	321-330
Part 7: The Public Service Chief Executives/ Heads of Missions		
Part 8: Appendices		
Appendix A:	Procedure for undertaking formal proceedings in disciplinary cases under Order 110	
Appendix B:	Guidelines for applying disciplinary action – Order 112	
Appendix C:	Procedure for termination of appointment (on grounds other than misconduct – Order 133	
Appendix D:	Disposal of records – Orders 308	
Appendix E:	Official Secrets Declaration – Order 39	

CHAPTER I

INTRODUCTION-DEFINITIONS-INTERPRETATION

INTRODUCTION

1. GENERAL

- (a) These Public Service Orders (hereinafter referred to as "Orders") are Orders of the President and are issued under the President's authority by the Minister of Administration and Manpower Development who has been assigned by the President under Article 70 of the Constitution with the responsibility of the organisation, development and administration of the Service. The terms and conditions of service of all employees shall, subject to the provisions of these Orders and to the directions of the President, be determined by the Principal Secretary of the Ministry of Administration and Manpower Development.
- (b) This, the Third Revised Edition of Public Service Orders, contains the general conditions of service for the Public Service of the Republic of Seychelles. It is effective from the 1st January 2001 and replaces all editions of the previous Orders as amended from time to time. Many of the changes which have been introduced in recent years and which have all been incorporated in these Orders have been published in circulars or promulgated under the relevant legislation.
- (c) It is emphasized that although these Orders have no legislative force, they are published by authority of the President. Whereas the provisions of these Orders are normally consistent with the legislation, should they be in any way at variance with the terms of any legislation, the terms of such legislation will naturally prevail. Thus no amending legislation is required in order to vary the provisions of these Orders and they may be modified by any special terms contained in the agreements or letters of appointment of individual employees or by circular instructions.
- (d) To ensure that the Public Service continues to be a progressive, modern employer these Orders are to be followed in order to maintain equity and impartiality in handling personnel matters. (It is also emphasized that the Public Service is a good modern employer. The orders are to be strictly adhered to in order to maintain equity and impartiality in handling personal matters. 1996 version) Personnel procedures must be uniform and must be well understood by all members of the Public Service. The Orders are intended to provide equitable and impartial answers, read in conjunction with the laws of Seychelles, to all ordinary problems of Public Service administration. Nonetheless, no regulation however carefully framed, can be expected to cover every eventuality and every set of circumstances. Therefore, where special circumstances indicate that the provisions of the relevant Orders are inappropriate, or would cause hardship, a case may/must be submitted to the Principal Secretary of the Ministry of

Administration and Manpower Development (of the ministry for processing where justified -1996) requesting a variation of the provisions concerned in the particular instance. ...1996 cont.. Except as specifically provided, however, no variation from these orders will be authoritative without the prior approval of the Principal Secretary of the ministry.

- (e) These Orders make provision for what is specifically authorized. Where no provision exists, it should be assumed that there is no authority and therefore in such case, a request must be submitted to the Principal Secretary of the Ministry of Administration and Manpower Development for approval.
- (f) where any expenditure has been incurred by government -1996 Where Government has incurred any expenditure as a result of anything done by an employee without authority, or in excess of his/her authority, arising from either these Orders or any law, it shall be recovered from the person who benefitted. The employee who has incurred such expenditure may be surcharged by the Principal Secretary of the Ministry of Finance with all or part of the irregular payment in accordance with PART VII of the Public Finances (Control and Management) Act, 1974.(No.16 of 1974)
- (g) An employee who is concerned with the administration and operation of personnel matters within a Public Service organisation, (ministry, department or division) must regard it as a major duty and responsibility to foster good relations within the Public Service, and at times to be ready to help employees with their personal problems, and to explain the benefits to which they are entitled within the framework of these Orders and by, or under, any law.
- (h) It is the duty of all employees to be acquainted with these Orders. The Orders shall be readily available for consultation, and it shall be the duty of heads of organizations (Principal Secretaries, heads of sections and divisions) to ensure that all employees in their ministries/departments/divisions have access to a copy.
- (i) All copies of these Orders are and shall remain the property of Government. Employees to whom copies are issued are personally responsible for keeping their copies up-to-date with all amendments inserted and registered. Amendments to these Orders will be issued by the Principal Secretary of the Ministry of Administration and Manpower Development.
- (j) An employee shall not be allowed either to benefit or lose by any error or omission, which may have occurred in the compilation of these Orders.

2. EXEMPTION OF CERTAIN OFFICES/PERSONS

- (a) These orders shall not apply to the holders of the following offices in so far as they are inconsistent with the provisions of the Constitution:-

- (i) The office of President, Vice President or Minister – not in 1996 version
 - (ii) President of the Court of Appeal
 - (iii) Chief Justice
 - (iv) Justices of Appeal
 - (v) (Puisne – not in 1996) Judges
 - (vi) Attorney General
 - (vii) Auditor General
 - (viii) Ombudsman
 - (ix) Electoral Commissioner
- (b) Unless specifically excluded under particular Orders, these Orders shall, insofar as they are not inconsistent with any legislation, apply to members of the disciplined services except those in the Seychelles People's Defence Forces and in the Police Force.

3. DEFINITIONS

For the purposes of these Orders, the following words, phrases or terms will have the meanings shown below unless the context otherwise requires:-

"Accounting Officer" means any Principal Secretary, Head of Department or other employee whose duties involve overall departmental responsibility in connection with public monies and public stores; and all other assets

"Appointing authority" means any person having power under these Orders to make appointments and promotions to any public office and includes any persons to whom such powers have been delegated;

"Appointment" means:-

- (a) the conferment of a public office or position upon a person whether or not that person is already in the Public Service and shall include the exercise by Principal Secretaries of authority delegated to them by the President; or
- (b) the conferment upon an employee of the same or other office by way of extension or renewal of his/her contracted terms and conditions of employment for a further specified period following the expiration of his/her original contract; or

(c) the conferment of an acting appointment upon an employee in respect of the discharge of the duties of an office;

"Bonding" means entering into a formal agreement binding oneself to work for Government or for an organisation designated by Government or for another employer in Seychelles for a period of time following the completion of studies or training;

"Children" means unmarried children of an employee including (step-children – not in 1996) or legally adopted children who are wholly dependent on the employee and who have not reached the age of eighteen years; passed their eighteenth birthday

"Citizen" means a citizen of the Republic of Seychelles by virtue of the provisions of the Constitution;

"Closed cadre" means a group of public officers designated as a closed cadre by the Minister of Administration. It is a cadre or employment classification confined to one particular Public Sector / Service organisation.

"Common cadre" means a group of public officers designated as a common cadre by the Minister (of Administration). It is a cadre or employment classification not confined to one particular Public Sector /service organisation ;

"Constitution" means the Constitution of the Republic of Seychelles;

"Contract terms" means those terms applicable to employees whose conditions of service are regulated by a contract or agreement covering a specific period of time;

"Demotion" means reduction in the employee's rank, that is, being moved to a post in a lower salary grade/ band carrying an immediate reduction in salary;

"Disciplined Services" shall include members of the Prisons Service;

"Dismissal" means the removal of an employee from the Public Service for disciplinary reason and entails forfeiture of all privileges and benefits under his/her terms of service;

"Duty station" means the place or area in which an employee normally performs his/her official duties;

"Employee" means a person holding or acting in a public office;

Entry point or EP – means the entry point within the salary scale for a particular public office

"Expatriate" means a person who is not a citizen;

"Expatriate employee" means an employee who is not a citizen and who is employed on either local terms and conditions of employment or on contract terms and conditions of employment or under the provisions of a multilateral or bilateral agreement;

"Family" includes an employee's legal spouse and, if any, the children of such employee as defined;

"Fixed term" means a term exceeding 21 days the period of which is expressed by reference either to its duration in time or to the duration of a specific scheme or project or of specific works;
1996 refers – means consecutive employment for a fixed term. It is in relation to a contract of employment and means a term exceeding 14 days the period of which is expressed by reference either to its duration in time or to the duration of a specific scheme or project or of specific works

"Government" means Government of the Republic of Seychelles;

"Government accommodation" means accommodation provided by the Government whether or not it is the owner;

"Graduate" means an employee who has completed studies at the tertiary level and who holds a recognised degree qualification;

"Gross Salary" means remuneration of an employee before deductions;

"Head of Department" includes an employee holding or acting as either Auditor General or Registrar of the Supreme Court as defined in the relevant legislation;

"Held against" means a period of time during which an employee occupies a post on a trial basis with a view to confirmation in that posts at such time as the employee meets the relevant qualification and experience requirements; (is not in 1996)

"Incentive Scheme" means a scheme for (additional- not in 1996) remuneration based on productivity which has been approved by the Ministry of Administration; based on performance which has been measured against time and on production targets – 1996)

Increment means an increase in salary for which provision has been made in a salary scale;

"Internal transfer" means transfer from one post to another within the same organisation;

Judge means the Chief Justice, Puisne judges and Justices of Appeal

"Judicial office" means the office of President of the Court of Appeal, Chief Justice, Justice of Appeal, Judge, Magistrate, Registrar and Assistant Registrar of the Supreme Court;

"Local employee" means an employee who is a citizen;

"Local terms and conditions of employment" means those terms applicable to employees whose conditions of service are regulated by a letter of appointment;

"Minister" means a Minister appointed by the President in terms of Article 69 (2) of the Constitution;

"Misconduct" means any act done or omitted to be done without accepted reasonable explanation by an employee which amounts to a failure to perform in a proper manner any duty imposed upon him/her as such, or which contravenes any enactment relating to the Public Service, or which is otherwise prejudicial to the efficient conduct of the Public Service or tends to bring the Public Service into disrepute;

"Next-of-kin" means a person to whom an employee wishes notification to be given to of death of any serious accident or injury which may be sustained by the employee;

"Official passport" means a passport issued to a public sector employee in accordance with the Passport Act, 1991 (Cap 155).

"Overtime" means hours worked over and above the normal working hours;

"Part time worker" means a worker other than a casual worker and other than a worker in continuous employment or engaged for a fixed term;

"Parastatal organisation" means an organisation which is not an integral part of Government, but which includes an institution, organisation or agency which is wholly or partly financed or owned and controlled by Government; means an organization which is not a ministry or by a constitutional office which has been established by Govt by specific statute or under Companies Act

"Pensionable employee" means an employee who served, up to 31st December 1978, on pensionable terms and conditions of employment in a pensionable office as defined in the Pensions Act (Cap. 159) and excludes an employee on contract terms and conditions of employment unless he/she served on pensionable terms and conditions of employment prior to his/her transfer to contract terms and conditions;

"Police Office" means an office in the Seychelles Police Force established under the Police Force Act (Cap. 172);

"Police Officer" means a person holding or acting in a Police Office;

"Posting" means the movement of an employee to a similarly designated post within the same Public Service organisation or within the same cadre from one Public Service organisation to another;

"Principal Secretary" means those so officially designated and includes the Chief Justice, the Attorney General and the Commissioner of Police;

"Prison Office" means an office in the Prisons Service established or deemed to have been established under the Prisons Act, 1991 (Cap 180).

"Prison Officer" means a person holding or acting in a Prison Office;

"Probation period" means a trial period on appointment normally not exceeding six months during which the employee will be assessed for his/her performance with a view of confirmation in post;

"Promotion" means the substantive appointment of an employee to a public office for which the salary grade is higher than that for the public office which he/she previously held.

"Public holiday" means Public Holidays governed by the Public Holidays Act, (Cap 190) but does not include Sunday;

"Public office" or "office in the service of Seychelles" means any office, the emoluments attaching to which are paid directly from the Consolidated Fund or directly out of moneys provided by an Act, and "public officer" and "public service" are construed accordingly.

"Republic" means the Republic of Seychelles;

"Residential Service" means that period when an employee is on duty and includes any authorised absences on vacation leave or paid sick leave, except where a contract provides otherwise;

"Restitution payment" means compensation in full or in part for loss or damage which has been proven to be caused by an employee;

"Salary Grade" means a range of Salary Points allocated to a post within the current salary structure;

"Scheme of Service" means an agreed and authorised statement which defines a specific career stream or cadre in the Public Service and which sets out its particular features. These features shall include:-

- (a) posts in the cadre and the salary grade attaching to each;

- (b) the type of duties appropriate to each post in the cadre;
- (c) the mode or modes of entry into the cadre;
- (d) the procedures for advancement within the cadre including minimum experience, examination requirements and specific professional and technical qualifications;
- (e) the training schemes applicable to the cadre;

"Secondment" means the attachment of an employee for a specific period of time to another public office, or the employee's attachment to a parastatal, international organisation or any other approved institution;

"Seminars, conferences or workshops" means meetings that are not training orientated;

"Shift Worker" means an employee whose hours of work are performed in shifts;

"Spouse" means a legally married wife/ or husband of an employee;

"Student" means a person who is undergoing approved training. approved by the Government;

"Suspension" means removal from office without pay as a disciplinary measure or pending investigation that may lead to disciplinary action;

"Teaching Service" means whole time service in a teaching capacity in a Government school in Seychelles or an institution approved by the President;

"Training" means training approved by the Government;

"Transfer" means the appointment / movement of an employee to another post with or without alteration in the salary grade attached to the post and with or without alteration to a personal salary;

4. APPLICATION OF PUBLIC SERVICE ORDERS

- (a) It will be found that in most of these Orders, the term "employee" has been used and thus, where the term is unqualified, such Orders will be interpreted as applying to all employees who fall within the definition given in Order 3, except where the provisions of the Orders are inconsistent with the provisions of any legislation. Where the provisions of these Orders are at variance with the terms of any legislation, the terms of such legislation prevail. These Orders should therefore be read in conjunction with any relevant legislation applying to employees.

- (b) In the case of members of the Police Force and the Prisons Service, the Police Force Act (Cap. 172) and the Prisons Act, 1991 (Cap 180), respectively should be consulted where necessary in addition to these Orders.
- (c) Where reference to an Act is made in these Orders, such reference will be taken to include reference to any subsidiary legislation passed under the Act and to any relevant legislation passed additional to it.

5. INTERPRETATION

- (a) In any dispute regarding the interpretation of these Orders, the Principal Secretary of the Ministry of Administration and Manpower Development shall be the deciding authority in the first instance. An appeal against the interpretation put on these Orders lies with the President whose decision shall be final and conclusive. Such appeals shall always be channelled through the Principal Secretary of the Ministry of Administration.
- (b) The employee may further appeal to the relevant institutions as provided for by the Constitution such as the Ombudsman, Public Service Appeals Board and may apply for Judicial Review.

6-10 Unallocated

CHAPTER II

THE ORGANISATION OF GOVERNMENT AND STRUCTURE OF THE PUBLIC SERVICE

11. THE EXECUTIVE AUTHORITY

The Executive Authority of the Republic of Seychelles is vested in the President and shall be exercised in accordance with the Constitution. Subject to the Constitution, the executive authority may be exercised by the President either directly or through persons holding office in the service of the Republic.

12. FUNCTIONS OF MINISTERS

- (a) A Minister has such title, portfolio and responsibilities as are determined by the President from time to time. All departments of Government fall under the political responsibility of a Minister and the President is politically responsible for any of the departments that are not specifically allocated. Ministers shall perform their responsibilities under the direction of the President. The allocation of responsibilities to Ministers including those retained by the President is contained in the Manual of Government Organisation and Functions, which is issued by the Ministry of Administration and Manpower Development.
- (b) When a Minister's function is temporarily exercised by the President, any decisions or rulings which the President gives in such circumstances are given in the President's capacity as the temporary Minister. If, subsequently, Presidential authority or ruling is necessary, the Ministry in question must still seek such authority or ruling through the Principal Secretary of the Ministry must be sought.
- (c) The execution of duties by officials may, occasionally, result in decisions being taken by them within the Ministry for which the Minister must publicly accept responsibility just as he/she must accept responsibility for all decisions taken in good faith by officials acting on his/her behalf and in his/her name.

13. EXTERNAL RELATIONS

The President is responsible for the external policy of the Republic and the conduct of international relations. The authority for implementing all aspects of these relations is delegated to the Ministry of Foreign Affairs.

14. INTERNATIONAL AGREEMENTS

- (a) International agreements of a technical nature shall be negotiated by the Minister of the appropriate Ministry and his/her official advisers and the Minister shall call for the comments of other interested Ministries/Departments before drawing up the first draft which must then be passed to the Ministry of Foreign Affairs. The approval of the Ministry of Foreign Affairs must be obtained to all draft international agreements negotiated by other Ministries/Departments. The Ministry of Foreign Affairs shall consult the Ministry of Finance, the Department of Legal Affairs and the Ministry of Administration and Manpower Development as appropriate. When a draft international agreement has been finalised and approved by the Ministry of Foreign Affairs, it shall be forwarded to the President for final approval.
- (b) The acceptance of international agreements shall be authorised by the President in line with Article 64 (4) of the Constitution.

15. FUNCTIONS OF PRINCIPAL SECRETARIES

The Principal Secretary is the Chief Administrator of a Ministry or Department and is, as such, responsible for its efficient management and overall development in line with Government policy under the direction of his/her Minister. The Principal Secretary is, in this regard, responsible to the Minister for the organisation and efficiency of departments/divisions under his/her charge, and for all technical and professional advice given to the Minister concerning the whole field of his/her activities.

16. THE PUBLIC SERVICE

The Public Service is the principal executive arm -of Government in the fulfilment of national objectives. It follows therefore that the proper development and utilisation of the human resources available to the Service is of prime importance.

17. ADMINISTRATION OF THE PUBLIC SERVICE

- (a) In accordance with Article 62 of the Constitution, the powers of constituting and abolishing offices in the Public Service, of making appointments to offices so constituted and of promotion, termination of appointment, disciplinary control including dismissal, of persons appointed to such offices, are vested in the President under the Constitution.
- (b) Under Article 66 of the Constitution the President may assign responsibility in regard to matters specified in paragraph (a) to a Minister.

18. DELEGATION OF PRESIDENTIAL POWERS

- (a) Under the provisions of the Public Offices Act, (Cap 191), the under-mentioned powers (being among those vested in the President by Article 66 of the Constitution) are delegated in accordance with the Public Offices (Delegation of Powers) Order, 1992 (S.I. 78 of 1992) to the Principal Secretary of a Ministry or Head of a Department, and to the Chief Justice, the Attorney General, the Auditor General, the Ombudsman and the Electoral Commissioner, having employees substantively holding public offices allocated to the Senior Officers' Salary Grade and below, excluding expatriate employees (notwithstanding that the personal salary of an individual employee holding such a public office may be above the Senior Officers' Salary Grade).

The powers delegated are those concerning the following :-

- (i) making appointments to public offices;
 - (ii) promotion to a public office;
 - (iii) termination of appointments, (on grounds of misconduct only), subject to the Negotiation Procedure set out in P.S.O. 133 (Appendix 'C');
 - (iv) disciplinary control, including dismissal;
 - (v) resignations, excluding however those of bonded employees.
- (b) The delegated powers referred to in paragraph (a) above may be exercised by a Principal Secretary only with the consent of the Minister responsible for that Ministry or Department, obtained in each case after consultation with the Minister. Provided that this paragraph shall not apply to the Chief Justice, the Attorney General or the Auditor General, the Ombudsman and the Electoral Commissioner.
- (c) The delegation shall not prevent the exercise by the President of any power so delegated.

19-20

Unallocated.

CHAPTER III

APPOINTMENTS, PROMOTIONS, POSTINGS AND TRANSFERS

21. CATEGORIES OF APPOINTMENTS IN THE PUBLIC SERVICE

Appointments in the Public Service shall normally be in one of the following categories:-

- (i) on local terms and conditions of employment
- (ii) on contract terms and conditions of employment
- (iii) Under the provisions of a multilateral or bilateral agreement;
- (iv) On daily or purely temporary terms.

As a general rule, all appointments of citizens to public offices in the Public Service as well as of non-citizens recruited locally, shall be on general terms and conditions of employment. Special terms and conditions of employment are confined to those public servants under contract to the Public Sector Commission and of expatriates recruited from overseas. The above-mentioned categories of appointment and the general conditions of employment applicable to them may, however, be modified by any particular terms and conditions specified in a contract of employment entered into with an individual employee.

22. CONSTITUTION AND ABOLITION OF OFFICES IN THE PUBLIC SERVICE

The powers to constitute and abolish offices in the Public Service are vested in the President under Article 62 of the Constitution. No employee holds his/her office as of right, and any office may be abolished by the President at any time without assigning any reasons. The office of a Judge, Justice of Appeal, Attorney General, PSAB, Auditor General, Ombudsman and Electoral Commissioner shall not, without his/her consent, be abolished during his/her continuance of office, as provided for under Articles 132, 76, 158, 144, 115 and of the Constitution.

23. APPOINTING AUTHORITIES

- (a) The powers of making appointments to the Public Service are vested in the President under the Constitution. Subject to the provisions of paragraph (b) below, the President has, however, delegated these powers in respect of appointments to all offices in the Public Service allocated to the Senior Officers' Salary Grade and below, to the Principal Secretary of the Ministry or Department concerned.
- (b) The delegated powers may be exercised by a Principal Secretary only with the consent of the Minister responsible for that Ministry or Department obtained in each case after consultation with the Minister. Provided that

this paragraph shall not apply to the Chief Justice, the Attorney General, the Auditor General, PSAB, the Ombudsman and Electoral Commissioner.

- (c) The appointments referred to in paragraph (a) above include appointments on promotion and internal transfers (unless specifically excluded) as well as acting appointments.
- (d) The Commissioner of Police and the Superintendent of Prisons are, respectively, the appointing authority in respect of enlistment to the Police Force below the rank of Assistant Superintendent and in respect of enlistment to the Prisons Service.

24. APPOINTMENTS LIMITED BY THE ESTABLISHMENTS REGISTER

No appointment, promotion or transfer shall be made to any post unless provision for that post exists in the approved Establishments Register. This restriction does not, however, apply in the case of employees engaged on a casual worker basis not requiring a contract of employment, and who are paid from an appropriate financial provision from the approved Estimates.

25. APPLICATION FOR ADDITIONAL POSTS

Applications for additional posts and any other -variation in the Establishment Register (nominal roll) must be submitted by Principal Secretaries/Heads of Departments to the Principal Secretary (Ministry of Administration and Manpower Development) in accordance with instructions issued by the latter from time to time. The Principal Secretary (Ministry of Administration and Manpower Development) will consult the Principal Secretary (Ministry of Finance) before granting authority for any additional posts, the creation of which would involve additional expenditure from public funds.

26. RECRUITMENT AND SELECTION

- (a) The procedure to be adopted for the recruitment and selection of candidates for posts in the Public Service is set out in the Staff Movement Procedures Manual issued by the Ministry of Administration and Manpower Development. This Manual also includes procedures for promotion, transfer or termination of appointment.
- (b) The qualifications for entry into or promotion within the Police Force and the Prisons Service shall be laid down from time to time by the Commissioner of Police and Superintendent of Prisons, respectively, and shall be communicated to the Principal Secretary (Ministry of Administration and Manpower Development) before promulgation.

27. EXPATRIATE RECRUITMENT

It is recognised that there may not in all cases be Seychellois applicants for posts that are advertised. Recruitment of non-citizens therefore becomes an option. It is

however emphasized that every effort will be made to replace a non-citizen employee by a Seychellois. For each non-citizen employee, a Seychellois counterpart must be identified and a training programme must be prepared and implemented during the contracted period of employment of the expatriate.

- (a) There are three main categories of expatriate personnel:-
 - (i) locally recruited expatriates; on a fixed term contract
 - (ii) expatriates recruited from overseas under special terms and conditions under a fixed term contract of employment;
 - (iii) expatriates recruited under technical cooperation agreements or aid schemes.
- (b) Where expatriates are available locally to fill a post approved for expatriate recruitment by the Ministry of Administration, the employing Ministry/Department may recruit such a person who will be on general terms and conditions of employment under the contract of employment.
- (c) When no expatriate is available locally, recruitment overseas may then be considered in consultation with - the Ministry of Administration and Manpower Development, whose approval is necessary.
- (d) Certain posts in the public service may be funded or supplemented by foreign governments or agencies under technical cooperation agreements or other aid schemes :-
 - (i) Requests for such technical cooperation officers or supplemented posts must be submitted to the Ministry of Administration and Manpower Development.
 - (ii) When the need to fill an approved post arises the Ministry/Department should inform the Ministry of Administration and Manpower Development as early as possible.
 - (iii) Recruitment for these posts is carried out by the Ministry of Administration and Manpower Development in consultation with the Ministry of Foreign Affairs as necessary.
 - (iv) Ministries/Departments are sent either a short list of candidates, with the relevant information, or the sponsoring agent may recommend the choice of a candidate.
 - (v) Approval for an appointment must be obtained from the Ministry of Administration and Manpower Development.
- (e) Other than expatriates recruited under technical cooperation agreements or aid schemes, the employing Ministry/Department must obtain the written

authorization of the Ministry of Social Affairs and Manpower Development/Employment prior to initiating recruitment of an expatriate.

28. RENEWAL OR EXTENSION OF CONTRACT FOR EXPATRIATE EMPLOYEES

In pursuance of the policy of localization, the renewal or extension of contract of an expatriate employee should only be recommended by the Principal Secretary/Head of Department concerned if he/she can satisfy the Principal Secretary (Ministry of Social Affairs and Manpower Development/Employment) that the localization programme is viable and that there is no suitably qualified citizen who could be appointed or promoted to the post. All requests for renewal or extension of contracts of expatriate employees unless specifically delegated shall be forwarded by Principal Secretaries/Heads of Departments to the Principal Secretary (Ministry of Administration and Manpower Development) attaching the written approval for renewal or extension from the Ministry of Social Affairs and Manpower Development/Employment.

29. Unallocated.

30. APPOINTMENTS CONFINED TO HOLDERS OF APPROVED QUALIFICATIONS

Unless there are exceptional circumstances, no person will be appointed, promoted or transferred to a public office unless the person holds such qualifications as have been approved by Government in the relevant scheme of service or elsewhere as qualifications for appointment to that post. If it is considered necessary to employ, promote or transfer a person who does not hold the required qualifications, the case should be fully justified and forwarded to the Principal Secretary (Ministry of Administration and Manpower Development).

31. EMPLOYMENT OF PERSONS CONVICTED OF CRIMINAL OFFENCE OR PREVIOUSLY EMPLOYED IN THE PUBLIC SERVICE WHOSE APPOINTMENT HAS BEEN TERMINATED.

- (a) No person who has been convicted of a serious criminal offence or who had previously been employed within the Public Service and had either been dismissed or had his/her appointment terminated or had prematurely retired from the Public Service may be engaged for employment in the Public Service without the prior sanction of the Minister of Administration and Manpower Development. If it is desired to engage such a person, the circumstances justifying the proposal should be fully reported to the Principal Secretary (Ministry of Administration and Manpower Development) to enable him/her to present the case to the Minister. If any employee is found to have concealed his/her past record in respect of the above, the employee shall be liable to summary dismissal as soon as the facts are known.
- (b) The re-appointment of a person, who had previously been employed in the Public Service and had his/her appointment terminated as a result of failing his/her probationary period, need not be referred to

the Principal Secretary (Ministry of Administration and Manpower Development) in respect of appointments to posts allocated to the Senior Officer Salary Grade and below.

32. EMPLOYMENT OF WOMEN

All avenues of employment in the Public Service will be open to women who are suitably qualified and there will be no difference between the salary or other terms and conditions of service for men and women employees of equivalent qualifications and experience, except that maternity protection shall be granted as provided in these Orders, in addition to:-

- (a) consideration being given to the special needs of a parent with children below crèche going age;
- (b) flexible working hours and home based work if requested by a parent covered by (a) may be considered unless the job demands specific working hours or physical presence at the workplace;
- (c) wherever possible and upon request, a parent falling in category (a) should be transferred to a post which lends itself more easily to (b) above.

33. TERMS OF APPOINTMENT - DETERMINATION OF

The authority for determining the terms to be offered to any person, other than a serving officer, on his/her appointment to a post in the Public Service is, subject to the provisions of these Orders and to the direction of the President, vested in the Principal Secretary (Ministry of Administration and Manpower Development). In approving the appointment of a person to an office in the Public Service, the appropriate appointing authority will specify the commencing salary and other terms of service in accordance with the provisions of these Orders.

34. MEDICAL EXAMINATION BEFORE APPOINTMENT

All candidates for appointment/re-engagement may be required to undergo a medical examination by a registered medical practitioner or a medical practitioner approved by Government. Appointments of drivers, expatriate employees and food handlers will be subject to a certificate of medical fitness being obtained.

35. CONTRACTS OF EMPLOYMENT/APPOINTMENT ON CONTRACT

All persons appointed to the Public Service must have a contract of employment and must be given the appropriate form of contract for acceptance and signature. This form of contract may be varied in any individual case at the discretion of the Principal Secretary (Ministry of Administration and Manpower Development) to meet the requirements of any technical cooperation agreement under which the person is recruited.

36. ISSUE OF LETTERS OF APPOINTMENT AND CONTRACTS OF EMPLOYMENT

All letters of appointment and contracts of employment will be issued by the appropriate appointing authority.

37. DATE OF APPOINTMENT

An appointment shall be effective from the date on which a person assumes duty.

38. CITIZENS NOT NORMALLY TO BE APPOINTED ON EXPATRIATE TYPE OF CONTRACT

Citizens or resident expatriates may normally not be appointed to the Public Service on special contract terms and conditions of employment which are normally applicable to expatriate employees.

39. EMPLOYMENT OF EXPATRIATES

- (a) Where it proves necessary to recruit an expatriate candidate from abroad to fill a vacancy (unless recruited under a technical cooperation agreement which states otherwise), such candidate will normally:-
- (i) be appointed on a two-year contract at the appropriate Salary Point within the Salary Grade for the post;
 - (ii) be entitled to the most direct and cheapest air passages for the expatriate, the spouse and up to four children, from his/her place of recruitment (or domicile as appropriate) to and from Seychelles;
 - (iii) be provided with accommodation and basic furniture and facilities for which rent will be payable at one of the rates specified in Order 236, according to the type of accommodation provided;
 - (iv) pay social security contributions on his/her local earnings;
 - (v) be required to undergo a medical examination and produce a medical certificate attesting to his/her good health, as prescribed by Government and at his/her own cost.
- (b) An expatriate employee's 'Terms of Reference' or 'Job Description' shall include training of and passing on skills to a Seychellois understudy with a view to localising the post on completion of contract as required under Order 27.

40. OFFICIAL SECRETS DECLARATION

Every person appointed to the Public Service is required to sign the Official Declaration as set out in Appendix "E", in triplicate, as an acknowledgment of his/her obligation under the State Security Act (Cap 229).

A copy of the Declaration shall be filed in the employee's personal file with the employing Ministry/Department, one copy shall be forwarded to the Principal Secretary (Ministry of Administration and Manpower Development) and the remaining copy shall be handed to the employee for his/her retention.

41. NEXT-OF-KIN RECORDS

Details of next-of-kin must be completed by every newly appointed person and submitted to the Principal Secretary/Head of Department concerned. It is essential, and in the interests of employees, that these records should be kept up-to-date and when they are outdated, employees are personally responsible for submission of revised particulars. This information must be recorded on the Personal Record Card (see Order 42).

42. MONITORING OF DELEGATED DECISION MAKING

(a) In order to enable the Principal Secretary (Ministry of Administration and Manpower Development) to monitor the manner in which the delegated powers in cases of appointments, acting appointments, postings, transfers and promotion, are being exercised, it is essential that each case approved by Principal Secretaries/Heads of Departments under their delegated authority:

(i) are reported immediately in writing to the Principal Secretary (Ministry of Administration and Manpower Development) on the prescribed forms and including all relevant supporting documentation;

(ii) copies of all relevant documentation in respect of newly appointed employees are obtained and supplied to the Principal Secretary (Ministry of Administration and Manpower Development).

If the Principal Secretary (Ministry of Administration and Manpower Development) observes any irregularity, he/she will communicate the same to the Principal Secretary/Head of Department concerned with a view to its rectification.

(b) Ministries/Departments will maintain full records of the particulars of service of all members of their staff. These details will be recorded on Personal Record Cards in the form specified by the Ministry of Administration and Manpower Development.

43. APPOINTMENT OF LOCUM TENENS.

The Principal Secretary (Ministry of Health) shall be empowered to appoint a locum tenens Medical Officer against a vacant post on terms and conditions agreed with the Principal Secretary (Ministry of Administration and Manpower Development).

44. ACTING APPOINTMENTS

- (a) Acting appointments will be confined to employees required to undertake the full duties and responsibilities of a higher level post on a temporary basis. Thus an employee who is selected to act in a higher post, should already have reached a level very close to the requirements of post in which the employee will act.
- (b) Acting appointments shall not be for longer than twelve consecutive months, and they shall be considered only if there is no substantive post-holder, or if the substantive post-holder would be absent from duty for such length of time as would justify an acting appointment to be made. An acting appointment must be seen not only as a temporary staffing measure in organisational terms, but as an important opportunity to extend the performance capabilities of the acting employee.
- (c) Acting appointments are a major component in the career development of every employee.

It is for this reason that wherever possible a citizen employee should be recommended for the acting appointment.

- (d) Where it is necessary for statutory reasons for an employee to be required to assume duties of a post for a short period for which normally acting appointments are made, the approval of the appropriate authority will be obtained before the date on which the employee is called upon to perform the statutory functions. No acting allowance will be payable in such cases.
- (e) Provided the authority of the Principal Secretary (Ministry of Administration and Manpower Development) has first been obtained an employee who is appointed to act in an office for a period of six consecutive months or more may draw an acting allowance with effect from the date following the completion of the period of six months. This shall be at the rate of the difference between the employee's current basic salary and the minimum Salary Point within the Salary Grade for the post in which the employee is required to act, or two Salary Points over and above the salary currently earned by the employee, whichever is the greater.

45. RESPONSIBILITY FOR MAKING ACTING APPOINTMENTS

For making acting appointments to public offices allocated to the Senior Officer Salary Grade and below, Principal Secretaries should proceed in accordance with the powers delegated to them under Order 23 and notify the Principal Secretary (Ministry of Administration and Manpower Development) of the acting appointment. Recommendations for acting appointments to public offices allocated to the Senior Executive Grade and above shall be forwarded to the Principal Secretary (Ministry of Administration and Manpower Development) sufficiently in advance of the effective date.

46. SELECTION FOR ACTING APPOINTMENTS

- (a) In selecting employees for acting appointments, the efficiency of the Service is of prime importance. An employee may not be selected for an acting appointment unless it is intended that he/she should perform the full duties and assume all the additional responsibilities of the office in question and unless the employee is properly qualified to do so.
- (b) No employee can claim as a right the privilege to act in a senior appointment on any ground whatsoever. Preference will normally be given to the person next in seniority to the post to which the acting appointment is required. Where, however, a candidate other than the one next in seniority is recommended for an acting appointment, it will be necessary to furnish to the Principal Secretary (Ministry of Administration and Manpower Development) full and adequate explanation in support of such a recommendation. Furthermore, the fact that a junior employee is selected for an acting appointment does not, in itself, prejudice in any way the chances of future advancement of employees who are senior to the selected junior employee.

47. DATE OF PROMOTION

The effective date of promotion of an employee to fill a vacancy shall be the date from which the promotion is approved or another approved effective date, provided the employee is qualified for the post. No backdating of promotions shall be authorised.

48. REFUSAL OF OFFER OF PROMOTION, EFFECT OF

Only for the most exceptional reasons would the simple refusal of a promotion prejudice an employee's prospects of further offers. An employee who receives an offer of promotion is at liberty to accept or refuse entirely in the light of the employee's own interest, though it is desirable that the employee should follow up a refusal with an explanation, confidential or otherwise, of his/her reasons. This should afford the employing organisation some guidance in determining whether any, or what kind of, further offer might be acceptable to the employee at a later date.

49. SENIORITY ON PROMOTION

Seniority as between employees promoted to posts having a common Salary Grade shall be determined by the date of their promotion. Where two or more employees are promoted on the same date, their relative seniority shall be determined by their respective ages.

POSTINGS AND TRANSFERS

50. POSTINGS AND TRANSFERS - GENERAL

1. (a) Any employee may be posted or transferred to other duties within his/her employing Ministry/Department in Seychelles or to another Government Ministry or Department or to any other Public Service organisation. All postings and transfers between Ministries/Department will be authorised by the Principal Secretary (Ministry of Administration and Manpower Development).
- (b) Postings and transfers may generally be made in any of the following circumstances:-
 - (i) as part of planned job rotation designed to broaden the employee's experience, enhance his/her promotion prospects and provide a degree of staffing flexibility. This would not normally be invoked unless the employee had been in the post for two or three years;
 - (ii) pending the recruitment of a permanent post-holder, or the return to office of a post-holder from leave, sickness or other absences;
 - (iii) the abolition of the post which the employee held;
 - (iv) where it is in the interest of the Ministry/Department for the transfer to be made:
 - (v) the employee has become generally unsuitable for retention in the present post as a result of his/her incompatibility with the requirements of his/her office.
 - (vi) the employee has been successful in his/her application for the post as a result of a properly published advertised vacancy;
 - (vii) as a result of training or re-training;
 - (viii) exceptionally, and for very good reasons, as a result of the employee's own wish.
- (c) Where an employee has expressed a desire to be transferred, he/she and the employing Ministry/Department will be required to furnish details of reasons to the Principal Secretary (Ministry of Administration and Manpower Development). All requests for transfer must be channelled through the Head of the employing Ministry/Department.

- (d) The employee transferred in the circumstances of (c) will, as applicable, revert to a Salary Point allocated to the post to which he/she transfers.
- (e) In the case of a transfer to a post allocated to a lower Salary Grade in the circumstances of b (iii), (iv) and (v), the employee shall be paid the post salary but may retain salary progression awards made under Order 68 at the discretion of the Principal Secretary (Ministry of Administration and Manpower Development).
- (f) In the case of proposed transfers between Ministries/Departments or Ministries/Departments and parastatal organisations, the recruiting organisation must inform the employing organisation and the Principal Secretary (Ministry of Administration and Manpower Development) at least six weeks in advance, of the intended request of transfer of an employee. However, in the case of personnel occupying posts at the Senior Executive Salary Grade and above, the employing organisation must be notified at least nine weeks in advance.
- (g) The procedure for effecting postings and transfers is set out in the Staff Movement Procedures Manual issued by the Ministry of Administration and Manpower Development.

2. Inter-Ministerial or Inter-Departmental postings and transfers.

Where it is desired to make Inter-Ministerial or Inter-Departmental postings or transfers, there is no objection to preliminary discussions being held between the Ministries/Departments concerned and provisional agreement reached, before the Principal Secretary (Ministry of Administration and Manpower Development) is approached.

51. SECONDMENT TO APPROVED INSTITUTIONS.

An employee may be seconded to any approved institution with the approval of the Minister for Administration. Subject to the Minister's directions, secondment will be on such terms and conditions as will be determined in each individual case by the Principal Secretary (Ministry of Administration and Manpower Development). During the period of secondment, the employee concerned shall be subject to the functional control of the institution, to which he/she has been seconded, in carrying out his/her duties and responsibilities. The deployment within that institution shall be at the institution's discretion.

For the purposes of this Order, an approved institution shall mean a Board, a Council, a Parastatal organisation, a Government undertaking, the Seychelles People's Defence Forces, a training institution, a regional or international body or any other institution declared as such by the Minister.

52. PERSONAL FILE

- (a) On first appointment of an employee, the Head of the employing Ministry or Department as well as the Principal Secretary (Ministry of Administration and Manpower Development) will cause a personal file for the employee to be opened which will contain, among other documents, a copy of the employee's application for employment, a copy of his/her letter of appointment, a copy of the contract of employment and a signed copy of a Declaration under the State Security Act. Copies of all other correspondence of a personal nature concerning the employee during his/her period of service will also be placed on this file.
- (b) An employee will be permitted to have access or seek any rectification to his/her personal file in the presence of an official designated by his/her Principal Secretary or Head of Department. This is in accordance with Article 28 (4) of the Constitution.

53. JOB DESCRIPTION TO BE ISSUED

It is the responsibility of the Principal Secretary or Head of Department to draw up and issue to each employee on his/her appointment, promotion or transfer to a post, a job description including a schedule of duties, the officer to whom the employee is responsible and the officers for whom the employee is responsible.

54. VARIATION OF TERMS AND CONDITIONS OF EMPLOYMENT.

- (a) Where it is necessary to vary the terms and conditions of any employee for reasons other than discipline and the varied terms and conditions are going to be less favourable to the employee, the matter shall be discussed and the employee's written agreement accepting the new terms and conditions shall be necessary. If the employee does not accept the new terms and conditions, the matter shall be subject to negotiation.
- (b) The procedure for negotiation shall be the same as that for any proposed termination of employment (see Appendix "C").
- (c) All variations in the terms and conditions of employment, whether or not these variations are less favourable to the employee, shall be in writing.

55-60 Unallocated.

CHAPTER IV

SALARIES, ENHANCEMENT OF SALARIES, WAGES, INCREMENTS AND ADVANCES OF SALARY

SALARIES

61. SALARY STRUCTURE

The salary structure applicable to the Public Service comprises nine horizontal Salary Grades each covering a range of Salary Points (SP's) which represent the basic monthly salary payable in Rupees. The structure has been designed to afford an opportunity for all employees to advance to the highest basic pay level in relation to the post they occupy provided their work in quality and quantity merits such advancement. The salary grades are:-

Grade	Salary	Points				
Chief Executive Grade	5925	6025	6125	6225	6325	6425
Senior Executive Grade I	5425	5525	5625	5725	5825	5925
Senior Executive Grade II	4925	5025	5125	5225	5325	5425
Senior Officer Grade	4425	4525	4625	4725	4825	4925
Grade 1	3925	4025	4125	4225	4325	4425
Grade 2	3425	3525	3625	3725	3825	3925
Grade 3	2925	3025	3125	3225	3325	3425
Grade 4	2525	2625	2725	2825	2925	3025
Grade 5	2025	2125	2225	2325	2425	2525

The appropriate Salary Grade for each post will be determined either by the job evaluation scheme operated by the Ministry of Administration and Manpower Development or in accordance with an approved scheme of service.

For posts allocated to the Senior Officer Salary Grade and below, the Salary Point for the individual employee within the Salary Grade allocated to the post they occupy on first appointment or promotion will be determined by their Principal Secretary or Head of Department.

For posts allocated to the Senior Executive Grade II and above, the Salary Point for the individual employee within the Salary Grade allocated to the post they occupy on first appointment or promotion will be determined by their Principal Secretary (Administration and Manpower Development).

62. PAYMENT OF SALARIES

- (a) Salaries of all employees are paid by bank transfer before the end of each calendar month.
- (b) Salaries paid from public funds shall be paid to employees in rupees except for those employees whose duty station is abroad, who may be paid in the currency of the country in which they are residing at the exchange rate published by the Central Bank of Seychelles on the date of payment in Seychelles.
- (c) Requests for payments of salary in advance will normally be entertained only where an employee is required to go overseas for TRAINING or OFFICIAL DUTY. Salary in advance will NOT be granted in the case of employees proceeding on leave whether locally or overseas.
- (d) Where payment for a period of less than one month is to be made, it shall be calculated according to the number of days worked in proportion to the calendar days of that month.
- (e) Detailed instructions about payment of salaries are contained in Financial Instructions issued from time to time by the Ministry of Finance.

63. SALARY ON PROMOTION.

Where an employee is promoted to a vacant post allocated to a higher Salary Grade, their personal salary will be at least one Salary Point higher than their existing Salary Point. Where an employee's post is reclassified to a higher Salary Grade through the job evaluation procedures, this will be treated as a promotion for the employee.

64. SALARY SUPPLEMENTATION

- (a) The salary of an employee may be supplemented in accordance with provisions of an approved Scheme of Service.
- (b) Returning graduates who had to undertake a language course prior to the normal period of study for the degree level course shall benefit from a salary supplement, where the period of study exceeds:-
 - (i) four years for a first degree in one of the following disciplines:-
 - Education
 - Arts;
 - Fine Arts, Music;
 - Law;
 - Social Sciences, Economics;
 - Administration;
 - Business, commerce;
 - Exact and natural sciences;
 - Agriculture; and
 - Pharmacy
 - (ii) Five years in the case of engineering and technological degrees;
 - (iii) six years for medical science i.e.
 - Medicine;
 - Dentistry, and
 - Veterinary medicine
 - (iv) two years for a post-graduate degree
- (c) Salary supplementation at the rate of R600 per annum will be granted for each additional year of training completed with effect from the date the employee commenced employment.

65. EFFECT OF SUSPENSION ON SALARY

An employee who is suspended from the Service shall, with effect from the date of suspension, cease to be entitled to receive any salary or other allowance.

66. PAYMENT OF SALARY WHILST ON TRAINING ABROAD

- (a) An employee who is sent on approved training overseas, the duration of which is not more than two months, shall receive his/her salary in full.
- (b) If the training course is for more than two months the employee shall receive:-
 - (i) in the case of a married employee, or those living in a proven defacto relationship whose spouse/partner is employed, one third salary;
 - (ii) in the case of married employee or those living in proven defacto relationship whose spouse/partner is unemployed, two thirds salary;
 - (iii) in the case of a single employee, one third of the employee's salary;
 - (iv) in the case of a single parent with two or more children and subject to proof that only one party is maintaining the children, two thirds salary.
- (c) Payment of salaries (or portion of salaries) for in-service employees during training of any duration is the entire responsibility of the respective employing organisation, except where otherwise specified by the Government.

67. WAGES OR ALLOWANCES FOR STUDENTS ON TEMPORARY ATTACHMENT / EMPLOYMENT

- (a) In the context of this Order, students are categorised in the following circumstances:-
 - (i) those whose overseas studies are interrupted and are employed whilst waiting for another scholarship;
 - (ii) those who are on overseas training and take up a job whilst on holiday at home;
 - (iii) those undergoing practical training/attachment locally and this being a requirement of their course/syllabus.
- (b) Categories (i) and (ii) shall be compensated as follows, since they are considered as being in employment:-
 - (i) they should draw the salary of the post if they meet the requirements of the post;

- (ii) if they do not meet the requirements of the post, they should be held against the post and be paid a lower salary as laid down in the relevant Scheme of Service commensurate with the qualifications already obtained;

if they do not meet the requirements of the post and there is no relevant Scheme of Service a percentage of the salary of the post should be paid:-

Year 1 - 70% of salary

Year 2 - 80% of salary

- (c) All categories of students at a) (i) (ii) and (iii) shall be paid their salary by organisations employing them but their stipend should cease during this period. If the stipend continues during the period of practical attachment this allowance may be adjusted depending on the amount of stipend received from the host country/organisation.

68. DEDUCTIONS FROM SALARY.

Only social security contributions, overpayments of any kind, debt due to Government e.g. as a result of damage caused to government property and any deduction prescribed by law shall be deducted at source from the salary of an employee, unless he/she gives written authority to his/her Head of Department/Ministry for other deductions to be made.

SALARY PROGRESSION

69. SALARY PROGRESSION

Employees occupying posts allocated to the Senior Officer Grade and below may progress from their existing Salary Point to the next higher Salary Point in the salary structure by the award of salary progression based on annual performance appraisal reports and subject to funds being available. Salary progression is at the rate of SR 1200 per annum, i.e. an additional SR 100 per month. The award of salary progression is at the discretion of the employee's Principal Secretary or Head of Department. Salary progression is not automatic, with both appraisal results and the availability of funds needing to be considered.

Salary progression may not be awarded more frequently than once in any calendar year. Employees reaching the maximum Salary Point shown in the salary structure for the Salary Grade are still eligible for salary progression each year.

Employees on fixed term contracts, i.e. expatriate employees recruited from overseas and those on Public Sector Commission contracts are not eligible for salary progression.

ADVANCES OF SALARY

70. ADVANCES OF SALARY - GENERAL CONDITIONS

An advance of salary may be made to an employee subject to the following conditions and at the discretion of the Principal Secretary (Ministry of Finance):-

- (i) the total amount of advance to an employee shall not exceed three quarters of his/her annual salary;
- (ii) the advance must be repaid in equal monthly installments within a maximum period of 48 months or, in the case of an employee on a fixed term contract, within the period of his/her contract;
- (iii) where interest is payable on an advance, repayment will be made in equal monthly installments of principal and interest calculated on a monthly basis;
- (iv) where an advance is granted for the purchase of any article, it will be paid direct to the vendor and not to the employee concerned;
- (v) no article for the purchase of which an advance has been granted may be sold or otherwise disposed of until the advance has been repaid in full, except with the specific authority of the Principal Secretary (Finance);
- (vi) advances to purchase articles will be subject to the limits prescribed from time to time;
- (vii) the employee has not already been selected for a training course overseas - in that case any advance would be restricted to the purchase set out in Order 219.

71. ADVANCES NOT A RIGHT

Advances of salary are granted at the discretion of the Principal Secretary (Ministry of Finance) and no employee can, as of right, claim to receive an advance. In all cases, it will be carefully considered whether the employee can afford to meet the deductions without hardship and, where he/she asks for an advance to buy a motor vehicle, whether the employee needs one for the efficient performance of his/her duties. All applications for advances will be forwarded, through the Principal Secretary/Head of Department concerned, to the Principal Secretary (Finance) giving particulars of the post occupied by the applicant and the employee's gross salary.

72-80 Unallocated.

CHAPTER V

CODE OF CONDUCT AND DISCIPLINE RULES OF CONDUCT

81. RESTRICTION ON EXTERNAL INTERESTS.

- (a) No employee may at any time engage in any activity that would in any way impair his/her usefulness as an employee.
- (b) No employee may engage in any occupation or undertaking that might in any way conflict with the interest of the Government or be inconsistent with his/her position as an employee.
- (c) No employee or his/her spouse may hold any investments or shares or be a director, partner, board member or proprietor of any business or co-operative in, or with interest in, the Republic or elsewhere except with the express permission of the Principal Secretary (Ministry of Administration and Manpower Development). This permission must be sought in writing through the employee's Principal Secretary/Head of Department whose views must also be forwarded to the Principal Secretary (Ministry of Administration and Manpower Development). The employee will be required to forward the following information together with his/her application:
 - (i) Memorandum of Association;
 - (ii) Article of Association;
 - (iii) The number of Shares held;
- (d) Every employee shall, on first appointment to the Public Service, disclose to the Principal Secretary (Ministry of Administration and Manpower Development) particulars of any investment or shareholding which he/she or his/her spouse or minor children may possess in any undertaking carrying on business in the Republic. If the Principal Secretary (Ministry of Administration and Manpower Development) decides that by reason of the facts disclosed, the employee's private affairs might be brought into real or apparent conflict with public duties or in any way influence him/her in the discharge of duties, the employee shall, to such extent as the Principal Secretary (Ministry of Administration and Manpower Development) may direct, divest himself/herself or cause his/her spouse or minor children to divest themselves of such interest.

82. COMPLIANCE WITH PUBLIC SERVICE ORDERS, INSTRUCTIONS, REGULATIONS AND DIRECTIVES.

An employee shall comply with Public Service Orders, instructions and such other laws, regulations and directives as may be issued from time to time. Such compliance shall be regarded as an essential part of the terms and conditions of service of the employee and shall be deemed to have been incorporated into his/her conditions of employment.

83. EMPLOYEES MAY BE REQUIRED TO UNDERTAKE ANY DUTIES

Employees are required to discharge the usual duties of the office to which they are appointed and any other reasonable duties that they may be called upon to perform. It is an essential part of the duties of an employee to assist and train the staff working under him/her, and a positive approach should be developed towards this responsibility.

84. DISCREDITING THE PUBLIC SERVICE

An employee shall avoid reckless or indulgent action, for example, heavy gambling, excessive drinking, speculation or rash borrowing likely to discredit him/her or the image of the Public Service.

85. OTHER REMUNERATIVE EMPLOYMENT

- (a) No employee may engage in any activity for reward even if only part-time without the written permission of the Principal Secretary (Ministry of Administration and Manpower Development). Such permission will not usually be given unless it is to the public advantage that it should be granted. The amount of the remuneration must be approved by the Principal Secretary (Ministry of Administration and Manpower Development).
- (b) Notwithstanding the provisions of paragraph (a) any employee may be employed on a remunerative basis in giving part-time instruction outside normal working hours, at any Government education or training institution provided that:
 - (i) an employee desiring an appointment as a part-time instructor/teacher must apply to the head of the institution concerned through proper channels;
 - (ii) the employee may only be appointed if his/her application has the support of his/her own Ministry/Department;
 - (iii) the rate of payment to be made for such part-time work shall be subject to the approval of the Principal Secretary (Ministry of Administration and Manpower Development).

86. PAID EMPLOYMENT DURING LEAVE OF ABSENCE.

No employee on leave of absence is permitted to accept any paid employment without previously obtaining express sanction of the Principal Secretary (Ministry of Administration and Manpower Development).

87. FEES AND/OR ALLOWANCES PAID TO PUBLIC SERVANTS BY QUASI - PUBLIC BODIES .

- (a) An employee who, by virtue of his/her appointment in the Public Service, is nominated as an ex-officio member or director of a quasi - public body (e.g. Board, Commission, Corporation or Company) will not be entitled to retain any fees and/or allowances payable by such body, but will be required to credit the monies so received to general revenue, except where the Principal Secretary (Ministry of Administration and Manpower Development) otherwise directs in any particular case. Notwithstanding this provision an employee who is nominated to serve as an ex-officio:
- (i) A Chairman of the Board of Directors of a parastatal organisation may retain the honorarium paid by the Board, subject to the honorarium not exceeding the rates as prescribed by the Ministry of Administration and Manpower Development .
 - (ii) An Executive Chairman on the Board of Directors of a parastatal organisation (other than the parastatal where the employee is a full time employee as Executive Chairman) may retain the honorarium paid by the Board, subject to the honorarium not exceeding the rates as prescribed by the Ministry of Administration and Manpower Development .
 - (iii) A Director on the Board of Directors of a parastatal organisation or any other organisation approved by the Principal Secretary (Ministry of Administration and Manpower Development) may retain the honorarium paid by the Board, subject to the honorarium not exceeding the rates as prescribed by the Ministry of Administration and Manpower Development.
- (b) If an employee of Government is required to be away from Seychelles in connection with the business of such an organisation, he/she will be regarded as travelling on official duty and will be granted travelling privileges and allowances by that organisation.

88. CONTRIBUTIONS TO THE MEDIA

No employee can be permitted to be editor of a newspaper or directly or indirectly take part in its management, with the exception of a Government owned newspaper or other official Government publication. An employee is forbidden, except in the proper course of his/her duties, to make communications to the media or to give talks on questions of Government policy or business. No such communication may be made or such talk given without the specific authority of

the employee's Principal Secretary/Head of Department. The term "communications to the media" refers not only to formal written communications or interviews, but also includes casual or indiscreet conversations with representatives of the media. Whilst there is no intention to interfere with an employee's right to free speech, any acts of indiscretion likely to embarrass Government may result in disciplinary action being taken against the individual concerned.

89. PUBLICATION OF BOOKS OR OTHER WORKS BY EMPLOYEES

- (a) An employee may not, without the permission of the Principal Secretary (Ministry of Administration and Manpower Development), publish a book or other work, the subject matter of which is connected with his/her official duties or those of other employees.
- (b) An employee may, with the prior approval of the Principal Secretary (Ministry of Administration and Manpower Development), publish papers on scientific, technical or general subjects. The term "General Subject" includes, for example, ordinary travel or descriptive articles that may have some bearing on the Public Service. It will be the responsibility of the Principal Secretary (Ministry of Administration and Manpower Development) to satisfy himself/herself that such articles are acceptable from the point of view of public interest.
- (c) An employee receiving a fee for the publication of such papers will be allowed to retain such a fee subject to prior approval being granted for the publication.

90. USE OF GOVERNMENT PROPERTY OR STAFF RESOURCES FOR PRIVATE WORK

No Public Service staff resource or property whatsoever may be used for private tasks except where they have been hired out under an approved agreement.

91. STATE SECURITY AND UNAUTHORISED DISCLOSURE OF INFORMATION

No employee may disclose to unauthorised persons anything affecting the internal security, defence or military resources of the Republic or contravening the provisions of the State of Security Act, in any other way. It is emphasised that this restriction applies not only during the tenure of office of the employee but also after he/she has ceased to be in the Public Service.

92. RESTRICTION OF TAKING COPIES AND REMOVAL OF OFFICIAL DOCUMENTS

- (a) No employee is allowed to take copies of minutes or correspondence for his/her own purposes even though such papers may pass through the employee's hands in the course of official duties. This order does not apply to a case in which a particular document relating to an officer is sent to him/her expressly for noting.
- (b) Where an employee takes copies of official documents for his/her own purposes or removes any document without permission, the employee will be regarded as guilty of a serious disciplinary offence and will be subject to the appropriate disciplinary action..

93. DEALINGS WITH THE PUBLIC

An employee shall serve the public courteously and equitably and be manifestly beyond corruption in all his/her dealings. Any attempt to bribe, corrupt or threaten an employee shall immediately be reported by the employee to his/her Principal Secretary/Head of Department who shall forthwith inform the Commissioner of Police.

94. PRESENTS AND GIFTS

- (a) Employees are prohibited from giving or receiving valuable presents whether in the shape of money, goods, free passage (except where the free passage is given through Government or by virtue of the position held by the employee ex-officio within a parastatal organisation) or other personal benefits. This Order applies not only to employees themselves but also to their families and employees will be held responsible for its observance by their families.
- (b) This is particularly important in relation to those individuals and commercial firms who take Christmas as an occasion on which to offer gifts often of considerable value to their clients or associates. The acceptance of such gifts by an employee, or his/her family, is bound to affect his/her reputation for impartiality in the community in which he/she lives, and is likely to affect the public confidence in the complete integrity of the Service.
- (c) The restriction on the acceptance of a gift or advantage does not apply in the following circumstances:-
 - (i) where it is of insignificant value;
 - (ii) where it has been made collectively by a number of colleagues to mark an appropriate occasion such as marriage, departure from a post or retirement;

- (iii) where it is in the form of private or official hospitality or entertainment given on an appropriate occasion in appropriate surroundings;
- (iv) where it is received in circumstances in which it cannot be refused without detriment to the public interest and receipt of the gift is reported to the employee's Principal Secretary/ Head of Department concerned who will give instructions for its disposal.

Provided that if an employee feels any doubt about the propriety of accepting the gift or advantage in any of these circumstances, he/she should, in his/her own interests, report the matter without delay to his/her immediate superior.

95. PECUNIARY EMBARRASSMENT

Serious pecuniary embarrassment, from whatever cause, will be regarded as necessarily impairing the efficiency of an employee and will render him/her liable to disciplinary proceedings. An employee who is insolvent or gets into heavy debt must at once report the fact to his/her Principal Secretary/ Head of Department. Having reported his/her insolvency or indebtedness, the employee must then at the earliest possible time, submit a complete statement of the facts of his/her case to his/her Principal Secretary/Head of Department who will decide, in consultation with the Principal Secretary (Ministry of Administration and Manpower Development), where appropriate, whether the circumstances are such as to call for disciplinary action. In no circumstances, may an employee who is insolvent or seriously in debt continue to be employed on duties involving the handling of public funds.

96. ABSENCE FROM DUTY WITHOUT PERMISSION

Without prejudice to the taking of disciplinary proceedings, including dismissal, in respect of any absence from duty without leave or reasonable cause, where an employee is absent from duty without leave or reasonable cause for a period exceeding three days, he/she shall be liable to summary dismissal with the consequent loss of all privileges. If the employee returns to duty before the decision to dismiss him/her is taken, disciplinary proceedings may be instituted against him/her.

97. RESTRICTION ON SEEKING POLITICAL INFLUENCE

An employee is not permitted to seek political influence with a view to obtaining advancement in the Public Service or intervention on his/her behalf if any matter affecting him/her personally which is in dispute between him/her and Government, or with a view to furthering any ends which do not form part of Government's accepted policy. Any such approach will be regarded as misconduct and render the employee liable to disciplinary action.

98. DISPOSAL OF PERSONAL PROPERTY

In cases where an employee wishes to dispose of any of his/her personal property or effects by sale to Government, the sanction of the Principal Secretary (Ministry of Finance) must first be obtained for the transaction. Such sanction will be given only if it is in the public interest for Government to make such a purchase.

99. EMPLOYEE'S PARTICIPATION IN POLITICAL ACTIVITIES

- (a) Employees, as citizens of Seychelles, are free to participate in political activities and may become office bearers of a political party.
- (b) It is however essential that the Government and the public should have confidence that the political views of the employees do not influence the performance of their duties. Therefore the public interest demands the maintenance of political impartiality by employees in the discharge of their duties.
- (c) Participation in political activities must be done outside official working hours.
- (d) An employee should not use his/her office for the advancement of his/her political views or that of a political party or on behalf of others. The employee should also not use his/her office for political propaganda.
- (e) Employees are expected to serve all members of the public with dignity and respect regardless of their own political affiliation or that of the members of the public.
- (f) Disciplinary action will be taken against those employees who use their office for political activities.

100. PARTICIPATION IN TRADE UNIONS

It is the policy of Government to encourage active participation by employees in the affairs of trade unions. Such active participation shall not prejudice an employee's public service career.

101. LEGAL PROCEEDINGS AGAINST EMPLOYEES

- (a) When a criminal prosecution or civil action is instituted against any employee acting in his/her official position for an act committed or omitted in the course of his/her official duties, the employee will be at liberty to apply to his/her Principal Secretary/Head of Department for assistance in his/her defence.
- (b) If the Principal Secretary/Head of Department is satisfied that:

- (i) the act was committed or omitted in good faith in the execution of official duties of the employee concerned and was not in contravention of any Ministries/Departmental regulations or instructions; or
- (ii) that the charge is malicious and is brought solely on account of the official position which the employee holds; and
- (iii) that it is the public interest that the employee should be defended at Government expense,

he/she will immediately report the matter to the Attorney General and ask for arrangements to be made for the employee's defence.

- (c) In making reports to the Attorney-General under paragraph (b), Principal Secretaries/Heads of Departments will include a written statement as to the interpretation of guidelines contained in that paragraph.
- (d) If the Attorney General is satisfied that it is proper and just to do so, he/she will, with the consent of the employee concerned, arrange for the employee's defence. The cost of the employee's defence will then be met by Government.
- (e) If, in a case in which his/her defence has been arranged under paragraph (d), the employee loses the case and is required to pay any sum by way of damage, costs, fine or compensation, such payment may be met from public funds. Government, however, has the right to obtain a contribution from the employee in the event of judgement being entered against him/her. If the employee is successful in his/her case, and is awarded costs and/or damages, he/she will be required to refund to Government the amount of the financial help he/she received, or the amount of damages or costs recovered, whichever is the lesser amount.

102. PROCEEDINGS FOR DEFAMATION

Employees are permitted to institute proceedings against any person or persons for defamation of character or other similar offence arising out of their official position but should inform the Principal Secretary (Ministry of Administration and Manpower Development) of the action they intend to take.

103. OFFICE HOURS AND ATTENDANCE ON DUTY

- (a) Government offices shall normally be open during the following hours:-

Monday to Friday
 8.00 or 8.30 a.m. to 12.00 noon
 1.00 p.m. to 4.00 or 4.30 p.m.

Certain Government offices, for example the Post Office, may arrange their official hours of opening and closing to suit their particular needs, bearing in mind the requirements of the public, but in the aggregate the number of official hours of duty shall not be less than those normally applicable to the other branches of the Service. All alternative arrangements shall be subject to the prior approval of the Principal Secretary (Ministry of Administration and Manpower Development).

- (b) All offices shall be open at the official times, both in the morning and the afternoon, and an employee shall attend punctually at these times, or earlier where required, and shall not absent himself/herself during official duty hours without the approval of his/her supervisor. Lateness in attending for duty shall be considered to be a reflection on the efficiency and conduct of an employee and prompt disciplinary proceedings should be taken in cases where an employee is frequently late for work or who has a poor attendance record.
- (c) Any employee may, if the exigencies of the service so demand, be required by his/her Principal Secretary/Head of Department to work, within reason, outside or beyond the prescribed hours.
- (d) A high standard of discipline, efficiency and output is necessary for a developing country. Employees must appreciate that they are paid for the quality and quantity of the work they do and not merely for the time they are present.

104. UNIFORMS, PROTECTIVE CLOTHING AND CODE OF DRESS IN THE PUBLIC SERVICE

In the context of this order, uniforms and protective clothing may be issued at Government's expense, to certain categories of public service employees. Uniforms shall include such items of clothing necessary to:

- (i) distinguish employees from the general public; and
- (ii) protect employees

The following categories of employees shall be eligible to receive uniforms/protective clothing as may be reasonably necessary at Government's expense:

- (i) officers who need to exercise authority in dealing with the public e.g. Security Guards, Customs and Immigration Officers (at Entry/Departure points only);
- (ii) all employees who need to wear protective clothing in order to safely carry out their duties, e.g. Nurses, Laboratory workers and Fire Officers.

For those officers who may require identification to be produced in pursuance of their duties, identity cards (and NOT Uniforms) bearing such official information as necessary will be provided by Government.

Each organisation is advised to prepare a Uniform Manual detailing the types of uniform or protective clothing to be provided and how such items should be worn and maintained. In addition staff should be made aware of the code of conduct whilst they are in uniform.

This policy applies to uniforms and protective clothing issued by Government; if staff members who do not qualify for free issue of uniforms feel that they wish to wear one, they may do so at their own expense, with the approval of the Principal Secretary/Head of Department.

All employees are expected to behave and dress appropriately to present an acceptable image to the public in general. Clothing and grooming should be appropriate to the nature of the employee's duties and responsibilities

CODE OF DISCIPLINE

105. DISCIPLINARY AUTHORITIES.

- (a) In accordance with the provisions of Article 66 of the Constitution, the powers of disciplinary control of persons appointed to offices in the Public Service are vested in the President. Subject to the provisions of paragraph (b) below, the President has, however, delegated these powers of disciplinary control in respect of holders of all offices in the Public Service employed in posts allocated to the Senior Officer Salary Grade and below to the following:-
 - (i) The Principal Secretary/Head of Department concerned in respect of offices as specified above except those which are held by employees who are expatriates or those which are held by bonded employees and in all cases of termination of appointments on grounds other than misconduct;
 - (ii) The Superintendent of Prisons in respect of all offices in the Prisons Service.
- (b) The delegated powers shall not be exercised by those to whom they have been delegated without the consent of the Minister responsible for that Ministry or Department, obtained in each case after consultation with the Minister.

Provided that this paragraph shall not apply to the Chief Justice, Auditor General, Attorney General, Ombudsman and Electoral Commissioner.

- (c) The maintenance of good order, discipline and efficiency is a major management responsibility and Principal Secretaries/Heads of Departments should not hesitate to take prompt disciplinary action when this is necessary.

106. Unallocated

107. DISCIPLINARY OFFENCE - GENERAL DEFINITION

Any act, omission, misconduct, failure to take reasonable care or failure to discharge his/her duties in a reasonable or satisfactory manner by or on the part of an employee which, in the opinion of the disciplinary authority, warrants disciplinary proceedings being taken against the employee, shall constitute a disciplinary offence.

108. DISCIPLINARY OFFENCES - CATEGORIES.

Disciplinary offences are divided into two different categories, minor disciplinary offences and serious disciplinary offences, as follows:-

- (1) Minor disciplinary offences:
 - (a) within a period of 12 months fails to observe working hours on one or not more than two occasions;
 - (b) within a period of 12 months fails to report for work on one or not more than two occasions;
 - (c) is absent without permission from the normal place of work or from the location of a posting of the employee during working hours;
 - (d) fails to obey reasonable orders or instructions given by the employer or representative of the employer;
 - (e) makes any illicit or unauthorised use of the property or equipment of the employer;
 - (f) negligently causes minor damage to the property of the employer;
 - (g) fails to keep a secret connected with the work of the employee, the production of goods or the provision of services, where required by law or by the rules of the employer to keep it;
 - (h) fails to comply with the rules and regulations of the employer;
 - (i) appears at work while under the influence of alcohol or dangerous drugs or consumes alcohol or dangerous drugs while at work or within the undertaking;
 - (j) knowingly makes false statements during investigation of accidents at work or of breaches of discipline.
 - (k) commits an offence other than an offence referred in Order 108 (2);
- (2) Serious disciplinary offences:-
 - (a) fails repeatedly to observe working hours or is absent from work without authorisation on 3 or more occasions within a period of 12 months;
 - (b) is absent from work without justification for a whole day on 3 or more occasions within a period of 12 months;

- (c) fails repeatedly to obey reasonable orders or instructions given by the employer or representative of the employer including orders or instruction relating to the use or care of protective equipment;
- (d) fails to keep a secret connected with the work of the worker, the production of goods or the provision of services, where the failure results in serious prejudice to the employer or the general interests of the Republic;
- (e) wilfully or intentionally damages the property of the employer thereby causing a reduction or stoppage of production or serious prejudice to the employer;
- (f) is unable to carry out the duties of the worker due to the effect of alcohol or dangerous drugs or refuses to comply with a requirement of an employer under the relevant legislation;
- (g) commits any offence involving dishonesty, robbery, breach of trust, deception or other fraudulent practice within the workplace or during the performance of the work of the employee;
- (h) in the course of the employment of the worker assaults, or inflicts bodily injury upon a client of the employer or another worker;
- (i) commits any active or passive bribery or corruption;
- (j) commits an offence whereby the employee causes serious prejudice to the employer or employer's undertaking;
- (k) does any act, not necessarily related to the work of the employee, which reflects seriously upon the loyalty or integrity of the employee and causes serious prejudice to the employer's undertaking;
- (l) shows a lack of respect to, insults or threatens a client of the employer or another worker whether it be a superior, a subordinate or a colleague;
- (m) willfully, repeatedly and without justification fails to achieve a normal output as fixed in accordance with standards applicable to the employee's work;

A minor disciplinary offence, which is preceded by two or more disciplinary offences, whether of the same nature or not, in respect of which some disciplinary action has been taken, is a serious disciplinary offence.

Where a minor disciplinary offence is not followed by another disciplinary offence within the twelve months of its commission, that offence is deemed not to have been committed and is discounted for the purpose of this Order).

109. DISCIPLINARY PROCEDURES

- (a) Verbal reprimand or warning - this may be issued by a supervisor in respect of a minor case or unsatisfactory work or conduct by an employee under his/her control.
- (b) Summary proceedings - shall be instituted where, in the opinion of the disciplinary authority, the offence which the employee is alleged to have committed is more serious than in (a) above but is not of such gravity as to warrant, in the event of him/her being found guilty thereof, his/her dismissal, demotion or reduction in salary.
- (c) Formal proceedings - shall be instituted where, in the opinion of the disciplinary authority, the offence which the employee is alleged to have committed, is of such gravity that, were he/she to be found guilty, it might warrant the employee's dismissal, demotion or reduction in salary.
- (d) Suspected criminal offence - Where the Principal Secretary/Head of Department has reason to believe a member of his/her staff has committed a serious criminal offence, the matter should be reported immediately to the Police for their action. (Where losses of public monies, stores or other assets are involved, the procedure to be followed is set out in Financial Instruction 1103).

110. SUSPENSION FROM DUTY

- (a) Where formal proceedings have been instituted in relation to a serious disciplinary offence, the employee may be suspended from duty without pay for no longer than one month, depending on the circumstances of the case.
- (b) Where a case involving an alleged serious offence has been reported to the Police for their action, the employee shall be suspended from duty forthwith without pay. The suspension may continue until the outcome of the trial. Please refer to Appendix "A" - 4. General - Clause (1) (a).

111. DISCIPLINARY PROCEEDINGS - GENERAL GUIDELINES

- (a) No disciplinary action shall be taken against an employee for a disciplinary offence unless there has been an investigation of the alleged offence, or where the act or omission constituting the offence is self-evident, unless he/she is given the opportunity of explaining the act or omission.
- (b) The disciplinary authority shall ensure that the investigation in respect of a minor disciplinary offence, even when it consists of no more than requiring an explanation for a self-evident act or omission, is conducted fairly and that the employee has, if he/she so wished, the assistance of a colleague or a representative of a Trade Union, if any, and of such witnesses as he/she may wish to call.

112. SUMMARY PROCEEDINGS.

- (a) Where the disciplinary authority decides to institute summary proceedings against an accused employee, the authority shall prepare a statement giving particulars of the charge or charges and arrange for it to be handed to the accused.
- (b) The disciplinary authority shall appoint the date, time and place for the investigation of the charge or charges, which shall be within fourteen days of the decision to institute summary proceedings, and shall give the accused seven days notice of the same.
- (c) The accused shall have a right to be present at the investigation and make his/her defence; provided that failure by the accused to be present at the investigation shall not invalidate the proceedings.
- (d) The investigation of the charge or charges shall be carried out in such manner as the disciplinary authority may determine.
- (e) Upon the conclusion of the investigation, the disciplinary authority shall make a finding whether the accused is guilty as charged and if so, the authority shall proceed to award such punishment as is appropriate; provided that under no circumstances shall the accused be punished by dismissal, demotion or reduction in salary.
- (f) Where an investigation under this Order is being, or has been held, the disciplinary authority may at any time before awarding punishment institute formal proceedings against the accused if the evidence given discloses facts which add to the gravity of the charge or charges or which show that the accused has or may have committed other disciplinary offences warranting formal proceedings.

113. FORMAL PROCEEDINGS

The arrangements for inquiries into disciplinary cases where formal proceedings are to be undertaken are set out in Appendix 'A' to these Orders.

114. CRIMINAL CHARGE NOT CONNECTED WITH EMPLOYMENT

- (a) Where an employee is charged with a criminal offence which is not connected with his/her employment, any action to be taken by his/her employer will depend on the seriousness of the offence. Should the employee be detained in custody he/she shall be suspended without pay until such time as the case has been decided. Where the employee is not detained in custody, the employer shall decide whether or not the employee may be permitted to carry on with his/her duties until the case has been decided. In either case the Principal Secretary (Ministry of Administration and Manpower Development) shall be immediately informed of the decision which has been taken.
- (b) Where an employee has been found guilty by a court, the Principal Secretary/Head of Department shall decide what action, if any, should be taken. Where the Principal Secretary/Head of Department decides the employee should have his/her employment terminated on the basis of a serious disciplinary offence having been committed, the appropriate action shall be taken as set out in Order 113 (Appendix "A").

115. PUNISHMENT FOR DISCIPLINARY OFFENCES

The following punishment may be imposed upon an employee as a result of disciplinary proceedings:-

- (i) dismissal, that is termination of appointment with forfeiture of all privileges in accordance with the provisions of any form of agreement or law for the time being in force;
- (ii) demotion, that is, removal to a post allocated to a lower salary grade carrying an immediate reduction in salary;
- (iii) a written warning, which may be copied to the Union of which the employee is a member, if any;
- (iv) non-payment of salary for any unauthorised absence from work; provided that the employer may deduct the equivalent of 3 days salary for each day of unauthorised absence from work for each second or subsequent unauthorised absence within a period of 12 months;
- (iv) in addition to any of the punishments as specified under (i) to (iv) above, restitution payment, that is, the recovery of the amount of any loss caused to Government or the value of any property of Government destroyed or damaged or the cost of repairing any property destroyed or damaged, by the employee by any wilful act or omission or by reason of his/her failure to take reasonable care or to discharge his/her duties in a reasonable manner.

116. DISCIPLINARY MEASURES

Whilst it is impracticable to determine a rigid code assigning particular punishment to particular offences, it is important that there is as much uniformity and consistency as possible in this matter. For this reason a schedule showing the range of disciplinary offences is set out in Appendix "B" to these Orders. The schedule is intended to provide guidelines for all disciplinary authorities and shall not in any way be interpreted as restricting a disciplinary authority from imposing any punishment, as he/she deems appropriate, in any particular instance. Additional guidelines follow:-

- (i) Occasional minor offences e.g.; infrequent lateness or unauthorized absence, small oversights, omissions, untidiness, occasional low productivity, periodic unwillingness etc., should be dealt with by verbal reprimand. If such occurrences become a regular feature or more serious matters are at issue, e.g., laziness, drunkenness, poor performance, carelessness, etc., a written letter of warning should be issued. In this context an employee who has not committed a further minor offence for twelve months from the date he/she was warned shall be considered to have a clear record.
- (ii) Serious breaches of discipline or regulations or culpable neglect will normally justify a more severe penalty e.g., demotion, restitution payment or dismissal.
- (iii) Where an employee is suspected of having committed a criminal offence e.g., theft, corruption, etc., or thought to be guilty of a serious breach of discipline, e.g., disclosure of confidential information, sabotage, gross insubordination, etc., the employee should be suspended immediately pending an investigation. An employee charged with a relevant criminal offence (see sub-paragraph (vi) below) must at once be suspended until the outcome of the case is known. An employee convicted of a relevant criminal offence shall remain suspended pending disciplinary action. If the employee appeals against the conviction, his/her suspension shall continue until the appeal is adjudged. Conviction upon a relevant criminal offence will normally lead to dismissal.
- (iv) If an employee who has been suspended is acquitted or his/her appeal upheld, he/she may be reinstated and his/her withheld salary restored.
- (v) An employee who has been suspended under (iii) above, may terminate his/her contract of employment with notice.
- (vi) Disciplinary action may be required if an employee is charged with a criminal offence. Certain minor criminal offences will not normally warrant disciplinary proceedings, e.g., vehicle parking offences. Criminal offences involving fraud or theft will always entail disciplinary action. The Commissioner of Police shall advise the Ministry/Department concerned as well as the Principal Secretary (Ministry of Administration and

Manpower Development) whenever an employee is charged with or convicted or acquitted of a criminal offence.

Also, it is the duty of the employee charged with a criminal offence to advise his/her Principal Secretary/Head of Department of the charge. Principal Secretaries/Heads of Departments should consult the Principal Secretary (Ministry of Administration and Manpower Development) in particular instances, when they are uncertain whether a criminal charge or conviction against an employee warrants disciplinary action.

117. REMOVAL IN THE PUBLIC INTEREST

The President may remove an employee from a public office if he/she considers it is in the public interest to do so. The decision of the President shall be signified through the Principal Secretary (Ministry of Administration and Manpower Development). The question of any pension or gratuity, where appropriate, will be dealt with in accordance with the appropriate legislation.

118. MONITORING OF DELEGATED DISCIPLINARY POWERS

In order to enable the Principal Secretary (Ministry of Administration and Manpower Development) to monitor, on behalf of the President, the manner in which his/her delegated powers in the matter of disciplinary control are being exercised, it is essential that each case of disciplinary action by Principal Secretaries/Head of Departments under their delegated powers is reported immediately in writing to the Principal Secretary (Ministry of Administration and Manpower Development) and in the case of dismissal by completion of the prescribed form. If the Principal Secretary (Ministry of Administration and Manpower Development) observes any irregularity, he/she will communicate the same to the Principal Secretary/Head of Department concerned with a view to its rectification.

119. RECOMMENDATIONS FOR DISCIPLINARY ACTION IN CASES WHERE PRESIDENTIAL POWERS NOT DELEGATED

All recommendations for disciplinary action in cases where Presidential powers have not been delegated shall be submitted to the Principal Secretary (Ministry of Administration and Manpower Development).

120. APPEAL AGAINST DISCIPLINARY PUNISHMENTS

- (i) An employee who, as a result of disciplinary proceeding against him/her is aggrieved by reason of a disciplinary punishment awarded against him/her, has the right of appeal for review to the Principal Secretary (Ministry of Administration and Manpower Development) within fourteen days from the date of the notification of the punishment awarded.
- (ii) The aggrieved employee or his/her representative shall prepare the grounds of appeal and forward them to the Principal Secretary (Ministry of Administration and Manpower Development) through his/her Principal Secretary/Head of Department in the first instance.
- (iii) The Principal Secretary (Ministry of Administration and Manpower Development) shall appoint a panel, in the first instance, to conduct an enquiry into the complaint.
- (iv) Following consideration by the Principal Secretary (Ministry of Administration and Manpower Development) he/she shall convey his/her decision, to the employee or his/her representative, as the case may be. This decision shall be notified within 28 days of the appeal being registered.
- (v) The employee, may, not later than 14 days after being notified of the decision, under Order 302, register an appeal in writing to the Minister of Administration and Manpower Development against that decision who shall make a final decision within 28 days of the appeal being registered.
- (vi) Where an employee is still aggrieved with the final decision under Order 120 (a) (v) and having exhausted all avenues for finding a solution to his/her complaint, the employee may further register his/her complaint with the Public Service Appeals Board (PSAB), not later than six months from the date of the decision.

121. RECORD OF DISCIPLINARY PUNISHMENTS

Any disciplinary punishments shall be recorded on the employee's personal record card in the personal file kept by his employer.

122 -130 Unallocated

Chapter VI

RETIREMENT, RESIGNATION AND TERMINATION OF APPOINTMENT

131. RETIREMENT

- (a) The official retirement age in Seychelles is when an employee reaches the age of 63 years. No Government employee shall continue in employment beyond that age, without the approval of both the Ministry of Administration and Manpower Development and the Ministry of Social Affairs & Employment.
- (b) Under the Pensions Act (Cap. 159) employees qualified by virtue of service prior to 1st January 1979 to benefit under that Act, may, subject to the approval of the President, commence to draw a pension, or gratuity, on attaining the age of 55 years. In special cases he/she may be retired on or after attaining the age of 45 years or on the completion of 25 years service, whichever is the earlier, or on grounds of ill-health or due to abolition of office.

132. RESIGNATION

- (a) Any employee, excluding those serving on special contract terms but including those who held pensionable offices as at 31st December 1978, may resign his/her appointment by giving to the Government one month's notice in writing or by paying to the Government one month's gross salary in lieu of such notice.
- (b) An employee serving on special contract or agreement terms may resign his/her appointment in accordance with the relevant provisions of his/her contract or agreement. Where no such specific provision has been made, he/she will be required to give not less than three month's notice of his/her intention to do so or, alternatively, he/she will be required to pay two months' gross salary in lieu of such notice.
- (c) Notwithstanding the terms of paragraph (b), an employee who is required to give three months' notice but who resigns for justifiable reasons at short notice will be eligible to have the two months' salary due from him reduced proportionately.
- (d) A resignation will be accepted only when the Principal Secretary/Head of Department is satisfied that satisfactory arrangements have been made to refund any outstanding liabilities to Government. In this context special attention must be paid to resignations of bonded employees which must all be referred to the Principal Secretary (Ministry of Administration and Manpower Development) for decision. Any amount of money due to the employee may be withheld and applied towards any sum due by him/her. On resignation from the Public Service, the employee forfeits all the

privileges of his/her office but he/she may take outstanding leave or be paid salary in lieu, provided that the required period of notice has been given.

133. TERMINATION OF APPOINTMENT OTHERWISE THAN BY DISMISSAL

- (a) Appointments may be terminated, otherwise than on disciplinary grounds, in the following circumstances:-
 - (i) redundancy;
 - (ii) premature retirement i.e. for employees who were holding pensionable offices as at 31st December, 1978, in circumstances set out in the Pensions Act;
 - (iii) on medical grounds following the decision of a medical board;
 - (iv) during or following a probationary period of employment, where training, guidance, counseling and adequate supervision have been to no avail, and performance is below the required minimum level;
 - (v) following marked deterioration in work and personal standards where remedial measures taken have been to no avail;
 - (vi) in the interests of the organisation;
 - (vii) localisation
- (b) The procedure for termination of appointment other than on grounds of misconduct is set out in Appendix 'C' to these Orders.

134. PENALTIES INCURRED WHEN EMPLOYEES LEAVE THE SERVICE IN EXCEPTIONAL CIRCUMSTANCES

- (a) An employee who fails to take up his/her appointment will be liable to refund any cost incurred by Government in respect of the transportation of his family/himself and personal effects from his/her place of engagement to the duty station.
 - (i) ***Knowledge of a potential problem will reach a Principal Secretary/Head of Department in a variety of ways. If the Principal Secretary/Head of Department thinks it is , or may become, an 'unfit for work' situation, he/she would hold an administrative inquiry to assemble all the facts including medical report.***
 - (ii) The Principal Secretary/Head of Department should then determine whether or not the employee can carry on with his/her assigned duties.

- (iii) If the Principal Secretary/Head of Department decides that the employee can carry on, a counselling interview may be necessary and further monitoring of the situation should take place.
- (iv) If Principal Secretary/Head of Department decides the employee cannot carry on, he/she should:-
 - a) consider re-deployment in the same or similar skills area in the employee's Ministry/Department but in another work environment.
 - b) Inform the Principal Secretary (Ministry of Administration and Manpower Development) who is thus alerted in case he/she has to take further action as per sub- paragraph (viii) below.
- (v) If this move is successful with further monitoring, the Principal Secretary (Ministry of Administration and Manpower Development) should be informed.
- (vi) If a move is not possible or, being possible, not successful, consideration should be given to re-deployment in different skills area in same Ministry/Department. Inform the Principal Secretary (Ministry of Administration and Manpower) if re-training is advisable to the extent that outside involvement is necessary. The Principal Secretary (Ministry of Administration and Manpower) will try to help at the same time ascertain whether other options are more suitable.
- (vii) If such re-deployment is really impossible, or has been tried and found unsuccessful, the principal Secretary (Ministry of Administration and Manpower) should be informed.
- (b) An employee who has signed an agreement with Government to continue in the service of Government who is being select to attend a course of study who resigns without completing the period for which he has undertaken to serve Government, will be liable to refund:-
 - (i) All expenditure incurred by Government in connection with the employee's course including any sums paid to him/her or on his/her behalf by way of salary, allowances, fees or expenses; and
 - (ii) The cost of the employee's transport between the Republic and his/her place of training.
- (c) All such cases must be forwarded to the Ministry of Administration and Manpower Development for approval.

135. RESPONSIBILITY FOR RECOVERIES

The Accounting Officer concerned is responsible for ensuring that any amounts due under the provisions of this Chapter, and also any other amounts due to Government, are collected before the date on which the employee ceases duty. Any amount due to the employee may be withheld and applied towards the refund of amounts due to the Government. In the event of any difficulty, the matter should be reported to the Principal Secretary (Ministry of Finance).

136. RE-EMPLOYMENT AND REHABILITATION OF INCAPACITATED EMPLOYEES

- (a) The performance of an employee may deteriorate for medical reasons to a point where he/she is unable to fully discharge the responsibilities of his/her post. In such cases, the medical condition is often treatable and not serious enough for a medical board to recommend termination of appointment or premature retirement. The board or individual medical advice as the case may be, could recommend that re-deployment in a job which is less demanding or which does not contain the components, deemed to have brought about the deterioration, could well lead to full recovery. In such cases, the medical authorities will provide the employing organisation with a detailed account of the circumstances in order to facilitate re-deployment.
- (b) It is Government's responsibility, as an employer, to bring such employees back to a high level of productivity and useful work contribution. The following steps should therefore be taken in trying to achieve this aim:-
 - (i) Knowledge of a potential problem will reach a Principal Secretary/Head of Department in a variety of ways. If the Principal Secretary/Head of Department thinks it is, or may become, an "unfit for work" situation, he/she should hold an administrative inquiry to assemble all the facts including medical reports.
 - (ii) The Principal Secretary/Head of Department should then determine whether or not the employee is able to carry on with his/her assigned duties.
 - (iii) If the Principal Secretary/Head of Department decides that the employee can carry on, a counselling interview may be necessary and further monitoring of the situation should take place.
 - (iv) If Principal Secretary/Head of Department decides the employee cannot carry on, he/she should:-
 - (a) consider redeployment in the same or similar skills area in the employee's Ministry/Department but in another work environment; and
 - (b) inform the Principal Secretary (Ministry of Administration and Manpower Development) who is thus alerted in case he/she has to take action later as per sub-paragraph (viii) below.

- (v) If this move is successful, as determined by further monitoring, the Principal Secretary (Ministry of Administration and Manpower Development) should be informed.
- (vi) If a move is not possible or, being possible, not successful, consideration should be given to redeployment to a different skills area in the same Ministry/Department. It is advisable to inform the Principal Secretary (Ministry of Administration and Manpower Development) if retraining is required to the extent that outside involvement is necessary. The Principal Secretary (Ministry of Administration and Manpower Development) will try to help and at the same time ascertain whether other options are more suitable.
- (vii) If such redeployment is really impossible, or has been tried and found unsuccessful, the Principal Secretary (Ministry of Administration and Manpower Development) should be informed.
- (viii) The Principal Secretary (Ministry of Administration and Manpower Development) once alerted (see sub-paragraph (iv)) will try to seek redeployment to another Ministry/Department. This may involve a retraining programme. Close collaboration is most essential between the new employing Ministry/Department, the Ministry of Administration and Manpower Development and the medical authorities, as the new job can form a significant part of a total rehabilitation process.
- (ix) The employee will continued to be paid by the employing organisation, if necessary on a paid leave arrangement, for a maximum period of six weeks whilst redeployment options are reviewed by the Principal Secretary (Ministry of Administration and Manpower Development).
- (x) An employee so redeployed will be subject to a 6-month trial period. The employees new Principal Secretary/Head of Department should submit a report to the Principal Secretary (Ministry of Administration and Manpower Development) thereafter advising on retention of services, or otherwise.
- (xi) If the employee's services are not to be retained, the Principal Secretary (Ministry of Administration and Manpower Development) will either seek another redeployment or, depending on the report, will consider termination of appointment.
- (xii) If termination of appointment is approved, the Ministry of Social Affairs and Employment will be informed with a view to redeployment in the private sector. If this is not possible, Social Security benefits may be payable.
- (xiii) When in the new post, the employee receives the salary for the post, or his/her personal salary, whichever is the lesser amount.

- (xiv) Re-deployment of such employees should take priority over recruitment to vacant posts of persons from outside the Public Service.

137. CERTIFICATE OF EMPLOYMENT

- (a) A certificate of employment in the prescribed form shall be given to an employee upon the cessation of his/her appointment. When completing such certificates, it should be borne in mind that their main purpose is for use as a reference covering the employee's period of service, should he/she wish to seek other employment.
- (b) Efficiency and general conduct will be assessed as "Very Good", "Good", "Satisfactory" (i.e., normal or average), "Indifferent" or "Poor".
- (c) Where an employee has not given entire satisfaction throughout his/her service, it is important that the certificate should be worded so as to give the employee credit for any good qualities which he/she may have shown. It should not, through a lack of precision or by the bare expression of a general adverse opinion, have the effect of prejudicing the holder's chances of obtaining subsequent employment.
- (d) Cause of cessations of appointment on the certificate should normally be given as indicated below, or as may be appropriate:-
 - (i) Retirement
 - (ii) Resignation
 - (iii) Dismissal
 - (iv) Abolition of office
 - (v) Discharged owing to redundancy
 - (vi) Completion of contract
 - (vii) Transfer
 - (viii) Termination of appointment: i.e. Health

138. PAYMENT OF COMPENSATION FOR PAST PERIOD OF SERVICE

- (a) Payment of Compensation for past period of service from 1st January 1979 or thereafter is an accrued benefit, and it applies to employees in continuous employment of Government as at 1st January 1992 and thereafter.
- (b) Continuity of service for the purpose of payment of the compensation is necessary and breaks of service will not be permitted. Authorised absence on leave without pay in accordance with Order 149 for periods not exceeding twenty four months will not constitute a break but will be discounted for the purpose of length of continuous service.

Period of suspension without pay in accordance with Order 110 should also be discounted for that purpose.

- (c) Notwithstanding the provision of paragraph (b), where an employee has left the service under the following circumstances:
 - (i) resignation
 - (ii) termination of appointment
 - (iii) redundancy
 - (iv) after completion of fixed term contract (as per Employment Act 1995 Section 19 but excluding employees on special contract terms)

and within ninety days from the date of leaving, was re-appointed to the Public Service, the employee's period of service prior to and after the break may be considered continuous. The period of the break will however be discounted for the purpose of length of continuous service.

- (d) The length of service of employees who proceed on training sponsored by Government will not constitute a break and will not affect continuity of service.
- (e) Transfers between public service organisations will not affect the payment of compensation.
- (f) In the case of external transfer from a parastatal organisation to a Ministry/Department, the parastatal organisation will pay the accrued compensation into a centralised vote held by the Ministry of Administration and Manpower Development. Likewise, where the transfer is vice versa, Government will pay accrued compensation due to the employing parastatal organisation.
- (g) Requests for payment of compensation should be referred to the Principal Secretary, Ministry of Administration and Manpower Development for approval on the prescribed form.

- (h) An employee (including an expatriate on general terms and conditions of employment) who has continuity of service and who leaves the Public Service in one of the following circumstances, is eligible for payment of compensation:
- (i) resignation
 - (ii) upon reaching the national retirement age of 63 years
 - (iii) death (legal heir(s) to be paid the amount due)
 - (iv) termination on grounds of failing probationary period
 - (v) premature retirement
 - (vi) redundancy;
 - (vii) on medical grounds following the decision of a medical board;
 - (viii) in the interest of the organisation;
- (i) The compensation following termination of appointment under the following grounds will however be paid by the employing organisation, under Part III (Schedule) of Appendix C
- (i) Redundancy
 - (ii) on medical grounds following decisions of a medical board
 - (iii) in the interest of the organisation
 - (iv) following marked deterioration in work and personal standards where medical measures have been to no avail.
 - (v) Localisation
- (j) Where an employee moves to special contract terms under the Public Sector Commission contract system, compensation will be paid for the period of service from 1st January 1979 to the day preceding the first day of the commencement of the new contract.
- (k) For avoidance of doubt, it is declared that an employee who leaves the Public Service on completion of a fixed term contract is not eligible for payment of compensation under this Order.
- (l) Compensation payable is calculated at the rate of one day's wage for every completed month of service as from 1st January 1979 or thereafter.

The salary to be used for the calculation of compensation will be the gross basic salary of the employee at the time when payment is due. Social security contributions will not be deducted.

The following formula shall be used for calculation of compensation:-

$$\frac{A \times B \times C}{52 \times D}$$

Where: A = Salary per annum

B = Working hours per day

C = Number of days entitled as period of continuous service

D = Number of working hours per week

For avoidance of doubt, it is declared that gross basic salary for the purpose of this order includes any acting, duty or responsibility allowance, but not any other allowance.

- (m) Notwithstanding the above provisions a public service employee who is entitled to compensation under the Employment Act 1995 shall not be entitled to compensation under this Order.

139. PAYMENT OF GRATUITY FOR PAST YEARS OF CONTINUOUS SERVICE

- (a) Payment of gratuity for past years of continuous service from 1st January 1979 or thereafter applies to employees in continuous employment of Government at 1st January 1992 and thereafter.
- (b) Continuity of service for the purpose of payment of the gratuity is necessary and breaks of service will not be permitted. Authorised absence on leave without pay in accordance with Order 149 for periods not exceeding twenty four months will not constitute a break but will be discounted for the purpose of length of continuous service.

Period of suspension without pay in accordance with Order 110 will also be discounted for that purpose.

- (c) The period of absence of employees who proceed on training sponsored by Government will not constitute a break and will not affect continuity of service.
- (d) Transfers between Public Service organisations will not affect the payment of gratuity.

- (e) Members falling under specific Schemes of Service e.g. Teaching, Nursing, Police etc. will not be eligible for payment of gratuity under this Order as provisions have already been made for payment of gratuity under their respective Schemes of Service. Employees on special contract terms and conditions of employment are not eligible for payment of gratuity under this order.
- (f) In the case of external transfer from a parastatal organisation to a Ministry/Department, the parastatal organisation will pay the proportionate gratuity into a centralised vote held by the Ministry of Administration and Manpower Development. Likewise, where the transfer is vice versa, Government will pay proportionate gratuity calculated at the time of transfer, to the employing parastatal organisations. The procedure for transfer of funds takes effect from 1st January 1993.
- (g) Requests for payment of gratuity should be referred to Principal Secretary, Ministry of Administration and Manpower Development for approval, on the prescribed form. As an exercise in preparation for annual estimates, a summary of personnel information including name, national identity number and date of appointment of all employees together with the amount of gratuity due should be submitted to the Ministry of Administration and Manpower Development by 30th June each year, for gratuity due in the following year.
- (h) An employee (including an expatriate on local letter of appointment) who has continuity of service and who leaves the Public Service in one of the following circumstances, is eligible for payment of proportionate gratuity on pro-rata basis:
 - (i) Termination of appointment on medical grounds;
 - (ii) Termination of appointment in the interest of the organisation (as approved by the Ministry of Administration and Manpower Development);
 - (iii) Redundancy;
 - (iv) On reaching national retirement age of 63 years;
 - (v) Premature retirement (as approved the Ministry of Administration and Manpower Development) under Order 133 (a) (ii);
 - (vi) Death (legal heir(s) to be paid the amount due)
 - (vii) Where an employee moves to special fixed contract terms under the Public Sector Commission contract system
- (i) If an employee re-joins the Public Service within thirty-one days after leaving in the circumstances outlined at (h) (i) to (v), the absence will not

constitute a break of service but the period will be discounted for length of continuous service.

- (j) An employee (including an expatriate on local letter of appointment) who leaves the Public Service in one of the following circumstances, is not eligible for payment of proportionate gratuity on pro-rata basis:
 - (i) on completion of or under the terms of a fixed-term contract;
 - (ii) resignation;
 - (iii) failing any period of probationary service;
 - (iv) dismissal

- (l) Continuous service gratuity will be paid at the following rates:-
 - (a) First 15 years (180 months) - SR 20,000
 - (b) Next 10 years (120 months) - SR 20,000
 - (c) Next 5 years (60 months) - SR 15,000
 - (d) Next 5 years (60 months) - SR 15,000
 - (e) Next 5 years (60 months) - SR 15,000

- (m) Part-time employees are also eligible to payment of gratuity on a proportional basis in relation to the number of hours worked. The following formula shall be used for calculation of part-time gratuity:

$$\frac{K \times L \times I}{7 \times J}$$

- Where
- K = Hours worked per day
 - L = Amount due (e.g. R20,000)
 - I = Number of months qualifying for gratuity
 - J = Number of months (e.g. 180 months = 15 years)

140. Unallocated.

CHAPTER VII

LEAVE

141. ANNUAL LEAVE ENTITLEMENT.

- (a) The whole concept of granting leave is to allow the employees leisure time to recuperate after a sustained period of work.
- (b) All employees (except those employed on special terms and conditions, part-time or casual employees) shall be entitled to 1.75 days leave for each completed month of employment.
- (c) Employees who are employed on special terms and conditions shall be entitled to such leave as is provided for in their contracts.
- (d) Part-time employees are entitled to leave under paragraph (b) in the proportion to which the number of hours worked by the employee compares to a full time employee.
- (e) A casual employee who has worked for the same employer for five consecutive days is entitled in respect of every such five day period to a half day's pay in lieu of leave.
- (f) The annual leave entitlement is taken each year by mutual arrangement between the employing organisation and the employee but the Head of the Ministry/Department must ensure that all (other than those employed on special terms and conditions) employees take a minimum period of 14 consecutive days' leave each year, unless the employee has, under the mutual agreement, agree to accumulate the leave entitlement.

142. ANNUAL LEAVE ARRANGEMENTS, ACCUMULATION OF LEAVE AND CONVERSION INTO CASH

- (a) There will be an annual leave-cycle commencing 1st January each year and leave will normally be taken as earned and in arrears. When an employee proceeds on leave, he/she should normally be granted the leave earned provided that no newly appointed employee should be granted leave before he/she completes six months' service from the date of his/her first appointment. In the case of newly appointed employees any leave earned for the period of service prior to the commencement of the annual leave-cycle on 1st January shall be added to the first year's leave.
- (b) Leave will commence on the first working day after an employee's last day of duty before proceeding on leave and will end on the day immediately preceding that of his/her return to duty. Saturdays, Sundays and Public Holidays falling between the beginning and end of leave will count as part of that leave. All annual leave periods are leave-earning in that they count as employment. ????

- (c) Employees may be permitted to take their annual leave piecemeal, provided that at least fourteen consecutive days are taken during each year, but they will be required to take their full leave entitlement during the annual leave cycle unless it has been mutually agreed between the employer and the employee that the leave may be accumulated.
- (d) It will be in order for an employee to commence his/her leave in one cycle and for the leave to expire in the following leave cycle.
- (e) Where an employee has earned annual leave but is unable to take the leave because of resignation, retirement or termination of appointment, including by dismissal, the leave will be converted into a cash payment.
- (f) Where an employee has been allowed to take annual leave not yet earned and he/she subsequently leaves the service before earning the leave taken, he/she shall be required to refund to Government the salary equivalent to the leave taken in excess of his/her entitlement.
- (g) Employees engaged on teaching duties in the Ministry of Education and other training establishments shall take their leave during school holidays.
- (h) Where mutually agreed between the employer and the employee under a contract of continuous employment, but subject to the authority in writing of the competent officer authorised by the Minister of Social Affairs and Employment, one third of the leave entitlement in any year may be converted into cash payable in that year.
- (i) For those employees engaged on a fixed term contract, the whole of the leave earned but not taken may be converted into cash upon termination of the contract.
- (j) The following formula shall be used to convert accumulated leave into cash:-

$$\frac{\text{Annual Salary} \times \text{Number of days leave earned}}{365 \text{ days}}$$

143. Accumulation of Leave

- (a) An employee may in exceptional circumstances and with the prior permission of his/her Principal Secretary/Head of Department, accumulate up to a maximum of 42 days leave. Any accumulated leave in excess shall be forfeited.
- (b) Notwithstanding the provisions of paragraph (a), an employee who is engaged on contract terms will be normally granted the leave due to him/her satisfactory completion of the period of his/her engagement.

144. RECALL FROM OR DEFERMENT OF ANNUAL LEAVE

- (a) An employee may be recalled from leave before its expiration by his/her Principal Secretary/Head of Department if it is considered necessary in the interests of the Service. Except that this shall not apply in the case of an employee who is on leave pending retirement, resignation or an leave granted on termination of his/her service
- (b) A Principal Secretary/Head of Department may require an employee at any time to defer all or part of his/her leave, if the exigencies of the Service so require. An employee whose leave has been deferred or who has been recalled from leave may be permitted to take it at one time or by installments, at the discretion of his/her Principal Secretary/Head of Department.

145. APPLICATIONS FOR ANNUAL LEAVE

- (a) All applications for annual leave will be submitted on the appropriate Leave Application Form, submitted two weeks in advance of the requested commencement date and will require the approval of the Head of the Division or Section concerned. In cases of employees who are heading Divisions, approval of their Principal Secretary/Head of Department will be required.
- (b) Principal Secretaries and Heads of Departments will notify the Principal Secretary (Ministry of Administration and Manpower Development) of their intended leave so that appropriate action can be taken regarding acting appointments. If overseas leave is intended, authority from the Minister of Administration and Manpower Development should be obtained through the Principal Secretary (Ministry of Administration and Manpower Development).
- © Employees should submit applications for leave to be spent locally, at least two weeks in advance and for leave to be spent overseas, at least one month in advance.

146. FORFEITURE OF ANNUAL LEAVE

- (a) Any period during which an employee has been in lawful custody or under suspension unless he/she is later acquitted of a charge brought against him/her, or on leave without pay, or on overseas training for a period exceeding one calendar year shall not be leave-earning.
- (b) An employee who resigns his/her appointment without giving adequate notice shall forfeit thirty days of his/her leave if any, but shall be granted any outstanding balance of accumulated leave.

147. MATERNITY LEAVE

- (a) A female employee shall be eligible for a grant of 12 weeks maternity leave on full pay, of which two weeks should be taken before the expected

date of confinement. Should the confinement be delayed, any additional days prior to delivery shall be treated as sick leave (see Order 151).

For the purpose of clarification the effect of this Order is that every employee on a continuous contract of employment going on maternity leave shall receive a total of 12 weeks paid maternity leave, together with sick leave for a late delivery within the terms of Order 151. In the case of employees on fixed term contracts, the eligibility to maternity leave ends on the expiry date of the contract.

- (b) Any female employee who is medically unfit to return to duty after the expiry of her maternity leave will be granted sick leave within the terms of Order 151.
- (c) Maternity leave arrangements will apply to all employees regardless of their marital status.
- (d) Maternity leave may not be converted into cash.
- (e) A female employee is entitled, on request, to an additional four weeks unpaid maternity leave preceding confinement, or following maternity leave.
- (f) Where possible, at the discretion of her Principal Secretary/Head of Department, no night work (work at any time between 6.00 p.m. and 6.00 a.m.) and no overtime shall be undertaken by female employees during pregnancy. Night work and overtime work shall be prohibited from the sixth month of pregnancy and up to at least three months after confinement. Any other work prejudicial to the employee's health or that of her child shall similarly be prohibited. What of payment for commuted overtime allowance?/
- (g) During pregnancy and up to at least three months after confinement an employee who presents a medical certificate stating that a change in the nature of her work is necessary in the interests of her health and/or that of her child shall have the right to be re-deployed to appropriate duties without loss of pay. Should redeployment not be possible, the employee shall be entitled to sick leave as laid down in Order 151.
- (h) A pregnant employee shall give to her employer at least 3 months' notice of her expected date of confinement.
- (i) A female employee on paid maternity leave shall not return to work before the end of leave entitlement under any circumstances.
- (j) Where a female employee fails to return to work after the full period of maternity leave allowed, and in the absence of a medical certificate being provided in accordance with Order 147 (b), the contract of employment is deemed to have been terminated by the employee.

148. SPECIAL LEAVE OF ABSENCE

(a) **Sporting events:**

Employees who are selected to represent Seychelles as competitors or recognized team officials at National or International sporting events may, subject to the exigencies of the Service and to the approval of their Principal Secretary/Head of Department, be granted the leave necessary to participate in these events provided that the Principal Secretary (Ministry of Administration and Manpower Development) is informed. Such leave will be on full pay and will not count against normal leave entitlement.

Leave for training in preparation for such National or International events shall either be without pay under Order 149 (a) or deducted from the annual leave entitlement.

(b) **Conferences, seminars and other activities:**

Employees selected to attend conferences, seminars, or other activities sponsored by recognized official organizations, may, subject to the exigencies of the Service, be granted special leave of absence. Such leave will be on full pay and will not count against normal leave entitlement.

(c) **Leave on urgent private affairs:**

An employee may, at the discretion of his/her Principal Secretary/Head of Department, be granted leave of absence to attend to urgent private affairs and such leave shall be deducted from his/her annual leave entitlement.

(d) **Compassionate leave:**

Compassionate paid leave, not exceeding four days per calendar year, may be granted to an employee at the discretion of his/her Principal Secretary/Head of Department.

(e) **Education leave - training programmes:**

(i) Where there is an approved training programme directed towards persons of a particular occupation, an employee in that occupation who has not attended such or a similar programme is entitled to education leave for the purpose of attending the programme.

(ii) Such leave will be on full pay and will and will not count against normal leave entitlement.

(iii) Where education leave extends beyond twelve consecutive calendar months, the provisions of annual leave under Order 141 (b) shall not apply.

(f) **Leave - civic duties:**

An employee may be granted an aggregate maximum of 14 days paid leave in any period of 12 months for the purpose of fulfilling or in connection with any civic duties approved by the Minister for Social Affairs and Employment.

(g) Study leave:

- (i) Where an employee has been released to attend local training at any approved Institution under Order 213 (b) he/she may be granted up to two days study leave, at the discretion of his/her Principal Secretary/Head of Department.
- (ii) Study leave may also be granted to employees following any course at the School of Continuing Education, at the discretion of his/her Principal Secretary/Head of Department.

In both cases of (i) and (ii) the leave will be on full pay and will not count against normal leave entitlement.

149. LEAVE WITHOUT PAY

- (a)** (i) Where an employee has utilised all the annual leave earned, his/her Principal Secretary/Head of Department may, where justified, grant him/her leave without pay up to a maximum of 28 days in any leave cycle.
- (ii) Leave without pay for a period of up to two years may also be granted, in exceptional circumstances to an employee with the approval of the Minister for Administration and Manpower Development.
- (iii) Where an employee has to accompany his/her spouse for long term overseas training, an extension to the two years may exceptionally be granted with the approval of the Minister of Administration and Manpower Development .
- (iv) In both cases of (b) and (c) the employee will be required to undertake in writing to return to the Public Service on completion of his/her leave. If the employee's absence exceeds the approved period of leave he/she will be deemed to have resigned.
- (v) On resumption of duty, the employee may be liable to be transferred to any suitable post that may be available at the time, if his/her previous post has been filled.

If a transfer cannot be found, the employee will continue to remain on unpaid leave for a maximum period of three months, until a placement is found.

If a suitable post is not available within that period, the employee will be made redundant.

- (vi) If the employee is not prepared to accept any position to which he/she may be transferred, he/she will have the option to resign from the service in accordance with Order 132.

(b) Leave without pay within contract

Where an expatriate on contract takes leave within his/her contract, such leave will be considered as unpaid leave and will be added onto the contract's expiry date to cover for the period of absence

150. SICK LEAVE

- (a) Where a medical certificate of unfitness for work is produced, the absence of an employee from duty for the period covered by the certificate is regarded as sick leave. Sick leave shall be granted:-

- (i) If the employee himself/herself is sick; or
- (ii) If the employee's child aged under 12 years is sick and a medical practitioner or official authorised by the Ministry of Health recommends that the employee attends to the child; or
- (iii) In exceptional circumstances when an employee's dependent other than a child under 12 years is medically certified as sick and a social worker certifies that the sick person requires the attendance of the employee.

- (b) (i) Absence from duty on account of illness, which would not require medical attention, must be reported by the employee concerned to his/her immediate superior on the first day of absence. The immediate superior at his/her discretion and depending on the circumstances will give verbal authorisation for the employee to be absent for up to two days (48 hours) on account of illness and will confirm this in writing to the employee. Absences exceeding 48 hours must be supported by a certificate from a medical practitioner or official authorised by the Ministry of Health.
- (ii) The certificate must be produced when the employee resumes duty but this does not preclude the employee from informing their immediate superior, after he/she has seen a medical practitioner, that he/she has been granted a period of sick leave. This will enable the immediate superior to plan and organise the workload whilst the employee concerned is on sick leave.
- (iii) Failure by the employee concerned to obtain written approval for being absent for up to 48 hours or to produce a medical certificate for the period of absence, will entail non-payment of salary for those days. In addition, other disciplinary action may be taken unless there were circumstances that the Principal Secretary/Head of Department, considers such that it was impossible for the

employee to obtain authorisation or a medical certificate, and he/she was genuinely ill.

151. LIMITATION OF SICK LEAVE

- (a) An employee is entitled to an aggregate maximum of 30 days' paid sick leave in any period of 12 months.
- (b) When an employee is required by a medical practitioner to be confined to a hospital or similar institution if:-
 - (i) the employee has not exhausted his/her 30 days' paid sick leave referred to in paragraph (a), and
 - (ii) the employee is confined at the hospital or similar institution or at home for a continuous period which extends beyond the unexhausted part of the 30 days' paid sick leave, the employee shall be entitled to a further maximum 30 days' paid leave during that continuous period;
- (c) An employee shall also be entitled to aggregate maximum of 60 days' unpaid sick leave after the exhaustion of paid sick leave under this order.
- (d) At the beginning of each year, an employee is credited with sick leave as stipulated at (a). each calendar year forms a sick leave cycle and any sick leave is not carried forward
- (e) Full details of all periods of sick leave granted must be maintained by Ministries and Departments in order to ensure that these limitations are not exceeded.
- (f) Sick leave will be additional to normal leave entitlement and will not be deducted therefrom.
- (g) Sick leave granted during unpaid leave is to be unpaid sick leave.
- (h) *A part-time employee is entitled to paid sick leave in accordance with this order, but the entitlement is limited to the number of working days' absence which bears the same proportion to 60 days as the number of full day equivalents worked by the part-time employee in a week bears to 5 days.*

152. EXTENSION OF ANNUAL LEAVE ON MEDICAL GROUNDS.

- (a) If an employee on leave falls ill and is unable to resume duty on expiry of a period of annual leave, he/she will report the matter to his/her Principal Secretary/Head of Department and at the same time forward a certificate from a medical practitioner stating the nature of illness and, where possible, its likely duration.

- (b) Any sick leave granted under the provisions of paragraph (a) will be subject to the overall limitations laid down in Order 151.
- © No extensions of leave on medical grounds will be granted to an employee who has proceeded on leave pending retirement, redundancy, termination of appointment or resignation.

153. RESPONSIBILITY FOR RETURNING FROM LEAVE ON TIME

It is the responsibility of every employee to return to duty from leave on the due date; failure to do so may render him/her liable to disciplinary action as set out in Order 116.

154. ADDRESS ON LEAVE

Before proceeding on leave, an employee must notify his/her leave address to the officer who granted his/her application for leave and must advise him/her immediately of any change of address while on leave.

155. APPLICATION FOR AN EXTENSION OF ANNUAL LEAVE

Except in cases of illness or other unforeseen cases of emergency, applications for extension of leave (which must state the grounds on which the extension is asked for) will not be considered unless they are submitted in time for Government to convey its decision before the end of the authorised period of leave.

156. PUBLIC HOLIDAYS

- (a) The observance by Government of Public Holidays is governed by the Public Holidays Act, (Cap 190) which provides that the under-mentioned days shall be Public Holidays:-

Sundays
 The First and Second of January
 Good Friday
 Easter Saturday
 Labour Day (1st May)
 The Fete Dieu (Corpus Christi)
 Liberation Day (5th June)
 National Day (18th June)
 Independence Day (29th June)
 Assumption Day (15th August)
 All Saints Day (1st November)
 The Feast of the Immaculate Conception (8th December)
 Christmas Day (25th December)

- (b) Where any Public Holiday except Sunday falls on a Sunday, the next following day, not being itself a Public Holiday, shall be a Public Holiday.

- (c) For the purpose of these Orders, public holiday in relation to shift-workers does not include Sunday

157-160

Unallocated.

CHAPTER VIII

ALLOWANCES

161. SUBSISTENCE ALLOWANCE - GENERAL

The object of paying subsistence allowance to an employee when he/she is required to travel on official duty is to compensate him/her for the extra expenses he/she incurs because of such travelling, and to ensure that, as far as possible, he/she is not out of pocket. Subsistence allowances are payable in the following circumstances:-

- (i) for duty journeys within the Republic not involving transfers;
- (ii) for duty journeys outside the Republic.

162. SUBSISTENCE ALLOWANCE FOR DUTY JOURNEYS WITHIN THE REPUBLIC NOT INVOLVING TRANSFERS.

- (a) An employee travelling on duty to any island within the Republic who is required to be absent from his/her duty station for a period not exceeding three months will be eligible to receive subsistence allowance as follows:-
 - (i) reasonable expenses for board and lodging up to a maximum of R450 per night where the employee stays at a hotel or guest house;
 - (ii) reasonable expenses for board and lodging up to a maximum of R350 per night where the employee is accommodated otherwise than in a hotel or guest house.
- (b) Subsistence allowance payable under paragraph (a) (i) shall be paid by Accounting Officers only on production of receipted bills, or, if paid to the employee in advance, the employee shall have to produce the receipted bills on return to his/her duty station. Any such advances must be cleared within seven days of his/her return. No claim will be allowed in respect of alcoholic drinks, additional meals for guests or for entertainment.
- (c) In the case of subsistence allowance payable under (a) (ii), no receipts are required but the employer has to be satisfied that the employee actually travelled and stayed overnight in accordance with the employee's claim.
- (d) An employee who is posted for duty away from his/her duty station for a period in excess of three months will normally be regarded as being transferred (except for employees who are posted to the outlying islands to complete a particular project), and in these circumstances a disturbance allowance under the provisions of Order 165 will be payable on transfer.

- (e) Where an employee is transferred to one of the inner or outlying islands and where his/her Ministry or Department is unable to provide accommodation for him/her, the employee will be eligible to receive subsistence allowance at the rate of R1000 per month to assist him/her towards the accommodation expenses, until such time as his/her Ministry or Department is able to provide suitable accommodation.
- (f) Claims for subsistence allowance under the provisions of this Order will be submitted to the Accounting Officer concerned on the prescribed form.

163. REFUND OF MEAL CHARGES.

- (a) Where an employee travelling on duty within the Republic is absent from his/her normal duty station during official hours and including the lunch break on any day but returns to his/her home at night, the employee will be eligible to be reimbursed, on production of a receipted bill, with the cost of lunch necessarily taken during the day at an hotel, guest house or restaurant, up to a maximum of R150. The cost of tea or coffee or other beverages taken between meals is not reimbursable.
- (b) Where an employee travelling in circumstances described in paragraph (a) makes his/her own arrangements for meals, he/she will be eligible to claim subsistence allowance of R50 without production of any receipted bill.
- (c) Claims for the refund of meal charges will be made on the prescribed form and must be certified by a senior officer especially designated by the Accounting Officer before payment is made.

164. SUBSISTENCE ALLOWANCES FOR DUTY JOURNEYS OUTSIDE THE REPUBLIC

- (a) Per Diem subsistence allowances for duty journeys outside the Republic are as follows:-

Countries in Group A

	Ministers Per diem	Head of Delegation Per diem	Public Service Employee Per diem
Full Subsistence	SR2520	SR2160	SR1800
Reduced Subsistence	SR450	SR432	SR360

Cayman Islands, Georgia, Israel, Japan, Korea, Republic of (South), Kuwait, Nigeria, United Kingdom, Uzbekistan,

Countries in Group B

	Ministers Per diem	Head of Delegation Per diem	Public Service Employee Per diem
Full Subsistence	SR2100	SR1800	SR1500
Reduced Subsistence	SR420	SR360	SR300

Algeria, Angola, Anguilla, Antigua/Barbuda, Argentina, Aruba, Austria, Azerbaijan, Bahamas, Bahrain, Barbados, Belgium, Bermuda, Bosnia-Herzegovina, Brazil, British Virgin Islands, Brunei, Cameroon, Chile, China, Colombia, Congo, Congo D.R. (former Zaire), Croatia, Cuba, Czech Republic, Djibouti, Dominica, Finland, France, , Germany, Greenland, Grenada, Guinea, Honduras, Hong Kong, Iceland, India, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Latvia, Liberia, Libyan Arab Jamahiriya, Luxembourg, Mayotte, Mexico, Republic of Moldova, Monaco, Morocco, Netherlands, Netherlands Antilles, Nicaragua, Norway, Peru, Poland, Reunion, Romania, Russian Federation, Rwandan, Saint Kitts/Nevis, St. Lucia, Saint Vincent, Saudi Arabia, Seychelles, Singapore, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, Syria, Tahiti/French Polynesia, Tanzania, Turkmenistan, Turks and Caicos Islands, Uganda, Ukraine, United Arab Emirates, United States, Uruguay, Vanuatu, Venezuela, Yemen Republic.

Countries in Group C

	Ministers Per diem	Head of Delegation Per diem	Public Service Employee Per diem
Full Subsistence	SR1400	SR1200	SR1000
Reduced Subsistence	SR280	SR240	SR200

Albania, American Samoa, Armenia, Australia, Bangladesh, Belarus, Belize, Benin, Bolivia, Botswana, Bulgaria, Burundi, Cambodia, Canada, Central African Republic, Chad, Comoros, Cook Islands, Costa Rica, Cote D'Ivoire, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, French Guiana, Gambia, Ghana, Greece, Guadeloupe, Guam, Guatemala, Guinea Bissau, Guyana, Haiti, Hungary, Indonesia, Iran, Iraq, Kiribati, Korea D.R. (North), Kyrgyzstan, Lebanon, Lithuania, Macedonia FYR, Madagascar, Malawi, Malaysia, Malta, Marshall Islands, Martinique, Mauritius, Micronesia, Montserrat, Mozambique, Union of Myanmar, New Caledonia, New Zealand, Niger, Oman, Pakistan, Republic of Palau, Panama, Papua New Guinea, Paraguay, Philippines, Portugal, Puerto Rico, Qatar, Sao Tome/Principe, Senegal, Sierra Leone, Swaziland, Tajikistan, Thailand, Trinidad/Tobago, Tunisia, Turkey, U.S. Virgin Islands, Wallis/Futuna Island, Yugoslavia, Zimbabwe.

Countries in Group D

	Ministers Per diem	Head of Delegation Per diem	Public Service Employee Per diem
Full Subsistence	SR980	SR840	SR700
Reduced Subsistence	SR196	SR168	SR140

Afghanistan, Bhutan, Burkina Faso, Canary Islands, Cape Verde, Cyprus, East Timor, Gabon, Gibraltar, Laos People's Democratic Republic, Lesotho, Maldives, Mali, Malta, Mauritania, Mongolia, Namibia, Nauru, Nepal, Niue, Solomon Islands, Somalia, South Africa, Sri Lanka, Suriname, Togo, Tokelau, Tonga, Tuvalu, Vietnam, West Bank/Gaza Strip, Zambia, All other areas.

- (b) The allowance is intended to cover all expenses including accommodation, and meals at a reasonable hotel, cost of entry visas, local transport and taxi fares within a distance of 30 kilometres, laundry charges, cost of local telephone calls, tips, airport tax, casual but official hospitality etc.
- (c) The subsistence allowances will be granted for each night necessarily spent away from the Republic (but excluding those nights spent on the air journey).
- (d) Notwithstanding the provisions of paragraph (a), where an employee accompanies the President or a Minister on an official visit outside the Republic, the employee will be entitled to receive subsistence allowances at increased rates applicable to Ministers.
- (e) When the subsistence expenses of an employee travelling on duty outside the Republic are met by another Government or organisation concerned with the visit, he/she will be entitled to receive the allowance at the reduced rate per night.
- (f) Notwithstanding the foregoing provisions, where an employee, in the course of his/her duty outside the Republic incurs, for good reasons, an expenditure in excess of the specified allowances, he/she will be eligible to claim reimbursement of the actual expenditure on production of receipted accounts and acceptable reasons for incurring the additional expenditure.
- (g) It is emphasized that any duty visit outside the Republic by an employee requires the prior approval of the President conveyed by the President's Office.
- (h) An employee must submit, where necessary, an account of his/her subsistence expenses to the President's Office on his/her return, on the prescribed form.

- (i) “Head of delegation” for the purpose of this Order is an employee who has been so formally designated by the Government of Seychelles, or when the host country or organisation requires that a delegation is formally headed or when an official invitation so requires.

165. DISTURBANCE ALLOWANCE

- (a) An employee who is required by Government to change residence on transfer to a different duty station for a period exceeding three months will be eligible to receive a disturbance allowance once, upon transfer at the following rates:-
 - (i) From one duty station to another within Mahe or Praslin R600
 - (ii) Between Mahe, Praslin, La Digue, Silhouette or other inner islands R800
 - (iii) To the outer islands - R1000
- (b) Where both husband and wife are employees and are both transferred, only one of them will be eligible to receive the disturbance allowance since the purpose of the allowance is to assist an employee towards the inevitable expenditure involved in such a move.
- (c) Disturbance allowance will not be payable:
 - (i) when an employee is transferred at his/her own request;
 - (ii) when an employee is posted on a temporary basis (e.g. on relief duty) for a period not exceeding three months.
- (d) Claims for disturbance allowance will be submitted to the Accounting Officer concerned who shall examine each claim and approve it only if it is within the provisions of this Order.
- (e) Where an employee who had previously received a disturbance allowance is required to make a further move, he/she shall be eligible to receive the disturbance allowance provided for in this Order.

OVERTIME ALLOWANCE

166. PAYMENT OF OVERTIME - GENERAL CONSIDERATIONS

The following general considerations govern payment of overtime:-

- (a) The remuneration of all employees is determined on the assumption that their whole time is at the disposal of Government. Payment for overtime can therefore only be justified by exceptional circumstances that cannot be dealt with in any other way.

- (b) Many posts in the Public Service, e.g. in the Police Force, the Prison Service or in institutions such as hospitals, etc., cannot be considered to have regular fixed working hours. By reason of the nature of the duties of these posts, hours are of necessity long and irregular. This factor is taken into account in assessing the remuneration attached to such posts and the holders cannot therefore become eligible for overtime payment. There is, of course, no objection to giving time off after unusually arduous spells of duty.
- (c) Where there is no independent supervision or checking of the work done outside normal hours, claims for overtime payment cannot be entertained.
- (d) Overtime payments, where justified, will be confined to employees in receipt of a basic salary of less than SR 4101 per month..

167. CIRCUMSTANCES UNDER WHICH OVERTIME MAY BE PAID.

Subject to the provisions of Order 166, Principal Secretary and Heads of Departments may authorise the payment of overtime based on hours of overtime worked, to an employee where the following conditions are fully satisfied: .

- (i) the work is of an irregular nature and does not justify the engagement of additional staff;
- (ii) the employee concerned has been in personal attendance upon the public outside normal working hours undertaking work that can be done at no other time;
- (iii) the employee cannot be compensated by time off during normal working hours.

168. RATE OF OVERTIME ALLOWANCE AND METHOD OF COMPUTATION

- (a) In the case of an employee who works normal working hours, the rate is 1.5 hour's pay for 1 hour's work over and above the normal working hours on weekdays which may include Saturdays and 2 hour's pay for 1 hour's work on Sundays and Public Holidays.
- (b) In the case of a shift-worker, the rate for additional hours on any day (to include Sundays but not Public Holidays) is 1.5 hour's pay for 1 hour's work.
- (c) Where a shift worker works overtime on a Public Holiday, he/she shall be paid at the rate of 3 hours' pay for 1 hour's work on that day.

(d) When a shift worker works on a Public Holiday, he/she is entitled to double pay for that day or to an alternative day at the option of the Principal Secretary/ Head of Department.

(e) Where the Public Holiday falls on the shift worker's "day off" and he/she is required to work on that day, he/she shall be paid at the rate of 3 hours pay for 1 hour's work on that day.

(f) The hourly overtime is calculated as follows:

$$\frac{\text{Salary per year}}{52 \times \text{weekly working hours}} = \text{hourly rate}$$

(g) Hours worked as overtime shall not exceed 60 hours in a month or an aggregate of 15 additional hours per day.

169. TIME OFF IN LIEU OF PAYMENT FOR OVERTIME

Where an employee qualifies for overtime payment, he/she may at the discretion of his/her Principal Secretary/Head of Department be given time off equivalent to not more than two-thirds of the number of hours worked as overtime in lieu of payment, unless the employer and the employee have agreed to convert any or all of the overtime hours into cash.

170. COMMUTED OVERTIME ALLOWANCE

(a) Where an employee is required to do:-

Regular overtime work to enable essential and urgent works to be carried out, he/she may be paid a commuted overtime allowance at such rate as may be determined by the Principal Secretary (Ministry of Administration) in each individual case. Such commuted overtime allowance shall be authorized only where the Principal Secretary or Head of Department concerned certifies that time off in lieu of overtime is not possible or practicable and that the employee understands that he/she will be eligible for the allowance only so long as he/she holds the particular post or so long as the need for overtime work continues to exist.

(b) Payment of commuted overtime allowance is confined to employees in receipt of a basic salary of less than SR 4101 per month. ????

(c) Where an employee in receipt of the commuted overtime allowance is absent on leave or on duty overseas, he will be paid a proportional allowance based on the number of days which he was at work.

OUTFIT ALLOWANCE

171. OUTFIT ALLOWANCE

- (a) An employee, except those whose contract of service otherwise stipulates, who travels overseas on duty or on short term training related to their post (seminars, workshops, study visits etc.) is eligible to receive an outfit allowance. The allowance is payable irrespective of the duration of the visit or the climate of the country to be visited. The allowance is payable at the following rates:

	Male Officers	Female Officers
i. Employees who travel once to three times a year	R1,500	R3,000
ii. Employees who travel four to six times per year	R3,000	R6,000
iii. Employees who travel over six times per year	R6,000	R12,000

- (b) The outfit allowance is paid to enable the employee to purchase appropriate clothing to present a suitable image of Seychelles whilst overseas.
- (c) An employee who proceeds on long term in-service overseas training (i.e. more than two months) will not be eligible for this outfit allowance as this aspect will be considered as part of the overall training support package.
- (d) Outfit allowance shall not be payable where provision is made for the payment of a similar allowance under a sponsorship, scholarship or aided study programme for which the employee has been accepted.
- (e) Outfit allowance shall not be payable where provision is made for the payment of a similar allowance under the scholarship or study programme for which the employee has been nominated.

ENTERTAINMENT ALLOWANCE

172. GOVERNMENT FUNDED HOSPITALITY - GENERAL

- (a) All Accounting Officers are allocated funds for official entertainment. The object of providing such funds is to afford each Principal Secretary or Head of Department the ability to offer official hospitality to those most directly concerned with his/her Ministry's/Department's field of responsibility. Official hospitality is in the interest of establishing personal contacts in social environments with those whose goodwill it is in the Republic's interest to cultivate.
- (b) All hospitality funded by Government should be kept as simple as possible and no attempt should be made at pretentious hospitality.

173. REIMBURSEMENT OF HOSPITALITY COSTS .

- (a) Where an employee is authorised by his/her Principal Secretary or Head of Department to incur expenditure on official hospitality in his/her own home, he/she will be eligible to claim reimbursement of the expenditure so incurred up to the following limits:-
 - (i) Cocktail parties: SR45 per head
 - (ii) Lunches: SR100 per head
 - (iii) Dinners: SR125 per head

The reimbursement limit with regard to hospitality for lunches and dinners includes the cost of wine served with meals as well as pre-meal drinks.

- (b) Where official hospitality is authorised to be offered in a hotel or restaurant, the reimbursement will be on the basis of actual expenditure incurred.
- (c) Where an employee, at the request of his/her Principal Secretary or Head of Department, accommodates an official visitor at his/her residence, the employee will be entitled to receive a hospitality allowance at the rate of SR225 per night where the visitor is single, or SR300 per night where the visitor is accompanied by his/her family. This payment is intended to cover the provision of bed and breakfast. In addition, the employee will be eligible to claim reimbursement of expenditure incurred on lunches and dinners at the rates specified in paragraph (a) above.

174. COMMUTED HOSPITALITY ALLOWANCE

- (a) A monthly commuted hospitality allowance may be paid to employees occupying posts designated as eligible to receive such an allowance by the Principal Secretary (Ministry of Administration and Manpower

Development). Where an employee is appointed to act in a post eligible for a commuted hospitality allowance for a period in of one month or more, he/she will draw the allowance for the whole of the acting period. The substantive holder of the post will cease to draw the allowance during the same period.

- (b) Where the substantive holder of the post eligible for the commuted hospitality allowance is absent on leave, on training or on duty overseas for a period of more than one week, the employee will be paid a proportional allowance based on the number of days which he/she was at work during each month affected by the absence.

TRANSPORT ALLOWANCES

175. TRANSPORT ALLOWANCE RATES

- (a) An employee, except those whose contract of service otherwise stipulates, may, with the approval of his/her Principal Secretary or Head of Department, be paid a transport allowance in respect of travel on official business where the employee uses their own vehicle. The allowance is payable at the following rates:
 - (i) Motor car

SR 2.25 per kilometre for the first 100 kilometres of journeys on official business in any calendar month, and thereafter SR 2.25 per kilometre.
 - (ii) Motor cycle

SR 2.12 per kilometre for the first 100 kilometres of journeys on official business in any calendar month, and thereafter SR 1.56 per kilometre.
- (b) Every employee claiming transport allowance under this Order is required to keep a log of duty journeys using the prescribed form. Claims for transport allowances, accompanied by log sheets, should be submitted to the Accounting Officer concerned at the end of each month on the prescribed form. The responsibility for the certification of claims will rest with the Heads of Divisions/Sections, subject to any specific directions that may be issued by the Accounting Officer. The certifying officers may disallow a journey that they do not consider to have been essential in the public interest.
- (c) Where an employee who is eligible to claim a transport allowance is necessarily required to undertake journeys in his/her own vehicle between his/her residence and place of work outside normal working hours, in order to carry out work which can be performed at no other time, he/she may claim normal transport allowance in respect of such journeys. Accounting

Officers should exercise a strict scrutiny of all claims for transport allowance under the terms of this Order to ensure that there is no abuse of these provisions.

- (d) In any case where a person, not being an employee drives a Government vehicle after being duly authorised so to do, both he/she and the vehicle should be covered by insurance for the period during which he/she is driving the vehicle.

176. COMMUTED TRANSPORT ALLOWANCE

- (a) Where an employee, except those whose contract of service otherwise stipulates, may, with the approval of his/her Principal Secretary or Head of Department, be paid a commuted transport allowance in respect of travel on official business where the employee uses their own vehicle. The amount to be paid will be determined by the Principal Secretary (Ministry of Administration and Manpower Development) based on the analysis of at least three month's certified log sheets and the transport allowance rates in force at the time. The basis of calculation should be retained for inspection by audit and should be reviewed at least once a year.
- (b) Where an employee in receipt of a commuted transport allowance is absent on leave, on training or on duty overseas for a period of more than one week, the employee will be paid a proportional allowance based on the number of days which he/she was at work or during each month affected by the absence.
- (c) Where an employee in receipt of a commuted transport allowance is unable to use their own vehicle for official business for any reason for a period of more than one week, the employee will be paid a proportional allowance based on the number of days of availability of the vehicle during each month affected.
- (d) An employee who is in receipt of a commuted transport allowance may not use Government transport except when his/her own vehicle is unavailable or because of the special circumstances of the duty journey which may reasonably require the use of a Government vehicle, e.g. four wheel drive vehicle over rough terrain, need to accompany missions etc. Use of vehicle should be properly authorized by a senior officer.

177. GOVERNMENT NOT LIABLE FOR LOSS DAMAGE

Where an employee uses his/her own vehicle for travelling on duty, Government will not accept any liability for its loss or for any damage that it may sustain.

178. BICYCLE ALLOWANCE

Where an employee is regularly required to use his/her own bicycle on duty and to cover a substantial distance, he/she may be paid, at the discretion of his/her Accounting Officer, a bicycle allowance at the rate of R120 per month.

Accounting Officers should not approve the payment of bicycle allowances unless they are satisfied that the employee is using a bicycle regularly on duty. Where an employee in receipt of a bicycle transport allowance is absent on leave, on training or on duty overseas for a period of more than one week, the employee will be paid a proportional allowance based on the number of days which he/she was at work or during each month affected by the absence.

179. BAGGAGE ALLOWANCE

- (a) An expatriate employee recruited from overseas and provided with passages from and back to the country of recruitment will be provided with an excess baggage allowance by air. A spouse of an employee will be provided with the same allowance. The allowance is over and above that which is provided as part of the air ticket. The allowance will be granted on first engagement and satisfactory completion of the period of engagement or on determination of the contract of employment by the Government at the rate of:
 - (i) 25 kilos for the first contract of employment
 - (ii) 35 kilos for the second contract of employment
 - (iii) 45 kilos for the third and any subsequent contract of employment.
- (b) The baggage concession applicable to expatriate employees who are recruited under the terms of technical cooperation agreements will be governed by the terms of those agreements.
- (c) Employees to whom this Order applies will be responsible for insuring their own baggage and Government will accept no liability for loss or damage.
- (d) There will be no additional allowance in respect of children of an expatriate employee.
- (e) This allowance is for the specific purpose of transporting excess baggage and may not be used for any other purpose or converted into cash. Any unused excess baggage allowance vouchers will not be renewed and must be surrendered to the Ministry of Administration.

180. DRIVING ALLOWANCE

- (a) A driving allowance may be paid at the rate of R200 per month to public service employees provided that the following criteria are met:-
 - (i) the employee is carrying out driving duties in addition to his/her normal duties and responsibilities;

- (ii) the employee is responsible for a Government vehicle allocated for the purpose of carrying out the driving duties;
 - (iii) the employee occupies a post allocated to Salary Grade 2 or below.
- (b) Where an employee in receipt of a driving allowance is absent for any reason including leave for more than one week in any calendar month he/she will be paid a proportional allowance based on the number of days which the employee was at work.

181-190 Unallocated.

CHAPTER IX

TRANSPORT AND TRAVELLING

191. TRANSPORT - DEFINITION

- (a) "Transport" in this context shall mean the approved method of transport which an employee is permitted to use when he/she is making an essential journey for the proper performance of his/her duties. This shall include those occasions when the employee is authorised to make a journey whilst on official duty overseas.
- (b) The approved method of transport may be by air, road, rail or sea. Road transport shall include travel in the employee's own motor vehicle as well as by public road transport services.

192. TRAVEL TO BE IN MOST ECONOMICAL MANNER

Journeys shall be undertaken in the most economical manner, bearing in mind the need for the expeditious dispatch of Government business generally, and efficient performance of an employee's duties on arrival at his/her destination. Accounting Officers shall ensure that public funds are not wasted in this regard.

193. CIRCUMSTANCES IN WHICH TRANSPORT FOR AN EMPLOYEE MAY BE PAID OFFICIALLY

Subject to the provisions of these Orders an employee may be granted officially paid transport when travelling:-

- (i) on first appointment;
- (ii) on duty;
- (iii) on posting or transfer away from his/her duty station;
- (iv) on termination of appointment otherwise than by dismissal;
- (v) to attend seminars, conferences, in-service training courses, etc.

194. CIRCUMSTANCES IN WHICH OFFICIALLY PAID TRANSPORT IS NORMALLY GRANTED TO THE FAMILY OF AN EMPLOYEE

- (a) Subject to the provisions of these Orders, an employee may be granted officially paid transport for his/her spouse and children if they accompany, precede or follow him/her on:-
 - (i) first appointment;
 - (ii) posting or transfer away from the employee's duty station;

- (iii) termination of appointment otherwise than by dismissal.
- (b) It is clarified for the avoidance of any doubt that officially paid transport for the spouse, where applicable, shall be confined to the legally married spouse.

195. AIR TRANSPORT

- (a) The exigencies of the Service may require that an employee travels by air on duty overseas, subject to prior approval of the Principal Secretary (President's Office).
- (b) All employees shall travel by economy class at the most economical available rate utilising the services of Air Seychelles wherever possible.
- (c) If in any particular case authority is given for an employee's spouse to accompany the employee on an official journey, the spouse shall travel on the same basis as the employee.
- (d) An employee travelling on duty should ensure that his/her personal baggage is within the allowance specified on the ticket. Government will only meet charges for excess baggage if necessitated by the carriage of bulky official documents, instruments, etc. When such charges are incurred the employee should submit a claim to the Accounting Officer for reimbursement.

196. INSURANCE FOR EMPLOYEES TRAVELLING OVERSEAS ON DUTY

- (a) An employee who travels on duty overseas at Government expense is automatically insured under a policy maintained by Government. The policy covers:-
 - (i) personal accident liability to a maximum sum of SR 150,000 for the period of absence on duty from the date of departure from the duty station in Seychelles to the date of return to that station;
 - (ii) medical expenses up to a maximum of SR 25,000 incurred through accident or illness whilst travelling outside the Republic, such illness neither being due to an accident nor to include continuing treatment or examination for a condition which existed prior to departure from the Republic; (Where it is necessary to seek medical treatment in respect of a condition which existed prior to departure from the Republic, free public health services must be utilised where they exist. In exceptional circumstances, where there are no such facilities, a claim may be submitted to the employee's Principal Secretary/Head of Department, who shall refer the matter to the Principal Secretary (Ministry of Health) for a decision as to whether any refund should be made.)

- (iii) loss of baggage and personal effects up to a maximum of SR 10,000 but excluding loss of watches, cameras, cash and jewelry.
- (b) The policy can be extended to cover baggage and personal effects. Employees travelling on duty who wish to take advantage of this extension must make their own arrangements with the State Assurance Corporation of Seychelles, or any other Insurance Corporation
- © All Principal Secretaries and Head of Departments are required to submit a return, at the end of each month, to President's Office of all employees in their Ministries/Departments who travelled overseas on duty during the month. The return should state the employee's name, designation, date of travel, flight number and destination.
- (d) All international air travel bookings should be made through Orchid Travel Co. Ltd. Local air travel bookings should be made through Air Seychelles.

197. TRANSPORT FOR FAMILY ON DEATH OF THE EMPLOYEE

If an employee who is entitled to transport at public expense dies whilst in the Service, the family of the employee shall retain the entitlement under Order 194 and 198 for a period not exceeding twelve months. Thereafter, the entitlement shall lapse. It is the responsibility of the Accounting Officer concerned to ensure that the family is aware of this entitlement.

198. TRANSPORT OF PERSONAL EFFECTS

An employee travelling at public expense on first appointment, transfer or termination of appointment otherwise than by dismissal, between his/her place of engagement, home or duty station will be entitled to transport, at public expense, of personal effects within the limits stated in Order 179.

Procedure for the use of Government Vehicles

199. GENERAL

- (a) Except under the conditions stated below, no one other than an authorised driver will drive a Government vehicle. The exceptions are:-
- (i) in an emergency, due to the sudden illness of the driver;
 - (ii) in the absence of the authorised driver when the use of the vehicle is urgently required; and
 - (iii) when, in the opinion of the authorised driver, it is necessary or justified by special circumstances
- provided that no person shall drive a Government vehicle unless he/she is in possession of a valid driving licence.
- (b) An official logbook shall be maintained in respect of every Government vehicle. It is the duty of the authorised driver of the vehicle to ensure that the logbook is kept up to date.
- (c) An employee authorised to drive a Government vehicle must:-
- (i) be in possession of a Note of Authority issued by or on behalf of his/her Principal Secretary or Head of Department in respect of the vehicle;
 - (ii) immediately report any damage to the vehicle to the signatory of the Note of Authority;
 - (iii) wherever possible, park the vehicle under cover and secure it against theft;
 - (iv) keep the vehicle clean and report any faults that occur;
 - (v) not permit any person except another authorised driver to drive the vehicle;
 - (vi) not use the vehicle for any purpose other than that specified in the Note of Authority.
- (d) An authorised driver will, at all times, be liable for any injury or damage that may be caused through his/her fault or negligence.
- (e) Where an employee has been issued with a Note of Authority in respect of a Government vehicle for a period exceeding 30 days, a copy of the duly signed Note of Authority should be sent to the Principal Secretary (Ministry of Administration and Manpower Development) for information. The maximum period of validity for a Note of Authority is six months.

- (f) Authorised drivers must cooperate with the Police by producing the Note of Authority for inspection when so requested.

200. PRIVATE USE OF GOVERNMENT VEHICLES

- (a) The use by an employee of a Government vehicle for private purposes is prohibited, except as described in paragraph (b) below. An employee who contravenes the provisions of this Order will be liable to disciplinary action in accordance with Order 201 (b).
- (b) Where an employee has been authorised to use a Government vehicle for private purposes, the employee will be required to pay for the private usage at the rate of SR 5.70 per kilometre for the first 100 kilometres and thereafter SR 5.30 per kilometre in any one month. The employee will record in the vehicle log book full details of all official journeys, but need not record the details of private use except kilometres traveled. At the end of each month, the employee will submit to the Accounting Officer certified returns of official and private use of the vehicle and pay the amount due.
- (c) Expatriate employees serving under terms and conditions that specifically include the provision of a vehicle for private use will not be charged for such private use in accordance with the provisions of the specific contract of employment.

201. CONTROL OVER THE USE OF GOVERNMENT VEHICLES

- (a) To ensure better control over the use of Government motor vehicle, Principal Secretaries and Heads of Departments are required to ensure that within their Ministry/Department, a suitable employee is designated as the Transport Officer who will be responsible for ensuring:-
 - (i) that vehicles are used only for authorised journeys;
 - (ii) that vehicle log books are properly maintained;
 - (iii) that vehicles not in use are properly parked;
 - (iv) that vehicles are clearly identified, maintained properly and kept clean;
 - (v) that any damage sustained is reported to the Principal Secretary/Head of Department of the Ministry/Department concerned within twenty-four hours.
 - (vi) that use of vehicles outside normal working hours is properly authorised (order 199 (e))
- (b) Disciplinary action shall be taken against any employee who contravenes the instructions concerning the use of Government vehicles.

Type of offence	Type of action
Unauthorised journey/misuse of vehicle	? first offence: written warning ? second offence: written warning ? third offence: Dismissal
Excessive speed/bad handling of vehicle without damage	? first offence: written warning ? second offence: written warning ? third offence: Dismissal
Accident damage to Government vehicle	(i) Driver fully at fault:: Surcharge of cost of damage or dismissal (ii) Driver partly at fault: Surcharge of proportion of cost of damage

- (c) In addition to the above, any employee who uses a Government motor vehicle for private purposes without the proper authority will be surcharged for SR200 for each day on which it was so used.

OVERSEAS DUTY

202. MISSION REPORTS

All Government employees occupying posts allocated to the Senior Officer Salary Grade and above travelling overseas on duty shall prepare a report on the purpose and results of their mission. These reports should be sent to the Principal Secretary (Ministry of Administration and Manpower Development) through the employee's Principal Secretary or Head of Department within two weeks of the date of return to Seychelles.

203. OFFICIAL PASSPORT

- (a) In order to facilitate immigration formalities abroad for senior officers travelling on duty, the Government may issue official passports to the following post holders who are citizens:
- (i) Head of Division;
 - (ii) employees working at Seychelles' diplomatic missions abroad not entitled to diplomatic passports;
 - (iii) employees working at Seychelles' tourism offices abroad.
- (b) Applications for an official passport must be endorsed by the employee's Principal Secretary / Head of Department

- (c) An employee who ceases to hold a post which entitles him/her for an official passport, must surrender the passport at the time that he/she ceases to hold the post.

204-210

Unallocated

CHAPTER X

TRAINING

211. TRAINING - DEFINITION

In the context of this Chapter "training" means in-service training approved by Government and includes all forms of human resource development activity. This may involve local and overseas formal training programmes, distance learning, in-house courses, understudy programmes, secondment, exchange programmes and informal training initiatives.

212. RESPONSIBILITY FOR PUBLIC SERVICE TRAINING.

- (a) Government recognises that if it is to achieve its national development objectives, great emphasis must be placed on human resources development. The availability of skilled manpower is essential for the effective implementation of the national development plans and Government therefore holds the overall responsibility for national training and manpower development. The responsibility is vested in the National Vocational Training Board, which approves all training programmes involving public service employees.
- (b) Training of employees is part of their career development, enabling jobs to be carried out more efficiently, allowing development objectives to be reached more quickly and more effectively.
- (c) The Ministry of Administration and Manpower Development is responsible for Public Service training policy, monitoring its implementation and for assisting individual Ministries and Departments in executing their own training programmes. It will also design and organise training programmes for the designated common cadres as part of its management responsibility for the development of these cadres.
- (d) The Ministry of Administration and Manpower Development's functions in relation to staff development in the Public Service include:-
 - (i) design and review of Schemes of Service;
 - (ii) facilitating job rotation, exchange and secondment programmes;
 - (iii) preparation of localisation programmes.
 - (iv) the identification for training needs and determining how best they can be met
 - (v) evaluation of training effectiveness
 - (vi) career counselling

213. LOCAL TRAINING

- (a) Wherever possible all necessary training shall be done locally. Overseas training shall only be considered when all local resources have been exhausted or are not available. Principal Secretaries and Heads of Departments shall arrange such in-service training of their staff locally to meet training needs in their Ministries or Departments. In this connection they may seek the advice and support of the Ministry of Administration and Manpower Development.
- (b) When an employee is nominated by a Ministry or Department for a particular programme of in-service training locally, he/she should be allowed to complete such training uninterrupted. The employee should not, except in an emergency, be required to report to his/her place of work or to undertake any other duties whilst he/she is under full-time training.
- (c) Employees released to attend full-time training locally will be required to enter into a formal bonding agreement with the Government or sponsoring organisation under Order 217.

214. TRAINING ADMINISTRATION PROCEDURES .

- (a) All Ministries and Departments will produce an annual assessment of the organisational training requirements based on training needs analysis. This assessment will be forwarded to the Ministry of Administration and Manpower Development for inclusion in the annual Public Sector training requirement report presented to the Ministry of Social Affairs and Employment.
- (b) The National Vocational Training Board will consider the presentations made by the Ministry of Social Affairs and Employment and approve an annual training plan. Ministries and Departments will then be advised of the results regarding their requests submitted.
- © The Manpower Division analyses the projected supply of training in relation to demand and in particular:
 - (i) proposes alternative training strategies and costs where necessary
 - (ii) draws up a proposed budget for submission to the Social and Human Resource Inter-Ministerial Committee through its Training Sub-Committee for approval/revie w
- (d) The Manpower Division will then inform employees of training needs that may be fulfilled during the following year

215. Applications for Post Formal Training

- (a) The Manpower Division requests/invites employers to compete application and security clearance forms for individuals in accordance with the organisational training requirements as approved by the social and Human

Resource Inter-Ministerial Committee. Other documents required to be submitted along with application and security clearance forms are: performance appraisal review form, job description, and course contents

- (b) The Manpower Division assesses individual potentials vis-à-vis course specifications along side national and organisational objectives, and makes recommendations to the Training Sub-Committee.
- (c) Training Sub-Committee recommends applicant and fields of training in principle to the Minister of Administration and Manpower who will give final approval.
- (d) The Manpower Division instructs the International Cooperation Section of the Ministry of Education and Culture to seek placement.
- (e) Ministry of Education and Culture (International Cooperation Section) will inform employees and Human Resources Division of the Ministry of Administration and Manpower Development of the date of departure of participants.

216. EXTERNALLY FUNDED TRAINING PROGRAMMES

- (a) The Government may receive invitations from other countries and external agencies to nominate candidates for fully funded places on training courses overseas. Where candidates for such training opportunities have not been included in submissions from Ministries and Departments, the opportunity may be advertised to seek nominations from employing organisations. Submissions for placement of employees on such courses will be considered by the National Vocational Training Board.
- (b) Manpower Division will invite nominations from relevant employers by way of circular where necessary
- © Applications will be submitted and processed as stipulated in Order 215

217. BONDING

- (a) On award of a scholarship either from the Seychelles Government or an external agency the employee will be required to enter into a bonding agreement under which the employee will be required to return to work for Government for a specified number of years following completion of a training programme. The period of the bond will be equivalent to the duration of the period of training up to a maximum of five years.
- (b) The bonding will take effect on the date the employee re-commences duty following training.
- (c) Failure to complete the specified period of bonding will result in the employee being required to refund the costs incurred by Government in relation to the employee's attendance on the training programme. The refund payable will be based on the number of years of bonded service completed in proportion to the total period of bonding.

- (d) The maximum bonding period will therefore be five years. However, where necessary for a student to sign more than one bonding agreement due to fragmented forms of training, the period of the bonding agreement is added but will not exceed 5 years
- (e) The provisions in (a), (b), (d) will also apply to employees released to attend full-time training locally under Order 213 (c)
- (f) The time taken to learn a foreign language for purpose of study shall be discounted for the purpose of bonding.

218. TRAINING REPORTS

- (a) An employee following an approved training course overseas will be required to submit reports at specified intervals to the International Cooperation Section of the Ministry of Education and Youth.
- (b) An employee will be required to submit a final report, within three weeks of his/her return to duty, to the Ministry of Administration and Manpower Development through their Principal Secretary or Head of Department.

219. ADVANCE OF SALARY AND REFUND OF PERSONAL EXPENDITURE

- (a) An employee may, with the approval of the Principal Secretary (Finance), be granted an advance of salary repayable over twelve equal monthly installments or such time as is determined by the Principal Secretary (Finance), to meet the costs associated with following an approved training programme.
- (b) Where an employee successfully completes an approved training programme and has incurred personal expenditure in relation to the training programme, a refund of such costs may be considered. All applications for such refund shall be supported by documentary evidence of the employee's successful completion of the training programme and by certified receipts for the expenditure incurred.

220. TRAINING COURSES NOT LEAVE-EARNING.

Full-time training courses of one year or more duration shall not be leave-earning.

221. Unallocated

222. SCHEMES OF SERVICE

- (a) Schemes of Service are designed:-

- (i) to present employees in the cadre and others aspiring to join the cadre, the career pattern before them, criteria for entry into, and advancement within the cadre, duties and responsibilities attaching to the posts and training requirements;
 - (ii) to ensure as far as possible consistency in minimum entry requirements and Salary Grades for posts throughout the public service;
 - (iii) to prescribe qualifications and experience realistically related to normal job requirements at each level;
- (b) Ministries and Departments shall be responsible for the design, in consultation with the Principal Secretary (Ministry of Administration and Manpower Development) of Schemes of Service in respect of cadres unique to their organisation and for the implementation of such schemes after they have been approved by the Ministry of Administration and Manpower Development. Such schemes are designated “closed” cadres.
- (c) The Ministry of Administration and Manpower Development shall be responsible for the design and implementation, in consultation with relevant employing organisations, of Schemes of Service in respect of employment classifications common to more than one employing organisation. Such schemes are designated as “common” cadres.

223 –. Payment of Passages

- (a) In cases of training funded by Government, the Principal Secretary (Ministry of Administration and Manpower) may authorise the payment of (i) air fares and (ii) an allowance of 25 kilos excess baggage per adult, from the place of study to Seychelles in respect of the legal spouse and children of returning employees and pre-service students, provided that the latter:
- (i) have completed four consecutive years of study
 - (ii) are covered by a bonding agreement with the Government
 - (iii) have advised the Government of the intended marriage so that budgetary provisions may be made, and;
 - (iv) produce proof of marriage
- (b) In the event that the returning employee or pre-service student leaves the Government without completing the period laid down in his/her bonding agreement he/she shall be liable to repay the full costs of the air fares
- (c) In the case of an employee proceeding on further studies, the Government will not be responsible for passages for accompanying spouse and children.

224-230 Unallocated

CHAPTER XI

HOUSING

231. EXTENT OF GOVERNMENT'S OBLIGATION TO PROVIDE ACCOMMODATION

It is Government's policy that public effort in the matter of housing should be directed towards the provision of housing for the population in general rather than for employees as such. Government however recognizes that it will be necessary to provide accommodation where appropriate or assist with a housing allowance for employees as indicated below:-

- (i) institutional accommodation where applicable;
- (ii) those employees serving under a technical cooperation agreement negotiated with a foreign Government or international agency and other expatriate employees recruited from overseas whose terms of appointment necessarily include an entitlement to housing;
- (iii) Returning citizen graduates, for a temporary period of 12 months maximum on arrival in the Republic, provided they meet all the criteria listed below:-
 - (a) those who have been absent from the Republic on a course of training for a period of not less than two years;
 - (b) those who successfully graduated with a degree or equivalent professional qualification;
 - (c) those who have been appointed to a post allocated to Salary Grade 1 and above;
- (iv) Seychellois graduates returning from successful completion of an approved in-service overseas training programme who meet the criteria at (iii) (a) and (b) above, and whose needs are considered critical, whilst awaiting placement with another Ministry or Department.
- (v) Employees occupying a post allocated to the Senior Officer Grade and above in exceptional circumstances, for an agreed period not exceeding 12 months.
- (vi) Tied housing for a duty post; e.g. Medical Officer attached to a hospital where the employee is required to be on-call or on standby at the hospital concerned outside normal working hours.

232. TEMPORARY HOUSING ALLOWANCE

- (i) An employee who meets the criteria in Order 231 (iii) and (iv) may, on his/her return, be assisted by the provision of a temporary housing allowance to afford him/her the opportunity to obtain permanent housing accommodation. The allowance will be at the maximum rate of SR1000 net per month for a maximum period of 12 months. Applications for a temporary housing allowance should be submitted to the Principal Secretary (Ministry of Administration and Manpower Development) within two years of the employee's return.
- (ii) To obtain permanent housing accommodation an employee should contact their local District Administration office where the relevant procedures will be explained.

233. HOUSING ADMINISTRATION.

The responsibility for the administration of accommodation provided by Government under Order 232 is vested in the Ministry of Administration and Manpower Development unless specifically delegated to another Ministry or Department. This responsibility includes, inter alia:-

- (i) the maintenance of Government owned accommodation;
- (ii) the leasing of privately owned accommodation;
- (iii) the allocation of suitable accommodation to qualifying employees;
- (iv) the construction of new accommodation.

234. UNALLOCATED

235. FURNITURE IN GOVERNMENT OWNED ACCOMMODATION.

- (a) All Government owned accommodation will be equipped with basic furniture to include one desk and chair, a sofa, easy chairs, coffee tables, occasional tables, a sideboard, a bookcase, beds and mattresses, bedside tables, wardrobes, a dressing table, a cooker, a dining table, chairs, curtains and a refrigerator.
- (b) Where an expatriate employee is, under the terms of his/her contract of employment, entitled to fully furnished accommodation, he/she will be provided, in addition to the basic furniture referred to in paragraph (a), with the following items:-

Fans, pillows, linen, kitchen utensils, glassware, cutlery, dinner and tea sets.

236. RENTAL CHARGES FOR GOVERNMENT PROVIDED ACCOMMODATION

- (a) Except in cases where the employee's contract of employment provides for free housing, and subject to paragraph (d), all employees will be required to pay a rental contribution at the following rates for the occupation of Government provided accommodation:-

Grade of accommodation	Rent contribution
Super Executive	SR1500 per month
Grade I	SR1200 per month
Grade II	SR 1000 per month
Grade III	SR 800 per month
Grade IV	SR 600 per month

All Government owned accommodation and privately owned accommodation leased by Government will be allocated to one of the above grades by the Ministry of Administration and Manpower Development.

- (b) Where the accommodation is authorised to be occupied by two or more qualifying employees, the rental contribution due shall be apportioned equally between them.
- (c) Where the accommodation is occupied by a married couple who are both employed by Government and who are both entitled to housing, the rental contribution due shall be apportioned in accordance with the provisions of paragraph (b) or, if it is the wish of the couple, the full rental contribution due may be payable by either one of them.
- (d) If an employee, for any reason, is granted permission to continue to occupy Government provided accommodation beyond the maximum period specified in these Orders, the rental contribution will be re-assessed. The Principal Secretary (Ministry of Administration and Manpower Development) will determine the revised rental contribution to be paid by the employee, which shall be not less than the rental contribution specified in paragraph (a) and not more than the full open market rental value of the accommodation..

237. RENTAL CONTRIBUTION DEDUCTED FROM SALARY

The rental contribution payable by an employee for the occupation of Government provided accommodation is deducted from his/her salary and Accounting Officers are responsible for ensuring and arranging that such deductions are made. Employees themselves should bring to the notice of their Accounting Officers any omission or error. Expatriate employees who do not receive a local salary, but who occupy accommodation for which a rental contribution is payable, are responsible for paying such rental contribution on a monthly basis to the Ministry of Administration and Manpower Development.

238. POWER TO EVICT

Government reserves the right to call upon an employee to vacate the accommodation provided to him/her at any time without notice should such a course be considered necessary. All provision of Government accommodation is subject to this express condition.

239. SUB-LETTING OF GOVERNMENT PROVIDED ACCOMMODATION PROHIBITED

In no circumstances will an employee let or sub-let Government provided accommodation or any part of such accommodation or its grounds. This prohibition applies in all circumstances including those where an employee has been permitted to retain the accommodation during absence on leave. Furthermore, an employee who has been permitted to retain the accommodation during an absence on leave may not permit it to be used by any person during such absence without the prior approval of the Principal Secretary (Ministry of Administration and Manpower Development).

240. ABSENCE ON LEAVE

Any employee who has been allocated Government accommodation will continue to be liable for the usual rent deduction during his/her absence on leave.

241. CARE AND MAINTENANCE OF GOVERNMENT ACCOMMODATION AND FURNITURE.

- (a) A tenant of Government provided accommodation is responsible for maintaining the same, together with its fittings and fixtures and furniture, in a clean and satisfactory condition. He/she is also responsible for keeping the premises and grounds neat and tidy. He/she will be liable to make good any damage not caused by fair wear and tear.
- (b) If it becomes necessary to redecorate or recondition the premises and/or grounds solely as a result of the negligence or carelessness of the employee or his/her family, he/she will be liable to be surcharged for the cost involved. He/she will also be liable to meet the cost of any consequential work necessary to restore the accommodation to its original condition as the result of any unauthorised alterations to the accommodation.

Employees may be requested to pay a deposit not exceeding SR 2,000 upon allocation of accommodation as a security against possible negligence and carelessness on their part. This deposit is refundable depending the condition of the accommodation when vacating the premises.

- (c) No trees or shrubs may be uprooted without the written consent of the Ministry of Administration and Manpower Development.

242. INSPECTION OF ACCOMMODATION

An employee to whom accommodation is allocated is required to provide reasonable access for inspection by a duly authorised officer.

243. RESTRICTION ON PRIVATE ARRANGEMENTS WITH LANDLORD

Under no circumstances may an employee who has been allocated accommodation that has been leased by Government enter into any private arrangement with the landlord that might affect the terms of the tenancy agreement.

244. VACATION OF GOVERNMENT ACCOMMODATION

- (a) Notice of vacation of Government accommodation must be given to the Ministry of Administration and Manpower Development by the employee concerned at least one month in advance. Failure to do so may result in the continued rent deduction from his/her salary for a period of up to one month from the date on which he/she vacates the accommodation. In addition, he/she is also required to arrange for the water and electricity meters to be read by the appropriate authorities on the day on which he vacates his/her accommodation, and will be liable for any charges raised resulting from his/her failure to complete such formalities.
- (b) Where an employee dies in service, his/her dependents will be granted a period of not less than two months to vacate the Government accommodation.
- (c) Where an employee has a telephone, he/she is responsible for completing the necessary formalities on vacating his/her accommodation.

245. HANDING OVER KEYS TO GOVERNMENT PROVIDED ACCOMMODATION

An employee vacating his/her accommodation should hand over the keys of the accommodation to the authorized officer of the Ministry of Administration and Manpower Development and not directly to an incoming tenant. Should an employee vacating accommodation fail to surrender the keys to the authorized officer, he/she will be held financially liable for any defects or deficiencies found when the accommodation and furniture are checked for the incoming tenant. When the accommodation is not immediately reoccupied, he/she will be liable for the payment of rental charges up to and including the date on which the keys are handed to the authorized officer.

246. RESPONSIBILITY FOR FURNITURE AND EQUIPMENT

Whenever furniture and equipment are provided with the accommodation, the occupant will be required to acknowledge receipt. He/she will become personally responsible for the furniture and equipment, including the liability to make good any loss or damage. Normal repairs and replacements will be the responsibility of the Ministry of Administration and Manpower Development. On vacating the accommodation, the employee is responsible for handing back the furniture and equipment in good condition.

247. CONTRIBUTION TOWARDS HOTEL EXPENSES

- (a) An expatriate employee who is entitled to accommodation may, on first arrival in the country, be accommodated in a hotel or guesthouse approved by the Government on full board terms until he/she is allocated Government housing. The employee will contribute towards such hotel expenses at the following rates:

Unaccompanied	SR 100 per night
Accompanied by spouse	SR 150 per night
Accompanied by spouse and up to two children	SR 175 per night
Accompanied by spouse and more than two children	SR 250 per night

Any extra costs, e.g. bar, telephone calls, laundry, meals for friends, will be the responsibility of the employee.

- (b) The employee must stay in the hotel or guesthouse where accommodation has been booked and must not change accommodation without prior approval. Failure to comply with this Order will result in the employee being required to meet all accommodation expenses in full. The provisions of this Order apply also to an employee who is offered accommodation but, without good and acceptable reasons, refuses to take up the offer.

- (c) An expatriate employee leaving the country on completion or determination of his/her contract by Government may spend up to two nights in a hotel or guesthouse prior to his/her departure. This accommodation shall be booked for him/her by Government and the contribution towards hotel expenses shall be on the same terms and conditions as provided in (a) and (b) of this Order.

248. EMPLOYEES PROVIDED WITH FREE ACCOMMODATION

Only expatriate employees recruited under technical cooperation agreements where the contract of employment specifies that they shall be provided with free accommodation shall benefit from such provision.

249. HOUSING ALLOWANCE FOR EMPLOYEES ENTITLED TO FREE ACCOMMODATION

Expatriate employees falling under Order 248 will, when Government accommodation is not made available to them, be eligible to receive a housing allowance restricted to a maximum amount of SR 4000 per month or to the actual monthly rent, whichever is less. This allowance is subject to social security contributions as applicable.

250. HOUSING ALLOWANCE FOR OTHER EMPLOYEES NOT ACCOMMODATED BY GOVERNMENT

Where an expatriate employee who qualifies for Government provided accommodation is not provided with such accommodation and where, as a result, he/she is obliged to rent private accommodation, he/she will be eligible to receive a housing allowance. The allowance will be equivalent to the actual monthly rent of the accommodation or SR 4000 per month, whichever is less. This allowance is subject to social security contributions as applicable.

The Ministry of Administration and Manpower Development and Manpower must be satisfied that:-

- (i) the rent charged is reasonable;
- (ii) the accommodation occupied is in good condition and that it is not out of proportion to the employee's requirements based on the size of his/her family.

251. WHEN HOUSING ALLOWANCE NOT PAYABLE

When an employee who qualifies for Government provided accommodation refuses to occupy or vacates such accommodation that, in the opinion of the Ministry of Administration and Manpower Development and Manpower Development, is adequate for him/her and makes his/her own accommodation arrangements, he/she shall not be entitled to any housing allowance.

252-260 Unallocated.

CHAPTER XII

PENSIONS, GRATUITIES AND SOCIAL SECURITY BENEFITS

261. LAWS RELATING TO PENSIONS, GRATUITIES AND SOCIAL SECURITY BENEFITS.

- (a) The current laws relating to the grant of pensions and/or gratuities to persons employed in the Public Service including those in the teaching service are contained in the Pensions Act (Cap.159), as amended.
- (b) Notwithstanding the provisions of the pensions legislation referred to in paragraph (a), no pension, gratuity or other payment under the said legislation shall be paid in respect of service under Government or as a teacher after 31st December, 1978 in terms of the provisions of the Pensions (Special Provisions) Decree, (Cap 161). The Decree referred to provides that, with effect from 1st January, 1979, service in the Public Service or as a teacher shall cease to be pensionable and that a pension, gratuity or other payment under the Pensions Act referred to shall be payable in terms of that Act only in respect of service under Government or as a teacher prior to 1st January, 1979.
- (c) The Police Force Act (Cap. 172) provides that the President may in his/her absolute discretion grant a gratuity of such sum and at such time to a police officer who was serving in the Force on 26th May, 1982 in respect of his/her service before that date.
- (d) The grant of social security benefits to every person who is resident in Seychelles and is in receipt of an income (including persons in the Public Service) is governed by the Social Security Act, (Cap 225).
- (e) The information contained in this Chapter shall be regarded only as a general guide to the award of pensions, gratuities and social security benefits and must not be construed as superseding or replacing the provisions of relevant laws which shall always override the provisions of these Orders.

262. THE NATIONAL PROVIDENT FUND

Prior to 1st January 1979, certain categories of employees who were employed on non-pensionable terms were required to register as members of the National Provident Fund established under the National Provident Fund Act (Cap. 142)

With the establishment of a Social Security Fund under the terms of the Social Security Decree, 1979 (No. 7 of 1979), no further contributions are payable to the National Provident Fund in respect of employment after 1st January, 1979, but benefits earned under the National Provident Fund shall continue to be payable to members in accordance with and subject to the National Provident Fund Act (Cap 142).

263. PENSIONERS IN EMPLOYMENT

All pensioners (i.e. those who have been paid their retiring benefits upon attaining the age of 55) who are still employed in the Public Service, will continue to draw their salary ad personam provided it is a salary within the salary structure.

Any pensioner who re-joins the Service (following a break of service) should be paid the basic salary of the post only.

264. REGULATIONS FOR PENSIONS AND GRATUITIES AND CALCULATION OF BENEFITS

The Government has issued a Manual of Administration of Pensions and Gratuities which explains the Regulations governing the various Pensions Acts and the method of calculating pensions and gratuities.

265. DEATH GRATUITY

(a) Where an employee who was holding a pensionable office at 31st December, 1978 dies whilst in the service of Government, his/her heirs may be granted a gratuity of an amount not exceeding either his/her annual pensionable emoluments, or his/her commuted pension gratuity, if any.

(b) Where an employee including those who have an entitlement to a death gratuity under (a) above, dies whilst in the service of Government there may be paid to his/her legal heirs the following:-

(i) a gratuity equal to three months' salary

(ii) pro-rata gratuity under Order 139

(iii) compensation under Order 138

Payment of (ii) and (iii) is effected from 1st January 1979 or thereafter provided the employee dies on or after 1st January 1992, the date the regulation came into force.

(c) In all cases where an employee dies whilst in the service of Government, the monetary value of any leave standing to the credit of the deceased employee shall be paid to his/her legal heirs.

266. RETIREMENT AGE

Since the abolition of permanent and pensionable terms as from 1st January, 1979, there is no public service retirement age, per se. The age of 55 years or 30 years continuous service are used, notionally, as the limits at which frozen terminal benefits become payable under the Pensions Act (Cap 159). No employee shall continue in the Service beyond the age of 63 years without the approval of the

Minister of Administration and Manpower and final approval from the Ministry of Employment and Social Affairs.

267. SOCIAL SECURITY FUND.

The Social Security Fund has been established under the Social Security Act, (Cap 225) and this replaces previous pension and gratuity provisions. All claims for benefits under the Fund must be made in writing to the Director of the Social Security Fund.

268. SOCIAL SECURITY BENEFITS.

(a) The following benefits are payable under the Social Security Decree:-

- (1) Sickness Benefit.
- (2) Maternity Benefit.
- (3) Invalidity Benefit.
- (4) Disablement Benefit.
- (5) Survivor's Benefit.
- (6) Retirement Pension.
- (7) Dependent's Benefit.
- (8) Injury Benefit.
- (9) Funeral Benefit.
- (10) Orphaned and Abandoned Children's Benefit.

(b) Certain of these benefits which are payable to employees through the employer may be refundable to Government in part from the Social Security Fund. It is the responsibility of the Accounting Officer of each Ministry/Department to ensure that action is taken, where appropriate, to claim such refunds.

269. CONTRIBUTIONS TO THE SOCIAL SECURITY FUND

Contributions to the Social Security Fund, both by the employee and the employer, shall be payable at such rates as are prescribed by the Minister of Finance from time to time and the employee's contributions shall be deducted monthly from his/her salary.

270. CONTRIBUTION TO THE SEYCHELLES PENSION SCHEME

In accordance with the Seychelles Pension Scheme Act, (Cap 220), the Government as an employer contributes according to the prescribed rate in respect of all its employees. Government employees are encouraged to make voluntary contributions to the Scheme.

271 SCHEME OF SERVICE GRATUITIES

The Government may from time to time include gratuity payments to certain schemes of service.

Employees who benefit from a gratuity under a specific Scheme of Service are not entitled to the continuous service gratuity under Order 139.

272-280 UNALLOCATED

CHAPTER XIII

CORRESPONDENCE AND GENERAL OFFICE ROUTINE

281. FORM OF CORRESPONDENCE - GENERAL

Conciseness and brevity should be aimed at in all official communications, which should be well considered and couched in a tone of courtesy. Familiar and everyday words should be used.

282. CORRESPONDENCE BETWEEN GOVERNMENT ORGANISATIONS

- (a) Correspondence between Government Ministries/Departments should normally be conducted in the form of letters. All letters will be headed with the name, address and telephone number of the originating Ministry or Department. Each communication should be confined to one subject only or be concerned with one officer only, the matter being either stated briefly as a heading or made clear in the first paragraph. Reference numbers and dates of previous correspondence (if any) should be quoted.
- (b) Succeeding paragraphs should logically and concisely:-
 - (i) give a brief outline of the history of the subject;
 - (ii) explain the points to be considered;
 - (iii) refer to any relevant decisions on similar or allied subjects.
- (c) Any authority of law, regulation, Government ruling or precedent connected with the subject should be quoted; where reference is made to any notice which has been published in the Official Gazette, the year and number of the notice must be quoted.
- (d) Paragraphs should be numbered consecutively, and if the communication extends to two or more sheets, each page should also be numbered.
- (e) Enclosures, where essential, should be similarly paragraphed and paged.
- (f) Communications should normally be typewritten and dated with the actual date of dispatch.
- (g) No preface or conclusion such as "Dear Sir" or "Yours faithfully" is necessary in such communications.
- (h) PSO 282
- (i) Ministries/Departments should generally communicate with each other in writing and not by passing files. However, files will need to be passed to the President where his/her ruling is required, or to the Attorney General's

Chambers where legal advice is sought, or to the Ministry of Administration and Manpower Development when so requested.

283. CORRESPONDENCE FROM MINISTRIES/DEPARTMENTS

Correspondence emanating from a Ministry/Department shall be issued under the authority of the Principal Secretary/Head of Department.

284. CORRESPONDENCE WITH FOREIGN GOVERNMENT AND AGENCIES

Correspondence with foreign Governments and Agencies shall normally be conducted through the Ministry of Foreign Affairs. Where matters being discussed are of a purely technical, professional or routine nature, such correspondence may be conducted directly with Governments and Agencies concerned but copies of such correspondence must be sent to the Ministry of Foreign Affairs.

285. ACKNOWLEDGEMENTS

It is important that correspondence received by Ministries/Departments from public bodies, organisations and private individuals should be dealt with promptly. All letters should be acknowledged immediately they are received, advising the name of the officer dealing with the matter raised.

286. RECORD OF CORRESPONDENCE

Principal Secretaries/Heads of Departments will ensure that all letters and mailed items received and dispatched are recorded in such a form that the responsibility for the loss of any item or the contents thereof may be determined without difficulty.

287. LEGIBILITY OF SIGNATURE

To avoid the possibility of error, an employee will have his/her name typed or stamped below his/her signature on all correspondence.

288. AUTHORISED SIGNATORY

Original letters, Government receipts, licences, etc. must be properly signed by an authorised employee. Initials should only be used on copies of letters.

289. CLASSIFIED CORRESPONDENCE

Good security is an essential factor in the efficient working of Government. All employees whose duties involve the handling of classified material must ensure that security is maintained.

290. DECISIONS ON BEHALF OF GOVERNMENT

When Government decisions are conveyed to members of the public, these should be communicated as decisions of the Ministry or Department concerned and not as decisions of an individual.

291. RESTRICTION REGARDING DISCLOSURE OF INFORMATION

No correspondence that has passed between Ministries or Departments or between the public and Ministries/Departments may be communicated to the press or any members of the public without the approval of the Principal Secretary/Head of Department concerned. Information of a purely general nature which may help in discussing local questions need not be withheld provided such information is not of a confidential nature or likely to embarrass others. Unauthorised disclosure of official information will make an employee liable to disciplinary action and/or criminal prosecution (Order 40 - Official Secrets Declaration, Order 108 - Disciplinary Offences).

292. MEDIA AND PUBLIC RELATIONS.

- (a) The accurate compilation and dissemination of information on the work of Government Ministries and Departments is of the highest importance. All Principal Secretaries and Heads of Departments should appoint a senior employee within their Ministry/Department to act as a liaison officer with the media organisations. Information of a factual nature, not connected with major questions of policy and development, to be given publicity in the local media should be channeled through this officer.
- (b) Where the information to be given out relates to a matter of major importance, the communication will be authorised by the Principal Secretary/Head of Department concerned.

293. POLICY STATEMENTS

It is essential that the Presidents Office approves publication and information concerning Government's intentions and strategies about development programmes or statements, which have a bearing on Government policy in any respect.

294. COMMUNICATIONS AFFECTING INDIVIDUAL EMPLOYEES

Any recommendation made in respect of an employee must be regarded as a confidential communication and should not in any circumstances be brought to the attention of the employee concerned until a final decision is made.

295. TELEPHONE CALLS

Whenever information or advice can be obtained by telephone call, this means should be used and correspondence avoided, although it is advisable that a brief record of the call should be made; in the case of decisions, a record is essential and should be confirmed later in writing.

296. USE OF FAX AND E-MAIL

Strict economy must be exercised in sending fax and e-mail messages. All fax and e-mail messages should be printed for filing purposes.

Communication with the Attorney-General

297. LEGAL ADVICE

- (a) Legal advice should, except in abnormal circumstances, be sought in writing. The employee making the request should ensure that the full facts are given to the Attorney-General, should draw attention to any previous legal opinions which might have a bearing on the case, and should set out in a separate paragraph the specific question or questions of law on which advice is desired.
- (b) Except for routine matters (such as scrutinising of minor documents) requests for legal advice should not be made by an employee below the level of Head of Division.
- (c) In the case where it is necessary for legal advice to be sought personally, an appointment should be made with the Attorney-General's chambers. Wherever possible, advance notice of the questions upon which legal advice is desired should be provided.
- (d) The Attorney-General should always be consulted:-
 - (i) before any payment of compensation is made or refused;
 - (ii) before an employee produces official documents in court in a civil matter in which the State is not a party;
 - (iii) before criminal proceedings are instituted since the final decision whether or not such proceedings shall be taken or shall proceed rests with the Attorney-General.
- (e) If a communication to a member of the public entails the decision being based upon a legal opinion expressed by the Attorney-General's chambers, the legal advice should not be quoted, nor should the communication indicate that the decision is based upon legal advice. Such communications should be drafted on the basis that the decision conveyed is that of the Ministry or Department concerned.

298. LEGISLATION

- (a) All legal instruments, other than those of a routine nature issued under the authority of a law, will be drafted or scrutinised by the Attorney-General's chambers. This also applies to all Government contracts of unusual importance and to all Government correspondence on legal matters with non-Government legal practitioners.
- (b) All Government Bills and subsidiary legislation will be drafted by the Attorney-General's chambers. The following notes of the stages which have to be gone through in preparing and enacting legislation will prove helpful to Ministries and Departments:-

(1) Memorandum for Cabinet of Ministers.

The policy on which the Bill is to be based shall be set out in a Memorandum, for approval by the Cabinet of Ministers. The Memorandum should include:-

- (i) Outline of proposal.
- (ii) Summary of present Law/Legislation.
- (iii) Reasons for proposal.
- (iv) Recommendations for proposed legislation.
- (v) Financial implications.
- (vi) Comments of Attorney-General and other Ministries concerned.
- (vii) Recommendation of action to be taken by Cabinet.

The Memorandum should always be referred in draft to the Attorney-General and to other Ministries that may be affected by the proposals. This allows points of difference to be resolved between Ministries at an early stage and saves the time of the Cabinet, leaving only the major issues to be discussed. The final memorandum should then be sent to the Secretary of the Cabinet of Ministers for inclusion on the agenda of a Cabinet meeting. The Attorney-General's chambers will under no circumstances proceed with the drafting of a Bill unless the policy has been approved by the Cabinet and the Cabinet has instructed the Attorney-General to proceed.

(2) Drafting Instructions.

A comprehensive set of instructions will save valuable time for all concerned by enabling the draftsman to understand readily what is required and so avoid abortive attempts at drafting pursuing the wrong objectives. The Cabinet of Ministers' Memorandum is itself rarely sufficient, although its contents can be incorporated into the instructions.

Essential requirements:-

- (i) sufficient background information to let the draftsman see in perspective and in context the facts and problems which the legislative proposal is intended to meet;
- (ii) the principle objects of the legislation should be clearly and fully stated. In other words the very heart of the proposals and what they are intended to achieve, expressed straightforwardly in plain and simple English;
- (iii) the means by which the principal objects are to be achieved - how the machinery is to work in practice;
- (iv) comment on all known implications and difficulties whether legal, social or administrative; and
- (v) references to other similar legislation which could act as an example of the type of provision in mind, whether in Seychelles or in other countries.

Once the instructions have been considered by the Legal Draftsman, it will generally be advantageous to have a meeting between the Legal Draftsman and the Ministry concerned to discuss questions arising, before drafting is started.

(3) Draft Bill.

Drafting of Bills and regulations will be carried out according to a list of priorities decided from time to time by the President.

When the Bill is sent in draft to the originating Ministry, it must be carefully scrutinised by the Ministry to ensure that it achieves what is desired and that it conforms to Government policy. A further meeting at this stage may be helpful, especially for a lengthy Bill. It is then the responsibility of the Ministry (and not the Attorney-General or Legal Draftsman) to ensure that the draft is seen and approved by other interested Ministries. Unless the Cabinet of Ministers exceptionally stipulates, the finalised Bill will need to be approved by the Cabinet. It is for the Ministry to put it to the Cabinet as an Information Note.

(4) Publication.

When ready for publication, the Attorney-General will prepare the objectives/objects and reasons for the Bill and will arrange for its publication in the Gazette. No legislation will be accepted for publication unless it has been cleared by the Attorney-General.

(5) Amendments.

Should it be discovered after publication of a Bill that amendments may be necessary, the Legal Draftsperson should be consulted. No amendments on behalf of Government should be put to the National Assembly without prior consultation with the Attorney General.

(6) Enactment.

Once a Bill (including any amendments) has been passed by the National Assembly, it is sent to the Clerk of the Assembly, then to the President for assent. Thereafter the Attorney-General will arrange for publication in the Gazette, on which date the Act will come into operation unless subject to special provisions.

299. COMPLAINTS, REPRESENTATIONS AND PETITIONS - PRINCIPLES AND PROCEDURES

- (a) Complaints, representations and petitions regarding employment in the Public Service, including the application of conditions of service generally or specifically, may be made by an employee through official channels. Issues may be raised by an individual, by a group of employees or by a trade union. No complaint, representation or petition may be made anonymously.
- (b) Complaints, representations or petitions shall normally be made in writing explaining the issues clearly and concisely and be signed by the employee(s) or their trade union representative. The letter shall be addressed to the employee's Principal Secretary or Head of Department who shall investigate the issue promptly. If the issue is not resolved internally, the matter may be referred to the Principal Secretary (Ministry of Administration and Manpower Development and Manpower Development), including the comments of all parties involved.

300. UNALLOCATED

301. HANDLING OF COMPLAINTS, REPRESENTATIONS AND PETITIONS

- (a) Whilst frivolous representations by employees are to be discouraged, every issue, however apparently insignificant, shall be considered carefully and answered in writing. A full explanation of the reasons for a decision should always be provided. Employees should always be kept informed of the progress of the case they have raised.
- (b) If an employee considers that a complaint, representation or petition is being disregarded or ignored, the matter should be taken up with the Ministry of Administration and Manpower Development as a means of ensuring equitable treatment of the case.

302. APPEAL AGAINST DECISIONS

If an employee wishes to appeal against a decision given upon a matter he/she has raised, he/she shall do so in writing within fourteen days of the date the decision was advised. An employee shall have the right to appeal to the Minister of his/her Ministry/Department on any matter.

303. UNALLOCATED

304. CIRCULARS AND CIRCULAR MEMOS ON STAFF MATTERS

Principal Secretaries and Heads of Departments to whom circulars and circular memos on staff matters are issued by Government from time to time, are responsible for bringing them to the attention of all employees in their Ministry/Department.

305. USE OF COLOURED INK

- (a) For all ordinary correspondence blue or black ink should be used. The use of green ink in the transaction of official business is restricted to the staff of the Audit Department and of purple ink to the Internal Audit staff of the Ministry of Finance.
- (b) The use of red ink in writing minutes or signing documents is reserved for the President.

306. NATIONAL ARCHIVES

All Principal Secretaries and Heads of Departments shall ensure that a complimentary copy of every official publication produced by their Ministry or Department shall be provided to the National Archives.

307. STORAGE AND DISPOSAL OF GOVERNMENT RECORDS

- (a) To ensure that records worthy of permanent preservation are in fact preserved, Principal Secretaries and Heads of Departments should, in consultation with the Director of the National Archives, arrange for the transfer annually of all such records.
- (b) Ministries and Departments should regard the National Archives as a logical extension of their own registries. The files of each Ministry/Department are kept separately and any file at any time can be recalled by the Ministry/Department from which it originated. All records transferred are treated as confidential and no papers can be referred to by

any other organisation without the written authority of the depositing Ministry/Department.

- (c) Before transferring records to the National Archives, Principal Secretaries and Heads of Departments should ensure that no records are transferred which should be destroyed. Appendix "D" shows the type of records that should be destroyed by Ministries/Departments, with the appropriate disposal instructions shown against each category.
- (d) Destruction of records should be effected by shredding.

308-320. Unallocated.

CHAPTER XIV

MISCELLANEOUS

321. OCCUPATIONAL ACCIDENTS / OCCUPATIONAL SAFETY AND HEALTH ACT

- a) All employers are required to take certain measures and precautions at their work premises to ensure the health, safety and welfare of their employees whilst at work. The Occupational Safety and Health Decree (Cap 151) contains the necessary provisions.
- b) Under the Occupational Safety and Health Decree (Cap 151), an employer is required to report to the Ministry of Social Affairs and Manpower Development any accident which results in a worker's death or injury of sufficient seriousness to necessitate absence from work for a period exceeding three days.

322. ACCIDENT WHILST ON DUTY

- (a) If an employee is injured as a result of an accident sustained whilst he/she is on duty, an immediate preliminary investigation should be carried out by the Head of Division and the report forwarded to the Principal Secretary or Head of Department concerned. A medical report giving the details of injuries sustained and capability of resuming duty and/or extent of disability should also be obtained.
- (b) If there is any evidence of negligence on the part of the employing organisation contributing to the accident, the Principal Secretary or Head of Department will advise the Principal Secretary (Ministry of Administration and Manpower Development). A review of the case will then be undertaken and, if justified, an award of compensation may be made to the employee in respect of the injuries sustained.

323. SERIOUS ILLNESS OR DEATH OF AN EMPLOYEE

A report of an employee's serious illness or that of his/her death must be sent immediately to his/her Principal Secretary/Head of Department and all employees must inform their next of kin of this requirement.

324. OFFICE ACCOMMODATION

The provision of Government office accommodation shall be the responsibility of the Principal Secretary (Ministry of Administration and Manpower Development). This responsibility may be delegated to another Principal Secretary or Head of Department in respect of specific buildings.

325. TELEPHONES

- (a) The responsibility for authorising the provision, removal and transfer of telephone equipment in Government offices and the control of its

use rests with Principal Secretaries and Heads of Departments subject to the conditions set by the Ministry of Information Technology and Communications.

- (b) The Attorney-General, Principal Secretaries and Directors General shall be provided with a fixed line telephone at their place of residence and a mobile telephone, with the cost of installation and the monthly rentals paid by Government. Other employees may be provided with a fixed line or mobile telephone at Government expense at the discretion of the Principal Secretary or Head of Department. This provision will only be made when the Principal Secretary or Head of Department is satisfied that the nature of the duties and responsibilities of the employee are such that regular contact outside working hours is essential. The employee will be required to enter into a written agreement regarding the provision and use of such telephone equipment.
- (c) The employee shall be responsible for reimbursing the Government the cost of all private calls made using telephone equipment provided by Government.
- (d) Only one telephone may be provided to an employee other than those specified in paragraph (a). If the employee moves from one house to another on a voluntary basis, he/she shall be required to pay the standard charges for telephone removal and reconnection. Where the move from one house to another is as a result of a Government directive, the standard charges shall be borne by the Government.

326. FIRE-FIGHTING PRECAUTIONS

- (a) Dangerous, flammable and corrosive goods shall be stored in an extremely secure manner. The advice of the Chief Fire Officer shall always be sought regarding such storage. All Government organisations should have fire-fighting appliances which shall be thoroughly tested at least once a year to ensure their efficiency.
- (b) Principal Secretaries and Heads of Department shall ensure their staff are familiar with the position and operation of any fire-fighting appliances installed and the procedures to be followed in case of fire.

327. DAMAGE TO GOVERNMENT PROPERTY

- (a) Whenever any Government property or building is destroyed or damaged, a formal inquiry shall immediately be held. A copy of the record of the inquiry, which must indicate whether the damage was attributable to negligence or not, should be sent to the Principal Secretary (Finance).
- (b) The holding of an inquiry in terms of paragraph (a) does not absolve the responsible officer from reporting, in accordance with Financial Instructions, any losses of Government cash or stores.

328. ELECTRICITY TO BE SWITCHED OFF

It is the responsibility of the occupants of Government premises to ensure that electrical appliances and lights are switched off when the premises are vacated.

329. COMPENSATION FOR LOSS OF PRIVATE PROPERTY

No employee shall be entitled to claim compensation in respect of losses of or damage to private property incurred through fire, theft or otherwise in the course of his/her employment except in exceptional cases approved by the Principal Secretary (Ministry of Administration and Manpower Development).

330. TIME-BAR ON CLAIMS BY EMPLOYEES

Any claim by an employee for an entitlement under these Orders or under any other regulations made more than one year after the claim became due, will be treated as time-barred.

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