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Chapter I

Preliminary

1.1 In these General Orders unless the context otherwise requires

- Interpretation
- (a) “department” includes a ministry;
 - (b) “Head of the Civil Service” means the officer for the time being so designated.
 - (c) “Head of Department” means, in relation to a Ministry, the Permanent Secretary of that Ministry;
 - (d) “public employee” hereinafter referred to as “employee” means a servant of the Crown whether permanent or casual, other than a public officer.
 - (e) “public officer” hereinafter referred to as “officer”, has the same meaning as that assigned to it by section 117 of the *Constitution of Barbados*, i.e. the holder of any public office and includes any person appointed to act in any such office.

Knowledge and availability of Orders

1.2 All public officers and employees are required to familiarise themselves thoroughly with the General Orders and any amendments or additions thereto which may from time to time be issued. The Orders should therefore be readily available to all officers and employees in every Department and it is the duty of the Head of Department to ensure that a sufficient number of copies is always on hand to meet the needs of the Department.

Application of Orders

1.3.1 The provisions in these Orders shall apply to all officers and employees provided that in cases where special laws or regulations are made or a memorandum of understanding is made in regard to a particular category or class of officer such special laws, regulations or memorandum of understanding shall have precedence over related provisions in these Orders.

Orders not a contract

1.3.2 The provisions of the *Memorandum of Understanding* set out at Appendix I apply to the teachers mentioned therein.

1.4 The provisions of the Orders do not constitute a contract between the Crown and its servants.

Orders to remain within the Department

1.5 Copies of the General Orders issued to officers and employees are not to

be regarded as the property of any individual officer or employee. Heads of Departments should therefore ensure that an officer who is in possession of a copy of the Orders surrenders it in the event of his transfer to another Department or of his retirement, resignation or removal from the Service.

1.6 Officers and employees are required to make themselves acquainted with all Government notifications and orders, whether published in the Official Gazette or conveyed by circular or any other means of communication, and Heads of Departments will be held responsible for seeing that this is done.

1.7 Officers and employees may render themselves liable to disciplinary action under the appropriate regulations in respect of breach of any of these Orders.

1.8 The Minister responsible for establishments shall make these Orders and may at any time alter, add to or amend them.

Knowledge of
Government
notifications etc.

Breach of orders

Making of orders

Chapter II

Appointment, Recruitment, Transfer and Secondment

Authority for
appointments in the
Public Service

2.1.1 Save as may otherwise be provided in the *Constitution of Barbados* or in regulations made under the *Constitution* or in any other relevant law, appointments in the Public Service, including promotion and transfers, are made by the Governor-General acting upon the recommendation of the appropriate Service Commission.

2.1.2 The Chief Personnel Officer is empowered to make appointments in the prescribed manner to the Unestablished Staff, i.e. to full-time permanent posts which are listed in the annual Schedules of Personal Emoluments for the purpose and to temporary posts.

2.1.3 A Head of Department is empowered to make appointments of casual employees to the approved staff in the manner prescribed for the purpose.

Nationality
requirements

2.2 As a general rule, only persons of Barbadian nationality will be appointed permanently in the Public Service.

Rules for
appointment

2.3 The educational or professional qualifications and other requirements for appointment to posts in the Service may be determined by the Minister responsible for establishments and may be amended or revised by him from time to time: (*The Civil Establishments Act*). Information regarding these matters may be obtained upon application to the Permanent Secretary, Ministry responsible for establishments.

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Probationary
service

2.4.1 On first appointment to the public service or on promotion or transfer from a non-pensionable office to a pensionable office an officer or employee shall normally be required to serve a probationary period of up to one year. Such probationary period may be extended on the basis of any unfavourable report which is submitted on the officer or employee during his period of probation. The expiry of an officer's or employee's probationary period of service does not automatically confer confirmation of appointment on that officer.

2.4.2 The appointment on probation of an officer or employee may, at any time before the appointment is confirmed, be terminated upon one month's notice in writing or on payment of one month's salary in lieu of such notice.

Creation of
temporary posts

2.5 The approval of the Minister responsible for establishments is required for the creation of temporary posts.

Recruitment
through the
National
Employment
Bureau

2.6 The services of the National Employment Bureau should be utilised as far as possibly by Ministries and Departments in engaging the services of casual employees.

2.7.1 Except as otherwise prescribed, every candidate selected for first appointment to the permanent establishment will be required to complete and submit to the Chief personnel officer or other authorised person or agency as the case may be, the prescribed form of declaration of health for employment in the Public Service. The form of declaration should normally be completed before the candidate assumes office but in any case such a declaration must be made within the first month of service or within the period of probationary service or within the period of probationary service as may be determined. Every such candidate may also be subject to the passing of a medical examination during the first six months of service, such examination being undertaken by one or more of a panel of medical examiners selected by the Chief Medical Officer for the purpose. The period of six months may, however, be extended on the recommendation of the medical examiner(s).

2.7.2 In the event that any of the particulars in the completed form of declaration of health are found to be false within the knowledge of the person completing the form such a person may be liable to disqualification for appointment or, if appointed, to disciplinary action and in addition, may forfeit his eligibility for certain superannuation benefits. A candidate who wilfully suppresses any material fact about his health may be similarly penalised.

2.7.3 All completed forms of declaration of health for employment in the Public Service should be submitted by the Chief Personnel Officer or other authorised person or agency as the case may be to the Chief Medical Officer for vetting by such medical referee as the Chief Medical Officer may determine, to decide whether or not the candidate should be referred for medical examination.

2.7.4 The cost, if any, of vetting completed forms of declaration of health by a medical referee and of medical examination, will be paid from Barbados Government funds.

2.7.5 A person selected for appointment from outside Barbados may be required, before taking up his appointment, to present himself for examination by a medical practitioner selected by the Government of Barbados for the purpose.

2.7.6 The Minister responsible for establishments will from time to time prescribe those offices to which any appointment is subject to the passing of a detailed medical examination.

2.8.1 An officer or employee, whether or not he is on leave of absence at the time, may be required to present himself for examination to an approved medical practitioner or medical board with a view to it being ascertained whether he is physically and mentally fit to perform the duties of his office or of any other office in the Public Service of Barbados. The cost, if any, of such an examination will be paid from Barbados Government funds.

2.8.2 In cases of examination under Order 2.8.1 the following apply -

Declaration of health and medical examination on appointment

Further medical report

- (a) the Chief Personnel Officer should request the Chief Medical Officer to appoint a Medical Board to examine the officer;
- (b) every medical practitioner in the Government service must serve on a Medical Board when appointed by the Chief Medical Officer and shall be entitled to such fee as the Minister responsible for establishments may determine;
- (c) a Medical Board shall consist of two or three registered medical practitioners, the number to be in the discretion of the Chief Medical Officer;
- (d) the report of the Board should be submitted to the Chief Medical Officer who will pass it, with comments if necessary, to the Chief Personnel Officer;
- (e) if the officer is absent from the country, the agency representing the country will arrange for a Medical Board.

2.8.3 The officer shall, however, be informed at the earliest possible date of the decision reached upon his case after consideration of the report, and if the officer is dissatisfied with that decision he shall be at liberty to make representations to this effect to the Chief Personnel Officer.

2.9 Subject to the provisions of General Order 3.33, Heads of Departments are required to keep a record of the following particulars of officers and employees in their Departments -

- (a) name and address of the next-of-kin;
- (b) addresses and telephone numbers;
- (c) history of service and leave; and
- (d) marital status.

2.10 Seniority among grades in the Public Service is determined by salary, the grade with the higher salary being the senior. Where the salary is scalar and the scales of two grades overlap the one with the higher maximum will be the senior. In cases where the maxima are the same, the grade with the higher minimum salary will be the senior.

2.11 An officer's seniority is determined by the date of his appointment to the particular grade; provided that where qualifications are prescribed for advancement beyond a Qualification Bar the officer first acquiring the required qualifications and passing the Qualification Bar shall be deemed to be senior in the grade. Seniority between officers appointed on probation and subsequently confirmed in their appointments is determined by the date of the probationary appointment. The seniority of officers promoted to the same grade from the same date will be in accordance with

Records of
particulars of
officers to be kept

Seniority as
between posts

their seniority in their former grade.

2.12 When an officer or employee is promoted to another department arrangements should normally be made whereby he can assume his new duties on the date of his appointment. If, however, exceptional circumstances necessitate his retention in his old department beyond his promotion date, he shall be regarded as holding his new office as from the date of his appointment, and assigned to his old department. In any such case of retention the authority of the Chief Personnel Officer must first be obtained.

Appointments on Contract

2.13 Appointments on contract for a specific duration may be made to any public office as may be determined. Officers and employees on contract are subject always to the terms and conditions of their contract. They are also subject to the rules, orders and regulations applicable to all other officers and employees in their category provided that such other rules, orders and regulations do not conflict with the terms of their contract.

2.14 Leave is granted to officers on contract under the terms of their contract which normally limits vacation leave to 14 days compulsory leave and sick leave to 21 days in any one year. If, however, an officer on contract for one reason or another is granted leave in excess of these periods his contract may be extended by the amount of such extra leave.

2.15 An officer or employee on contract may be granted terminal pay in lieu of any vacation leave for which he is eligible at the completion of his period of contract of service.

2.16 A gratuity is payable to an officer or employee on contract provided that such a payment cannot apply to any period of service which is counted as pensionable service. The following conditions apply to the payment of gratuity to an officer or employee on contract:

- (a) the officer's eligibility for a gratuity accrues at the end of each year of satisfactory service;
- (b) the officer may opt to receive any gratuity payable to him as it accrues or at the end of his contract service but such an option must be exercised within six months of the start of his contract;
- (c) payment of gratuity to an officer on contract shall be subject always to completion to the satisfaction of the Governor-General, of the contract or of each year's service as the case may be;
- (d) a gratuity is payable at a rate not in excess of 20% of the annual salary paid to the officer during his service and on any terminal

Retention of services of promoted officers in former department

Officers and employees appointed on contract

Leave during the period of the contract

Terminal pay of contract officer or employee

Contract gratuity

payment made in lieu of leave at the completion of the officer's service;

- (e) a gratuity shall not be paid to any officer who is recruited on contract for a period of less than one year;
- (f) if an officer who is recruited on contract for a period of one year or more is compelled by ill-health, not caused by his own misconduct, to resign his office or if at any time it shall be certified by a Medical Board appointed for the purpose that he is incapable by reason of any infirmity of mind or body of rendering further efficient service he may be granted a gratuity in respect of his service up to date of such resignation;
- (g) if an officer who is serving on contract becomes a member of the permanent and pensionable service from a date immediately following the completion of his contract, he shall not be eligible for the payment of a gratuity;
- (h) any contributions made by the Government to a superannuation scheme on behalf of an officer on contract shall be deducted from any gratuity payable to that officer on the completion of his contract;
- (I) income tax is payable only on 50% of any gratuity paid to an officer on contract.

Transfer and Secondment

Transfer of holders
of public office

2.17 The authority to effect appointment on transfer in respect of the holders of public office is vested in the Governor-General acting in accordance with the advice of the appropriate Services Commission except that in relation to the offices specified at section 99 of the *Constitution*, the Commission is required to consult the Prime Minister before effecting such an appointment and in respect of the holder of an office of Permanent Secretary the authority to make an appointment on transfer is exercised only on the recommendation of the Prime Minister.

Transfer of holders
of office other than
public office

2.18 Appointment on transfer in respect of the holders of offices other than established offices is vested in the Chief Personnel Officer.

Officers on transfer
not entitled to
special conditions

2.19 An officer or employee who is transferred to another ministry or department is not entitled to any special allowances or other peculiar conditions of service which he might have enjoyed in his previous ministry or department.

Transfer within
Ministry

2.20 The Permanent Secretary of a ministry may by authority delegated to him by virtue of the *Delegation of Functions (Public and Police Services) (Miscellaneous*

S.I. 1974 No.122

Provisions) Order, 1974, transfer an officer holding a post in the General Service to any section, division or department at an identical level within that Ministry.

Secondment within the public service

2.21 An officer or employee may, as the exigencies of the public service require, be seconded to a post of identical grade and level in a ministry or department other than that to which he is substantively appointed.

Secondment to organisations outside the public service

2.22.1 Subject to the approval of the Minister responsible for establishments, an officer may be seconded to an organisation or authority or other body outside the public service whether or not such organisation, authority or body is approved for the purpose under the **Civil Establishment Act**, to be an approved employer.

2.22.2 A person who is seconded to service with an approved employer shall, during the period of his secondment, cease to receive the emoluments attached to his office but shall nevertheless, if the approved employer agrees to pay to the Crown a contribution in respect of his pension during the period of his secondment at the prescribed rate, be deemed to continue to hold such office for purposes of the relevant pensions legislation. (**Civil Establishment Act**).

2.22.3 During the period of secondment of an officer to service with an approved employer, another person may be appointed to such office as if it were vacant and such person shall be deemed to be the holder of that office and shall receive the emoluments attaching thereto during such time as the substantive holder remains on secondment. (**Civil Establishment Act**).

Period of secondment

2.23.1 As a rule the period during which an officer may be on secondment outside the public service is limited to one year and any request for extension must be supported by cogent reasons. The organisation to which an officer is seconded must make a formal request for the retention of the officer's services.

2.23.2 An officer who remains on secondment for a period in excess of two years may be required to exercise an option of remaining in the service of the organisation to which he is seconded or returning to his substantive position in the public service.

Transfer to organisations declared to be public service or other public service

2.24 Where service in an organisation has been declared under the appropriate pensions legislation to be public service or other public service, an officer or employee on transfer to service with such an organisation may be eligible for retiring awards in respect of his public service when he finally retires from that organisation.

Retirement

2.25 Except as otherwise provided, officers and employees whether or not on the fixed establishment will be required to retire on attaining the age of compulsory retirement specified in the appropriate legislation applicable to them. In exceptional circumstances, where the exigencies of the service so require, an officer or employee may, however, be re-employed after retirement.

Retirement of casual employees

2.26 Casual employees may be permitted to work up to the age of 65 years but those in service on 1st July, 1971 are eligible for pensions only in respect of service up to

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the age of 60 years under the provisions of the *Casual Employees Pensions Act*. A casual employee who enters the Service after 1st July, 1971 may be eligible only for a gratuity under the above mentioned Act.

2.27 Under the provisions of the *Pensions Act* and the *Public Employees Pensions Act*, officers and employees may be permitted, or called upon, to retire before attaining the age of compulsory retirement.

Transportation Expenses on Appointment

Overseas
appointees and
their travel
arrangements

2.28.1 The provisions of this Order shall apply to a person who is transferred to Barbados and to a person who is selected from overseas for first appointment to a public office in Barbados. In respect of such a person the amount borne by the Government may not exceed - for passages and reasonable incidental expenses including baggage allowance - such amount as may from time to time be determined by the Minister responsible for establishments.

2.28.2 An officer on transfer or on first appointment to Barbados may receive reimbursement of the cost of the transport of baggage and incidental expenses in such a sum as the Minister responsible for establishments may determine. Such reimbursement is in addition to the amount allowed on the passage ticket by the shipping company or airline.

2.28.3 An officer may use his discretion as to what items of personal and household effects he takes with him but no additional consideration will be given for the transport of items such as cars, refrigerators, wireless sets, stereo sets, television sets or video recorders.

2.28.4 The cost of transport within the transferring territory will not be met. Claims for storage at the point of embarkation and disembarkation and claims for insurance will not be met by the Government. Necessary storage charges en route will, however, be recoverable.

2.28.5 In the case of transferred officers who are required to tranship during the journey to Barbados, reasonable in transit hotel expenses within the prescribed limits, and taxi fares between the seaport or airport and hotel together with any other essential transshipment expenses, will also be borne by Government.

2.28.6 Used cars, baggage, personal and household effects of officers arriving in Barbados may be exempt from Customs Duty under Item 13 of Part III of the First Schedule to the *Customs Act*.

2.28.7 An officer will be required to submit vouchers or other relevant documents in support of claims for the payment of the above allowances and Government's liability in respect of the above items will be limited to the amounts specified from time to time.

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Chapter III

Conduct of Officers and Employees

Hours of duty

3.1 The hours of work of officers or employees shall be as determined by the Minister responsible for establishments for each category of staff. No permanent alteration of the determined hours of work of any category of public officer may be effected unless the Minister responsible for establishments so approves, but Heads of Departments may, on giving reasonable notice, require any or all of the staff of their departments to work temporarily for longer hours than those determined whenever the public interest makes this desirable.

Absence from office during duty hours

3.2 An officer or employee may not absent himself from duty during working hours without the permission of the Head of the Department in which he works or such other officer as may be deputed by him. Heads of Departments should implement the necessary arrangements to monitor the hours of duty of personnel engaged in duties away from their base or in field work.

Absence from duty without permission

3.3.1 An officer or employee who absents himself from duty without permission, except in the case of illness or other unavoidable circumstances shall render himself liable to disciplinary action.

3.3.2 The pay of an officer or employee may be proportionately abated for any part of a day or period of absence from the job without permission or without satisfactory explanation for such absence.

Attendance Register

3.4 Every officer or employee save those who may be exempted by the Head of Department, shall sign his name in the Attendance Register kept in the department for this purpose and insert the time of his arrival and departure from duty. The Head of Department shall depute an officer to examine and initial this Register every day and bring to his notice any case of habitual or frequent unpunctuality or absenteeism on the part of any officer or employee. The Head of Department or such senior officer as he may designate, shall examine this Register at least once every month.

Absence from duty to be reported by Permanent Secretaries and Heads of Departments

3.5 Permanent Secretaries, Chief Technical Officers and Heads of Departments are required to notify their respective Ministers of any intended absence from duty 24 hours before such absence. In the case of Chief Technical Officers, however designated, and Heads of Departments, the notification should be forwarded to the Permanent Secretary of the Ministry concerned who should at once inform his Minister.

Absence from duty on religious grounds

3.6.1 Officers or employees who on religious grounds request permission to be absent from work on Saturdays or any other day of the week may be granted such

permission provided that absence in these circumstances shall be regarded as leave of absence without pay. The question of leave without pay would not arise in cases where the section or department in which the officer or employee works does not normally operate on the day of absence.

3.6.2 The concession mentioned at 3.6.1 may be withdrawn in the event of a departmental or national emergency.

3.6.3 One three-hundred and sixty-fifth (1/365) part of annual salary should be deducted in respect of each religious day off provided that no such deduction should be made in respect of a day of absence on religious grounds which falls during a period of vacation or sick leave.

Private investments

3.7 An officer, whether or not his whole time is at the disposal of the Government, may be required to disclose for the information of the appropriate Service Commission particulars of any investment or shareholding which he may possess in any company, occupation or undertaking, or any other direct, or indirect interest in such organisation. If it is disclosed that the officer's private affairs might be brought into real or apparent conflict with his public duties or in any way influence him in the discharge of his duties, the officer shall to such extent as may be directed, divest himself of such investments or interests.

Private work

3.8.1 Public officers whether on leave of absence or not, are forbidden -

- (a) to undertake any private work for payment or to engage in trade or employ themselves in any commercial or agricultural undertaking without the consent of the appropriate Service Commission; and such consent shall be subject to the prior consultation by the Commission with the Prime Minister;
- (b) to undertake any private agency in any matter connected with the exercise of their public duties.

3.8.2 Permission to engage in limited private practice may be granted to certain officers whose professional skills may be in demand in the community at large. The concession is allowed under the following conditions -

- (a) the private practice is not undertaken during the official hours of the officer;
- (b) the concession may be withdrawn if it is deemed adversely to affect, by way of conflict of interest or otherwise, the performance of the official duties of the officer; or
- (c) the officer does not, for purposes of private practice, make use of the facilities, equipment or services of the ministry or department in which he is working.

3.9 Officers are not allowed to accept the auditorships or directorships of business organisations or companies without the approval of the Prime Minister, such approval being sought through the Head of the Civil Service.

3.10 As a general rule officers and employees should not sign or procure signatures to any public petition to the Government which may require executive action or which relates to any action or proposals of the Government of Barbados or of any other Government.

3.11 Officers are forbidden to be editors of newspapers or directly or indirectly to take part in the management of newspapers. They are also forbidden to contribute to any newspaper in Barbados or elsewhere on questions which can properly be called political or administrative though they may furnish articles upon subjects of general interest.

3.12.1 An officer, whether on duty or on leave of absence, shall not allow himself to be interviewed on questions of public policy or on matters affecting the defence, military resources or diplomatic relations of Barbados without the prior approval of the Minister concerned.

3.12.2 Statements to the Press involving policy shall not be made by public officers without the prior permission of the Minister concerned.

3.12.3 Statements for publication involving factual or technical information may be made by Permanent Secretaries, Heads of Departments and other senior officers if authorised by the Minister concerned.

3.13 An officer or employee shall not, without the approval of the Minister concerned, make public or communicate to the Press or cause to be made public or so communicated to the Press or to unauthorised individuals, any documents, papers or information which may come into his possession in his official capacity, or make private copies of any such document or papers.

3.14 Officers and employees are forbidden to give broadcast talks or to engage in any discussion which is being broadcast on any subject which may properly be regarded as of a political or administrative nature without the prior permission of the Minister concerned.

3.15.1 Officers and employees must not disclose or produce in evidence any official document of a confidential character in any court of law without obtaining the previous permission of their Minister so to do.

3.15.2 Where the official documents concerned relate to matters which affect other Ministries, such other Ministries should be consulted.

3.16 Officers and employees should not as a rule, be allowed to have access to records personally relating to themselves; and are not permitted to take copies of official

correspondence of this nature which passes through their hands, except in cases where the correspondence has been expressly sent to them for noting.

3.17 Officers and employees who wish to make representations regarding promotion, transfer, increased emoluments or other matters related to their public office should do so through the head of their Department or their accredited representatives and should not directly or indirectly approach a Member of Parliament. The Head of Department shall forward such representation to the appropriate authority within seven working days.

3.18.1 Officers and employees are expressly forbidden to participate actively in politics, including the following -

- (a) being adopted as a parliamentary candidate;
- (b) canvassing on behalf of any party or candidate for election to the House of Assembly;
- (c) acting as agents or sub-agents for any candidate for election;
- (d) holding office in party political organisations; and
- (e) speaking at political meetings.

3.18.2 Casual employees are, however, permitted to speak at political meetings and stand for election to the House of Assembly subject to the condition that those employees shall not engage in any political activity while on duty or on Government premises and, in the event of the election of any such employee to the House of Assembly, he shall immediately vacate his appointment in the public service.

Acceptance of gifts

3.19 Officers and employees are forbidden to solicit or accept presents, other than the ordinary gifts of personal friends, whether in the form of money, goods, free or reduced passages, or other personal benefits, and from giving such presents.

Legal proceedings
by officers

3.20 No steps may be taken by officers to institute civil proceedings in any Court in connection with matters arising out of the discharge of their public duties, or against a Minister or Permanent Secretary or the Head of any Government Department or other officer, for anything done in the performance of his duty, unless and until the sanction of the appropriate Service Commission has been obtained.

Legal proceedings
against public
officers

3.21.1 Subject to the provisions of this Order, Government will, unless otherwise advised by the Attorney General in any particular case, accept responsibility for the defence of officers against whom legal proceedings are threatened or brought in respect of acts done or liabilities incurred in the execution of their duty.

3.21.2 Where legal proceedings are threatened or brought in respect of acts done or liabilities incurred in the execution of duty by an officer, the fact thereof shall forthwith be reported to the Attorney General and no legal or other expenses shall be incurred by the officer against whom the proceedings have been threatened or brought, or other steps taken in connection with any such proceedings until the directions of the

Attorney General have been received by the officer.

3.21.3 Where, as a result of the act of an officer, legal proceedings are brought successfully against the Government or the Head of a Government Department, or the Government deems it desirable to settle such proceedings out of Court, disciplinary action may be instituted against the officer.

3.21.4 Where legal proceedings are threatened or brought against the officer whose acts are the subject of the proceedings, the proceedings shall not be defended by Government unless the officer makes a written request through the Head of his Department to the Attorney General for legal assistance.

3.21.5 Where legal assistance is afforded to an officer referred to under 3.21.4 and the Attorney General considers that it would be advisable to settle the proceedings, the Attorney General shall recommend to the Director of Finance and Economic Affairs the amount for which he considers that efforts should be made to settle the proceedings and also of the amount, if any, which Government should contribute towards the settlement and upon the receipt of the decision, shall inform the officer of what amount, if any, he will be called upon to contribute towards the settlement. If the officer agrees to make the contribution decided upon, he shall so state in writing and the Attorney General may take steps to settle the proceedings. If the officer does not agree to contribute the amount decided upon, Government may refuse to continue to afford legal assistance to him.

3.22 Officers and employees are required to be prudent in the conduct of their private financial affairs. Serious pecuniary embarrassment arising out of the imprudent conduct of an officer's private financial affairs may be regarded as impairing his efficiency.

3.23 In the event of an officer or employee filing a petition in bankruptcy, or of bankruptcy proceedings being taken against him or of his entering into a composition with his creditors under the *Bankruptcy Act*, or of any other serious financial embarrassment on his part, the officer or employee shall immediately notify the Head of his Department who will report the fact to the Chief Personnel Officer.

3.24 In every instance of bankruptcy proceedings against an officer or employee, the office of the Court before whom the proceedings are taken shall forthwith report the matter to the Chief Personnel Officer giving particulars of the officer's indebtedness. On the conclusion of the examination the officer of the Court shall furnish a further report to the Chief Personnel Officer showing whether or not the officer's difficulties were occasioned by

- (a) imprudence or extravagance; or
- (b) unavoidable misfortune or other extenuating circumstances.

3.25 Any officer or employee who is sued for debt and against whom, after an

Pecuniary
embarrassment

Bankruptcy Act
Cap. 303

Judgment summons

order of payment has been made, a judgment summons is issued, will be regarded, in the absence of a reasonable explanation of his failure to pay the debt, as having brought himself within the terms of General Order 3.22.

3.26 Clerks of the Courts shall furnish to the Chief Personnel Officer who may inform the Head of Department, a quarterly return, in triplicate, of officers and employees against whom judgment summonses have been issued, giving particulars of the indebtedness of such officers.

3.27 Officers and employees whose indebtedness has been the subject of correspondence with the Chief Personnel Officer shall report to him through the Head of Department when the indebtedness in question has been liquidated.

3.28 Officers and employees are forbidden to purchase from a Post Office postage and revenue stamps which are not currently on sale across the counter to the public, or to use their official position to obtain, or aid anyone else to obtain, unfair advantage over the public in the purchase of stamps. Dealing in postage stamps by postmasters or other officers in the Postal Service for private profit is forbidden.

3.29 The salaries and wages of officers and employees who go on strike will not be paid for any day or portion of a day during which they are on strike. Thus if an officer or employee merely reports for work on any day of a strike but does not work for the day, he will not receive pay in respect of that day; if he works only for a part of any day of a strike he will not be paid for that period of the day during which his services are withheld.

3.30 At the commencement of a strike, Permanent Secretaries and Heads of Departments must inform all officers and employees on leave of the existence of a strike and request them to report for duty immediately. Officers and employees who fail to report to work will in the absence of satisfactory explanation be deemed to be in support of the strike and will not be eligible for pay from the date of the commencement of the strike and until such time as they report for duties and commence to work. This provision applies to officers and employees on any type of leave except

- (a) leave for purposes of study; and
- (b) leave of absence outside Barbados.

However, salaries and wages may be paid to persons who are absent on the grounds of illness or maternity leave where the entire period of absence is supported by a satisfactory medical certificate.

3.31 It is expected that there will be some workers who report for duty and are willing to work but are precluded from doing so because of circumstances beyond their control. A distinction should be made between this class of worker and the *bona fide* strikers and the former class may be paid if after reference to the Permanent Secretary, it is considered that the circumstances justify such action. In any case where there is doubt whether a worker was a *bona fide* striker, an enquiry shall be instituted in order to

Postage and
revenue stamps not
currently on sale

Strikes by officers
and employees

determine the category in which his conduct places him.

Certificate of service

3.32 Any public officer or employee, on leaving the Government Service, may, if he so desires, obtain a formal certificate of service in the prescribed form from the Chief Personnel Officer. When an officer or employee has been dismissed for reasons reflecting upon his good conduct or efficiency, the certificate should contain a note in the appropriate page to the effect that a reference should be made to the Chief Personnel Officer.

Records of service

3.33 Heads of Departments and Permanent Secretaries are responsible for ensuring that records of the service of every officer and employee in their Department or Ministry are maintained in forms which can readily be transferred or copied to another Department or Ministry on the transfer of the officer or employee. The Chief Personnel officer may prescribe forms of record to be included in the records, and shall be given access to them at any time. The records shall include the marital status of officers and employees.

Dress on the job

3.34.1 Officers and employees are required to dress soberly, tidily and in keeping with the requirements of the job and having regard to the desirability of maintaining a standard of attire consistent with the dignity of the Public Service. The suitability of any particular form of dress to the requirements of the office should be determined at the discretion of the Head of Department.

Wearing of uniforms

3.34.2 Officers and employees who are provided with uniforms shall wear such uniforms at all times when on duty. A breach of this Order shall render the officer or employee liable to disciplinary action.

Discipline

Authority for discipline

3.35.1 In accordance with the provisions of the *Constitution*, the power to remove and exercise disciplinary control over persons holding or acting in public offices is vested in the Governor-General acting in accordance with the advice of the appropriate Service Commission.

3.35.2 The power to remove and exercise disciplinary control over persons appointed as employees of the Crown other than the holders of public office has been delegated by the Governor-General under section 63(2) of the *Constitution*, to the following:

- (a) the Chief Personnel Officer in respect of a member of the unestablished staff, that is, a permanent full-time employee who holds or acts in a post listed in the Annual Schedule of Personal Emoluments: *The Unestablished Staff (Disciplinary Procedure) Rules, 1980*;

- (b) the Chief Personnel Officer in respect of a temporary employee, that is, a person employed in a temporary post which is not on the unestablished staff as defined at (a) above: ***The Temporary Employees (Disciplinary Procedure) Rules, 1980;***
- (c) the relevant Permanent Secretary or Head of Department in respect of a casual employee, that is, a person who is employed on a casual basis other than an employee on the unestablished staff or a temporary employee as defined at (a) and (b) above respectively: ***The Casual Employees (Disciplinary Procedure) Rules, 1975.***

Disciplinary
Regulations

S.I. 1978
No. 183

Cap. 167 and
S.I. 1961 No. 77

Section 92 of the
Constitution

First, Second,
Third, and Fourth
Schedules

3.36 The operative regulations relating to the discipline of the holders of public offices over whom the Public Service Commission is empowered to exercise disciplinary control are ***The Service Commissions (Public Service) Regulations, 1978.***

3.37 The operative enactments relating to the discipline of members of the Police Force are ***The Police Act, Cap. 167*** and regulations made thereunder being ***The Police (Disciplinary) Regulations, 1961.***

3.38 The operative regulations relating to the discipline of the holders of public offices may be supplemented in such a manner as may be determined under section 92 of The Constitution.

3.39 In respect of servants of the Crown other than the holders of public offices, the operative disciplinary rules are made by the Governor-General in the exercise of the authority vested in him by section 63(3) of ***The Constitution.*** The operative rules as set out in the First, Second, Third and Fourth Schedules to this Chapter are as follows -

- (a) ***The Casual Employees (Disciplinary Procedure) Rules, 1975 - (First Schedule)***
- (b) ***The Security Guards (Disciplinary) Rules 1979 - (Second Schedule)***
- (c) ***The Unestablished Staff (Disciplinary Procedure) Rules, 1980 - (Third Schedule)***
- (d) ***The Temporary Employees (Disciplinary Procedure) Rules, 1980 - (Fourth Schedule)***

Right of appeal or
request for review

3.40.1 In every disciplinary case where a penalty is imposed by the adjudicating authority the aggrieved officer or employee may exercise the right of appeal or request a review of the decision as provided in the requisite law or rules. An appeal is made to the Privy Council in the case of the holders of public offices whilst a request for a review is made to the Head of the Civil Service in the case of unestablished staff, temporary employees and security guards and to the requisite Permanent Secretary in the case of

casual employees.

3.40.2 Pending the determination of an appeal to the Privy Council the aggrieved officer may be suspended from performing the functions of his office. The decision of the adjudicating authority shall have effect pending the outcome of the request to the Head of the Civil Service for a review on behalf of the aggrieved employee.

3.41 In every case where disciplinary action is contemplated, an officer or employee may be interdicted from the performance of his duties and shall be paid such portion of the salary of his office not being less than one-half of salary due.

Interdiction from
duty

First Schedule

General Order 3.39(a)

The Casual Employees (Disciplinary Procedures) Rules, 1975

The Governor-General in exercise of the authority vested in him by section 63(2) of *The Constitution*, makes the following rules.

Short title

1. These rules may be cited as *The Casual Employees (Disciplinary Procedure) Rules, 1975*.

Definition

2. For the purposes of these rules -

“casual employee” or “employee” means a person who is employed on a casual basis in the Public Service and who is not a public officer within the meaning of *The Constitution*;

“committee” means a committee appointed under rule 4;

“deputy” means an officer -

- (a) who is employed in the Ministry or Department in which the employee charged with an offence is serving;
- (b) who is not less than 2 grades above that of the offending employee; and
- (c) who is authorised by the Head of the Ministry or Department to act on his behalf;

“Head of Department” means a head of the Ministry or Department in which an Officer charged with an offence is employed and includes a Permanent Secretary, but does not include the head of a Section or Division of that Ministry or Department;

“inefficiency” means a series of acts or omissions not amounting to misconduct but indicating that an employee is not discharging his duties with competence;

“major offence” means misconduct of a serious nature warranting the dismissal of the offending employee;

“misconduct” includes unpunctuality, corruption, dishonesty, a false claim against a Ministry or Department, negligence in performance of duty, malingering, drunkenness while on duty,

insubordination, falsification of accounts or records, failure to keep records with intent, suppression of records, negligence resulting in loss of, or damage to, any Government property, criminal conviction, absence without leave or satisfactory excuse, disobedience to the lawful order of a superior officer, or engaging in trade or political activity while on duty or on Government premises;

“offence” means misconduct prejudicial to the discipline and proper administration of the Public Service;

“Permanent Secretary” means the Permanent Secretary of the Ministry in which the employee charged with an offence is employed and includes the most senior public officer, by whatever name called, in that Ministry.

Minor offence

3(1) The Head of Department shall adjudicate any charge relating to the commission of a minor offence not later than 3 working days after the report of its commission is received by him.

(2) For the purposes of this rule, a deputy appointed by the head of Department shall not be below the grade of Personnel Officer, if any, in that Ministry or Department.

(3) The Head of Department shall cause a written report of the proceedings to be made and kept.

(4) Where a charge relating to a minor offence is proved against a casual employee that employee is liable to -

- (a) a reprimand; or
- (b) suspension from duty without pay for a period not exceeding 2 weeks.

Major offence

4(1) A committee of three public officers appointed by the Permanent Secretary shall adjudicate any charge relating to the commission of a major offence by a casual employee within 2 weeks of the receipt by that committee of a report of the commission of that offence.

(2) The Head of Department shall deliver to the Committee, within one week of a report to him of the commission of a major offence, the statements of witnesses and other evidence in support of the charge.

(3) A casual employee against whom a major offence is proved is liable to -

- (a) a reprimand in writing;

- (b) reduction in rank;
- (c) suspension from duty without pay for a period not exceeding 4 weeks; or
- (d) dismissal.

5(1) An application for a review of a decision in respect of a minor offence shall be submitted in writing to the head of Department who shall, within 3 working days of its receipt by him submit that application to the Permanent Secretary where the Head of Department is not himself the Permanent Secretary.

(2) An application for a review shall contain the grounds upon which such application is based.

(3) An application referred to in paragraph (1) shall not be entertained unless it is made, in writing, within 7 working days of the receipt by the defending employee of notification of the decision given pursuant to rule 3.

(4) The review referred to in paragraph (1) shall take place within 14 days after the application is lodged and the decision of the Permanent Secretary is final.

(5) The Permanent Secretary may -

- (a) affirm, modify, amend or reverse the decision of the Head of Department; or
- (b) make such other order for disposing of the matter as justice requires.

(6) Where the Permanent Secretary affirms the decision of a Head of Department he may, if the total period for which the offender is suspended does not exceed one week, impose an additional penalty in the form of a suspension of the offender without pay for a period not exceeding one week.

(7) Where the Permanent Secretary reverses the decision of a Head of Department, such reversal shall be accompanied by the payment of all the wages which would have been due to the employee had he not been so suspended.

6(1) An application by a casual employee against whom a major offence is proved for a review of a decision made by the committee in respect of that offence may be submitted in writing to the Head of Department within 3 working days of the receipt by that employee of a notice of the decision.

(2) The application referred to in paragraph (1) shall include the grounds on which that application is based.

(3) The Head of Department shall within 3 working days of the receipt by him of an application referred to in paragraph (1), submit to the Permanent Secretary -

Review of decision
in respect of minor
offence

Review of decision
in respect of major
offence

- (a) the application; and
- (b) a written report of the proceedings conducted by the committee.

(4) The Permanent Secretary or a senior officer in his Ministry appointed by him shall give a decision on the review referred to in this rule, within 14 days of the receipt by the Permanent Secretary of the application and report referred to in paragraph (3) and that decision is final.

(5) On the review referred to in this rule, the Permanent Secretary or the senior officer appointed pursuant to paragraph (4) may -

- (a) affirm, modify, amend or reverse the decision; or
- (b) make such other order for disposing of the matter as justice requires.

(6) Where the Permanent Secretary or senior officer affirms the decision of the committee, he may impose an additional penalty of suspension without pay for a period of one week if the total period for which the employee was suspended does not exceed 3 weeks.

Decision to stand

(7) Where the decision of the committee is reversed on review, the employee shall be paid all the wages to which he would have been entitled had he not been so suspended.

7. An original decision made in relation to the commission of an offence by a casual employee shall stand until a decision on the review is given.

Permission to interdict wages

8(1) A casual employee shall not be interdicted without the oral or written permission of the Permanent Secretary.

(2) Where a casual employee is interdicted he shall be paid, for the period of such interdiction, at the rate of one half of his weekly wages.

Representation at hearings

9. A casual employee may, at his request, be represented by a friend or a representative of an accredited trade union in any proceedings under these rules.

Dismissal for series of minor offences

10. A casual employee against whom a series of minor offences has been proved and whose continued employment in the public service is, in the opinion of the Permanent Secretary, to the prejudice of the proper administration of the public service may be dismissed.

Deputy

11. Where by these rules, a duty is imposed on a Head of department that duty may be performed, on his behalf, by a deputy.

Reports to Permanent Secretary

12. A report of the imposition of a penalty on an employee shall be made in writing to the Permanent Secretary within 2 working days after such imposition.

Purpose of rules

13. These rules are for the guidance of casual employees in the Public Service and those persons responsible for the conduct of disciplinary proceedings respecting those employees.

A. WINSTON SCOTT
Governor-General
23/9/75

SECOND SCHEDULE

General Order 3.39(b)

Constitution of Barbados

The Security Guards (Disciplinary) Rules, 1979

The Governor-General in exercise of the authority vested in him by section 63(2) of *The Constitution* makes the following rules -

1. These rules may be cited as *The Security Guards (Disciplinary) Rules, 1979*.

2. For the purposes of these rules -

“Head of the Civil Service” means the Head of the Civil Service referred to in section 2 of *The Pensions Act*;

“official log-book” means a book provided for the purpose of being used for the recording of the details of any occurrences during a tour of duty of a security guard;

“Permanent Secretary” means the Permanent Secretary responsible for the Service;

“security guard” means a person who holds any unestablished or temporary Post so designated; and includes a senior security guard or chief security guard;

“Security Guard Service” or “Service” means the body of security guards employed as such in the service of the Crown;

“security officer” means a person who -

- (a) holds a public office so designated; and
- (b) is charged with supervisory responsibility for security guards;

“tour of duty” means a period during which a security guard is posted for duty.

3. These rules apply to all persons employed as security guards in the service of the Crown.

4. A security guard shall not wear his uniform except he is on duty.

5. Any security guard who -
- (a) is disorderly;
 - (b) acts in a manner prejudicial to the discipline of the Service;
 - (c) is insubordinate by word, act or demeanour;
 - (d) is oppressive towards another member of the Service;
 - (e) uses obscene, abusive or insulting language to a member of the Service;
 - (f) disobeys any lawful or reasonable request made to him;
 - (g) is neglectful of his duty;
 - (h) malingers, idles or gossips on duty;
 - (I) fails to use his best endeavours while on duty;
 - (j) fails to make any report or disclose any information that ought reasonably to be reported or disclosed;
 - (k) unreasonably fails to make an entry in a log-book;
 - (l) is unreasonably absent from duty;
 - (m) discloses any information that he ought not reasonably disclose;
 - (n) receives any bribe, tip or other inducement;
 - (o) is uncivil to any member of the public;
 - (p) is habitually late for duty or is unpunctual;
 - (q) causes any loss of or damage to Government property;
 - (r) drinks any alcoholic beverages or is drunk while on duty;
 - (s) lends money to, or borrows money from, any member of the Service;
 - (t) knowingly or negligently makes any statement that he knows to be false or does not believe to be true;

- (u) destroys or mutilates any official document or alters or erases any record, is guilty of an offence against discipline.

6. Where it comes to the knowledge of any person that a member of the Service has committed an offence against discipline, the person shall, as soon as may be, make a report to a security officer, who shall, as soon as possible thereafter, serve on that member a notice in writing of the report.

7(1) Where a report made under paragraph 6 discloses *prima facie* evidence of a criminal offence, the security officer to whom the report was made shall submit that report, together with all documents or things relating to the matter, to the Permanent Secretary; and the Permanent Secretary shall report the matter to the Commissioner of Police.

(2) Where a report under paragraph 6 does not indicate the institution of criminal proceedings, the security officer to whom the report was made shall thereupon conduct a thorough investigation of the matter and submit a full written report of his findings to the Permanent Secretary for adjudication by him.

- (3) A security officer may obtain statements from any person making a report to him or from witnesses for the purposes of any investigation under this paragraph.

8(1) Where a disciplinary or criminal charge is brought against a member of the Service, the Permanent Secretary may interdict that member from the performance of his duties.

(2) A member of the Service interdicted under this rule shall, during the period of interdiction, be paid half the wages to which he would have been entitled had he not been so interdicted.

(3) Where a person interdicted under this paragraph in respect of a criminal or disciplinary charge is acquitted of the charge, he is entitled to that part of his wages that had been withheld.

(4) Where an investigation held under rule 7(2) results in any disciplinary action other than dismissal of a member of the Service, that member shall be paid such portion of any of his wages that had been withheld as the Permanent Secretary determines.

9(1) Where it appears from the nature of a report or an allegation that a member of the Service has committed a criminal offence, that member shall not be asked to make a statement in respect of that report or allegation but shall be told that he is not obliged to say anything, but that he may, if he so desires make a written or oral statement to a Security Officer.

- (2) Where a member of the Service is requested by a security officer to make

any written or oral statement in respect of any report or allegation made against that member that does not disclose the commission of a criminal offence, that member shall comply with the request.

(3) Where criminal proceedings are instituted against a member of the Service, all disciplinary proceedings shall be stayed pending determination of the criminal proceedings.

10. A member of the Service who is acquitted of a criminal charge shall not be subject to any disciplinary proceedings in respect of the matter giving rise to the charge, but nothing in these rules prevents him from being punished in respect of any other charge arising out of his conduct in the criminal proceedings unless that other charge is substantially the same as that in respect of which he was acquitted.

11. Where a member of the Service is convicted in any court of a criminal offence, the Permanent Secretary may consider the proceedings of that court and, without instituting disciplinary proceedings, impose a penalty under these rules.

12. The Permanent Secretary may impose the following penalties under these rules -

- (a) a reprimand in writing;
- (b) withholding of increment for one year;
- (c) suspension from duty on reduced pay, being not more than half-pay for a period of 8 weeks;
- (d) reduction in rank;
- (e) dismissal.

13(1) A person aggrieved by a decision of the Permanent Secretary may, within 3 working days of the receipt by that person of a notice of the decision, submit to the Permanent Secretary an application in writing for a review of the decision.

(2) The Permanent Secretary shall, within 3 working days of the receipt by him of an application under sub-paragraph (1), submit that application together with a written report of the proceedings out of which the decision arose to the Head of the Civil Service.

(3) The Head of the Civil Service shall, within 14 working days of the receipt by him of an application and report under this rule adjudicate the matter and his decision is final.

(4) The Head of the Civil Service may -

- (a) affirm, modify or reverse the decision of the Permanent Secretary;
or
- (b) make such other order for disposing of the application as justice Requires.

14. Where a member of the Service applies for a review of a decision of the Permanent Secretary that decision shall be stayed, but the member may, if he is not suspended or interdicted, be so suspended or interdicted pending the determination of the review.

15. A member of the Service may attend any investigation held under these rules or may be represented by a friend, Attorney-at-Law or representative of a trade union of which he is a member.

16. Where a member of the Service commits a series of offences that, in the opinion of the Permanent Secretary, prejudices the proper administration of the Service, that member may be dismissed.

Made by the Governor-General this 27th day of November, 1979.

D.H.L. WARD
Governor-General

Third Schedule

General Order 3.39(c)

The Constitution of Barbados

The Unestablished Staff (Disciplinary Procedure) Rules, 1980

The Governor-General in exercise of the powers vested in him by section 63(2) of *The Constitution* makes the following rules:

Citation	1. These rules may be cited as <i>The Unestablished Staff (Disciplinary Procedure) Rules, 1980.</i>
Interpretation	<p>2. For the purposes of these rules -</p> <p>“deputy” means an officer who</p> <ul style="list-style-type: none"> (a) is employed in a Ministry or Department in the public service; (b) is no less than two grades above that of the employee who has been charged with an offence; and (c) is authorised by a Head of that Ministry or Department to act on behalf of such Head; <p>“Estimates” means the annual estimates approved by Parliament;</p> <p>“Head of Department” means a Head of the Ministry or department in which the employee charged with an offence is employed and includes a Permanent Secretary or the most senior public officer in a Ministry, but does not include the head of a Section or Division of a Department;</p> <p>“minor offence” means an offence other than that warranting the dismissal of the employee;</p> <p>“misconduct” includes unpunctuality, corruption, dishonesty, a false claim against a Ministry or Department, negligence in the performance of duty, malingering, drunkenness while on duty, insubordination, falsification of accounts or records, failure to keep records with intent, suppression of records, negligence resulting in loss of, or damage to Government property, criminal conviction, absence without leave or satisfactory excuse, disobedience to lawful order of superior officer, or engaging in trade or political activity while on duty or on Government premises;</p>

“offence” means misconduct prejudicial to the discipline and proper administration of the public service;

“unestablished staff” means, in relation to an employee, a permanent full-time employee who holds or acts in an office scheduled in the Estimates but is not a public officer within the meaning of *The Constitution*.

3(1) Where a head of department receives a report that an employee of his Department has committed an offence, he shall, within 7 days of the receipt thereof, carry out an investigation into that report.

(2) The Head of Department shall, within 7 days after the date of completion of the investigation, forward a written report on that investigation to the Chief Personnel Officer.

(3) Where the Chief Personnel Officer is satisfied that a charge against an employee is proved, he may impose a penalty on that employee and shall inform the employee in writing of the penalty imposed.

4. A Head of Department must give to an employee who is charged with an offence, a copy of all the documentary evidence that is to be used in an investigation relating to that offence.

5. The penalties that may be imposed by the Chief Personnel officer on an employee against whom a charge is proved are -

- (a) a reprimand in writing;
- (b) a reduction in rank;
- (c) the withholding of an increment;
- (d) suspension from duty on reduced pay being not more than half-pay for a period not exceeding 4 weeks;
- (e) suspension from duty without pay for a period not exceeding 4 weeks; and
- (f) dismissal.

6(1) An employee who is aggrieved by a decision of the Chief personnel Officer may apply in writing within 7 working days after being informed of that decision, to the Head of the Civil Service through the Head of Department for a review of the decision.

(2) The Head of Department shall, within four (4) working days after the receipt by him of an application under paragraph (1), forward the application to the Head of the Civil service together with a copy of the report referred to in rule 3(2).

(3) An application for a review must contain the grounds upon which that application is based, and must be heard within 14 days after it has been received.

Investigation of charges relating to offences

Copy of evidence to be given to employee

Penalties

Review of decision in respect of an offence

(4) The decision of the Head of the Civil Service on the review is final.

(5) The decision of the Chief Personnel Officer has effect until the decision on the review is given.

(6) The Head of the Civil service may, after reviewing the decision of the Chief Personnel Officer -

- (a) affirm, modify, amend or reverse the decision of the Chief Personnel Officer; or
- (b) make such other order for disposing of the matter as may be just and reasonable.

(7) Where the head of the Civil Service affirms the decision of the Chief Personnel Officer he may, if the total period during which the employee is suspended does not exceed 32 weeks, impose an additional penalty in the form of a suspension of the employee on reduced pay, being not more than half-pay, or without pay for a period not exceeding 7 days.

(8) Where the Head of the Civil service reverses the decision of the Chief Personnel Officer, notice of the reversal must be served in writing on the employee within 7 days thereof and the employee is entitled to the payment of all wages which would have been due to that employee had he not been suspended, dismissed, or had his increment withheld as the case may be.

Interdiction

7(1) Where a report against an employee for misconduct is being investigated or criminal proceedings have been or are about to be instituted against that employee, the Chief Personnel Officer may interdict that employee from the performance of his duties orally or in writing.

(2) Where the Chief Personnel Officer has orally interdicted an employee the interdiction must be confirmed in writing within 7 days thereof.

(3) An employee interdicted in accordance with this rule is entitled, during the period of interdiction, to half the wages to which he would have been entitled had he not been interdicted.

Representation at request of employee

8. An employee may, at his request, be represented by a friend or the representative of an accredited trade union in any proceedings under these rules.

Deputy to perform duties of Head

9. Where, under these rules, a duty is imposed on a Head of Department, that duty may be performed on his behalf by his deputy.

Dismissal for series of minor offences

10. An employee who has committed a series of minor offences that in the opinion of the Chief Personnel Officer have prejudiced the proper administration of the

public service, is liable to dismissal.

Purpose of these rules

11. These rules are for the guidance of unestablished employees in the public service and persons responsible for the conduct of disciplinary proceedings respecting those employees.

Non-applicability of these rules

12. These rules do not apply to the Security Guard Service.

Revocation

13. ***The Unestablished Staff (Disciplinary Procedure) Rules 1975*** are revoked.

D.H.L. WARD
Governor-General

Fourth Schedule

General Order 3.39(d)

The Constitution of Barbados

Temporary Employees (Disciplinary Procedure) Rules, 1980

The Governor-General in exercise of the powers vested in him by section 63(2) of *The Constitution* makes the following Rules:

Citation

1. These Rules may be cited as *The Temporary Employees (Disciplinary Procedure) Rules, 1980*.

Interpretation

2. For the purposes of these Rules,

“deputy” means an officer who

- (a) is employed in a Ministry or Department in the public service;
- (b) is no less than two grades above that of the employee who has been charged with an offence; and
- (c) is authorised by a Head of a Ministry or Department to act on behalf of such Head;

“Head of Department” means the Head of the Ministry or Department in which the employee charged with an offence is employed, a Permanent Secretary or, in the case of a teacher, the Chief Education officer, but does not include the Head of a Section or Division of a Ministry or Department;

“misconduct” includes unpunctuality, corruption dishonesty, false claim against a Ministry or Department, negligence in the performance of duty, malingering, drunkenness while on duty, insubordination, falsification of accounts or records, failure to keep records, suppression of records, negligence resulting in the loss of, or damage to Government property, criminal conviction, absence without leave or satisfactory excuse, disobedience to a lawful order of superior officer or engaging in trade or political activity while on duty or on Government premises;

“offence” means misconduct prejudicial to the discipline and proper administration of the public service;

“Permanent Secretary” means a Permanent Secretary in the Ministry in which the employee charged with an offence is

employed and includes the most senior public officer, by whatever name called, in that Ministry;

“temporary employee” or “employee” means a person who is employed on a temporary full-time basis, and is not a public officer within the meaning of *The Constitution*.

3(1) Where a Head of Department receives a report that an employee of his Department has committed an offence, he shall, within 7 days of the receipt thereof, carry out an investigation into that report.

(2) The Head of Department shall, within 7 days after the date of completion of the investigation forward a written report on that investigation to the Chief Personnel Officer.

(3) Where the Chief Personnel Officer is satisfied that a charge against an employee is proved, he may impose a penalty on that employee and shall inform the employee in writing of the penalty imposed.

4. A Head of Department must give to an employee who is charged with an offence, a copy of all the documentary evidence that is to be used in an investigation relating to that offence.

5. The penalties that may be imposed by the Chief Personnel Officer on an employee against whom a charge is proved are:

- (a) a reprimand in writing;
- (b) the withholding of an increment; or
- (c) termination of the appointment.

6(1) An employee who is aggrieved by a decision of the Chief Personnel Officer may apply in writing within 7 working days after being informed of that decision, to the Head of the Civil Service through the Head of Department for a review of the decision.

(2) The Head of Department shall, within 4 working days after the receipt by him of an application under paragraph (1), forward the application to the Head of the Civil Service together with a copy of the report referred to in Rule 3(2).

(3) An application for a review must contain the grounds upon which that application is based, and must be heard within 14 days after it has been received.

(4) The decision of the head of the Civil Service on the review is final.

(5) The decision of the Chief Personnel Officer has effect until the decision on the review is given.

Investigation of charges relating to offences

Copy of evidence to be given to employee

Penalties

Review of decision in respect of an offence

(6) The Head of the Civil Service may, after reviewing the decision of the Chief Personnel Officer,

- (a) affirm, modify, amend or reverse the decision of the Chief Personnel Officer; or
- (b) make such other order for disposing of the matter as may be just and reasonable.

(7) Where the Head of the Civil Service reverses the decision of the Chief Personnel Officer, notice of the reversal must be served in writing on the employee within 7 days of the reversal and the employee is entitled to the payment of all wages which would have been due to that employee had he not had his increment withheld or his appointment terminated, as the case may be.

Interdiction

7(1) Where a report against an employee for misconduct is being investigated or criminal proceedings have been or are about to be instituted against that employee, the Chief Personnel Officer may interdict that employee from the performance of his duties orally or in writing.

(2) Where the Chief Personnel Officer has orally interdicted an employee the interdiction must be confirmed in writing within 7 days thereof.

(3) An employee interdicted in accordance with this rule is entitled during the period of interdiction to half the wages to which he would have been entitled had he not been interdicted.

Representation at request of employee

8. An employee may, at his request, be represented by a friend or the representative of an accredited trade union in any proceedings under these Rules.

Deputy to perform duties of Head

9. Where under these Rules a duty is imposed on a Head of Department, that duty may be performed on his behalf, by his deputy.

Dismissal for series of offences

10. Where an employee has committed a series of offences which, in the opinion of the Chief Personnel Officer, have prejudiced the proper administration of the Public Service, the appointment of that employee may be terminated.

Purpose of rules

11. These Rules are for the guidance of temporary employees in the Public Service and those persons responsible for the conduct of disciplinary proceedings respecting those employees.

Non-applicability of these rules

12. These Rules do not apply to members of the Security Guard Service.

Revocation

13. *The Temporary Employees (Disciplinary Procedure) Rules, 1975* are revoked.

D.H.L. WARD
Governor-General
1980-05-15

Chapter IV

Salaries, Allowances and Other Payments

Salaries to be determined by Parliament

4.1 The salaries and wages of officers and employees are as approved by Parliament.

Incremental scales

4.2 Where the salary of any post is scalar, subject to the provisions of these Orders, it shall be normal for an officer appointed thereto on a permanent basis to be paid initially the minimum salary of the scale and for his salary to be increased by increments at the rates provided until he reaches the maximum salary.

Salary of temporary staff

4.3.1 Temporary staff employed under the general authority of General Order 2.5 or in temporary vacancies on the approved establishment, should normally be paid salary at the minimum rate appropriate to the recruiting grade of the particular category.

4.3.2 In any case in which it is proposed that the person to be employed temporarily should receive higher salary, the specific approval of the appropriate Service Commission or other appointing authority should be obtained.

Incremental dates

4.4.1 Except as otherwise provided, an officer's incremental date shall be the anniversary of the date of his appointment to the post which he holds. In the case of a first appointment from overseas, the incremental date will be the anniversary of the date on which the officer assumes the duties of the post to which he is appointed.

4.4.2 Continuous temporary service for a year on the part of an officer in a post to which an annual scalar salary is attached will, if such service is satisfactory be regarded as service qualifying for the grant of an increment to his salary and such an officer's incremental date shall be the anniversary of the date of his temporary appointment.

Grant of increments

4.5.1 All normal increments accruing to the salaries of public officers will be paid, as a matter of course when due, save in any cases where the Head of Department considers that the increment should be suspended, deferred or withheld from an officer for reasons prescribed in the regulations of the appropriate Services Commission.

4.5.2 Subject to the provisions of Order 4.8.1, an officer on promotion shall be granted at least one full increment in the higher salary scale if otherwise he would receive less financial benefit.

4.5.3 In no case should the grant of increments permit passage beyond a point in the salary scale where a Qualification Bar or an Efficiency Bar appears unless the normal conditions for passing such bars are satisfied.

4.6.1 A certificate in the prescribed form is necessary before an officer can be

considered to have passed a Qualification Bar or Efficiency Bar. Advancement beyond the point in a salary scale at which a Qualification Bar is fixed is equivalent to promotion, except that it does not depend on the occurrence of a vacancy in the establishment of the higher grade.

4.6.2 When a certificate referred to in this Order is withheld but subsequently granted, it will become effective from the latter date only and the officer must serve one year from that date before proceeding to the next incremental step. An officer or employee who fails to pass an Efficiency Bar or a Qualification Bar will fall, in seniority, below an officer who was junior to him but who succeeds in passing the same Bar before him.

4.7 An officer or employee who is promoted to a post carrying salary on an incremental scale will normally receive, on promotion, the lowest salary of his new post which will give him at least one full increment in the salary scale of his new post. His new incremental date shall be the first day of the calendar month in which his promotion became effective. In the computation of his new initial salary any personal or other allowance which is a pensionable emolument of the officer's or employee's former post will be considered as salary received in that post.

4.8.1 An officer or employee who has been acting continuously in a senior office for more than one year and is, within a period of one year following the acting appointment, appointed to a senior office, shall be granted one increment on appointment to the senior office for every year of approved continuous acting service. In no case shall such officer be granted more than one increment in respect of the same year of acting service.

4.8.2 Where paragraph 4.8.1 is applied to an officer in respect of more than one permanent appointment, he shall be granted incremental credit in respect of the most recent permanent appointment only.

4.9.1 Whether or not other acting arrangements are made, the continuity of an acting appointment and the payment of allowance in respect of such acting shall not be broken if an officer or employee holding such appointment is awarded a course of training and

- (a) immediately after such training the officer resumes the acting appointment;
- (b) the training is a direct consequence of the acting appointment and does not exceed two years; and
- (c) the training is intended to equip the officer for the better performance of the duties attaching to the post in which he is acting.

4.9.2 Subject to General Order 4.17.1, where the acting appointment of an officer or employee is for any purpose interrupted for a period of two months or less, the interruption shall, in determining the continuity of his acting service, be disregarded, but

Efficiency or
Qualification Bars

Salary payable on
promotion

Promotion after a
period of acting

Continuity of
acting appointment

no account shall be taken of the actual period when he was not so acting in a higher office in determining the length of his acting service.

4.10 If the appointment of an officer or employee who is acting in a vacant office is confirmed, he shall receive the full salary of that office from the date on which he entered on the duties, but from the date from which he receives such full salary he shall not be entitled to salary on account of any other office which he may have held at the same time.

4.11.1 Subject to General Order 4.12, the payment of acting allowance will be approved only if an officer or employee is appointed to act for a period **in excess of 28 days** consecutively in an office senior to that in which he is substantively appointed.

4.11.2 The amount of acting allowance normally payable shall be the difference between the salary that the officer or employee is receiving in his substantive office and the minimum salary of the office in which he is acting, except that an officer or employee appointed to act for a period in excess of twenty-eight days in a senior post shall be granted an acting allowance at the monthly rate of one full increment in the salary scale of the senior post instead of any acting allowance that he may otherwise have received if

- (a) the acting allowance is less than that an increment; or
- (b) no acting allowance is otherwise payable.

4.12 Notwithstanding General Order 4.11.1, an officer or employee appointed to act in an office appearing in the Second Schedule to this Chapter for a period of less than twenty-eight days shall be granted an acting allowance in accordance with General Order 4.11.2.

4.13.1 Notwithstanding General Order 4.11.1, acting allowance payable to the substantive holder of an office who is required to act continuously in a higher office for a period of one year or more shall be computed on the basis of a grant to him of one increment in the salary scale of the higher post on each anniversary of his continuous acting appointment, account being taken of any increments actually or notionally granted to that officer or employee in the scale attaching to his substantive office.

4.13.2 In computing the acting allowance payable to an officer or employee who, having acted in a higher office, has reverted to his substantive office and is subsequently appointed to act in the same higher office or in some other higher office, account shall be taken of any increments previously granted in accordance with General Order 4.13.1 in respect of his second or subsequent acting appointment, but no such account shall be taken if the break between the periods of acting in a higher post on any occasion exceeds one year.

4.14.1 Where an officer or employee is required to perform, in conjunction with his substantive duties, the duties of another office for a period in excess of twenty-eight days or such shorter period as may be applicable to an office specified in the Second Schedule, he shall receive

General conditions
for the payment of
acting allowance

Payment of acting
allowance in
respect of posts
appearing in the
Second Schedule

Payment of acting
allowance
respecting acting
for a year or more

Payment of acting
allowance for
performance of
duties of two
offices
concurrently

Second Schedule

- (a) half of the initial salary, and subject to General Order 4.12, half of the allowance applicable to the second office; and
- (b) the full salary and allowances of his substantive office.

4.14.2 The additional salary and allowances referred to in General Order 4.14.1 may be granted if the offices are distinct and separate offices in different Ministries or Departments or neither office is higher than the other.

Extent of the payment of acting allowance

4.15 In no case should an officer or employee appointed to act in a higher post receive total pay during the period of acting, that is, salary plus acting allowance in excess of the maximum of the salary scale of the senior post. An officer or employee acting in a senior post which carries a fixed salary will not be granted incremental credit as provided under General Order 4.11.2 above.

Officers acting in posts who are appointed to act in higher posts

4.16 Where an officer or employee has been acting in and receiving the emoluments of a post, he should, if appointed to act in a higher post, be eligible for an allowance based on the difference between the emoluments he was receiving in the former acting position and the minimum salary or the appropriate point in the salary scale of the higher post as would ensure that he receives no lesser total remuneration than in his earlier acting appointment.

Payment of acting allowance during leave

4.17.1 An officer or employee shall be entitled to the payment of an acting allowance in respect of leave taken during an acting appointment as follows -

- (a) for the period of annual compulsory leave;
- (b) when on vacation leave or other leave of absence on full pay - excluding sick leave or duty leave - for a period not exceeding the officer's or employee's annual vacation leave calculated on the basis of the salary he is receiving in the higher post in respect of each period of not less than six months (6) of continuous acting service;
- (c) when on sick leave, up to a maximum of 21 days per annum;
- (d) when on duty leave, for the duration of such leave provided the officer or employee is performing duties normally attached to the post on which he is acting;
- (e) when on continuous sick leave and extended sick leave of up to two months after a period of continuous acting of three years or more;
- (f) when on training leave in the circumstances of General Order 4.9.1.

The provisions from (a) to (f) of this Order should apply whether or not other acting arrangements are made in respect of the office while the officer or employee is on leave.

4.17.2 Where an officer or employee who has been acting continuously in a higher post proceeds on leave in circumstances set out at (a) to (f) of General Order 4.17.1, the period of such leave shall count as part of the qualifying period of one year under General Order 4.13.1.

4.18.1 Where junior and senior posts are bracketed and there is no restriction on the number of established posts that may at any time exist in a grade or there is no difference, as determined by the Permanent Secretary responsible for establishments, in the functions attached to the posts in one grade or the other, an acting appointment may not be made to any such senior posts and no acting allowance is payable.

4.18.2 Where

- (a) junior and senior posts are combined and there is a restriction on the number of posts that may exist in a senior grade; or
- (b) the duties attaching to any such senior post, as determined by the Permanent Secretary responsible for Establishments, are of greater responsibility than a post in a junior grade,

an officer appointed to act in any such senior post may be paid the appropriate acting allowance.

4.19 Payment of acting allowance under the provisions of this Chapter should, whenever possible, be made from lapsing salary or where such funds are not available, payment should be made from the appropriate acting allowance vote. Notwithstanding the foregoing provisions, payment of acting allowance will not be made unless prior approval of the acting appointment has been obtained from the Chief Personnel Officer or other relevant authority.

4.20.1 Except where otherwise provided, a duty allowance may only be paid to the officer or employee who actually performs the duties in respect of which the allowance is granted, subject to the qualification that such allowance may be paid to the substantive holder of the office during any period of sick leave not exceeding 21 days at any one time, in which case the acting officer or employee will not receive the duty allowance.

4.20.2 Duty allowance may not be drawn by the substantive officer while on vacation leave, during which period the acting officer or employee will be paid the allowance.

4.21 The categories of officers and employees who should wear uniforms, the types and items of apparel involved and the conditions applicable to the wearing of such uniforms, shall be determined from time to time by the Minister with responsibility for

Bracketed posts
and the payment of
acting allowance

Acting appointment
and the source of
payment of acting
allowance in
respect of the
appointment

Duty allowance

Uniforms

establishments.

Officials quarters

4.22 Officers and employees who are not entitled to free quarters and who occupy Government quarters are required to pay such rental in weekly or monthly instalments as may be fixed from time to time.

4.23 Officers and employees who are required by the nature of their duties to reside in some particular location shall occupy such Government quarters as are available, on payment of rental at the approved rates. Refusal by an officer or employee to occupy such quarters when called upon to do so may render him liable to disciplinary proceedings. The cost of transporting the personal effects of an officer or employee on transfer to or from an assignment requiring the occupation of official quarters will be met by Government.

4.24 Officers and employees in receipt of house or rent allowance may be called upon to occupy such suitable Government quarters as become available, and failure to do so may result in the withdrawal of such allowances.

Occupation of official quarters during leave of absence

4.25.1 The question of whether officers and employees provided with official quarters should be permitted to continue in occupation of such quarters during leave of absence will be dealt with on the following basis -

- (a) an officer or employee will not normally be required to vacate official quarters during leave on the ground of ill health;
- (b) officers and employees provided with free quarters will not be obliged to vacate such quarters during any period of vacation or other type of leave;
- (c) officers and employees provided with quarters on payment of subsidised rental as a condition of appointment to a grade or class, may be permitted to retain such quarters during any period of vacation or other type of leave, provided that rental therefor will continue to be paid, whether or not the officer or employee himself and his family remain in actual occupation.

4.25.2 Officers and employees on leave prior to retirement or termination of appointment in the public service shall vacate official quarters within 28 days after the commencement of such leave.

Transfer of officer occupying official quarters

4.26 When an officer or employee occupying official quarters is transferred, the officer's or employee's family may be permitted by the Head of Department to continue occupation of the quarters for a period not exceeding three months from the date on which the officer received the notification of his transfer.

House allowance

4.27.1 Officers and employees eligible to be provided with official quarters as a condition of their appointment but for whom no quarters are available shall be paid a

house or rent allowance in lieu thereof at such rates as may be determined by the Minister with responsibility for establishments.

4.27.2 House or rent allowance should not be paid during any period of leave without salary but should be paid on the following basis in respect of other leave -

- (a) the full allowance during any period of leave on full pay;
- (b) one half the allowance during any period of leave on half pay.

4.27.3 House or rent allowance if any, payable in respect of the office in which an officer or employee is acting for not less than twenty-eight days or such shorter period as may be applicable to an officer or employee specified in the Second Schedule, shall be paid to him on the same basis as that respecting acting allowance under General Orders 4.11.1, 4.11.2, 4.12, 4.16, 4.17.1 and 4.17.2, if

- (a) there is no house or rent allowance payable in his substantive post;
or
- (b) the house or rent allowance in the post in which he is acting is at a higher rate than the house or rent allowance payable in respect of his substantive post,

but in no such case may a person receive total house or rent allowance in excess of the sum payable in respect of the higher office.

4.28.1 Except where otherwise provided, an officer or employee who is granted vacation leave will be eligible for the payment of allowances during the period of such vacation leave. Allowances may, however, only be paid during the first 21 days of leave taken on the ground of illness.

4.28.2 Subject to General Order 4.28.3, an officer or employee appointed to act in a post in respect of which allowances are payable may be paid such allowances for a period of acting in excess of 28 consecutive days.

4.28.3 The full rate of any commuted travelling allowance and the full rate of any entertainment allowance shall be payable from the commencement of any such acting appointment whether or not payment of those allowances is made to the substantive holder of the post.

4.29.1 Officers and employees are required to complete duties that are reasonably assigned to them within the official hours of the Department. The Permanent Secretary or Head of department may, however, require the attendance of staff on such days and for such hours outside of normal hours as he considers necessary for the efficient conduct of public business and may prescribe and vary the hours of arrival and departure to meet the requirements of the Department. Attendance in every such case shall be obligatory.

Payment of other allowances during leave

Overtime allowance

First Schedule

4.29.2 Officers and employees above the level of Senior Clerk shall not be eligible for payment in respect of overtime work.

4.29.3 As a general rule, officers and employees who are required to work overtime and are eligible for the payment of overtime fees shall be paid at a fixed hourly or monthly rate for such service without regard to salary. The payment of overtime fees other than at the Customs and Immigration Departments, and the Post Office shall be subject to approval by the Permanent Secretary responsible for Establishments before any such expenditure is incurred.

Injury on the Job

Injury sustained on duty

Cap. 47

4.30 Payment of compensation to or in respect of officers and employees who sustain injury in the performance of their functions is subject to the provisions of the *National Insurance and Social Security Act*, and regulations made thereunder.

Notice of accident

Cap. 47

4.31 In all cases where an officer or an employee suffers injury by accident of a nature which is likely to lead to a claim under the provisions of the *National Insurance and Social Security Act*, the officer or employee or a person acting on behalf of that person must give notice in writing or orally of the accident as soon as practicable thereafter to his Head of Department giving such particulars as may be required.

Investigation by Head of Department

4.32 A Head of Department to whom notice is given under General Order 4.31 shall

- (a) investigate the circumstances of the accident and record discrepancies, if any, between his findings and the officer's or employee's report; and
- (b) submit his findings and the report referred to in paragraph (a) to the National Insurance Department.

Treatment of injuries

4.33 Where medical treatment is necessary, Heads of Departments should assist the officer or employee in getting to a doctor or to hospital as soon as possible.

Officer entitled to have his own doctor present

4.34 An officer or employee is entitled to have his own doctor present at any medical examination.

Report of accident

4.35 If an officer or employee who has been injured as a result of an accident is unable to attend work, or dies within a period of five days after the occurrence of the accident, the Head of department shall, within 7 days of the accident, forward a report to the Director of National Insurance.

Claims

Cap. 47

4.36 Claims under the *National Insurance and Social Security Act* shall be made in writing by the officer or employee to the Director of National Insurance in the prescribed form or in such manner as may be acceptable to the Director.

Injury and
disablement benefit

4.37 Injury benefit is payable for a period or periods of incapacity for work during the 52 weeks immediately following the accident or development of the prescribed disease and disablement benefit will be paid thereafter if incapacity still exists but at no time should the total of the injury or disablement benefit and the salary received by the insured person exceed the total salary normally paid to that person. Payment is not normally made for the first 3 days of incapacity for work unless the first day of incapacity comes within 8 weeks of the end of an earlier period of incapacity for which sickness or injury benefit was payable.

Loss Or Damage to Property

Compensation for
loss or damage of
property in the
execution of duty

4.38 An officer or employee is not entitled to claim compensation in respect of loss or damage to personal property in the course of his service but where such loss or damage occurs in the execution of duty compensation may be awarded. Application in such cases must be made to the Director of Finance and Economic affairs through the Head of Department or Permanent Secretary concerned, who in forwarding the application will

- (a) report the circumstances of the loss or damage, certifying either from corroborative evidence or personal knowledge that it was incurred in the execution of duty by the officer or employee;
- (b) certify that the loss or damage was not due to the negligence of the officer or employee;
- (c) in the case of a damaged article, certify after the article has been inspected that its repair or replacement is necessary, and that the amount claimed is a fair valuation of the cost of repairing or replacing it.

Conversion Arrangements

Salary conversions
at re-grading

4.39.1 Subject to any special arrangements which may be determined in any particular case, the following general principles should apply to the conversion of an officer's salary from one grade to another in the context of a re-grading exercise -

- (a) where a post is downgraded, the substantive holder of that post at the time when the post was downgraded will continue to receive emoluments at the pre-regraded level during his period of service in that post;
- (b) where the new salary scale of a post carries a minimum salary higher than the maximum salary of the existing scale, the salary

payable on conversion will be the minimum of the new salary scale, and the incumbent's incremental date shall be the effective date of the new re-grading. If the officer will not immediately receive at least one full increment above the salary in the old scale, the officer shall retain his previous incremental date;

- (c) where the old scale has been upgraded either by reducing the number of segments at the lower end or by extending the scale above the old maximum, conversion should be to a point in the scale which is one increment above the salary of the old scale;
- (d) where the maximum of a scale has been extended, the officer's salary should proceed by normal annual increments through the old salary scale into the new segment subject to paragraph (c) above. An officer whose salary was at the maximum of the old salary scale shall be awarded one increment for each complete year that his salary had been at the old maximum subject to a maximum award of two increments including any increment awarded under paragraph (c) above and his incremental date shall be the effective date of the conversion to the new scale.

Salary conversions
at revision

4.40 The following arrangements should apply in relation to conversion at a salaries revision -

- (a) wherever possible, the general rules on conversion in General Order 4.39.1 shall apply and incremental dates remain unchanged;
- (b) where salary scales have been altered in length conversion tables should be devised. It is sometimes necessary to convert two or more points in the old scale to one point in the new scale but in devising such a table regard should be had to a minimum percentage increase in salary at specific levels and to paragraph (e) below;
- (c) where scalar salaries are replaced by fixed salaries conversion shall be to the fixed salary;
- (d) where the old and revised salaries are on fixed points or where an entire group or class has been re-graded in isolation or where there is an equal number of points in the old and the revised salary scales for an entire group, conversion shall be on the straight point to point basis;
- (e) where two or more points on the old scale convert to a common point on the revised scale, officers whose salaries were on the lower or lowest point as the case may be in the old scale shall have

their incremental dates adjusted to the effective date of the salaries revision.

- (f) where the salary of an officer on a fixed salary point at the old rate or at the maximum in the old scale does not convert to the maximum of the revised scale the future incremental date of such an officer shall be the date of effect of the salaries revision or the actual date of appointment to the fixed salary or on reaching the maximum if such dates are subsequent to the date of effect of the salaries revision. Such an officer shall be awarded on conversion to the revised scale, one increment in respect of each year he has been at the old maximum or old fixed salary point subject to a maximum award of two increments.

Second Schedule

General Order 4.12

Officers respecting the payment of acting allowances for periods less than 28 days

Accountant General
Airport Manager
Auditor General
Chief Agricultural Officer
Chief Education Officer
Chief Electoral Officer
Chief Engineer, waterworks Department
Chief Fire Officer
Chief Immigration Officer
Chief Labour Officer
Chief Magistrate
Chief Medical Officer
Chief Parliamentary Counsel
Chief Personnel Officer
Chief Probation Officer
Chief Supply Officer
Chief Surveyor
Chief Technical Officer, Ministry of Public Works, Transport and Housing
Chief Town Planner
Chief Welfare Officer
Commissioner of Inland Revenue
Commissioner of Police
Commissioner of Land Tax
Comptroller of Customs
Director, Data Processing Department
Director of Finance and Economic Affairs
Director, Library Services
Director, Meteorological Service
Director of National Insurance
Director of Public Prosecutions
Director of Statistical Service
Chief Electrical Officer, Electrical Inspection Department
Government Printer
Hospital Director
Magistrate
Medical Officer of Health (including Senior Medical Officer. of Health)
Permanent Secretary
Postmaster General
Registrar of Co-operatives and Friendly Societies

Registrar, Corporate Affairs and Intellectual Property
Registrar of the Supreme Court
Registrar of Titles
Secretary to the Cabinet
Solicitor General
Senior Superintendent of Markets
Senior Veterinary Officer
Superintendent of Prisons

Chapter V

Leave of Absence

Application of this Chapter

5.1 This Chapter shall apply to

(a) all officers and employees presently employed in the public service, and to those persons who may be so employed hereafter; and

Second Schedule

(b) teachers of primary and secondary schools only in so far as they are not inconsistent with the special provisions set out in the Second Schedule to this Chapter.

Grant of leave

5.2 Subject to the exigencies of the public service officers and other employees shall be granted leave in accordance with this Chapter.

Authority for the grant of leave

5.3 Authority for the grant of leave to individual officers, unless otherwise stated herein, shall be vested in the Chief Personnel Officer.

Casual employees

5.4.1 A casual employee after working less than 150 days in any year shall be eligible for the holiday pay to which he would have been entitled had section 6 of the *Holidays With Pay Act*, been applicable. A casual employee after working 150 days or more in any year shall be eligible for the appropriate vacation leave set out in paragraph 3 of the First Schedule to this Chapter subject to the conditions specified therein.

Cap. 348

First Schedule

First Schedule

5.4.2 A casual employee shall be eligible for sick leave at the rate specified in paragraph 3 of the First Schedule to this Chapter, subject to the conditions specified therein. During a period of sick leave with pay the wages of a casual employee shall be reduced by the full amount of sickness benefit payable under the National Insurance Scheme or such proportion thereof as to ensure that at no time should the total of the two payments exceed the normal wages payable to such an employee when at work.

Power of the Chief Personnel Officer to require an officer or employee to take leave

5.5 The Chief Personnel Officer may direct an officer or employee to take vacation or special leave whenever in his opinion the interests of the service so require.

Vacation Leave

Rate at which vacation leave is calculated

5.6.1 The amount of vacation leave to which an officer or employee is normally entitled shall be at the rate set out in the third column of the First Schedule to this Chapter.

First Schedule

5.6.2 There shall be a "leave year", viz. 1st January to 31st December. On 1st January of each leave year an officer shall be credited with the amount of vacation leave

for which he is eligible by reference to the Third Column of the First Schedule to this Chapter.

No vacation leave in certain circumstances

5.6.3 Officers and employees shall not be entitled to vacation leave in respect of any period of leave granted without pay, on half pay, for study or training purposes or after the first 21 days on the grounds of illness in any one calendar year or while on suspension from the performance of their duties for any purpose. The vacation leave of an officer or employee who is granted leave without pay, leave on half pay, study or training leave, shall be reduced in proportion to the amount of such leave; e.g. an officer who is normally entitled to 42 days' annual leave and who is granted two months' leave without pay or on half pay, study or training leave, shall have his annual entitlement reduced by 7 days, i.e. $\frac{2}{12} \times 42 = 7$ days.

5.6.4 In any case where an officer is granted leave without pay, leave on half pay or study or training leave or has been suspended from the performance of his duties for any purpose after he has taken his annual vacation leave, such an officer's vacation leave eligibility for the next leave year shall be reduced proportionately as indicated at paragraph 5.6.3 above.

Public holidays during vacation leave

5.6.5 Where any public holiday occurs during any period of annual vacation leave taken by an officer or employee the period of vacation shall be increased by one day in respect of the public holiday.

Saturdays and Sundays to be part of vacation leave

5.7.1 Saturdays and Sundays are part of any period of continuous vacation leave taken by an officer.

Failure to resume duty after vacation leave

5.7.2 An officer or employee who has been granted vacation leave and who does not resume duty on the first working day following the expiration of that leave shall be considered as being on continuous vacation leave until he resumes duty and the intervening days shall be counted as part of his vacation leave and such absence may be subject to the provisions of General Order 3.3.1.

Vacation leave in respect of temporary officers

5.8 Officers holding temporary appointments shall be granted vacation leave strictly on the basis of the proportionate part of annual leave for each completed month of service in the leave year; e.g. a temporary officer whose vacation leave is normally computed on the basis of 21 days a year, who wishes to take leave from 1st September shall be entitled to 14 days' leave (i.e. $\frac{8}{12}$ of 21) only.

Vacation in respect of first appointment

5.9.1 An officer holding a permanent appointment who enters the Service for the first time during any leave year may be granted vacation leave at the rate of $\frac{1}{9}$ of the annual vacation leave allowance for each completed month of service in that leave year provided that such an officer, who has completed nine months' service in the leave year may be credited with full entitlement.

5.9.2 Officers holding permanent appointments who have more than one year's service may be granted the full annual vacation leave at any stage in the leave year.

Application for
vacation leave

5.10.1 Applications for vacation leave shall be granted by the Head of Department, except in cases involving leave passages and in cases where disciplinary action is being taken or is under consideration. All applications for vacation leave, other than for leave with passages paid, shall, in the absence of special circumstances, be submitted not less than fourteen days in the case of casual employees and one month in the case of other officers and employees before the date on which the officer or employee desires to commence his leave.

5.10.2 Application for vacation leave by a Head of Department shall be granted by the Permanent Secretary of the relevant Ministry after consultation with the Minister.

5.10.3 Applications for leave with passages paid shall be made and addressed through the Head of Department to the Chief Personnel Officer in the form prescribed and shall, except in exceptional circumstances, be submitted not less than two months before the date on which the officer desires to commence his leave.

5.10.4 A Permanent Secretary should consult his Minister and inform the Head of the Civil Service and the Chief Personnel Officer of his intention to proceed on vacation leave.

Annual leave roster

5.10.5 Applications for vacation leave should be in conformity with the leave roster prepared at the beginning of each calendar year by Ministries or Departments and approved for the purpose.

Educational
Officers

5.11 Officers of educational establishments other than Primary and Secondary Schools are required to take their vacation leave during the period of vacation of such establishments but where the accumulated leave of such officers exceeds the vacation of the establishment they may be granted permission to take such excess leave during the working term of the establishment.

Refusal of leave

5.12.1 Where an officer, who has applied for but has not been granted the leave for which he is eligible within three months of the submission of such application, accumulates vacation leave up to or in excess of the prescribed limit, he shall be eligible for additional full pay in respect of the period for which his leave is delayed at the rate to which he would be entitled under General Order 5.6.1.

5.12.2 The Chief Personnel Officer shall be notified and should approve any such deferment of leave. The Chief Personnel Officer may direct that the deferred leave be taken by the officer within a prescribed period of time.

5.13.1 An officer who is about to retire may be granted any vacation leave for which he is eligible before the date of the officer's retirement.

5.13.2 An officer who is removed from the public service on grounds of general inefficiency may be granted the whole or a part of the vacation leave for which he is eligible, but as a general rule such an officer shall not be granted more than one month's

vacation leave.

No leave to be granted prior to dismissal

5.13.3 An officer or employee who is being dismissed from the Service shall not have any claim for leave of absence prior to his dismissal. However, he may be granted payment in lieu of such leave as he may have earned prior to his dismissal.

Eligibility for vacation leave on resignation

5.14 An officer who resigns from the public service may be granted the vacation leave for which he is eligible.

Payment in lieu of leave to estate of deceased officer or employee

5.15 The estate of a deceased officer or employee who died while in public service shall be eligible for payment in lieu of any vacation leave earned but not taken by that officer or employee up to the date of death.

Sick Leave

Application for and grant of sick leave

5.16.1 Heads of Departments may grant to the officers of their Departments the sick leave on full pay for which they are eligible as specified in the First Schedule to this Chapter. Each application for sick leave or for an extension of such leave shall be supported by a medical certificate stating the nature of the officer's illness and, if possible, the probable period during which the officer will be incapacitated from the performance of his duties.

First Schedule

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5.16.2 During any period of sick leave resulting from an injury caused by accident arising out of and in the course of the officer's or employee's employment or from a prescribed disease as defined in the *National Insurance and Social Security (Employment Injury) (Prescribed Diseases) Regulations, 1971* the salary of the officer or employee shall be reduced by the full amount of the injury or disablement benefit payable under the National Insurance Regulations during the period of incapacity for work in order to ensure that at no time will both payments exceed the salary normally payable.

5.16.3 A Head of Department who is compelled to take sick leave shall immediately report his absence to the Permanent Secretary and to the Chief Personnel Officer and shall submit the appropriate medical certificate where necessary.

5.16.4 Salary payable during a period of sick leave arising from a particular illness or injury of an officer or employee should not be abated by the fact that the officer or employee is in receipt of a disablement benefit payable by the National Insurance Office in respect of some other medical condition which does not itself result in incapacity for work.

Grant of sick leave for periods not exceeding 2 days

5.17 The Head of a Department may grant permission to an officer of his Department to be absent from duty on account of sickness for a period not exceeding two days if he is satisfied that the case is one which requires such absence. All absence shall be recorded and shall count as sick leave.

Sick leave to temporary officers

5.18.1 Heads of Departments may grant to officers holding temporary appointments in their Departments sick leave on full pay for a period not exceeding fourteen days in any year; provided that during a period of sick leave with pay the salary of an officer holding a temporary appointment shall be reduced by the full amount of the sickness benefit payable under the National Insurance Scheme or such proportion thereof as to ensure that no time should the two payments exceed the normal salary payable to such an officer when at work.

5.18.2 Any application by an officer holding a temporary appointment for sick leave in excess of fourteen days shall be referred to the Chief Personnel Officer.

Extension of sick leave

5.19.1 Absence on account of illness in excess of the period stated in the First Schedule shall be deducted from vacation leave of an officer; but in the case of a serious illness of an officer if the duration of such illness exceeds the period stated in the said Schedule, the Chief Personnel Officer may, in accordance with General Order 5.24.1 - 5.24.3, grant an extension of the period of sick leave.

First Schedule

5.19.2 An officer on vacation leave who falls ill may not count a portion of it as sick leave but if the duration of the illness exceeds 21 days, the Chief Personnel Officer may grant the officer such periods of sick leave as are provided for in this Chapter.

Medical certificates in case of extensions beyond scheduled periods

5.20 An application under General Order 5.19.1 for extension of sick leave beyond the period specified in the First Schedule shall be supported by the certificate of a registered medical practitioner or a Medical Board and in the case of an officer on leave outside Barbados such application shall be supported by the certificate of a private medical practitioner or a medical practitioner nominated by the Government.

First Schedule

Chief Personnel Officer may direct examination by Government Medical Officer

5.21 An officer or employee on sick leave may at any time be required by the Chief Personnel Officer to be examined by a Government Medical Officer or a Medical Board and such officer shall submit to be so examined at such time and place as the Government Medical Officer or the Medical Board shall appoint. The Board shall submit its report in the prescribed form set out in the Fourth Schedule to this Chapter.

Fourth Schedule

Medical certificates to be retained

5.22 All medical certificates relating to sick leave shall be retained by Heads of Departments on the personal files of the officers to whom they apply, except in respect of sick leave granted under General Order 5.19.1 and 5.19.2 when such certificate shall be retained in the office of the Chief Personnel Officer.

Duty Leave

Extension of leave after undertaking duty

5.23 An officer on vacation leave who is required to undertake or who undertakes any duty approved by the Chief Personnel Officer may be granted an

extension of vacation leave on full pay equivalent to the period required to enable him to complete the duty.

Extension of Leave

5.24.1 Extensions of leave with full pay may be granted on the ground of ill-health to any officer other than a casual employee for a period not exceeding six calendar months, and when there is reason to believe that the officer will ultimately be fit for further service, for a further period not exceeding six calendar months.

5.24.2 Extensions of leave may also be granted to officers on the ground of public interests. Unless otherwise directed, such extensions shall be granted with full pay.

5.24.3 Extensions of leave shall date from the expiration of the original leave and not from the date on which the officer would have had to return to work if his leave had not been extended.

Half Pay Leave

5.25.1 Leave of absence on half pay may be granted to an officer other than a casual employee for a period not in excess of three months after three years' resident service from first appointment; such leave may be extended by the Chief Personnel Officer on the grounds of urgent private affairs or serious indisposition.

5.25.2 Leave of absence on half pay may be granted after a period of service of less than three years in cases of serious indisposition or urgent private affairs.

5.25.3 An officer shall not be granted leave of absence on half pay within two years of his return to duty from half pay.

5.25.4 Leave of absence on half pay in excess of three months may be granted to officers who are expectant mothers.

5.25.5 In no case, however, shall leave of absence on half pay exceed by more than six months one-sixth of the officer's service and no officer shall receive half pay continuously for more than eighteen months.

5.26 An officer on half pay leave may draw half only of any personal allowance that may be payable to him.

Extensions of sick
or vacation leave

Grant of half-pay
leave

Personal allowance

Special Leave

Special leave

5.27 Special leave of absence on full pay may be granted by the Chief Personnel Officer to any officer or employee in the following circumstances -

- (a) to enable officers or employees who belong to the Boys' Scouts and similar organisations and who are selected by the proper authorities to attend gatherings of an international character connected with such organisations;
- (b) to enable officers or employees selected by the proper authorities to represent Barbados or the West Indies in regional or international sporting events;
- (c) to enable officers or employees selected by recognised unions or associations to attend trade union training courses or conferences;
- (d) in such other instances as may be considered reasonable by the Chief Personnel Officer.

5.28 Special leave of absence on full pay granted under General Order 5.27 will be limited to three calendar months on any one occasion and any leave required over and above this maximum will be treated as vacation leave, if the officer or employee is eligible therefor, otherwise as leave without pay; provided that in any special case where hardship is established, the Chief Personnel Officer may grant to any officer or employee additional leave on full or half pay.

Vacation leave for officers serving on contract

5.29 An officer serving on contract shall, in normal circumstances, be eligible for leave in accordance with the terms of his contract. If, however, such an officer is appointed to the permanent establishment, he may be allowed leave in respect of his service since his return from previous vacation leave, if any, at the rate applicable to officers on the permanent establishment.

Vacation leave to officers serving on contract who are returning to Barbados

5.30 An officer serving on contract who proceeds on vacation leave and is to return to Barbados for a further tour of service under the contract may be granted vacation leave in respect of his previous service at the rate applicable to officers on the permanent establishment together with such assistance towards passage for which he may be eligible under the terms of his contract.

Vacation leave to substitutes

5.31.1 A person who is employed for a period of three months or more as a substitute officer or employee may be granted the proportionate part of the annual leave for which he might have been eligible if he were the substantive holder of the post.

5.32.2 A person who is employed as a substitute for a number of short periods in any 12 month period may have those periods aggregated for purposes of determining the

amount of leave for which such a person may be eligible.

Instructions
Third Schedule

5.32 Officers proceeding on leave overseas shall be required to observe the instructions contained in the Third schedule to this Chapter.

Return before
expiration of leave

5.33 An officer who has been absent from Barbados and who returns before the expiration of his leave shall report his return to the Chief Personnel Officer through the Head of his department immediately on arrival.

Grant of leave to
officers transferred
from a Common-
wealth country

5.34 An officer who is transferred from another Commonwealth country to Barbados may be granted, on a subsequent occasion, any vacation leave for which he was eligible at the date of his transfer.

Leave to expectant
mothers

5.35.1 Leave of absence up to a limit of four months may be granted to officers or employees holding permanent appointments who are expectant mothers. This leave is granted on half pay. In cases where the officer is, however, entitled to National Insurance maternity benefits, the half pay should be reduced by the amount of maternity benefits payable under the National Insurance Scheme. No salary should be paid in respect of such maternity leave to any officer who has already been granted such leave in respect of three pregnancies. Each application for such leave shall be supported by a certificate from a medical practitioner.

5.35.2 Officers or employees holding temporary appointments may be granted maternity leave of up to four months on no-pay leave after a period of not less than twelve months' continuous service - *The Employment of Women (Maternity Leave) Act*.

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Officers on leave
not eligible for
certain allowance

5.36 Except where otherwise provided, an officer on leave shall not be eligible for any transport or travelling allowance or fees.

Days off as
compensation for
certain officers

5.37.1 An officer or employee who is required to work on public holidays for which compensation by the payment of an allowance is not made, may be eligible for the grant of the requisite days off from duty as compensation for those public holidays during which he actually worked.

5.37.2 The days off for which an officer or employee is eligible will be credited to his normal vacation leave and be granted at the convenience of the Ministry or Department during the year.

Monthly return of
vacation and sick
leave to be made
and a record of
such leave kept

5.38.1 A return of vacation and sick leave granted by Heads of Departments shall be forwarded to the Chief Personnel Officer as soon as possible after the end of each calendar month in the form prescribed.

5.38.2 Heads of Departments and Permanent Secretaries shall maintain records of all leave granted to officers or employees in their departments.

Leave of absence
for jury duty

5.39 An officer or employee who has been granted time off to serve as a juror at the Assizes must report for duty when that officer or employee is not required by the

Court to serve.

5.40 Subject to General Orders 5.35.1 and 5.35.2, nothing in this Chapter shall give an officer a right to any leave or any other privilege.

Officers not
entitled to leave
etc. , as of right

First Schedule

Orders 5.4.1, 5.4.2, 5.6.1 to 5.6.5, 5.16.1, 5.16.2, 5.19.1, 5.19.2 and 5.20

Annual Rates of Vacation and Sick Leave

	SICK LEAVE	VACATION LEAVE	
Category of Staff	Days in any one Calendar year	Eligibility	Maximum Accumulation
1. Officers in receipt of basic salaries of	21	42 days in any one calendar year; at least 14 days must be taken annually. At least 5 of the 14 days must be taken consecutively	126
(a) Not less than the salary per annum assigned to Z.11 in the salary scale			
(b) Less than the salary per annum assigned to Z.11 in the salary scale but not less than that assigned to Z.23 in the salary scale	21	30 days in any one calendar year; at least 14 days must be taken annually. At least 5 of the 14 days must be taken consecutively.	78
(c) (I) Less than the salary per annum assigned to Z.23 in the salary scale with less than 5 years' service	21	21 days in any one calendar year; at least 14 days must be taken annually. At least 5 of the 14 days must be taken consecutively.	35
(ii) Less than the salary per annum assigned to Z.23 in the salary scale after 5 years' service	21	30 days in any one calendar year; at least 14 days must be taken annually. At least 5 of the 14 days must be taken consecutively.	70
2. (I) Employees (other than casual employees paid at hourly, daily or weekly rates of wages) with less than 5 years' service	21	15 working days a year	35
(ii) Employees (other than casual employees paid at hourly, daily or weekly rates of wages) with 5 years' service	21	21 working days a year	35

3. (I) Casual employees with less than 5 years' service (a) after working 160 days (b) after working 170 days (c) after working 180 days (d) after working 195 days (e) after working 208 days (f) after working 234 days (g) after working 250 days	7 days in respect of service for up to 150 days 8 days 9 days 10 days 11 days 12 days 13 days 14 days	8 working days after working 150 days 9 working days 10 working days 11 working days 13 working days 15 working days 15 working days 15 working days	
(ii) Casual employees after 5 years' service of 208 days each (a) after working 160 days (b) after working 170 days (c) after working 180 days (d) after working 195 days (e) after working 208 days (f) after working 234 days (h) after working 250 days	7 days in respect of service for up to 150 days 8 days 9 days 10 days 11 days 12 days 13 days 14 days	11 working days after working 150 days 8 working days 9 working days 10 working days 11 working days 12 working days 13 working days 14 working days	

NOTE

The phrase “subject to the exigencies of the public service” in this Chapter should not be used as authority for the indefinite postponement of leave. It simply gives authority for the compulsory leave of an officer to fit in with departmental arrangements but such leave should not be granted within the period months that it is due.

Second Schedule

General Order 5.1

Teachers in Primary and Secondary Schools

1. Headteachers of Primary and Secondary Schools are not eligible for vacation leave other than the periods of school vacation but may be granted in addition thereto one term's vacation leave with full pay after every tour of service of 12 terms in the case of Headteachers of Secondary Schools and of 15 terms in the case of Headteachers of Primary Schools.

2.1 Teachers in Primary and Secondary Schools are not eligible for vacation leave other than the periods of school vacation but may be granted in addition thereto one term's vacation leave with full pay subject to the conditions set out in the following provisions of this paragraph.

2.2 Subject to paragraph 2.4 a teacher may not be granted a term's vacation leave with full pay unless he has completed a period of service of not less than fifteen years or unless the Memorandum of Understanding entered into by the Barbados Secondary Teachers and the Government of Barbados and set out at Appendix , applies to him.

2.3 After the first occasion on which a teacher is granted a term's vacation leave with full pay under paragraph 2.1 such teacher may not again be granted a term's vacation leave with full pay until he has completed a period of service of not less than twenty-one terms from the day on which he resumes duty after such vacation leave.

2.4 In reckoning the length of a teacher's period of service account shall be taken of any period of service which may be taken into account as pensionable service under the pensions legislation applicable to that teacher.

2.5 For the purposes of vacation leave "teacher" includes all grades of teachers who may be granted a term's vacation leave.

2.6 A Headteacher or a teacher who is granted permission to spend the summer vacation outside of Barbados shall return to Barbados not later than 1st September of that year. A Headteacher shall report his return to the Permanent Secretary, Ministry of Education and a teacher shall report his return to the Permanent Secretary, Ministry of Education through his Headteacher.

3. Applications for vacation leave which may be granted under paragraphs 1 and 2 shall be made and addressed to the Permanent Secretary in the form prescribed and

shall be submitted not less than one term before the date on which the Headteacher or teacher desires to begin his leave.

4. In this Schedule -

“School year” means the period beginning on the first day of September in one year and ending on the last day of August in the year next following;

“teacher” includes a Deputy Headteacher, a senior teacher or any teacher, other than a Headteacher, however designated.

5. In urgent cases a teacher may be granted leave of absence on full pay for a period of not more than two days in any one school year by the Headteacher.

6. If permission is granted for more than two days’ leave at any one time, the whole of such leave shall be on half pay or without pay as the Chief Personnel Officer may decide.

7. When a teacher who has been granted leave before any vacation or school closure fails to resume duties on the first day following the vacation or closure, the whole period from the commencement of such leave until the date of his resumption of duty shall be deemed to be continuous leave.

8. A teacher may be granted not more than 21 days’ sick leave on full pay in any one year.

9. In special circumstances, extensions of sick leave beyond 21 days may be granted in accordance with General Order 5.24.

NOTES

1. Applications for leave on full pay for a period not exceeding two days may be granted by the Headteacher. Notice of such application must be entered in the Log Book, together with the date of resumption of duty.
2. Applications for more than two days’ leave shall be made in writing and shall be forwarded by the Headteacher to the Permanent Secretary of the Ministry of Education for onward transmission to the Chief Personnel Officer.
3. (1) Every absence from duty on account of sickness for a longer period than two days must be substantiated by a medical certificate which must state the specific nature of the illness and, if possible, the probable period during which the teacher will be incapacitated from the performance of his duties. Each such absence must be reported by the Headteacher to the Permanent Secretary of the Ministry of Education, to whom the medical certificate is to be sent together with a statement of the arrangements which have been made for the performance of the absent teacher’s duties.

- (2) Absences from duty on account of sickness for periods of two days or less shall be reported to the Permanent Secretary of the Ministry of Education by the Headteacher on the last day of each term.
4. Each application for extension of sick leave must be supported by new medical certificates.
5. In every case in which a teacher is unable for any reason to attend school to undertake the performance of his duties, he shall at once acquaint the Headteacher of the fact.
6. In all cases of leave the date of resumption of duty shall be reported to the Permanent Secretary of the Ministry of Education by the Headteacher of the school.
7. Details of all absences should be returned by the Headteacher of each school at the end of each term on the form prescribed.

Third Schedule

General Order 5.32

Instructions for officers proceeding on leave and Notes for their guidance

1. An officer should keep his Head of Department informed of his address during his leave and similarly he should notify any subsequent change of address. An officer will, through non-compliance with this instruction, be held responsible for any inconvenience which may be caused. An Overseas Mission or representative of the Barbados Government must not be given as the private address of an officer during his leave.
2. An officer who is taken ill so as to require medical attention during leave abroad and remains ill for a week, must report the fact to the appropriate Barbados Mission or the representative of the Barbados Government and forward at the same time a medical certificate stating the nature of his illness and if possible its expected duration. He will then receive instructions from the Barbados Mission or representative of the Barbados Government as to whether it will be necessary for him to visit a consulting physician for examination or to take any further action.
3. An officer who, having received instructions from the appropriate Barbados Mission or representative of the Government to visit a consulting physician, is prevented from doing so, within one week must report the fact to the Mission or representative.
4. Unless the above instructions (2) and (3) are observed, an officer will not be entitled to any salary during any extension of leave which it may be necessary to grant him on the ground of ill-health.
 - 5.1 An officer who, having been granted leave, fails to return to duty at the proper time is liable to disciplinary action.
 - 5.2 Officers are normally responsible for making their own arrangements for return passages to Barbados and such arrangements should, if possible, be made before the officer's departure from Barbados. Failure to obtain return passages will not be grounds for an extension of leave on full pay.
6. An officer on leave overseas who desires to extend his leave or to forego a portion of leave must apply to the Chief Personnel Officer through his Head of Department for permission to do so.
7. An officer on leave may be required to undertake any courses of instruction or to discharge any duty during his leave. Allowances may be granted to cover necessary out-of-pocket expenses in appropriate cases.

8. An officer on leave shall not accept invitations to read papers or deliver addresses in public or to give broadcast talks on any subject of a political or administrative nature, or to contribute to newspapers or periodicals, articles or letters on such subjects, without obtaining the prior permission of the appropriate Minister.

9. An officer on leave may not accept any paid employment without previously obtaining the permission of the appropriate Service Commission in accordance with the provisions of General Order 3.8.

Fourth Schedule

General Order 5.21

Report of Medical Board

A Medical Board comprising

-----Chairman

-----Member

-----Member

met on ----- at -----

----- to

examine and report on -----of

the Ministry/Department of -----

The Board found -----

----- to be suffering from -----

The Board recommends that -----

Chairman

Member

Member

Chapter VI

Leave Passages

Interpretation

S.I. 1966
No. 17

6.1 In the following Orders, which are substantially the provisions of *The Civil Establishment (Leave Passages) Order, 1966*,

“child” in relation to an officer means any child of that officer who is under 18 years of age, unmarried and wholly or mainly dependent on the officer and includes a child who is over the age of 18 years, but is mentally deficient or physically incapacitated and is wholly or mainly dependent on the officer;

“minimum tour of service” means

- (a) in the case of the Principal of a primary school or a Deputy Principal of a secondary school, service for 9 terms;
- (b) in the case of the Principal of a secondary school and other officers attached to educational establishments other than those mentioned in paragraph (a) of this definition, service for 7 years;
- (c) in the case of any other officer, service for a period of 28 months at the qualifying salary, beginning from the date on which the officer reaches the qualifying salary, or returns to duty from leave with passage paid;

“officer” means a person who prior to 1st January 1980 has been the holder of an office (other than the office of Teacher or Senior Teacher) being an office established under *The Civil Establishment Act* or under any other Act, and is in receipt of qualifying salary paid from the Public Treasury of the Island; but does not include -

- (a) an officer holding an office on contract for a specified period; or
- (b) an officer temporarily appointed to act in an established post;

“qualifying salary” means

- (a) in respect of a passage outside of the Caribbean area, basic salary per annum of not less than that denoted by the code number Z.11 set out in Schedule B to *The Civil Establishment (General) Order, 1990*;
- (b) in respect of a passage within the Caribbean area, a basic salary per

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annum of not less than that denoted by the code number Z17 set out in Schedule B to *The Civil Establishment (General) Order, 1990*;

“service” means

- (a) service at the qualifying salary in Barbados or on duty outside Barbados;
- (b) in addition to the service mentioned in paragraph (a) of this definition, in the case of an officer transferred to Barbados from the public service in any territory in the Commonwealth, such period of service in that territory at the qualifying salary in respect of which the officer was eligible for leave corresponding to vacation leave at the date of his transfer; but such service may only be taken into account in cases where the transfer of the officer without his first taking such leave was at the request of this Government;

“tour of service” means

- (a) in the case of a Principal of a primary school or a Deputy Principal of a secondary school, service for 15 terms;
- (b) in the case of a Principal of a secondary school and other officers attached to educational establishments other than those mentioned in paragraph (a) of this definition, service for 12 terms;
- (c) in the case of any other officer, service for a period of 4 years beginning from the date on which the officer reaches the qualifying salary or returns to duty from leave with passage paid;

“vacation leave” means vacation leave for which provision is made in any regulation for the time being in force relating to the grant of leave to officers.

6.2.1 Subject to the provisions of these Orders, an officer after completing a tour of service at a basic salary per annum of not less than the annual emoluments denoted by the code number Z.17 set out in Schedule B to *The Civil Establishment (General) Order 1990*, is entitled to the payment of return passages for the officer and the spouse of the officer to any territory within the Caribbean area.

6.2.2 Notwithstanding General order 6.2.1 an officer who is entitled to the payment of passages under that Order is also entitled, on one occasion during the career of the officer, to the payment of an additional return passage to any territory within the Caribbean area for the benefit of any child or children of the officer but the cost of all

passages to which the officer is entitled on that occasion shall not exceed the cost of return passages for three adults.

6.3.1 Subject to the provisions of these Orders, an officer after completing a tour of service at a basic salary per annum, of not less than the annual emoluments denoted by the code number Z.11 set out in Schedule B to *The Civil Establishment (General) Order 1990*, is entitled to the payment of return passages for the officer and the officer's spouse to any territory outside the Caribbean Area.

6.3.2 Notwithstanding General Order 6.3.1, an officer who is entitled to the payment of passages under that Order is also entitled, on one occasion during the career of the officer, to the payment of an additional return passage to any territory outside the Caribbean area for the benefit of any child or children of the officer; but the cost of all passages to which the officer is entitled on that occasion shall not exceed the cost of return passages for three adults.

6.4.1 An officer's spouse is not as of right, entitled to the payment of a passage and no payment shall be made in respect of the passage of an officer's spouse unless the spouse accompanies the officer or travels not more than 6 months before or after the date of the officer's departure from Barbados; but the Chief Personnel Officer may extend the period of 6 months in any of the following cases -

- (a) in the event of the serious illness of the officer or of the spouse or child of the officer;
- (b) in the event of an alteration in the date of departure from Barbados of the aircraft or ship on which the officer or the officer's spouse had booked a passage; or
- (c) where the officer's departure has been delayed at the request of the Government made after the booking of the passage.

6.4.2 Where the spouse of an officer entitled to the payment of return passages is also an officer and is granted a passage as a spouse and not as an officer, the spouse shall not be entitled to the payment of passage as an officer unless the spouse has completed a tour of service since the return to duty from leave with passage paid as an officer's spouse.

6.4.3 Where the officer referred to in 6.4.2 has completed a minimum tour of service after the officer's return to duty from leave with passage paid, payment of passage may be in accordance with General Order 6.9.

6.4.4 Where the spouse of an officer is also an officer who is entitled to the payment of a return passage and is granted that passage as an officer, the spouse shall not be entitled to the payment of passage as a spouse without first completing a tour of service after returning to duty from leave with passage paid as an officer's spouse.

Entitlement to passages outside the Caribbean area

Officer's spouse not entitled as of right to payment of passage unless as an officer

- Restriction on number of passages within Caribbean area
- 6.5 Subject to the provisions of these Orders, no officer may be granted a leave passage to any territory within the Caribbean area on more than two occasions during the officer's career unless the officer is travelling within the Caribbean area on a course of study or training approved by the Government.
- Restriction on number of passages outside Caribbean area
- 6.6 Subject to the provisions of these Orders, no officer may be granted a leave passage to any territory outside the Caribbean area on more than two occasions during the officer's career unless the officer is travelling outside the Caribbean area on a course of study or training approved by the Government.
- Cost of passages
- 6.7.1 Subject to General Order 6.7.2, the amount paid in respect of
- (a) a return passage to any territory within the Caribbean area shall not exceed \$470 or such amount as may from time to time be determined by the Cabinet;
 - (b) a return passage to any territory outside the Caribbean area shall not exceed \$1,500 or such amount as may from time to time be determined by the Cabinet.
- 6.7.2 Where the actual cost of a passage is less than the amount specified in, or determined by the Minister under Order 6.7.1(a) or (b) as the case may be, the amount paid in respect of that passage shall not exceed the actual cost thereof; but in the case of an officer having a child or children any such difference between the actual cost of a passage and the amount specified in, or determined by the Cabinet under Order 6.7(a) or (b) as the case may be, may be utilised towards payment of passages for the child or children of the officer.
- Passage entitlement may be used for travel by air or sea and to any destination
- 6.8.1 Subject to General Orders 6.7.1 and 6.7.2, an officer who is entitled to the payment of passages under these Orders may elect to travel by air or sea.
- 6.8.2 Notwithstanding General Orders 6.2.1 and 6.2.2, an officer's passage entitlement under that Order may be used to enable him to travel to any territory outside the Caribbean area but in any such case the amount paid in respect of his passage shall not exceed the amount specified in, or determined by the Cabinet under General Order 6.7.1(a).
- 6.8.3 Where an officer uses his passage entitlement under General Orders 6.2.1 and 6.2.2 to travel outside the Caribbean area such passage shall not be taken into account for the purpose of General Order 6.6.
- Passage entitlement after minimum tour
- 6.9 Notwithstanding General Orders 6.2.1 to 6.3.2, an officer who completes a minimum tour of service is entitled to the payment of passages for the officer and the officer's spouse to an amount which bears the same proportion to the amount payable under General Orders 6.7.1 and 6.7.2 in respect of such passages as the officer's period of service bears to the tour of service.

Minimum period of leave to be spent outside Barbados

6.10.1 Subject to the provisions of this Order, an officer shall

- (a) in the case of leave with passage paid outside the Caribbean area, remain for not less than four weeks, outside the Caribbean area;
- (b) in the case of leave with passages paid within the Caribbean area, remain for not less than three weeks outside Barbados.

6.10.2 Notwithstanding General Order 6.10.1, an officer may, on compassionate grounds, be permitted by the Chief Personnel Officer to return to Barbados within the period specified in that Order.

Application of officers attached to Missions

6.11.1 The provisions of this Chapter shall not apply to any officer attached to a Mission who has not exercised the option in accordance with Order 10.16 of *The Barbados External Service Orders 1972*.

6.11.2 For the purposes of General Order 6.11.1,

“Barbados External Service Orders” means those Orders relating to officers of The Ministry of Foreign Affairs made by the Minister responsible for establishments on the 27th day of March, 1972;

“Mission” means any High Commission, Embassy or Consulate of Barbados or any Barbados Mission accredited to an international organisation.

Chapter VII

Training in the Public Service

Interpretation

- 7.1 In this Chapter unless the context otherwise requires,
- (a) “training leave” means leave granted to enable officers to pursue courses of training or study which have been initiated by the Government to meet its requirements;
 - (b) “study leave” means leave granted to an officer to pursue a course of study or training which was negotiated by that officer on his own initiative regardless of its value to the Service and for which study or training that officer may not necessarily have been selected in competition with other officers;
 - (c) “institution of learning” includes such places as an office, workshop or factory at which a course of training is being carried on as well as approved examining bodies.

Responsibility for training

7.2.1 The general direction of training policy including the types and levels of training is vested in the Minister responsible for training. Subject to such regulations or other directions as may be made by the Minister responsible for training, officers and employees and prospective offices and employees may be selected for training awards made under *The Training Act*.

Cap. 35

7.2.2 In keeping with their responsibility for staff development, Permanent Secretaries and Heads of Departments should ensure that relevant training at appropriate levels is made available to all members of staff at various times of their careers in the context of organisational needs and the individual needs and capacity of staff.

Nominations for training awards

- 7.3 All nominations for training awards
- (a) must have the sanction of the relevant Permanent Secretary or Head of Department;
 - (b) must be made on the appropriate form; and
 - (c) must be submitted to the Training Division of the Ministry of the Civil Service for processing.

Medical fitness

7.4 The selection of a candidate to attend any course of training may be dependent on his passing a medical examination as to his physical fitness.

Leave to attend training courses

7.5.1 When the course of training which an officer has been awarded is on a full-time basis and the officer’s absence from duty is therefore necessitated, he will be

granted leave on full pay along with appropriate training allowances.

7.5.2 An officer on probation may be granted training leave, but his probationary period may be extended up to 6 months after his resumption of duty, provided that the total period of probation as set out in his letter of appointment has elapsed.

7.5.3 In cases where the course of training is attended for a short part of each day only, and the officer performs his normal duties during the remainder of the day the grant of leave will not be necessary.

7.6 A nominee for a training award may be required to provide a guarantor, guarantors or acceptable collateral security, particulars of which will be provided at the time of the granting of the award.

7.7.1 When the course of training is held outside of Barbados, the entire cost of passages by a normal route to and from the country in which the training is to be undertaken as well as other expenses directly connected with such training will be met from public funds or from the funds of some scholarship donor outside of the Government of Barbados. Provision for dependants will not be made from the Training Fund.

7.7.2 Expenses referred to in General Order 7.7.1 will normally include, where appropriate, the following items of expenditure:

- (a) passages from Barbados to place of study and return and flight insurance;
- (b) medical and baggage insurance;
- (c) warm clothing allowance;
- (d) tuition, examination and other approved fees;
- (e) settling-in allowance;
- (f) book allowances;
- (g) accommodation, transportation and meals.

7.8.1 An officer or employee who on his own initiative, gains entry to or is registered as a student of a university or other institution of learning may, subject to the exigencies of the Service

- (a) be entitled to the same conditions as those attached to training leave, that is, he should be allowed to retain full salary and the expenses of the training may be met from public funds (The

Guarantor or
collateral security

Training expenses

Study leave

Training Fund) provided that the training undertaken is in one of the identified service-wide priorities;

- (b) be granted study leave on full or half pay, but with the possibility of a loan, not normally exceeding \$5,000 if the course of study is deemed to be useful to the service, but there is no need for that training at the time;
- (c) be granted study leave on no pay if the course is considered to be of no immediate or direct value for public service purposes.

7.8.2 The grant of study leave to prepare for and sit examinations or to sit examinations should not exceed two weeks in the case of degree and professional examinations and one week for other examinations.

7.8.3 A loan may be converted into a grant when the course of study is successfully completed and proves to be of immediate and direct value to the public service.

7.9.1 Each application for study leave will be considered on its own merit. Officers should make sure of the conditions under which study leave may be granted in their particular case for given courses of study before finalising their plans.

7.9.2 Every application for study leave should be made on the appropriate form through the Permanent Secretary or Head of Department to the Training Division of the Ministry of the Civil Service for processing.

7.10 Extensions of study leave may be granted if it is considered that such a grant is in the interest of the service.

7.11.1 All officers who receive training at Government expense, including payment of salaries for periods other than normal vacation leave, will be bonded to serve on completion of their training. However, no bonded service will be required in return for training of less than three months' duration.

7.11.2 The scale of bonded service will vary from six months to periods of four years and over, depending on the duration of the course of training.

7.11.3 Officers on training may benefit from a waiver of the amount bonded in respect of specified periods of completed service after resumption of duty following training. In each case of waiver, there will be a specified minimum period of service. The following table shows the scales of bonded service:

Application for
study leave

Extension of study
leave

Bonding

<u>Duration of Course</u>	<u>Period of Bonded Service</u>
(a) Less than 3 months	Nil
(b) 3 to less than 6 months	6 months
(c) 6 months to less than 1 year	1 year
(d) 1 year to less than 2 years	2 years
(e) 2 years to less than 3 years	3 years
(f) 3 years to less than 4 years	4 years
(g) 4 years and over	Length of study

7.11.4 The amount of an officer's bond will be the estimated cost to Government of the officer's training. Such cost may include salary or allowances or both payable during the period of training and the amount of such expenditure shall be the extent of an officer's indebtedness.

7.11.5 In order to give credit to an officer performing at a higher level than that at which he worked, prior to going on a course, the quantum of his indebtedness will be reduced by 10% of that part of his salary, including acting allowance, which exceeds the maximum of his salary scale, including subsequent review of that scale, at the time of the grant of study or training leave.

7.11.6 Officers whose loans are converted into grants will, on such conversion be bonded to serve for such periods of time as would result from equating the duration of the course to the period which the officer would have taken to repay the converted loan at the rate of his salary at the time of making that loan.

7.11.7 Officers granted study leave or whose loans have been converted into grants under General Order 7.11.6 will be required to produce sureties other than themselves to cover their indebtedness.

7.11.8 A fixed rate of 4% simple interest will be charged on all assessed indebtedness arising from training leave, loans or loans converted into grants over the actual or estimated period of bonded service or of repayment of loans.

7.12 Persons who have been granted study or training leave to enable them to attend a course of study or training will be required

- (a) to devote a specified part of their time to following the course in respect of which the leave was granted;
- (b) to sit for any examination which may be set or to write such papers or reports as may be required by the training authorities;
- (c) to resume duty or take up employment in the Government Service, without undue delay after the completion of the course of study or at the expiry of any vacation or other leave which may be granted.

Reports

7.13 Reports will be required on the completion of training courses and such reports should be submitted to the Training Division of the Ministry of the Civil Service through the officer's Head of Department within one month of completion of the course of training or of any leave which might be taken immediately following the course. Periodical reports may be requested from the appropriate authority in respect of every officer on training or study leave.

Training awards may be suspended or terminated

- 7.14 A scholarship or other training award may be suspended or terminated if
- (a) reports of the officer's work or conduct on the course are unsatisfactory;
 - (b) the officer, without reasonable excuse, fails to pass a prescribed examination within the time fixed by the authorities of the institution which he may be attending;
 - (c) the officer engages in any occupation which is detrimental to his progress in the course of study prescribed for him;
 - (d) the officer becomes unfit to complete his studies owing to illness or is absent from his studies for more than 6 months owing to illness;
 - (e) in the case of a female officer, she marries without permission, someone who is not ordinarily domiciled in Barbados or who is obliged to work in a country other than Barbados;
 - (f) the officer fails to reply to correspondence or to keep the Head of his Department informed of his whereabouts.

Certificate of attendance at end of course

7.15.1 An officer who on the conclusion of a course of study or training fails to obtain a diploma or certificate from the appropriate authority, if such diploma or certificate is normally awarded, to the effect that he has attended his course regularly and pursued his studies with diligence, may be required to refund any leave pay received in excess of the leave pay for which he would ordinarily have been eligible.

7.15.2 An officer to whom General Order 7.15.1 refers may also render himself subject to disciplinary action.

Officers subject to disciplinary code

7.16 An officer, while he is on training or study leave, is still subject to the appropriate disciplinary code of the public service of Barbados.

Offer of scholarships by international or other organisations

7.17 Officers should not approach international or other organisations directly or indirectly for scholarships.

7.18 Offer of scholarships will be dealt with on a service basis and not on an ad

Basis on which
offer of scholarship
is considered

hoc individual officer basis.

Chapter VIII

Pensions, Gratuities and Other Retiring Allowances

Authority for the grant of retiring awards

8.1.1 The grant of pensions, gratuities and other retiring allowances or benefits to officers and employees is governed by the following enactments -

- Cap. 25 (a) ***The Pensions Act*** in respect of the holder other than a part-time holder, of a public office, i.e. an office established by order made under ***The Civil Establishment Act*** and ***The Pensions Regulations 1947*** made thereunder.
- Cap. 30 (b) ***The Public Employees Pensions Act*** in respect of a whole-time employee of the Crown other than the holder of an office described in (a) above and who is or has been the substantive holder of an office specified in the Second Schedule of that Act; and ***The Public Employees Pensions Regulations 1961*** made thereunder.
- Cap. 20 (c) ***The Casual Employees Pensions Act*** in respect of a person who is or has been employed in the service of the Crown on a casual basis but who is not the holder of an office described at paragraph (a) or (b). However, a casual employee who is first employed in the public service after 1st July, 1971 is not eligible for the grant of a pension but may be awarded a gratuity.

Cap. 20

8.1.2 Ex gratia awards may also be made with the approval of Cabinet to former employees of the Crown whose service falls short of meeting the provisions of ***The Casual Employees Pensions Act*** but who, nevertheless, have served for 5 or more years.

8.1.3 Additional benefits may also be granted to pensioners from time to time out of moneys voted by Parliament for the purpose.

Compulsory age of retirement Act 1985-18

8.2.1 By virtue of ***The Pensions (Miscellaneous Provisions) Act***, the compulsory age of retirement is 65 years in respect of public officers and employees except:

Schedule

- (a) persons holding an office set out in the Schedule to this Chapter;
- (b) persons appointed to the public service before 15th July, 1985 who were 50 years or older at 1st June, 1984;
- (c) persons appointed to the public service before 15th July, 1985 who were under the age of 50 years at 1st June, 1984 and who did not exercise the option to retire compulsorily at the age of 65 years provided in the appropriate pensions legislation.

The compulsory age of retirement for officers and employees in the categories at paragraph (a), (b) and (c) above is 60 years.

8.2.2 Retirement from employment in the public service shall be compulsory for casual employees on attaining the age of 65 years. Casual employees are, however, not eligible for pensions in respect of service after the age of 60 years.

8.3.1 The continuity of the pensionable service of an officer or employee including a casual employee is not broken by virtue of any voluntary break in service by that officer or employee, provided that the period of service prior to official retirement is of continuous duration of not less than five consecutive years of pensionable service.

8.3.2 An officer or employee, including a casual employee, who resigns voluntarily from the public service at any time after ten or more years' pensionable service, shall be eligible for the award of a pension on attaining the age of 55 years if he has been in public service before 1st June, 1994, and on attaining at the age of 60 years, if his service began on or after that date.

8.3.3 Every officer or employee who is otherwise qualified for a pension and who has been in the service for at least 5 years but less than 10 years and who resigns before attaining the age of 55 or 60 years as the case may be, may be granted a gratuity but payment thereof shall be withheld until the officer or employee attains the age of 55 or 60 years as the case may be.

8.3.4 Every person who becomes a casual employee after the 1st July, 1971 and who resigns before reaching the age of 60 years after having been in the service for 5 or more years, shall be granted a gratuity on reaching the age of 60 years.

8.3.5 An officer or employee, including a casual employee, who becomes eligible for retiring awards as provided under Order 8.3.2 will be paid in addition the rates of such other appropriate benefits as are payable to pensioners out of moneys voted by Parliament for the purpose, as might have accrued between the date of his resignation and the qualifying date of the grant of the retiring awards.

8.4 The pension which is paid to any former officer or employee in respect of public service which first commenced after 1st September, 1975 shall be abated by the amount of any old age contributory pension which becomes payable to that former officer or employee by virtue of the provisions of *The National Insurance and Social Security Act*.

8.5.1 All male officers whose service is pensionable under *The Pensions Act*, and who have been the substantive holders of public offices prior to 1st April, 1978 are required to be contributors under *The Widows and Children Pensions Act* at the rate of 2% of basic salary in order to provide at their death for the payment of appropriate dependants' pension to their widows and any eligible children.

8.5.2 A widow's pension payable under the provisions of *The Widows and Children Pensions Act* shall be one-half of the basic pension which was paid or would

Continuity of pensionable service and stored eligibility for retiring awards

Abatement of pension by amount of old age contributory pension under National Insurance and Social Security Act Cap. 47
Widows and Children Pension Cap. 25
Cap. 37

have been payable to the deceased contributor at the time of his death.

8.5.3 Children's pension may vary between a $\frac{1}{4}$ and $\frac{1}{2}$ of the basic pension which was paid or would have been paid to the deceased contributor at the time of his death depending on the number of eligible dependent children and whether a widow's pension is payable, provided that the total sum of all dependants' pension (widow's and children's) payable simultaneously, shall not exceed the sum of the basic pension which was paid or would have been payable to the deceased contributor.

Ex gratia awards

8.6.1 By virtue of a Cabinet decision, ex gratia awards may be made to former employees of the Crown who fall short of meeting the provisions of *The Casual Employees Pensions Act* in respect of the payment of a pension and/or gratuity but who nevertheless have served in the public service for more than five years.

8.6.2 The basis for such awards is as follows -

- (a) in the case of employees who have been employed in the service of the Crown for less than ten years but for five years or more, a sum not exceeding five times the annual amount of pension which if there had been no qualifying period might have been granted under section 8 of *The Casual Employees Pensions Act*;
- (b) in the case of employees who have been employed in the service of the Crown for ten years or more, the equivalent of one year's wages;
- (c) in the case of employees who have been employed in the service of the Crown for ten years or more and who have been paid "task" rates during the last three years of employment, the equivalent of the average annual wages received in those three years.

Submission of claims

8.7 All claims to pensions, gratuities and other retiring allowances should be made in the prescribed form and should be submitted to the Chief Personnel Officer as soon as the question of an officer's retirement has been settled. The form should be properly and correctly prepared with all the necessary supporting documents attached thereto and must be certified by the Head of the officer's Department to the effect that all the particulars contained therein are correct.

8.8 Submission of pension papers should not await the arrival of the date on which retirement is due to take effect. When the date of retirement has been reached the Ministry or Department concerned should immediately advise the Chief Personnel Officer in the form of a Last Pay Certificate whether or not there have been any changes in particulars submitted in the original application. A copy of such certificate should be forwarded to the Auditor General.

8.9 If there is any doubt whatever on any point which is likely to affect the computation and award of the officer's retiring benefits the Chief Personnel Officer

should be consulted as early as possible with a view to ensuring correctness of the particulars prior to submission.

Statutory
declaration

8.10 In cases where it is not possible to locate the necessary records in relation to an officer's service, a statutory declaration or statutory declarations should be submitted by two reliable persons attesting to the continuity of such service. The status of the declarant should be stated and he should also be able to give the source of his knowledge of the facts contained in the declaration.

Medical Board

8.11 In cases of retirement on the ground of ill-health, a medical report from a Government Medical Board comprising not less than two Medical Officers should be submitted in the form set out in the Fourth Schedule to Chapter V. The report should state clearly that the officer is incapable, by reasons of an infirmity of mind or body, of discharging the duties of his office efficiently and that such infirmity is likely to be permanent.

Birth/Baptism
Certificate

8.12 The officer's birth and/or baptism certificate should be furnished as satisfactory evidence of his age. Where, however, this is not possible, a statutory declaration by the officer himself or any other reliable person or persons may be submitted. In cases where the officer's name does not appear on the birth certificate or when the name on the certificate differs from that by which the officer is generally known, a statutory declaration in support of the birth certificate should be furnished by the officer himself or any other reliable person.

Death Certificate

8.13 In cases of applications for gratuities payable in respect of a deceased officer or employee, the death certificate as well as the birth certificate of the deceased should be submitted.

8.14 In cases of applications from female officers for gratuities payable consequent upon marriage, the marriage certificate as well as the birth certificate should be furnished.

Certification by
Head of
Department

8.15 The Pensions Form must be certified by the Head of Department that the officer discharged his duties with diligence and fidelity to his satisfaction. Where a Head of Department is unable to give a certificate of diligence because of unsatisfactory service, he should

- (a) give a brief history of the officer's shortcomings;
- (b) state whether the officer was ever warned about the quality of his service and whether any charges were ever preferred, furnish the Chief Personnel Officer with a copy of such charges together with a report of the inquiry into such charges; and
- (C) state whether any reduction is recommended in the amount of benefits for which the officer is normally eligible and if so, what reduction is Recommended.

Service with one or more employing authority

8.16 In cases where an officer had service under one or more Governments or employing bodies, e.g. Government and a Council or Interim Commissioner or statutory board, a detailed statement of his aggregate pensionable emoluments in respect of his service with each employing body should be forwarded to the Chief Personnel Officer. In preparing this statement of aggregate pensionable emoluments it should be noted that

- (a) during any period when the officer is on leave other than leave on full salary he should be deemed to be on duty on full salary in respect of his substantive appointment;
- (b) during any period that he is acting in a higher office his aggregate emoluments shall be related to the salary payable in respect of his substantive office; and
- (c) during any period of secondment his emoluments shall be those payable in respect of his substantive office and shall be reflected in the statement of the lending employing body.

Schedule

General Order 8.2.1

Officers whose compulsory age of retirement is 60 years

Accountant General
Airport Manager
Chief Agricultural Officer
Chief Education Officer
Chief Electoral Officer
Chief Engineer, Waterworks Department
Chief Labour Officer
Chief Magistrate
Chief Medical Officer
Chief Parliamentary Counsel
Chief Personnel Officer
Chief Supply Officer
Chief Surveyor, Lands and Surveys Department
Chief Technical Officer, Ministry of Public Works, and Transport
Chief Town Planner
Commissioner of Inland Revenue
Commissioner of Land Tax
Commissioner of Police
Comptroller of Customs
Director, Data Processing Department
Director of Finance and Economic Affairs
Director of Meteorological Service
Director of National Insurance
Director of Statistical Service
Hospital Director, Queen Elizabeth Hospital
Permanent Secretary
Postmaster General
Registrar of the Supreme Court
Registrar of Titles
Secretary to the Cabinet
Solicitor General

Chapter IX

Loans and Allowances

Authorisation of
loans and travelling
allowances
Cap. 31

9.1 The authorisation of loans for the purchase of vehicles and the payment of travelling allowances are governed by *The Public Officers Loan and Travelling Allowances Act* and regulations made thereunder.

Officers eligible for
loans

9.2 In general a loan to purchase a vehicle may be granted only to an officer or employee who is the substantive holder of one of the posts listed in the First Schedule to *The Public Officers Loan and Travelling Allowances Regulations 1989*. However, in cases where officers are required to act for not less than 18 months in offices which are included in the Travelling Schedule they may be granted one half of the maximum loan for which the substantive holder would be eligible. If the period of acting extends beyond 18 months, the loan may be proportionately increased.

S.I. 1989 No. 49

9.3 The approval of loans is not automatic and an officer or employee who takes possession of a vehicle in anticipation of a loan does so at his own risk.

9.4.1 The maximum advance by way of loan to any officer to purchase a vehicle shall be

- (a) in the case of a motor car, \$35,000;
- (b) in the case of a motor cycle or motor scooter, \$5,000
- (c) in the case of an autocycle, \$1,000
- (d) in the case of a bicycle, \$500

Notwithstanding the above provisions, no advance to any of the officers specified in the Fourth Schedule of the regulations shall exceed \$5,000 in the case of a motor cycle or motor scooter, \$1,000 in the case of an autocycle, or \$500 in the case of a bicycle.

9.4.2 The amount of loan for a second-hand car as provided in the regulations will not exceed the full value of a second-hand motor vehicle as assessed by the Government for the purpose of a loan, provided that the amount shall in no case exceed the price paid for a second-hand vehicle.

9.4.3 In order to qualify for a loan, a second-hand vehicle should normally

- (a) not be more than 3 years old;
- (b) have done not more than 25,000 miles;
- (c) be of not less than 10 h.p. and not more than 20 h.p.

9.4.4 An advance by way of a loan of up to \$5,000 may be made to an officer to

Officers and
employees not
entitled to loans as
of right
Advances to
purchase or
refurbish vehicles

refurbish a vehicle which was originally purchased by way of an advance under *The Public Officers Loan and Travelling Allowances Regulations*.

9.4.5. Heads of Departments and Permanent Secretaries are required, before transmitting an application from an officer or employee for a loan to purchase a second-hand motor vehicle to request the Ministry of Transport and Works to arrange for the examination of the vehicle. The examiner's report should accompany the application for loan.

9.5 A loan for the purchase of a motor car to an officer or employee will be repayable within seven (7) years, or such lesser period as may be approved. The periods of repayment may be extended for officers on study, duty or sick leave, in the circumstances set out in regulation 10 of *The Public Officers Loan and Travelling Allowances Regulations, 1989* and in these circumstances an officer or employee may have the option of disposing of the vehicle, provided that he makes satisfactory arrangements for repaying any balance of the loan due to the Government.

9.6 In order to make sure that insurance is renewed at the proper time, Heads of Departments or Permanent Secretaries are required to keep a record of the date of the insurance of every vehicle belonging to an officer or employee of their Department or Ministry upon which any part of a Government loan is outstanding, and within one week after its expiration to send a certificate to the Director of Finance and Economic Affairs that the policy has been renewed, giving the name of the approved insurer if it is has been changed. The certificate should state that the officer or employee has produced for inspection the receipt for the insurance premium. The name of any officer who has failed to renew his insurance policy must be reported to the Director of Finance and Economic Affairs immediately on the expiration of the policy.

9.7 The amount of a claim payable under an insurance policy assigned to the Government in respect of a vehicle on which a loan has been made must be paid directly to the Accountant General and not to the officer or employee concerned.

9.8 A vehicle on which any part of a loan remains outstanding may not be removed from Barbados, sold, or disposed of in any way without the prior consent of the Minister with responsibility for Finance.

9.9 If permission to sell a vehicle has been obtained and the officer or employee wishes to obtain a loan to buy another, he must submit a fresh application as in the case of an original loan.

9.10.1 An officer or employee who has previously been granted a loan to buy a vehicle, and applies for a loan to buy another, will be expected to use the proceeds of the sale of the old vehicle in the purchase of the new vehicle and may be granted a loan not exceeding the net balance.

9.10.2 An officer who applies for a loan to purchase a vehicle while any part of a previous loan remains outstanding will be required to repay the outstanding balance out

Period of
repayment

Insurance of
vehicles

Claims under an
insurance policy

Vehicles not to be
sold or dispose of
without permission

Fresh applications
for second and
subsequent loans

Proceeds of old
vehicles to be used
in the purchase of
new vehicles

of the sale proceeds of the old vehicle, use the remainder of the sale proceeds in the purchase of the new vehicle and seek an advance for the balance only.

9.11 A loan to buy a vehicle will not be approved within five years of the grant of a previous loan for a similar purpose, save in exceptional circumstances such as the destruction of the vehicle by accident. The grant of a loan within five years of a previous loan will be subject to consideration and will not be automatic.

9.12 An application for a loan for the purchase of a vehicle must be made to the Director of Finance and Economic Affairs in the approved form. The Director of Finance and Economic Affairs is responsible for the preparation and registration of bills of sale and other documents relating to the loan.

9.13 Heads of Departments and Permanent Secretaries are reminded that before signing the certificate on an application for loan, they should be reasonably satisfied that repayment of the loan will not cause financial embarrassment to the officer or employee.

9.14.1 The prescribed rates of travelling allowances are contained in the Second Schedule to *The Public Officers Loan and Travelling Allowances Regulations, 1989*.

9.14.2 Travelling allowance at the prescribed rates may be paid to officers and employees whose posts are listed in the First Schedule to *The Public Officers Loan and Travelling Allowances Regulations 1989* or who are acting in posts listed in the Schedule, and who with the approval of the Head of their Department or Permanent Secretary of their Ministry use their motor vehicles on Government business.

9.15.1 Subsistence and other allowances which may be paid to officers and other persons for travel on duty overseas are as specified in the Schedule to this Chapter.

9.15.2 Advances made in accordance with General Order 9.14.2 or 9.15 for accommodation, entertainment and warm clothing shall be accounted for in the approved form within 21 days of the end of the event in respect of which the advances were made.

9.15.3 Any person who fails to account for the advances within the time limit specified above and to refund any amount due to be refunded may be automatically surcharged either the full amount advanced in cases where no statement of account has been submitted or the amount assessed to have been overpaid where a statement of account was submitted.

9.16.1 Accommodation and living allowance for training or study leave, duty leave other than travelling on duty, and for periods of duty, training or study during vacation leave, is normally paid in addition to salary. It is not intended to meet the full cost of subsistence during the period but the necessary additional expenditure to which the officer or employee is put. Allowances and salaries paid during the periods of training or study or duty are subject to review in individual cases by the Permanent Secretary responsible for establishments, in conjunction with the conditions of an award of training or allocation of duty, or on the representation of the officer or employee,

Loans not granted within three years of previous loan

Loans must not cause financial embarrassment to officers and employees

Rates of travelling allowances

Rates of subsistence and other allowances payable in respect of travelling on duty overseas Schedule

Accommodation and living allowance on duty, etc

which must be accompanied by a full statement of the expenses or commitments on which the representation is based, and be submitted to the Training Division of the Ministry of the Civil Service. The guiding principle is that an officer or employee should not be materially out of pocket or in pocket by reason of special training, study or duty.

9.16.2 The current rates of accommodation and living allowance and of other expenses payable in respect of officers or employees travelling overseas on training or study leave are as set out in the Schedule to this Chapter. These rates are subject to adjustment in light of actual costs.

9.17.1 Warm clothing allowance which is accountable will be payable to an officer or employee who is required to proceed to a temperate or cold climate for purposes of duty or study at rates set out in the Schedule to this Chapter.

9.17.2 Warm clothing allowance will not be payable to an officer or employee who has already received it within a period of less than five years after his return from a previous course of study or duty overseas. A replacement allowance may, however, be paid.

9.18 Officers and employees required to proceed overseas for purposes of duty or study will be eligible for an allowance at rates set out in the Schedule to this Chapter to meet such incidental expenses as may be attributable to their travel overseas.

9.19 Travel and book allowances, where applicable, will be paid at such rates as the Training Division of the Ministry of the Civil Service may determine taking into account the particular circumstances of the case.

9.20 Such maintenance allowance as will be determined by the Training Division of the Ministry of the Civil Service may be payable to officers who are not in receipt of salary during the period of their training.

Schedule

Warm clothing allowance

Allowance for incidental expenses Schedule

Travel and book allowances

Maintenance Allowance

Schedule

General Orders 9.151 to 9.15.3 and 9.16.2

A. Categories of Persons Travelling Abroad on Government Business

Category I	The Governor-General The Prime Minister The Chief Justice Members of Cabinet The President of the Senate The Speaker of the House of Assembly The Leader of the Opposition Other Ministers
Category II	Other Parliamentarians Permanent Secretaries Heads of Departments Chairmen and Chief Executives of Statutory Boards Ad Hoc Project Managers A public officer below the rank of Permanent Secretary or Head of Department who leads a delegation The President or Chief Executive of a registered trade union or professional body included as such in a Government delegation
Category III	All other persons

Expenses and Allowances Payable

1. The following expenses and allowances are payable:

- (a) **Accommodation**

An advance, to be accounted for within 3 weeks of the officer's resumption of duty, should be made to a person in any of the categories to meet the cost of reasonable hotel accommodation.

In cases where a Minister heads a delegation, a suite may be provided for him to permit the holding of discussions with his delegation and any small entertaining which might be necessary.

(b) **Meals**

A non-accountable meals allowance, at the daily rate specified in paragraph 2, shall be payable provided that where a person in either of the categories is an official guest of a foreign Government or organisation he shall be paid the meals allowance at only half of the prescribed rate.

(c) **Subsistence**

A non-accountable subsistence allowance, at the daily rate specified in paragraph 2, shall be payable provided that where an official in Category II heads a delegation of not less than 3 persons, he shall be eligible for the subsistence allowance at the rate applicable to Category I.

(d) **Travelling Expenses**

A non-accountable allowance is provided to meet the cost of reasonable official transportation expenses.

(e) **Entertainment Allowance**

An amount in respect of major entertainment may be paid to a Minister or other person in Category I who heads a delegation and to an official in Category II who heads a delegation of three or more persons.

(f) **Warm Clothing Allowance**

An allowance of U.S.\$250, to be accounted for within 3 weeks of the officer's resumption of duty, is payable in respect of warm clothing in cases of travel to a temperate or cold climate only once in 5 years provided that the person has not already received a similar allowance within a period of less than 5 years from any other Government source.

2. The meals and subsistence allowances referred to at paragraphs 1(b) and (c) shall be payable at the following rates -

CATEGORY I		CATEGORY II		CATEGORY III	
Meals U.S.\$	Subsistence U.S.\$	Meals U.S.\$	Subsistence U.S.\$	Meals U.S.\$	Subsistence U.S.\$
90	60	85	55	85	45

B. Training Allowances Payable to Public Officers

1. Long Term Programmes (Over 6 months)

(a) On-Campus/Residential

- Rates as prescribed by institution for accommodation and meals

OR

- If not prescribed -

- | | | |
|--|---|---------------------|
| U.S.A. and Canada | - | U.S.\$800 per month |
| U.K. and Europe | - | U.S.\$800 per month |
| CARICOM countries | - | U.S.\$500 per month |
| - Book allowance, if required | - | U.S.\$250 |
| - Settling-in-Allowance (for courses
one year and over) | - | U.S.\$100 |

(b) Off Campus/Non-residential

- Rates as prescribed by institution for accommodation and meals

OR

- | | | |
|--|---|---------------------|
| - If not prescribed - | | |
| U.S.A. and Canada | - | U.S.\$800 per month |
| U.K. and Europe | - | U.S.\$800 per month |
| CARICOM countries | - | U.S.\$500 per month |
| - Travel | - | U.S.\$20 per month |
| - Book Allowance (if required) | - | U.S.\$250 |
| - Settling-in-allowance (for courses
one year and over) | - | U.S.\$100 |

2. Short Term Programmes (3-6 months)

(a) Short Term Residential

- Rates for meals and accommodation as prescribed by institutions

OR

- If not prescribed
- Book allowance, if required
- same as for long term residential
- U.S.\$150

(b) Short Term Non-residential

- Rates for meals and accommodation as prescribed by institutions

OR

- If not prescribed
- Book Allowance
- same as for long term non-residential
- U.S.\$150

3. Short Term and/or Ad Hoc Programmes (not exceeding 3 months)

Residential or Non-residential

Rates as prescribed by institution for meals and accommodation

OR

In cases where no rates are prescribed -

- | | | |
|--|---|--|
| Hotel accommodation | - | U.S.\$75 a day (or quoted rate) |
| Meals | - | up to U.S.\$55 per day |
| Travel (for non-residential) | - | up to U.S.\$10 per day |
| Travel (for officers on attachment or study leave) | - | up to U.S.\$15 per day |

4. Other Allowances

- (a) Transport expenses (paid to all officers on training leave) - Bds.\$120

- | | | | |
|-----|--|---|--|
| (b) | Warm clothing (paid once every five years) | - | U.S.\$250 |
| (c) | Cost-of-living (paid to officers specifically directed by their Ministry to undertake some Government business or to hold consultations) | - | Permanent Secretary and Head of Department - U.S. \$25 a day

Others - U.S. \$20 a day |
| (d) | Equipment Allowance in cases where equipment is necessary for the training course - notification from the institution | - | U.S.\$300 or institutional rate whichever is less |
| (e) | Special clothing - in cases where special clothing is necessary for the course or training - notification from the institution | - | U.S.\$200 or institutional rate whichever is less |
| (f) | Thesis Expenses | - | U.S.\$200 or justified claim whichever is less. |

Chapter X

Staff Relations and Trade Union Activities

Freedom of association

10.1.1 In accordance with section 21 of *The Constitution* and with the provisions of the Trade Union law, officers and employees have the right to assemble freely and associate with other persons and to form or belong to trade unions or other associations for the protection of their interests.

10.1.2 The right to freedom of association may be restricted in respect of such officers and employees and members of the disciplined forces, including the Police, Fire and Prison Services as any relevant law prescribes for the purpose.

Claims for representation

10.2 The claims of any trade union for exclusive or joint representation of officers and employees shall be determined on the basis of the ability of the union making the claim to prove to the satisfaction of the Government that in the case of exclusive representation the union has on its books in good financial standing, a substantial majority of the organised groups or categories of officers or employees and in the case of joint representation a reasonable portion of such officers or employees.

Staff relations generally

10.3 The central authority with responsibility for staff relations in the public service is the Ministry of the Civil Service but Permanent Secretaries and Heads of Departments have a responsibility to establish and maintain good staff relations in their particular agencies. In pursuance of that responsibility, Permanent Secretaries, Heads of Departments and such officers as may be deputed by them shall treat with officials and representatives of recognised unions and associations on matters of mutual interest which fall within their particular jurisdiction especially pertaining to the grievances of staff. In such relations agreement should not be concluded with trade unions and associations which involves new expenditure or policy without the prior approval of the requisite authority.

Level of staff relations

10.4 There are three levels of staff relations - national, departmental and local - and the same principles should obtain at all levels in regard to negotiations with trade unions and associations.

Negotiable matters

10.5 The areas on which negotiations may proceed between the Government and accredited trade unions relate to general conditions of service of officers and employees, including -

- (a) remuneration (the level of pay, the nature and quantum of allowances, increments, etc.);
- (b) leave and leave passages (general policy and questions of interpretation);

- (c) superannuation and social security;
- (d) hours of duty - the broad policy;
- (e) procedures and principles relating to recruitment, promotion and discipline;
- (f) qualifications for appointment to posts and conditions for passing beyond Qualification Bars;
- (g) accommodation standards for officers and employees;
- (h) such other matters as may be agreed upon between the Government and a union.

Consultation

10.6 There should be consultation with the accredited representatives of all categories of officers and employees on any proposals affecting the conditions of service of such officers and employees. At the departmental and local levels that consultation shall include such matters as are peculiar to the particular organisation and shall generally be concerned with the application of given rules and regulations on conditions of service and with the grievances of such officers and employees.

Grievance procedure

10.7 In these Orders a “grievance” means a complaint by an officer or employee about treatment meted out to him by his employer, the Government of Barbados, or that employer’s agent, which appears to that officer or employee to -

- (a) violate the provisions of an agreement between his union and his employer or to violate the rules, regulations or conventions applicable to the category of officer or employee to which he belongs; or
- (b) be contrary to the principles of human dignity or natural justice.

The Ministry of the Civil Service should inform Permanent Secretaries and Heads of Departments of any agreement on grievance procedure which may be entered into from time to time by the Government and accredited unions and associations.

Trade union representative

10.8 Officers or employees who are the accredited trade union representatives within a Ministry or Department as advised by a union should be accorded the requisite time off to permit them to attend to legitimate trade union business. It is expected that a degree of reasonableness will exist in regard to the requirements for time off.

10.9 On the submission by officers and employees of the appropriate authorisation for the check-off of union dues in favour of recognised trade unions and staff associations, Permanent Secretaries and Heads of Departments shall arrange for the prescribed amounts to be deducted regularly as authorised from the salaries and wages of

the officers and employees concerned and promptly remitted to the respective agencies.

Chapter XI

Miscellaneous

11.1 Every officer or employee who wishes to make any representations relating to his conditions of service or any other matter of a public nature to any person or authority outside his department should forward the relative communication through the Head of his Department.

11.2 Every memorial or petition by any officer, whatever his grade, or by any member of the public, should be acknowledged without delay by the Head of the Department concerned, with an intimation, if the memorial or petition is in order and couched in proper terms, that it is receiving attention.

11.3 Where the Head of Department is specifically requested by an officer in his department to forward a communication which is addressed to any person or authority outside his department, he should do so without undue delay, and advise the officer when this has been done. In every such case the Head of Department should embody in a separate memorandum his own views on the representations made and, where appropriate, should make a definite recommendation as to the terms of the reply that should be sent to the writer. In the case of representations regarding promotion, Heads of Departments should be guided by General Order 3.17.

11.4.1 Instructions as to the persons and authorities who may send or receive correspondence through the post or by telegram, free of charge, are issued from time to time, by the Ministry with responsibility for Post Office matters which may also prescribe rules relating to the exercise of this privilege.

11.4.2 Officers are required to make themselves acquainted with the list of persons and authorities entitled to this facility, and heads of Departments and Postmasters are especially required to exercise vigilance to prevent any abuse of the privilege of free postage, including the use of registered post, and any departure from the rules dealing with the matter should be reported with full particulars to the Ministry with responsibility for post office matters through the Head of Department.

11.5 Impressions of official seals must not be supplied to private persons.

11.6.1 Officers will not be permitted to make use of any stamp or franking letters, or to frank letters without the authority of their Head of Department.

11.6.2 The franking of envelopes or other covers by means of a franking stamp is strictly forbidden, unless the covers contain at the time of franking the official correspondence or matter to be transmitted through the post, subject to the following exception, namely:

That any written or printed matter properly issued in a franked

Procedure for representations relating to conditions of service etc.

Postage facilities

Official Seals

Franking Stamps

envelope or covering for circulation among members of a board or any body of individuals, and for ultimate return to the officer of issue may be passed from one member of such board or body to another in an envelope or cover provided for the purpose and duly franked in advance by a duly authorised officer.

11.6.3 Officers in possession of franking stamps are required to keep them under lock except when actually required for use.

11.7.1 Heads of Departments are held responsible for the issue of routine orders to be followed by their respective staffs in the event of a serious earthquake, fire or other catastrophe.

11.7.2 As a precaution against hurricanes, Heads of Departments should see that all public buildings under their charge are, as far as practicable, made hurricane-proof, i.e. that all doors, windows and other openings can be readily closed and made secure on receipt of a hurricane warning.

11.7.3 Public buildings should be equipped with fire extinguishers to be provided by each Ministry or Department which should also be examined periodically by the Fire Service. Heads of Departments are responsible for the safe custody of such equipment in their possession.

11.8 An officer shall not be entitled to claim compensation in respect of losses of or damage to private property incurred through fire, theft, riot or otherwise in the course of his service; but in special cases, the grant of compensation may be considered as an act of grace. Such concession shall not be made in respect of losses which in the opinion of the Director of Finance and Economic Affairs were due to negligence for which the officer was responsible or which could reasonably have been covered by insurance.

11.9 Any books produced by officers as part of the work for which they are engaged should result in the copyright in respect of such books being vested in the Crown. All the units required for the use of the public service of Barbados should produce no financial benefits to the author, but the author may be allowed the royalties that might arise from sale of units outside of the public service or outside Barbados.

Earthquake, fire or other catastrophe

Loss of private property

Copyright and royalties

APPENDIX I

Memorandum of Understanding

General Order 1.3.2

Introduction

This Memorandum which is presented in two parts is to be read in its historical context. It represents what all parties concerned understand to be conditions of service as favourable as or no less favourable than those enjoyed by teachers in the older secondary schools prior to the implementation of the 1981 Education Act. It will be used in these circumstances as a point of reference by the parties involved. This Memorandum of Understanding will apply to teachers who were in service or holding indefinite acting appointments in vacant posts on the date of the enactment of *The Education Act 1981-25* as determined by lists to be agreed and approved, but will not apply to those teachers who were appointed or promoted after the enactment of the said Act.

2. Part I, the Preamble to Conditions of Service, describes the general approach to the matters at issue and the relationships of the parties concerned while Part II makes specific statements about the Conditions of Service which will be applicable. The Parts are considered to be equally relevant.

3. It is to be noted that the term "Headteacher" refers to a person formerly designated as Headmaster/Headmistress. It is also to be noted that the term "the Union" refers to the Barbados Secondary Teachers' Union.

4. The Public Service Commission as the appointing authority under *The Education Act, 1981-25* as well as the Ministry of Education as the authority responsible for Education and the Ministry of the Civil Service give the assurance that they will honour those terms of the agreement which are their respective concerns and which in their view do not conflict with constitutional or legislative enactments. The Union on its part undertakes to honour the spirit of this agreement and will do all in its power to preserve and promote a high standard of professional conduct which is implicit in this Memorandum of Understanding.

Preamble to Conditions of Service

1. As the basis of their contract with their employers the teachers employed by the erstwhile Governing Bodies duly observed:

- (i) the provisions of the respective schemes of government;
- (ii) the terms of their individual letters of appointment;

- (iii) other terms and conditions of service contained in separate legislation or arising through customs and practice accepted by the employers over the years.

2. Teachers who are the subject of negotiation fall into the following categories -

- (1) Headteachers;
- (2) Teachers over 55 years who may wish to retire;
- (3) Teachers over 50 years but under 55 years who may seek permission to retire if they had opted to retire under the provisions of *The Pensions (Miscellaneous Provisions) Act, 1975*;
- (4) Teachers who wish to continue and to have conditions no less favourable than those previously enjoyed;
- (5) Teachers who wish to leave the service;
- (6) Teachers who wish to continue regardless of the former conditions of service.

It should be noted that no impediment can be placed in the path of persons over the age of 55 who wish to retire and they should be individually advised and themselves seek advice about the steps they should take to receive their retiring benefits. Teachers on secondment who may wish to return to their former schools are to be treated like those in Category 4 above while teachers who are out of the island on long leave or study leave are to be given similar offers of appointment.

3. Teachers who have held indefinite acting appointments in vacant posts under the Governing Bodies and who in the normal course of events would have been appointed to the permanent staff by virtue of their satisfactory service should be considered as falling under Category 4 above.

4. Teachers employed on an acting basis in place of teachers on leave, teachers referred to in paragraph 3 immediately above whose service has been proven to be unsatisfactory and teachers employed for a fixed term contract are not to be considered as falling under Category 4.

5. **Assurance of Continuing Contractual Obligations
in respect of Professional Matters**

The teachers employed by the previous Governing Bodies shall as in the past, prepare and present lessons, mark and correct the work of students, make reports upon their progress, exercise disciplinary and supervisory functions and perform such other reasonable pedagogical and pastoral duties consonant with accepted professional standards and previous practice and in accordance with the expectations implicit in the letter of appointment issued under the several Schemes of Government.

6. **Breaks**

All schools have two breaks: thus teachers in all schools have an aggregate of at least one hour for lunch. It has been customary in a few schools for some teachers to perform certain duties while the school is in recess. This has meant that those teachers cannot have their lunch break at that time and as a consequence they have been compensated with a non-teaching period either immediately before or after a particular recess during which they were on duty; Teachers have been accustomed if they so wished, to leave the premises during any luncheon break when not on duty. Some few schools have, for their own convenience, held staff meetings from time to time during luncheon breaks. It must be understood that attendance at such meetings has been voluntary and that there can be no compulsion upon any teacher to attend any staff meeting held during any luncheon break unless an emergency arises.

7. **Late Duty and Bus Duty**

Teachers have remained behind on the premises after the end of the school day for a period of up to two hours, either to supervise the boarding of buses or simply to perform general supervisory duties and to be present in the event that any matters had to be referred to them. All such duty has been voluntary and the performance of such gratuitous service shall not be taken as being part of a teacher's previous contractual obligations. The Union for its part shall continue to recommend to all its members that they perform additional duties on a voluntary basis so long as they are reasonable. The foregoing principle shall also apply to any duties that may have been performed by teachers in any school prior to the official start of the school day.

8. **Extra Curricular Activities**

Teachers have had included in their letters of appointment phrases to the effect that they will be expected to assist with extra-curricular activities depending on their individual abilities and interests. The Union offers the assurance that its members will continue to make themselves available to help with extra curricular activities. However, it is understood that extra-curricular activities have been at all times voluntary and in this regard, two points need to be emphasised -

- (1) There can be no compulsion upon a member to undertake extra-curricular activities.
- (2) Any failure to assist cannot be used as grounds for attempted disciplinary action, refusal of any recommendation for promotion, scholarship, study leave and the like.

The foregoing will not apply to certain teachers for example, those appointed as physical education instructor or games teacher, and the like, whose letters of appointment include specific provision for performance of duties outside the official school day. It must be understood that the letters of appointment of the above teachers shall not be construed to mean that they must be present at every sporting or other event in which school terms are engaged. Consideration has always been given to the extent of any of the teaching and other duties performed by games teachers and those who are expected to perform extra-curricular activities. Their contact hours with classes have been adjusted to take account of the time spent with duties outside the official school day.

The abiding principle has been that no member has been required to work unreasonably long hours. In some schools a practice obtained whereby such teachers were given a non-teaching period immediately before they began the above activities.

9. **Staff Meetings**

Prior to the implementation of the Education Act, staff meetings were held in all the older secondary schools on the first official day of the term. There was no instruction on that day. Staff meetings were also held on the last day after school had been dismissed. Other staff meetings were held as circumstances warranted. It was not customary, during term time, for staff meetings to be started at the end of the official school day. In some instances a period was remitted and a staff meeting held during that time. If the meeting was still in progress at the end of the official school day, the attendance of teachers was voluntary. Some schools, for their own convenience, also held meetings at lunch time and attendance at such meetings would also have been voluntary. While the Union concedes that its members have given such service in the past, and will no doubt continue to do so in the future, it is desirable, except in emergencies, that all staff meetings take place within school time and be started at such an hour that it can reasonably be expected that the business of any such meeting will be completed within the time of the official school day. Attendance at any staff meeting held outside official school hours must be treated as voluntary.

10. **Secretarial Work**

Teachers have had available to them assistance in typing, duplication and stapling of examination papers and other material. There shall be no compulsion upon any teacher to perform such functions as part of his normal duties. Moreover, subject

teachers shall not be required as part of their normal functions in class time to gather information or statistics for the Ministry of Education, or any other Ministry. The collection of any reasonable information from children for external agencies should be done by the school's office, as has taken place previously, and should not be passed on to the teachers as part of their duties. The collection of information by teachers has in the past been limited to those areas affecting the welfare of the children and teachers' professional duties. The Union expects that any such information would be collected in the time set aside for any form to be with its form teacher within the school day.

11. **School Assembly**

The Union will continue to encourage its members to attend morning assembly regularly as has been the previous practice.

12. **Voluntary duties off the premises**

The Union shall continue to encourage its members to perform voluntary duties off the premises.

13. **Annual Reports/Performance Appraisal/Evaluation of Teaching**

There has in the past been no formal, written reports on teachers in older secondary schools and no standard procedures for Headteachers or Heads of Department to report annually on these teachers. The Union is not against a system of Heads of Departments reporting on professional matters within their departments as has taken place previously. In fact the Union recognises that such reports are an integral part of the developmental phase of the educational process. The Union would therefore insist on full agreement on procedures for evaluation of teaching or for performance appraisal before any variation can be entertained.

14. **Invigilation of Examinations**

Teachers have assisted in the supervision and invigilation of two types of examinations -

- (a) external examinations; and
- (b) entrance examinations.

In the past some teachers have invigilated examinations in the first category on bank holidays. The performance of these duties has been voluntary and no additional payment has been demanded. In some cases these examinations have been held off the school premises. The Union is prepared to allow the status quo to remain, but as in the past, its rights are reserved. The Union recognised its professional obligations and its members shall continue to offer such a service. In the event of any teacher not being able to invigilate any public examination held on Saturday or on a bank

holiday, then adequate notice shall be given so that alternative arrangements can be made in good time for such duties to be performed.

15. **Staffing - Procedures for Appointment**

The Public Service Commission, as soon as it obtains the list of teachers affected by this legislation, will convey offers of appointment to them.

It may be noted that delays in making future appointments will be avoided since the appointment of teachers is delegated to the Chairman of the Public Service Commission who will normally act on the recommendations of the appropriate Board of Management.

It is also noted that in the exercise of the powers conferred on it under the Education Act a Board must hold at least one meeting during each school term.

16. **Headteachers and Secretary/Treasurers**

It is to be understood that the Headteacher is the Head of the school's administration, that the Secretary/Treasurer should be required to keep him/her fully informed of all Board matters and proposals for action and that they generally cultivate harmonious working relationships.

17. **Seniority, Appointments, Promotions, Scholarships, etc.**

While for appointments of a permanent nature the Public Service Commission places more emphasis on ability than seniority, it would nevertheless be helpful in dealing with short term acting appointments for each school to establish seniority lists of personnel in their various areas.

The Public Service Commission in considering recommendations for promotion, scholarships, study leave and the like will take all relevant factors into consideration.

18. **General Orders and Disciplinary Procedures for Teachers**

A Committee comprising representatives of the Ministry of the Civil Service, Personnel Administration Division, the Ministry of Education, Youth Affairs and Culture and the Unions will be established to draw up a draft of General Orders and Disciplinary Procedures for Teachers.

19. **Omissions from this Document of Existing Privileges**

If a problem arises as a result of any omission of privileges from this

document, then the production of satisfactory evidence of there being established practice shall be proof sufficient of the existence of the particular privilege, and therefore the teacher will continue to enjoy that privilege if there is no legal impediment.

20. It is agreed that nothing arrived at in this Memorandum of Understanding will diminish the responsibility of the Headteacher vis-à-vis the teacher in respect of the management of the school. Similarly, the Memorandum of Understanding will not negate the responsibility of teachers in respect of the duty of care of the children.

21. It is agreed that nothing arrived at in any settlement will prejudice any future negotiations between the Unions and Government for varying conditions of service or improving the service.

Conditions of Service

1. Teaching Periods

- (I) Subject to the power of the Headteacher to deal with emergencies and special circumstances, the following guidelines will apply -
- | | | |
|--------------------|---|--|
| Assistant Teacher | - | not more than 30 contact periods out of a total of 35 periods per week |
| Head of Department | - | not more than 25 contact periods out of a total of 35 periods per week |
| Deputy Head | - | not more than 15 contact periods out of a total of 35 periods per week |
| Head | - | not more than 5 contact periods out of a total of 35 periods per week. |
- (ii) Use of non-teaching periods will be left to the professional integrity of the teacher. It is customary for the preparation of lessons, the correcting and marking of pupils' work and planning generally to occupy a large proportion of these periods.
- (iii) Permission for a teacher to be off the premises during non-teaching periods will be at the discretion of the Headteacher and subject to the needs of the school.
- (iv) The Headteacher may call on a teacher to substitute for an absent colleague or to supervise the class of an absent colleague.

2. **Requirement to teach a subject not stated in letter of appointment**

Although the letter of appointment may stipulate the subject area(s) which the individual will be required to teach it may become necessary because of curriculum changes for teachers to teach other subjects within their capabilities.

3. **Medical Examinations**

The cost of any medical examinations required by the Government will be borne by Government. This does not apply to sick leave certificates.

4. **Length of School Day and School Term**

The academic year shall be divided into three terms and the aggregate number of teaching weeks will be 38, and the total length of the school day will be not more than 6 hours; including one hour for luncheon break.

In the event of a school, as part of its domestic arrangements, having a period that goes on after the end of the official school day, then any teacher who has been assigned to such a class shall be adequately compensated by time off.

5. **Scheme Books/Record Books**

The teacher will be expected to keep a plan of work and a record of work covered in the relevant syllabus.

6. **Text Books**

Within the framework of Government policy, teachers will continue to have freedom in the selection and/or use of text books in the classroom and this freedom shall continue subject to the overall responsibility of the Headteacher and to the other constraints that existed under the Schemes of Government.

7. **No Transfer from one School to another without consent**

No teacher shall be transferred from any school to any other school without his prior consent in writing, and no penalty will be attached to any teacher to whom such a suggestion is made and who refuses to agree to any suggestion of a transfer.

8. **Substitution**

If there is a likelihood of a teacher being away for a period of more than two weeks, or for a vacancy not to be filled as expected, then the Headteacher in consultation with the Board of Management and the Chief Education Officer will continue to employ substitutes on a short term basis so that staff are not unduly inconvenienced or suffer undue loss of their non-teaching time.

9. **Organisation of Sporting Events**

Teachers as in the past will continue to be responsible for arranging sporting events for their own schools subject to the approval of the Headteacher.

10. **Correspondence**

Teachers who wish to communicate with the Ministry, the Public Service Commission or officially with other agencies shall do so through the Headteacher who will be required to attach his comments, if any, on the matter and forward the correspondence without delay and in any event within seven days. Teachers in the older secondary schools can, as with the former Governing Bodies, communicate directly with their Boards of Management, forwarding copies of all relevant correspondence to the Headteacher at the time of issue.

11. **Reports**

Any report made on any teacher must be available for copying by the teacher and he shall be entitled, as in the past, to make comments on any report made upon him.

12. **Acting Appointments in a Higher Position**

If any teacher acts in a higher position, e.g. as a Headteacher or Deputy Headteacher then that teacher shall not lose any of his non-salary entitlement by virtue of his acting in that other post, or by his performance of those other duties. The foregoing shall apply to any Deputy Headteacher acting as Head of the school. Entitlement refer to special conditions of service and do not include salaries and allowances.

13. **Duties in School Vacation**

Vacation shall start as from the completion of the last official school day of each term. Teachers shall continue to enjoy their entitlement to use the school vacation period for their own purposes, and

there shall be no compulsion upon them to attend seminars or workshops. However, it is in the professional interest of teachers to attend.

14. **Visits to Schools**

Visits to schools are authorised under Part XI of *The Education Regulations, 1982*. The Schemes of Government state that “The school shall at all times be open to inspection by the Director or his representative”. It is expected that this will continue.

15. **Discipline**

The teachers will continue to enjoy all the protection of natural justice in any disciplinary proceedings.

16. **Recruitment of Barbadians from abroad**

Those teachers who were recruited from abroad to join the permanent staff and whose passages were paid for them and their spouse/family from the country of recruitment to Barbados at the start of their employment, shall be entitled, upon the conclusion of their service through retirement or resignation to a return passage to the country of recruitment, so long as it can be demonstrated that his entitlement forms part of the contract of employment in so far as such payment is in accordance with the *Payment of Passages Order, 1981* and its amendments.

17. **Long Leave and Leave Passage**

Long leave and leave passages shall be in accordance with the relevant rules and legislation.

18. **Study Leave**

Teachers who return from paid study leave prior to the completion of a particular term of the academic year shall not be denied the possibility of resuming duties if this is in their own interest or that of the children they teach. The condition of the grant of study leave should determine when the teacher returns to service.

19. **Sick Leave**

Teachers will continue to be entitled to an aggregate of 21 days' sick leave in one year. In practice the Governing Bodies followed the provisions of the General Orders in respect of sick leave.

20. **Special Leave**

A teacher may be granted short periods of special leave with or without pay, at the discretion of the Head of his school and the respective Board of Management. The Board shall report any such grant of leave to the Ministry and state the reasons therefor within the rules determined by the Ministry and the Government.

21. **Pensions**

Teachers who are subject to the provisions of *The Pensions (Miscellaneous Provisions) Act, 1975-31* shall not have any of their entitlement in any way altered or abated adversely.

22. **Maternity Leave**

Maternity leave may be granted in accordance with the relevant legislative provisions.

23. **Place of Work**

The normal place of work shall continue to be the premises of the school at which members are employed.

24. **Responsibilities and Powers of Headteachers**

The Headteacher's responsibilities include the following -

- (a) The arranging of examination time-tables so as to allow teachers not selected for duty as invigilators to remain off the premises for the purpose of marking examination scripts;
- (b) The granting of permission to teachers, either to leave or not to arrive upon the premises during non-teaching periods, if no other duty is required of them.
- (c) The granting of permission to teachers to leave their place of work to attend to personal business which could not otherwise be attended to, for example. Medical appointments for themselves and family, legal appointments, funeral arrangements, interviews and the like.
- (d) The holding of staff meetings during the term. (cf.. Section 9 of the Preamble).

The Headteacher may exercise the following powers -

- (a) To suspend and make recommendations for expulsion of pupils.
- (b) To indicate the number of pupils to whom a school can offer places in any one year.
- (c) To superannuate any pupils who fall below the accepted standards for the respective age groups, once those pupils have passed the school leaving age.
- (d) To exercise discretion in all matters relating to staff going on special leave; for example, to represent Barbados in sporting, cultural and Union events. This leave should be granted in accordance with the relevant legislative provisions.
- (e) To determine the dates and times of staff meetings.
- (f) To grant half-holidays not to exceed the number stipulated in the Schemes of Government. *The Education Regulations, 1982 Part VI* sets out the powers of the Minister in respect of the granting of school holidays.
- (g) To be present at any meeting of the Board of Management unless requested otherwise.
- (h) To suspend any teacher for gross neglect of duty or misconduct calculated to injure the school.

25. **Threat of Disciplinary Action**

The teacher will have recourse to the Headteacher, the Board of Management or the Public Service Commission as the case may be in any disciplinary matter or in any matter of allegations affecting his professional integrity or likely to affect his career prospects adversely.

26. **Termination of Appointment**

Teachers as a general rule will be required to give a term's notice of intention to terminate appointment.