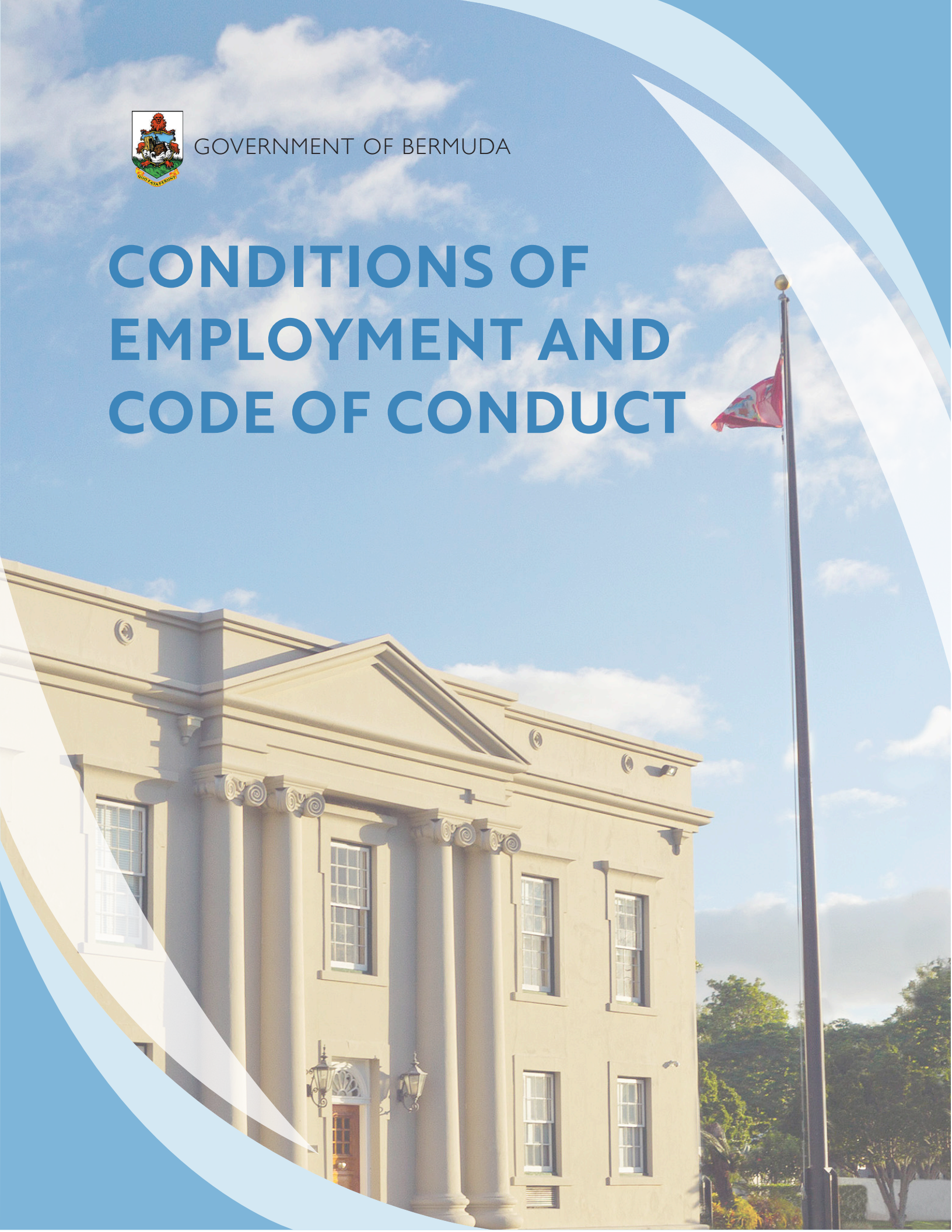
GOVERNMENT OF BERMUDA

CONDITIONS OF EMPLOYMENT AND CODE OF CONDUCT



Conditions of Employment and Code of Conduct

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LETTER FROM THE HEAD OF THE PUBLIC SERVICE

Dear Colleagues,

It is my pleasure to share the revised Conditions of Employment and Code of Conduct (CECC). This document specifically pertains to Public Officers who are represented by the Bermuda Public Services Union.

If you are a newly employed Public Officer, please note that your employment contract consists of the CECC, the Public Service Commission Regulations 2001, the Collective Bargaining Agreement between the Government of Bermuda and the Bermuda Public Services Union, and your signed contract of employment. If you are an existing Public Officer, please note that the amendments contained in this document represent a change to the terms and conditions of employment. Therefore, all Public Officers are strongly advised to review and familiarise yourselves with the contents of this revised CECC. Also, in accordance with the CECC you are reminded that all Administrative Policies are posted to the Government intranet.

As was the case with previous versions, this version of the CECC contains the following supportive documentation as an Appendix: The Framework for Management of Compliance, the Charter on People Management Values, the Values and Ethics Code, and the Guidelines on Service Standards. While these documents do not form part of the CECC, they are attached as they are critical to the delivery of effective public services.

Should you require assistance with any aspect of this document, you may contact your Managers or Union Representatives. Our collective adherence to the guidance contained in this document allows each of us to meet the goals and commitments of the Government of Bermuda.

I wish to thank you all for your dedication to service excellence.

Cherie-lynn Whitter
Head of the Public Service

Introduction

The purpose of this document is to enhance public confidence in the integrity of the Public Service and in the decision-making process of Government. It is intended to provide a ready reference for all members of the Public Service who are eligible for representation by the Bermuda Public Services Union. The Bermuda Public Services Union is responsible for representing the interests of its members in accordance with the Trade Union and Labour Relations (Consolidation) Act 2021.

This document is issued under the authority of Her Excellency the Governor on the recommendation of Cabinet. It outlines the structure of Government and summarises the vast scope of the Public Service. It also explains the roles and reporting relationships between the elected Government and members of the Public Service. All employees of the Public Service are referred to as Public Officers. Managers are section heads, operational managers, supervisors and superintendents. Managers are expected to act in the best interest of the employer and of the Public Service as a whole.

The document also sets out basic principles to guide Managers and Public Officers regarding the terms and conditions of employment. In addition, it clarifies levels of authority, expectations, and standards required of all Public Officers. It is intended to provide a ready reference for Public Officers in their day-to-day interactions. The rights and obligations of Public Officers are specified in this document, as are the processes for resolving difficulties should they arise.

This document recognises Government's rights and responsibilities as an employer to manage its operation and to direct the activities of its workforce in a way that best meets its needs.

Bermuda Public Services Union

The Bermuda Public Services Union is responsible for:

(a) Collective bargaining with the Government or its representatives on behalf of its members.

(b) Representing its members' grievances and complaints.

(c) Communicating between its members and the Government.

(d) Promoting the Union as an effective social partner.

(e) Implementing proper education and training by way of information sharing and encouraging members to participate in education and training programmes organised by the Bermuda Public Services Union and Government.

Terms and Conditions of Employment

The Public Service Commission Regulations 2001, the Conditions of Employment and Code of Conduct, the Collective Bargaining Agreement (as between the Government and the Bermuda Public Services Union), and any individual employment contract comprise each Public Officer's terms and conditions of employment. These documents may be amended from time to time and the terms and conditions of employment shall be amended accordingly.

Commitments

As an employer, the Government of Bermuda is committed to being:

Transparent Government is serious about working for, and with, its constituents and stakeholders for the achievement of desired societal outcomes and will be held accountable. It releases quality and reliable information and builds trust in the eyes of the entire public.

Agile Government is able to anticipate situations and to react and adapt optimally to unforeseen events in a speedy and cost-effective manner. It provides needed responses in the short term without compromising or sabotaging long-term objectives. Government is resilient.

Talented Government is an employer of choice. It attracts, develops, motivates and retains a quality talent pool. It is responsive to the changing needs of its employee base – embracing flexibility – and rewards effectiveness and the achievement of clearly stated outcomes.

Digital and Data – Government is a digital leader. The public benefits from comprehensive, secure and accessible digital services from Government. Government also utilises modern, innovative digital tools to fulfil its responsibilities efficiently and effectively. Government uses leading data techniques in decision-making and performance management.

Citizen-centric Government places the Bermuda public at the centre, serving its needs effectively, affordably, collaboratively, inclusively and on a timely basis. Keeping the public at the core, Government strikes an appropriate balance between an internal focus on efficiency and effectiveness and an external focus on creating value to society.

Accountable Government is accountable for measuring, reporting and achieving sustainable outcomes. A culture, systems and processes, of accountability are at the heart of all activity. Transparent, reliable reporting and effective auditing promote accountability and increase public confidence.

Innovative Government is strategically innovative by taking a leading role in driving national strategies – helping Bermuda to be globally competitive and diversified. It is also operationally innovative by delivering services more effectively while addressing long-term socio-economic, technological or other challenges.

Empowering Government boosts economic growth and prosperity for its people. It supports activity which strengthens existing industries and diversifies into new areas of real potential to be globally competitive. It facilitates workforce development and entrepreneurial schemes to achieve wider socio-economic participation.

Sustainable Government treats the future as an asset and prioritises its efforts such that today's citizens are being taken care of while retaining a sharp focus on long-term sustainability. It takes a holistic approach towards economic, social and environmental outcome.

1 Organisation of the Government of Bermuda

1.0 The Constitution

The Constitution of Bermuda was introduced in June 1968 and has subsequently been amended a number of times. It contains provisions relating to:

(1) The protection of fundamental rights and freedoms of individuals such as life, liberty, security, conscience and expression regardless of the race, place of origin, political opinions, colour, creed or gender of individuals.

(2) The powers and duties of the Governor: the Governor, who is the Commander-in-Chief of Bermuda, is appointed by His Majesty the King and holds office at His Majesty's pleasure. In the exercise of his/her functions, the Governor obtains and acts in accordance with the advice of the Cabinet. Functions of the Governor under section 62 of the Constitution are:
   - (a) External affairs
   - (b) Defence, including armed forces
   - (c) Internal security
   - (d) The Police

(3) The Governor appoints the following Public Officers and other appointees as required by law:
   - (a) Attorney-General
   - (b) Chief Justice
   - (c) Secretary to the Cabinet
   - (d) Auditor General
   - (e) Director of Public Prosecutions
   - (f) Commissioner of Police
   - (g) Deputy Commissioner of Police
   - (h) Registrar of the Supreme Court and Court of Appeal/Taxing Master
   - (i) Information Commissioner
   - (j) Privacy Commissioner
   - (k) Bermuda Ombudsman

(4) The Legislature, which consists of His Majesty the King, the Senate and the House of Assembly.

(5) The Cabinet, which is appointed by the Governor on the advice of the Premier.

(6) The Judiciary, which comprises Magistrates Court, the Supreme Court and the Court of Appeal, and the Privy Council. Judges of the Supreme Court are appointed by Her Excellency the Governor upon recommendation of the Judicial and Legal Services Committee, Judges of the Court of Appeal are appointed by the Governor acting in her discretion, and Magistrates are appointed by the Governor acting after consultation with the Chief Justice.

(7) The Public Service Commission is appointed by the Governor after consultation with the Premier who shall first have consulted with the Opposition Leader. The Commission is composed of a Chairman and four other members. The duties and responsibilities of the Public Service Commission are outlined in the Public Service Commission Regulations 2001.

1.1 Composition of Government

The Government of Bermuda consists of the Governor, a Deputy Governor and the Cabinet. The Legislature is established under section 25 of the Constitution and

consists of His Majesty the King, the Senate and the House of Assembly.

The Governor, appointed by His Majesty the King, is responsible for defence, external affairs, internal security and the police. On these matters, the Governor may consult with the Governor's Council, although the Governor is not bound by the Council's advice.

The Council consists of the Governor, the Premier and not less than two nor more than three Cabinet Ministers nominated by the Premier. The Secretary to the Cabinet acts as Secretary to the Governor's Council.

1.2 System of Government

Bermuda's system of government is based on the Westminster model of parliamentary democracy. It is a system that relies heavily upon the existence of organised political parties, each laying policies before the electorate at a general election for approval. The party which wins most seats at a general election, or which can command the support of a majority of members in the House of Assembly, forms the Government.

General elections must be held at least once every five years. In accordance with the Bermuda Constitution, the leader of the majority party is asked by the Governor to form the Government. The leader of largest minority party is appointed by the Governor as Opposition Leader.

1.3 The Cabinet

The Cabinet consists of the Premier and not less than six other Ministers who are appointed by the Governor on the advice of the Premier.

The functions of the Cabinet are:

(a) The final determination of policies.

(b) The strategic control of Government.

(c) The coordination of Government Ministries and Departments.

The Cabinet meets in private and its proceedings are secret. Its members are bound by oath not to disclose information about Cabinet business. The Cabinet normally meets once a week.

1.4 Ministerial Responsibility

Ministers are responsible collectively for Government policy and individually to Parliament for their Ministry's work. The doctrine of collective responsibility means that the Cabinet acts unanimously even when Cabinet Ministers do not all agree on a subject. Departmental policy must be consistent with the policy of the Government as a whole. Once the Government's policy on a matter has been decided, each Minister is expected to support it, or resign. On rare occasions, Ministers have been allowed free votes in Parliament on matters involving important issues of conscience.

The individual responsibility of a Minister for the work of his or her Ministry means that he/she is answerable for all its acts and omissions and must bear the consequences for any defect of administration, any injustice to an individual or any aspect of policy which may be criticised in Parliament, whether personally responsible or not. Ministers must answer questions posed in the House of which they are a Member and defend themselves against criticism in person.

1.5 The House of Assembly

The House of Assembly comprises thirty-six members. It elects a Speaker and a Deputy Speaker and sits for a term of five years, unless dissolved earlier. Bermuda is divided into thirty-six constituencies, each represented by one member in the House. Under the Constitution, a Boundaries Commission is appointed every seven years to examine and, if necessary, to revise the boundaries of the constituencies.

1.6 The Senate

The Senate is composed of eleven members: five are appointed by the Governor on the advice of the Premier, three are appointed by the Governor on the advice of the Opposition Leader and the remaining three are appointed at the discretion of the Governor. The Senate elects its own President and Vice President.

1.7 Main Functions of the Legislature

The main functions of the Legislature are to:

(a) Pass laws.

(b) Provide, by taxation, the means of carrying on the work of Government.

(c) Scrutinise Government policy and administration, particularly proposals for expenditure.

In discharging these functions, the Legislature helps to bring the relevant facts and issues before the electorate.

1.8 Qualifications of the Electorate

To be qualified to register as an elector in a constituency, a person must be 18 eighteen years of age or older, possess Bermudian status and be ordinarily resident in that constituency. Candidates for election must qualify as electors and hold Bermudian status.

1.9 The Judiciary

The Supreme Court of Bermuda has jurisdiction over all serious criminal matters. In addition, it has unlimited civil jurisdiction and hears civil and criminal appeals from the Magistrates' Court. The Magistrates have legal authority over all summary offences and have a limited civil jurisdiction. The Court of Appeal, established in 1964, has the same powers and jurisdiction of similar courts in other parts of the British Commonwealth. The final court of appeal is the Privy Council in the United Kingdom.

1.10 The Public Service Commission

The Public Service Commission is established by the Bermuda Constitution.

It is an independent body, politically impartial, and responsible directly to the Governor. Its decisions are made in accordance with the Public Service Commission Regulations 2001 and are subject only to approval by the Governor. All business conducted by the Public Service Commission is undertaken in the strictest confidence. Applicants for positions within the Public Service are prohibited from canvassing members of the Commission.

The main functions of the Public Service Commission are:

(a) Advertising of vacancies.

(b) Assessments and selection.

(c) Appointments and promotions.

(d) Probation reports.

(e) Performance appraisals.

(f) Discipline appeals.

(g) Removal from office

2 Organisation of the Public Service

In order that Ministers may be able to frame policy collectively and make informed decisions individually, it is essential that they have the services of an efficient, impartial, non-political Public Service which is an essential and integral part of our system of Government.

2.0 The Secretary to the Cabinet

(a) Is the Premier's principal advisor on policy matters.

(b) Provides strategic and business planning management to the Cabinet.

(c) Provides secretarial and administrative support to the Cabinet.

2.1 The Head of the Public Service

(a) Is responsible for all matters internal to the operations of the Public Service.

(a) Is responsible for Administrative Policies for the Public Service.

(b) Is the Chair of the Public Service Executive.

(c) Is the strategic manager of key departments as may be determined from time to time.

(d) Is responsible for the development and maintenance of the Conditions of Employment and Code of Conduct.

(e) Is responsible for the recruitment, training and career development of Public Officers in the Public Service.

(f) Is responsible for matters of discipline.

Note: The Premier can determine to combine the Secretary to the Cabinet and Head of the Public Service roles.

2.2 The Public Service Executive

The Public Service Executive comprises the Secretary to the Cabinet, the Head of

the Public Service, and all Permanent Secretaries including the Financial Secretary and the Deputy Head of the Public Service. This team meets weekly and is responsible for the strategic management of the Public Service.

The Public Service Executive:

(a) Is responsible collectively for the strategic management and the efficient operation of the Public Service.

(b) Ensures consistency in the application of the Conditions of Employment and Code of Conduct.

(c) Ensures the effective implementation of Government's policies.

2.3 Permanent Secretaries

Permanent Secretaries (including the Financial Secretary and the Deputy Head of the Public Service) report to the Head of the Public Service. Heads of Departments report on all matters to a Permanent Secretary. Reporting lines for Heads of Department appointed by the Governor and other non-Ministry Heads of Department may vary.

Permanent Secretaries:

(a) Are responsible for the implementation of policies set by Cabinet.

(b) Are responsible for the day-to-day strategy and operation of their Ministry, including the efficient delivery of services.

(c) Have fiscal responsibility for their Ministry, including compliance with the Financial Instructions issued by the Accountant General and the Code of Practice issued by the Office for Project Management and Procurement.

(d) Are responsible for ensuring an efficient organisational structure for their Ministry, including the efficient utilisation of all human and other resources.

(e) Must ensure that training of staff is given priority and that assistance is provided wherever possible.

2.4 Relationship between Ministers, Permanent Secretaries and Heads of Department

Ministers, Permanent Secretaries and Heads of Department, by the very nature of their duties and responsibilities, are obliged to have a very close working relationship. Permanent Secretaries and Heads of Department must be cognizant that the Minister is responsible for the administration of the Ministry and is entitled to cooperation and assistance in carrying out his/her duties in accordance with established policies and procedures. Ministers rightfully expect full cooperation, sound and impartial advice, full, factual information, and loyal service.

3 Staffing and Recruitment

The greatest asset of the Public Service is its Public Officers. In order to meet Government's aim of being the "Employer of Choice," the Government will endeavour to provide interesting and challenging work as well as the necessary

resources and accommodation, and a remuneration package that the community can afford in exchange for dedicated, high-quality performance.

3.0 The Establishment

3.0.1 The Governor is empowered by section 25 of the Constitution to constitute public offices and to make appointments necessary to support the activities and services provided by the Government. In doing, so the Governor acts on the advice of Cabinet or of a Minister acting under the general authority of Cabinet pursuant to section 21.

3.0.2 Permanent Secretaries and Heads of Department have a responsibility to know the organisational structure and the number of positions approved by Cabinet for their Ministry or Department.

3.0.3 Permanent Secretaries and Heads of Department shall ensure their Ministries and Departments are adequately staffed, subject to budget constraints. They shall also ensure that the necessary funds for positions are sought through the established budgetary process to enable their Ministries and Departments to operate efficiently and effectively in the discharge of their mandated functions.

3.0.4 When an amendment to the number of positions is necessary, Permanent Secretaries and Heads of Department shall consult with the Department of Employee & Organizational Development who will, based on the Collective Bargaining Agreement, provide advice and guidance.

3.1 Employment Opportunities and Categories

3.1.1 Employment opportunities span a variety of fields including but not limited to:

(a) Finance and Business

(b) Health

(c) Engineering

(d) Transport

(e) Sport and Recreation

(f) Law Enforcement

(g) Human Resource Management

(h) Human Services

(i) Legal

(j) Statistics

(k) Education

(l) Architecture

(m) Information Technology

(n) Administrative

3.1.2 The main categories of employment are:

(a) Permanent full-time.

(b) Permanent part-time (less than 15 hours per week).

(c) Temporary additional.

(d) Temporary relief (ideally, no more than three months in any year).

(e) Trainee (normally for periods up to three years) Bermudians only.

(f) Summer student.

3.1.3 Post-holders may be Bermudian, the spouse of a Bermudian, or non-Bermudian. The employment of non-Bermudians, with the exception of Permanent Residence Certificate (PRC) holders, may involve requesting the Minister responsible for Immigration to make a comment. Non-Bermudians and PRC holders will always be on fixed-term contracts. In some cases, Bermudian Public Officers may be on a fixed-term contract. Permanent Secretaries and Heads of Departments are required to make every effort to prepare Bermudians to fill the posts held by non-Bermudian Public Officers upon the end of the employment contract.

3.2 Consultants

3.2.1 Consultants are not employees and therefore are not considered Public Officers; therefore, they cannot carry out direct supervisory responsibilities for Government Public Officers. All requests for consultants must be submitted to the Head of the Public Service. Heads of Department are required to obtain approval from the Permanent Secretary prior to engaging the services of a consultant. They must also consult with the Department of Employee & Organizational Development and the Attorney-General's Chambers on the terms and conditions of the contract prior to submitting it to the Permanent Secretary to sign. In cases where the Permanent Secretary is the Head of Department, the Head of Public Service must sign the consulting contract.

The process for engaging consultants must be in accordance with Financial Instructions and procurement procedures.

3.3 Recruitment Process

3.3.1 Recruitment will comply with the Public Service Commission Regulations, Guidance for Appointments, and Bermudianisation requirements as mandated by the Public Service Commission Regulations.

3.3.2 The Governor, on the recommendation of the Public Service Commission, appoints officers to posts that do not fall under the Public Service (Delegation of Powers) 2001 and subsequent amendments. Before the Public Service Commission recommends to the Governor the appointment of a person to the office of Permanent Secretary or Head of Department, the Public Service Commission shall consult the Premier.

3.3.3 Recommendations for posts at grade levels not required to be approved by the Governor shall be approved in accordance with the Public Service (Delegation of Powers) Regulations 2001.

3.3.4 Recruitment procedures include:

(a) A review of the job description.

(b) Advertisement of the post.

(c) Evaluation of candidates' education, qualifications, experience and suitability for the post, including professional references and criminal record checks.

(d) Fair and objective selection and evaluation at each stage.

3.3.5 The Department of Employee & Organizational Development, together with Permanent Secretaries and Heads of Departments, is responsible for ensuring that the procedures and principles of fairness in the recruitment process are followed.

3.3.6 Permanent Secretaries and Heads of Department are responsible for initiating the recruitment process upon notification of a vacancy and shall consult with the Department of Employee & Organizational Development.

3.3.7 In addition to reviewing the effectiveness of the organisational structure of their Ministry or Department, Permanent Secretaries and Heads of Departments shall take particular care when vacancies arise to determine:

(a) Whether there is an ongoing need for the post.

(b) If the main duties and responsibilities of the post are still relevant.

(c) If the main duties and responsibilities of the post are accurately described.

3.3.8 Permanent Secretaries and Heads of Department must ensure that job descriptions are reviewed prior to the commencement of the recruitment and selection process to ensure that the information is relevant and current. Copies of the current approved job descriptions may be downloaded from the Department of Employee & Organizational Development's intranet site, http://hr/default.aspx.

3.4 Mobility

Although the Public Service is a large, complex organisation, it has to be flexible to respond promptly to unexpected situations and to changing Government priorities. Accordingly, Public Officers may be assigned to different posts within the Public Service according to the operational need and changes to organisational structure.

3.4.1 Permanent Secretaries and Heads of Departments shall ensure that services provided by Government are provided in a timely and efficient manner at a high standard.

3.4.2 When accepting a position in the Public Service, Public Officers must recognise that such appointment shall not be limited to a particular post or a particular Department. Government requires the flexibility to best use its resources to meet its business needs in the public interest.

Heads of Department will take Public Officers' preferences into account wherever practicable. This arrangement allows the best service possible to be provided to Government and the general public and also provides Public Officers with variety, challenge, and greater development opportunities.

3.5 Transfers

3.5.1 The Head of the Public Service may transfer any Public Officer to any Ministry and/or Department within the Public Service. Permanent Secretaries/ Heads of

Department may transfer a Public Officer to any Department or section within his/her functional authority, subject to prior discussion with the Public Officer. A transfer occurs between posts of the same grade range. Any transfer to a post with a lower grade can only be made in accordance with a disciplinary penalty.

In the case of restructuring or reorganisation of a Department, a Public Officer may be transferred to a lower post in order to maintain employment with the Public Service. In this instance, the transfer to a post with a lower grade is not deemed to be a disciplinary penalty. Therefore, such persons would not be subject to the grade of the post to which they were transferred.

3.5.2 Public Officers transferred to lower graded posts in accordance with 3.5.1 as a result of restructuring or reorganisation of a Department will retain their seniority as well as the salary and benefits attached to their primary appointment unless the Public Officer consents to being reassigned with a lower grade.

3.5.3 Public Officers do not have a right of transfer or promotion. Therefore, those seeking a transfer or promotion must make application and compete for vacant positions in accordance with the recruitment process. Transferred or promoted employees will be subject to the standard probationary period.

Public Officers who are seeking a re-assignment or transfer must make application and compete for opportunities.

In the case of a transfer, the salary grade and benefits of the new post will apply.

3.6 Reassignments

3.6.1 The Head of the Public Service may reassign any Public Officer to any Ministry and/or Department within the Public Service. Permanent Secretaries/Heads of Departments may reassign a Public Officer to any Department or section within their functional authority, subject to prior discussion with the Public Officer.

3.6.2 Reassignments allow Public Officers to be temporarily assigned to special projects or to carry out tasks that may differ from those set out in their job description. Reassignments are available to Public Officers appointed to substantive posts or where additional assistance may be needed. A reassignment can also be used as an opportunity to assist a Public Officer in acquiring skills and competency. For information on reassignments, Permanent Secretaries and Heads of Department shall consult with the Department of Employee & Organizational Development. Documentation regarding reassignments may be downloaded from the Department of Employee & Organizational Development's intranet site.

3.6.3 During reassignments, the Public Officer will not lose any entitlements or benefits attached to their primary appointment.

3.6.4 At the end of the reassignment, it is expected that the Public Officer shall return to his/her substantive post, and salary scale, if applicable, unless Head of the Public Service/Permanent Secretaries/ Heads of Department instruct otherwise.

3.6.5 A Public Officer who has been reassigned to another post to carry out the responsibilities of that post shall be compensated at the lower end of the salary scale of the reassigned post if their substantive PS grade is lower.

3.7 Secondments

3.7.1 Secondments allow Public Officers to be temporarily assigned to special projects or to carry out tasks that may differ from those set out in their job description external to the Public Service. Secondments may be undertaken locally or overseas for a fixed period. Secondments are available to Public Officers appointed to substantive posts. A secondment can also be used as an opportunity to assist a Public Officer in acquiring skills and competency. A Secondment shall be subject to a written agreement.

3.7.2 During secondments, the Public Officer will not lose any entitlements or benefits attached to their primary appointment.

3.7.3. At the end of the secondment, it is expected that the Public Officer shall return to his/her substantive post, unless the Head of the Public Service/ Permanent Secretaries/ Heads of Department instruct otherwise.

3.7.4 For information on secondments, Permanent Secretaries and Heads of Department shall consult with the Department of Employee & Organizational Development. Documentation regarding Secondments may be downloaded from the Department of Employee & Organizational Development's intranet site.

3.8 Acting Appointments

3.8.1 Acting appointments are made at the discretion of the Permanent Secretary or Head of Department. The primary purpose of an acting appointment is to cover the duties of another Public Officer or vacant post, and to ensure essential duties and responsibilities are carried out so the public is not disadvantaged in any way. However, an acting appointment is also regarded as a development opportunity for the Public Officer appointed to act. Public Officers acting are eligible to receive an acting allowance.

Any request to revoke an acting appointment must be approved by the Head of the Public Service.

3.8.2 The following guidelines shall be considered by Permanent Secretaries and Heads of Departments when determining if an acting appointment should be made:

(a) Permanent Secretaries and Heads of Departments have an obligation to ensure an acting appointment is absolutely necessary.

(b) An acting appointment may not result in consequential acting appointments.

(c) Acting appointments normally are for short periods of time. Only in exceptional circumstances will they be considered for periods longer than three months.

(d) The Public Service Commission is required to approve any acting appointment that has been, or is intended to be, continuous for more than six months.

(e) Requests for acting appointments for Permanent Secretaries, Heads of Departments and vacant posts must be forwarded to the Head of the Public

Service Public Service Executive by Permanent Secretaries/ Heads of Departments at least one week in advance of the proposed acting appointment.

(f) Retroactive acting appointments will not be made, unless approved by the Head of the Public Service.

(g) Certain statutory posts may require publication of an acting appointment in the Official Gazette.

(h) Permanent Secretaries and Heads of Departments must make a budgetary provision for acting payments.

(i) A Public Officer appointed to act is expected to cover the main duties of their own post and the post they are acting against unless otherwise agreed. Payment will not cover public holidays unless the Public Officer is required to work.

(j) Payment for an acting appointment is only made in cases where the acting appointment is for five consecutive working days or longer.

(k) Payment for an acting appointment is made at the lowest grade of the post to which the Public Officer is appointed to act. Where the Public Officer is at the lowest grade of the post to which he is appointed to act, then the Public Officer will be paid at the mid-grade of the post to which he/she is appointed to act. Where the Public Officer's salary falls at the mid-grade of the post to which he is appointed to act, then the Public Officer will be paid at the top of the grade range.

(l) Any acting appointment does not imply a right to be appointed to that post at a later date.

(m) Public Officers on probation, in temporary relief posts, trainees, and consultants shall not receive acting appointments.

(n) Acting forms may be downloaded from the Department of Employee & Organizational Development's intranet site.

3.8.3 Questions or clarification on acting appointments should be directed to the Department of Employee & Organizational Development.

4 Conditions of Employment

The Public Service Commission Regulations 2001, the Conditions of Employment and Code of Conduct, the Collective Bargaining Agreement (as between the Government and the Bermuda Public Services Union) and any individual employment contract comprise each Public Officer's terms and conditions of employment. These documents may be amended from time to time and the terms and conditions of employment shall be amended accordingly.

4.0 Job Descriptions

Job descriptions provide an outline of the main duties and responsibilities of the post as well as the reporting relationships within the Department or section. Educational qualifications and experience essential to the post are also described. Job descriptions are not designed to limit the duties and responsibilities of a post-holder.

Job descriptions form the basis for performance appraisals and can be used to identify learning and development needs.

In addition, they are a significant tool in evaluating the pay grade for a specific post. Job descriptions must be regularly reviewed to take account of changes in the functional requirements of the post.

4.0.1 Job descriptions shall not be written to reflect the capabilities of a current post holder, but must be written to reflect the requirements of the post.

4.0.2 Permanent Secretaries and Heads of Departments shall take advantage of the opportunity to review their Department's organisational structure when posts become vacant or new posts are created. Current staffing requirements and needs, as well as the duties and responsibilities attached to the vacant post, should be taken into account.

4.0.3 Permanent Secretaries and Heads of Departments are responsible for determining whether a particular post fulfills operational objectives or whether it is more appropriate to either consolidate the reporting levels of a post or modify the job description to embrace alternative job functions. Permanent Secretaries/Heads of Departments should consult with the Department of Employee & Organizational Development for advice and guidance.

4.0.4 Public Officers have an obligation to bring significant changes in their duties and responsibilities to the attention of their Manager and to request a review of their job description. Post holders should be involved in the review process. A revised job description does not automatically result in a grade increase.

Permanent Secretaries and Heads of Department must ensure that job descriptions are reviewed at least every five years or as directed by the Public Service Commission.

4.05. Copies of current and approved job descriptions can be obtained from the Department of Employee & Organizational Development's intranet site at http://hr/default.aspx.

4.1 Probation

All Public Officers newly promoted or appointed to a post must undergo a probation period. The probation period allows management to assess whether the post holder is suitable and performing to the standard required and enables the Public Officer to decide if the post suits him/her.

In the case of Public Officers who are transferred, redeployed or demoted, the Head of the Public Service may, in writing, waive the requirement to institute a probationary period.

4.1.1 The initial probation period is for six (6) months, but may be extended for a period not exceeding three (3) months.

4.1.2 The Department of Employee & Organizational Development initiates the probation report. It is the responsibility of each Permanent Secretary or Head of Department to ensure that reports are completed and returned promptly.

4.1.3 The Permanent Secretary, Head of Department or his/her designated representative must submit probation reports to the Department of Employee &

Organizational Development every two months, or as directed, and in accordance with its current policies.

4.1.4 The Manager shall enter into full and meaningful dialogue with the Public Officer whose performance is being reviewed before completing the report.

4.1.5 Deficiencies must be brought to the attention of the Public Officer whose performance is being reviewed along with evidence to support the Manager's observation and suggestions for improvement.

4.1.6 Nothing should be included in the report without the knowledge of the Public Officer being assessed. The report must be signed by both parties. However, if a Public Officer refuses to sign a report, a Head of Department may submit the report with a note that the Public Officer refused to sign it.

4.1.7 In cases where more time is needed to assess the performance and suitability of the Public Officer, it is the responsibility of the Manager via his/her Head of Department to recommend an extension to the probation period. Extensions may be granted by the Public Service Commission in accordance with Regulation 21(6)(b).

The Public Officer should be informed by the Head of Department of the decision and the reasons for the decision to extend, and should be copied on the correspondence from the Head of Department to the Public Service Commission.

4.1.8 During the probation period, the Head of Department may recommend the termination of the employment contract without notice or with pay in lieu of notice. It is the responsibility of the Head of Department to document the reasons for his recommendation to terminate the employment contract during the probation period.

If Managers have any concerns at all about the performance or suitability of any Public Officer on probation, they should recommend dismissal prior to the expiry of the probation period.

Requests for extensions and/or recommendations for dismissal must be made as soon as possible but no later than one month prior to the end of the final probationary period.

4.1.9 During the probation period the Public Officer may terminate the employment contract without notice.

4.2 Normal Hours of Duty

The normal hours and days of duty are subject to the requirements of the Public Service and are prescribed in the Collective Bargaining Agreement between Government and the Bermuda Public Services Union. Public Officers commit to working the hours prescribed. In order to complete tasks assigned in a timely fashion, working beyond the normal working hours may be required.

General principles relating to hours of work are described below.

4.2.1 Permanent Secretaries and Heads of Departments must ensure that offices, functions and services under their control are adequately staffed during operating hours to meet the needs of the public. Generally, Departments operate on a five-day week, with services available to the public between 8.30 a.m. and 5.00 p.m.

4.2.2 Permanent Secretaries and Heads of Departments may use their discretion in instituting

flexitime, in accordance with an established, written policy developed in consultation with the Department of Employee & Organizational Development, and in alignment with the section of the Collective Bargaining Agreement that speaks to "Flexible Hours & Shift Working", provided that services to the Government and the general public are maintained between 8.30 a.m. and 5.00 p.m.

It must be stressed that flexitime working requires careful planning and managing, in accordance with established written policy.

4.2.3 Controls should be in place to ensure that all Public Officers work the required hours.

4.2.4 Flexitime must not result in more vacation time being carried forward (see annual leave 4.4.1).

4.2.5 Some Departments provide services on a 24-hour basis, including weekends and public holidays. These Departments operate on shifts which are agreed at the Departmental level in consultation with the Bermuda Public Services Union.

4.3 Overtime

Details related to on-call, call-out and overtime are prescribed in the Collective Bargaining Agreement between the Government and the Bermuda Public Services Union.

4.3.1 To enable the Public Service to meet its legal requirements, Public Officers must recognise and accept that in certain sections, it may be necessary to work overtime to ensure that the section meets its obligation to provide the required standard and level of service both to Government and the general public.

4.3.2 Permanent Secretaries and Heads of Departments are responsible for ensuring that there is no abuse of the use of overtime and have the responsibility of limiting the amount of overtime worked in their sections.

Managers must secure the approval of the Head of Department prior to approving overtime for staff under their supervision whenever any form of compensation, paid or otherwise, is expected for overtime worked.

4.3.3 Public Officers must secure the approval of their Manager before they commence working overtime, whenever compensation is expected.

4.3.4 All Public Officers may take the time-off in lieu of any overtime, upon approval in advance, in accordance with a written policy, and at a time the staff complement allows.

4.3.5 Where scheduling of approved time-off in lieu is impractical, overtime payment will be made in accordance with the Collective Bargaining Agreement between the Bermuda Government and the Bermuda Public Services Union or such other Memoranda of Understanding between the parties specific to Officers required to engage in shift work.

4.3.6 Permanent Secretaries and Heads of Departments are responsible for ensuring that adequate funds exist within their Department's operating budget to meet the expense of overtime payments.

4.4 Leave

The different types and amount of leave to which Public Officers are entitled are described further in the Collective Bargaining Agreement between the Government and the Bermuda Public Services Union. Summarised below are the general principles governing leave entitlements and the levels of authority for the granting of different types of leave.

Permanent Secretaries and Heads of Departments are expected to manage their departments, including staff coverage, and will be held accountable for ensuring the adequate provision of services at all times. In all cases, Permanent Secretaries and Heads of Departments are responsible for ensuring that leave is approved and for managing the leave process.

4.4.0 Administrative Leave

(a) Administrative Leave is granted in order to conduct an investigation and should not be viewed as a punitive measure. Where discipline proceedings are pending and an investigation of possible discipline offence(s) necessary, a Head of Department may request in writing to the Head of the Public Service a period of Administrative Leave for a Public Officer, pending investigation. Public Officers placed on Administrative Leave must be notified of the reason.

(b) Administrative Leave may be granted to any Public Officer as deemed necessary in order to safeguard the integrity of an investigation and to ensure the safety of those involved, whether directly or indirectly. This may include the alleged offender/perpetrator, witness(es), victim, or any other Public Officer as deemed appropriate in the circumstances.

(c) Ideally, Administrative Leave shall be for a period of no longer than 60 days. However, the period may be extended for further periods, as may be strictly necessary, at the discretion of the Head of the Public Service.

(d) A person on Administration Leave shall receive full pay.

(e) Notwithstanding that the Head of the Public Service may not yet have granted Administrative Leave, a Public Officer may be asked by a supervisor to leave the place of employment immediately where the Public Officer's presence in the workplace may pose a risk to his or her own safety or to the safety of others. In such cases, the Head of the Public Service must be notified immediately, and a formal request for Administrative Leave must be made to the Head of the Public Service at the earliest opportunity. Further, in such circumstances, an Officer can be reassigned to another role either within the Officer's Department or Ministry, or within the Public Service in accordance with the established procedures for reassignments as defined in the Collective Bargaining Agreement, the Conditions of Employment and the Code of Conduct (CECC), and the Public Service Commission Regulations 2001.

(f) Investigations of possible discipline offences shall commence and conclude as soon as reasonably practicable and shall be directed by the Head of Department.

In no circumstance shall a Head of Department defer the investigation of an allegation of a discipline offence pending the outcome of the investigation of any other body, save where the investigation of an allegation of a discipline offence may materially interfere with a criminal investigation.

4.4.1 Annual Leave

Annual Leave entitlement is outlined in the Collective Bargaining Agreement.

(a) Public Officers are required to input their leave requests into the Vacation Leave Tracking (VLT) System.

(b) The Manager has been delegated the authority to approve or reject leave requests submitted by Public Officers.

(c) Managers are responsible for ensuring that approved leave requests do not compromise the services that their Departments provide to the Government and the general public.

(d) Permanent Secretaries and Heads of Department are responsible for establishing procedures to ensure the timely and accurate submission and recording of leave.

(e) If leave requests are submitted for the same period which, if approved, would compromise the operational effectiveness and efficiency of the Department, and where no other solution is available, managers shall take seniority into account.

(f) Annual Leave is provided to give Public Officers a break during the year. Therefore, Public Officers will be required to use the leave in the year in which it is earned.

Public Officers have an obligation to obtain authorisation in advance to avoid disappointment and should not make holiday arrangements without first obtaining approval for the leave from their Head of Department.

(g) Public Officers must take a minimum of 60% of their leave entitlement every year. Public Officers shall not have more than 20 days of accumulated leave at the end of the year to carry forward.

(h) In extenuating circumstances, a written recommendation may be submitted by the relevant Permanent Secretary in a request to the Head of the Public Service that consideration be given to allow a Public Officer to carry forward more than 20 days' leave. Detailed justification for the consideration, along with a recommendation, must be included in the request that must be submitted in writing by the end of September. The request must also indicate when the excess leave would be taken.

In extenuating circumstances, the Head of the Public Service may consider converting vacation days to payment when a Public Officer has more than 20 days' leave to carry forward. Detailed justification from the Public Officer for consideration, along with a recommendation from the Head of Department must be submitted in writing by the end of September of the year during which the leave is to be paid off. The recommendation from the Head of Department must include an explanation why the accrued vacation leave has not been managed and taken.

4.4.2 Sick Leave

Sick Leave entitlement is outlined in the Collective Bargaining Agreement.

(a) The provision of paid sick leave is to offer financial protection to Public Officers during periods of illness that require a period of recuperation. It also enables Public Officers to care for members of their immediate family during periods of serious illness. Under no circumstances should Public Officers consider sick leave as paid time away from work. Sick leave is only for cases of genuine illness.

(b) Permanent Secretaries and Heads of Departments shall ensure that Public Officers do not abuse sick leave.

(c) Public Officers who have been absent from employment continuously or cumulatively for periods of time that, in the opinion of the Head of Department, compromise the efficient operation of the Service or service delivery may be referred to the Staff Medical Board in accordance with The Public Service Commission Regulations 2001.

4.4.3 Maternity, Paternity, Parental and Adoption Leave

Permanent Secretaries and Heads of Departments may approve paid maternity, paternity, parental and/or adoption leave in accordance with the provisions and entitlements outlined in the Collective Bargaining Agreement.

4.4.4 Special and Other Leave

(a) Permanent Secretaries and Heads of Department are responsible for approving leave to attend funerals in accordance with the provisions and entitlements outlined in the Collective Bargaining Agreement.

(b) Permanent Secretaries and Heads of Department may grant up to five days' paid leave per Public Officer per calendar year for the following types of leave:

(i) National Representation.
(ii) Trade Union Activities.

(c) Public Officers must submit their leave request accompanied by supporting documentation to their Manager at least two weeks in advance.

Managers are responsible for forwarding the request in writing (including his/her recommendation) to the Permanent Secretary or Head of the Department for consideration.

(d) All requests exceeding the five-day limit for paid leave must be made in writing with the recommendation from the Permanent Secretary or Head of Department to the Head of the Public Service. The granting of such requests is entirely at the discretion of the Head of the Public Service.

(e) Any requests for special leave not identified above must be submitted in writing to the Head of the Public Service. Heads of Departments must indicate whether or not they support the request, citing the reasons for their recommendation.

4.4.5. Jury and Military Duty

The Government of Bermuda recognises and encourages its Public Officers to honour their civic commitments when called upon for jury or military duty. Leave to perform these duties for the required number of days is granted by Permanent Secretaries and Heads of Department.

The Department of Employee & Organizational Development's Compensation and Benefits Section must be informed in writing when Public Officers are approved to fulfill jury or military duty.

4.4.6. Personal Leave

Public Officers should endeavour to arrange appointments for urgent personal business such as to physicians, dentists, lawyers, school administrators or to attend to other urgent personal business during off-duty hours. If this is not possible and time off for such purposes is required during working hours, the Public Officer must give as much advance notice as possible to his/her Manager.

The Manager will make every reasonable effort to permit the Public Officer to attend such appointments without loss of pay. The Manager may require the Public Officer to furnish evidence in support of such a request.

4.4.7 Unpaid Leave

(a) Permanent Secretaries and Heads of Departments may approve unpaid leave requests for up to three weeks per calendar year per Public Officer provided the Public Officer does not have any annual paid leave available.

(b) Public Officers requesting unpaid leave must apply in writing at least four weeks in advance, giving the reasons for the request.

(c) Approval should only be granted if the request would not compromise the operation of the Department.

(d) Permanent Secretaries and Heads of Departments are responsible for informing the Department of Employee & Organizational Development of unpaid leave so that the necessary adjustment in pay can be made.

4.4.8 Retirement Benefit

Permanent Secretaries and Heads of Departments must start planning for the retirement of Public Officers at least 12 months prior to the expected retirement date. The benefit entitlement is specified in the Collective Bargaining Agreement and is based on the length of continuous service. To ensure proper processing of all final entitlements, this information must be included on the termination form. One year prior to attaining the age of 68 years, Public Officers, with the exception of those in excluded categories listed in the Public Service Superannuation Act 1981, may apply for an extension of employment beyond age 68 years.

4.5 Resignations

4.5.1 Resignations must be made in writing to the Permanent Secretary, Head of the Department or Manager, as per the Department's policy in accordance with the terms and conditions outlined in the Public Officer's formal contract of employment and Collective Bargaining Agreement.

4.5.2 Permanent Secretaries, Heads of Departments and Managers are authorised to accept resignations that comply with the required period of notice specified in the Public Officer's formal contract of employment. Confirmation of acceptance of resignations should be made in writing to the Public Officer.

Where resignations do not comply with a specified requirement, the Head of Department must immediately consult with the Head of the Department of Employee & Organizational Development to determine the appropriate response in each case. Options to be considered may include payment in lieu of notice, reimbursements for costs associated with training or recruitment, and full payment of any outstanding loans or advances from Government.

4.5.3 Permanent Secretaries and Heads of Departments may use their discretion to determine whether the required notice period should be reduced by the amount of outstanding pro-rated annual paid leave.

4.5.4 Public Officers are expected to carry out the full duties and responsibilities of their posts up to and including their last day of work.

4.5.5 A Public Officer who is absent from duty without leave or reasonable explanation for a period exceeding five working days shall be deemed to have resigned. In such cases, the Permanent Secretary or Head of Department must consult the Department of Employee & Organizational Development for advice and guidance. Once the advice and guidance has been provided and it is deemed there is justifiable cause, the Head of Department shall write to the Public Officer advising that his/her resignation is accepted. Following this, the Permanent Secretary or Head of Department must advise the Department of Employee & Organizational Development to process the termination.

4.6 Terminations

4.6.1 Appointments in the Public Service may be subject to termination by:

(a) Expiration of contract.

(b) Retirement on the grounds of age.

(c) Retirement on the grounds of a medical condition.

(d) Retirement by agreement.

(e) Retirement in the public interest.

(f) Dismissal for gross misconduct.

(g) Termination or retirement on abolition of office or to facilitate Departmental contraction or re-organisation.

(h) Unsatisfactory probation.

(i) Failure to report to work for a period exceeding five working days.

4.6.2 In the case of a non-Bermudian, the Public Officer shall be required to notify the Head of Department three months before the expiration of the contract of his/her interest in a further period of service. Failure to do so will result in the termination of the agreement in accordance with its terms.

4.6.3 In the case of termination due to the expiry of contracts, it is the responsibility of the

Head of Department to give the required notice in writing to the Public Officer concerned with a copy to the Director of Employee & Organizational Development.

5 Learning and Development

5.0 Annual Performance Appraisals

5.0.1 The Head of the Public Service is responsible for initiating the performance appraisal process for Permanent Secretaries and some Heads of Departments after full and meaningful dialogue with the respective Minister.

5.0.2 Permanent Secretaries and Heads of Departments are responsible for ensuring that performance appraisals are completed for all Public Officers in their Ministry or Department on a timely basis.

5.0.3 The performance appraisal process is extremely important and should be used to:

(a) Highlight training and development requirements.

(b) Provide justification for awarding bonuses for exceptional performance.

(c) Highlight areas of concern and possible courses of action.

5.0.4 The process comprises:

(a) Setting SMART objectives at the beginning of the performance appraisal period.

(b) Reviewing the achievement of these objectives at mid-year.

(c) Performing a final evaluation and ratings at the end of the performance appraisal period.

5.0.5 A key component of the performance appraisal process is meaningful dialogue between the Public Officer and the responsible Manager. It is also important to align the Public Officer's objectives to the Departmental objectives.

5.1 Professional Development

5.1.1 The Government of Bermuda is strongly committed to the ongoing training and development of all Public Officers in the Public Service, especially Bermudian Public Officers, in accordance with the identified needs of Government. Learning and development needs for Public Officers in addition to being identified throughout the year should be highlighted in the annual Forward Job Plan. Public Officers may be encouraged to take external secondments, locally or overseas, to enhance their career development.

Development programmes should be focused on realising predetermined goals and objectives. This strong commitment is reflected in the numerous programmes and initiatives that are in place throughout the Service.

They include:

(a) In-house orientation programmes to introduce new Public Officers to the Service and to their Departments

(b) In-house training, which comprises on-the-job training and personal development courses conducted centrally or in individual Departments

(c) Sponsored training offered by other local organisations, including the Bermuda College

(d) Overseas training and academic courses

(e) Local and overseas secondments

(f) Project and team work

(g) Technical skills training

(h) Local and overseas conferences

(i) Management development

(j) Financial assistance and sponsorship

(k) Succession planning

(l) Fast-tracking

(m) Professional and Technical Trainee Programmes

5.1.2 The management of employees who are undertaking any training, whether local or overseas, is the responsibility of the employing Department, with the support of the Department of Employee & Organizational Development.

In the event that an employee either (i) undertakes a development programme or (ii) is approved for appointment as a Trainee, the following shall apply:

(1) Development Programme:
Prior to entering into a development programme, the Public Officer may be required to enter into an amendment to his/her employment contract or enter into any further agreements in order to fulfill obligations under the development programme. Subject to any amendments or further agreements that the Public Officer may be required to enter into, his/her employment contract shall remain applicable during and following the development programme.

(2) Trainee:

(a) In the event that the Public Officer is a current employee and accepts an offer to become a Trainee, the Public Officer's employment contract may remain applicable. However, it may be a condition of the trainee scheme that the Public Officer shall enter into an amendment to the Public Officer's employment contract or enter into any further agreements in order to fulfil his/her obligations under the trainee scheme.

(b) If the prospective Trainee is not currently employed within Government and accepts an offer to be employed as a Trainee, then that employee shall be required to enter into further agreements in order to fulfill that employee's obligations under the trainee scheme.

(c) The employing Department is responsible for the management of the Trainee's development and in this regard works closely with the Department of Employee & Organizational Development.

(3) If a Public Officer accepts a Trainee post within the Public Service, Government reserves the right to fill the Public Officer's former position permanently after not less than 12 months from the time the Public Officer commenced work under the new position, without notice to the Public Officer.

5.2 Sharing Training Costs

5.2.1 Public Officers are expected to contribute to the cost of all training (local and overseas) that is not mandated by their Head of Department. It is expected that by contributing to the total cost of the training initiative, the Public Officer will apply himself or herself completely.

In addition, the limited training budget is then able to benefit more Public Officers.

5.2.2 Further to 5.2.1, each Public Officer must contribute at least 25% of the total costs of non-mandated local and overseas training (airfare, course fees, subsistence, etc.).

The remaining costs will be met by Government, subject to agreement.

5.2.3 In exceptional circumstances, Permanent Secretaries and Heads of Departments may forward a request in writing to the Head of the Public Service that the requirement for a Public Officer to share in the cost of training be waived for non-mandated training.

5.2.4 In cases where the cost of local and overseas training (mandated and non-mandated) is $5,000 or more, Public Officers will be required to sign a formal written training contract prior to commencement of the training and development activity. This training contract, prepared by the Department of Employee & Organizational Development, outlines the obligations, responsibilities and restrictions of the Public Officer as well as those of the Government. In particular it specifies the length of time the Public Officer will be required to work for the Public Service following the completion of training and the repayment provisions for breaking the training contract.

5.2.5 The Government's commitment to continuous training and development of Public Officers does not guarantee promotion to those who have undertaken additional training.

5.2.6 A maximum of five days of study leave per course (recommended by the Manager) may be granted for mandatory training (approved by the Permanent Secretaries/Heads of Departments).

A maximum of two days of study leave per course (recommended by the Manager) may be granted for non-mandatory training, where it is relevant to the needs of the Public Officer's Department (approved by the Permanent Secretaries/Heads of Department).

5.3 Overseas Training in Excess of Six Months

5.3.1 For non-mandated training activity that requires the Public Officer to be away from work in excess of six months, if approved by the relevant Permanent Secretary and Head of Department:

(a) The Public Officer may receive up to 50% of the salary for the time spent away from work.

(b) One return ticket per annum

(c) A student loan not to exceed $10,000 per annum, to help defray training costs.

Student loans will be awarded at the discretion of the Head of the Department and Training Manager in the Department of Employee & Organizational Development.

(d) The Public Officer does not accumulate vacation leave during the period of training.

5.3.2 All documentation, including training contracts and/or agreements must be in place before the Public Officer leaves for training and the student loan is made.

5.3.3 For information on the terms and conditions of student loans, consult with the Department of Employee & Organizational Development.

5.3.4 The Department of Employee & Organizational Development:

(a) The Learning and Development Section of the Department of Employee & Organizational Development manages a budget to facilitate the learning and development of Public Officers.

(b) The Department of Employee & Organizational Development is responsible for developing training policy and standards, training awareness, and awareness of training opportunities.

The Public Officer's Manager shall develop Departmental training goals, identify recommended strategies, and be directly responsible for results.

(c) The employing Department is responsible for the management of the Public Officer's development and in this regard works closely with the Department of Employee & Organizational Development.

(d) Subject to budgetary constraints, it is the responsibility of the employing Department with the assistance of the Department of Employee & Organizational Development to ensure that the Public Service has a suitably qualified and flexible workforce able to respond adequately and quickly to whatever demands are to be addressed.

5.3.5 The Department

(a) Each Department is responsible for securing adequate funding to meet the training and development needs of its Public Officers. Departments may create a Training Committee.

(b) Training Committees are required to vet all applications for training and to ensure a consistent and fair application of training policy. It must be stressed that Managers play an important role in vetting appropriate requests.

(c) The Training Committee, together with the Permanent Secretary or Head of Department has the ultimate responsibility for approving training and development applications within their Department. It is their responsibility to ensure that training is provided to meet Departmental need and to ensure that employees who receive training are committed to enhancing their careers and to increasing their contribution towards the efficient operation of the Department.

5.3.6 The Public Officers

(a) Public Officers have an obligation to take ownership and responsibility for their own careers.
All applications for training should be formally submitted to the Public Officer's Manager and shall be consistent with the Public Officer's career development plan as approved by the Department.

Approved training contracts shall be executed in advance, renewed annually to ensure information is still relevant, and unless extended the contract shall automatically terminate.

Public Officers should demonstrate a commitment to achieving their professional goals as it relates to their role and the goal of their Department. Public Officers should also devote the time and effort necessary to be successful in their chosen course of study or training development activity.

(b) Public Officers are required to put all requests for training and development in writing to their manager, who will then review and indicate to the Head of the Department whether or not he/she supports the request and why.

6. Salaries, Incentives and Benefits

Funding for the payment of salaries to all Public Officers is approved annually by the Legislature. Permanent Secretaries and Heads of Departments are responsible for remaining within the allocated budgets.

6.1 Method of Payment

Payment of all salaries is made in Bermuda dollars by direct deposit into the Public Officer's account held at a local bank or any deposit-taking company in Bermuda with the exception of Public Officers in overseas offices who do not have a Bermuda account.

Each Public Officer is responsible for establishing his/her own account and notifying the Department Administrator of the details of that account. Any overpayment may be recovered from the salary of the Public Officer or offset against future amounts due. The Government may deduct from the salary of a Public Officer any money owed to the Government by that Public Officer.

6.2 Pay Grading

6.2.1 Each post in the Public Service represented by the Bermuda Public Services Union has a grade attached to it. Some posts have ranges while others are at a fixed point. Public Officers normally commence employment at the lowest point of the grade range applicable to the post to which they are appointed.

In exceptional circumstances, consideration may be given by the Head of the Public Service and the Financial Secretary to appointing a Public Officer at a higher point in the grade range, as may be recommended by the Permanent Secretary or Head of Department.

6.2.2 A job evaluation scheme administered by the Department of Employee & Organizational Development determines the salary grade range to be assigned to each post.

6.2.3 If a Public Officer believes that the duties of the post which the Public Officer holds

have changed significantly over a period of time, a written request for re-evaluation, stating the rationale for the re-evaluation, can be made by the Public Officer to the Head of Department through the Manager.

Permanent Secretaries and Heads of Departments are obliged to inform the Public Officer whether or not the request is supported.

6.2.4 If either review or restructuring of a job results in the post attracting a lower grade, the Public Officer will retain the original grade for as long as the Public Officer remains in that particular post. However, personal grade protection does not follow a Public Officer through different posts throughout the service, unless the Public Officer is transferred by the Government to a different post attracting a lower grade. If a Public Officer applies for a lower graded post, or if a Public Officer is transferred to a lower graded post for disciplinary reasons, the lower grade will apply.

6.3 Grade Progression

Grade progression is not automatic. Progression is reviewed annually on the Public Officer's anniversary date and must be earned. Progression will only be awarded on the basis of consistent good performance as evidenced by the results of the Performance Appraisal process. The Head of the Public Service in accordance with the Public Service (Delegation of Powers) Regulations must approve the deferment, stoppage or suspension of annual increments.

6.4 Impact of Promotions and Transfers

6.4.1 Where a Public Officer receives a promotion or transfer, the minimum grade of the new post will be applied.

6.4.2 If there is a grade range overlap between the Public Officer's existing grade and that of the new post, the Public Officer will progress to the next step. Progression beyond that point will be in accordance with the grade progression procedure.

6.5 Bonus for Exceptional Performance

6.5.1 It is the responsibility of Permanent Secretaries and Heads of Department to ensure that adequate funding for potential bonus awards is provided in their annual budget.

6.5.2 A bonus of up to $1,000 per Public Officer may be awarded annually for exceptional performance at the discretion of the Head of Department. All Public Officers at PS40 or less are eligible for consideration. Awards will be made in the current fiscal year based on the previous year's performance appraisals. Bonuses are limited to a total of 20% of the Public Officers of any Department. The awarding of bonuses is not subject to appeal.

6.5.3 The Head of the Public Service may award bonuses to Public Officers above PS40, in accordance with the guidelines outlined in 6.5.2 upon the application of the Permanent Secretary or Head of Department.

6.6 Final Pay

Final settlement with Public Officers will be by way of direct deposit.

6.7 Benefits

Benefits for Public Officers are set out in the Collective Bargaining Agreement

between the Government of Bermuda and the Bermuda Public Services Union. Questions about benefits and entitlements should be directed to the Department of Employee & Organizational Development.

6.8 Pension

6.8.1 The Public Service Superannuation Act 1981 provides for a contributory pension plan for all full-time, permanent Public Officers over the age of 18 years and under the age of 60 years.

6.8.2 Government and Public Officers fund the plan equally.

6.8.3 Full details of the plan are available from the Department of Employee & Organizational Development's Compensation and Benefits Section.

6.9 Life Insurance Equivalent

6.9.1 Attached to the Pension Plan is the "Capital Sum Payable on Death" benefit, which is equivalent to a life insurance policy. Pensionable Public Officers with more than one year's continuous service are eligible for this benefit. Full cost for this benefit is borne by the Government.

6.9.2 The amount payable on the untimely death of a Public Officer enrolled in the pension plan is equivalent to one year's gross annual salary. Beneficiaries must be stipulated by the Public Officer.

6.9.3 This benefit is discontinued on retirement from the service.

6.9.4 Full details of the "Capital Sum Payable on Death" benefit are available from the Department of Employee & Organizational Development's Compensation and Benefits Section.

6.10 Medical and Dental Insurance

6.10.1 Health insurance is provided for Public Officers and their eligible dependents under the Government Employees Health Insurance Scheme (GEHI).

6.10.2 Premiums are shared between Government and the Public Officer.

6.10.3 Full details of benefit entitlements and eligible expenses are available from the Department of Employee & Organizational Development's Compensation and Benefits Section.

7 Attitude and Conduct

7.0.1 To create a culture within the Service that reflects the Public Service's core values of excellence, accountability, efficiency, productivity and impartial advice, senior Public Officers are expected to lead by example. Public Officers must adhere to the highest levels of integrity.

7.0.2 This Code of Conduct outlines the standard of behaviour expected of Public Officers. It is designed to help you understand your responsibilities and obligations, and to provide guidance if you are faced with an ethical dilemma or conflict of interest in your work. Further guidance can be found in the Collective Bargaining Agreement section, "Workplace Bullying, Sexual Harassment & Incivility."

7.0.3 Public Officers are expected to treat Ministers and other elected officials with respect for the office they hold. In this regard, their presence must be acknowledged and it is customary for Public Officers to stand in greeting when a Minister enters a room.

It is the responsibility of Permanent Secretaries and Heads of Departments to ensure that all Public Officers understand how to address and relate to Ministers and other elected officials.

7.0.4 A code of conduct cannot cover every situation. If you are unsure of the appropriate action to take in a particular situation, discuss the matter with your colleagues, manager or other senior Public Officers. You should also ask for a copy of any related guidelines your Department may have issued on the matter.

7.0.5 The role of Public Officers is to assist the duly elected Government of Bermuda with integrity, impartiality and objectivity regardless of any personal political affiliation by providing fair, timely, efficient and effective service, continually improving the quality of policies, programmes and services they provide and fostering a working environment that promotes learning and innovation.

7.0.6 The duly elected Government is owed loyal service by all Public Officers. In recognising this obligation and duty, Public Officers must give full information to Ministers, provide informed and impartial advice and not either knowingly or negligently deceive or mislead Ministers. Public Officers also have a duty to uphold the political impartiality of the Public Service, to comply with the law and to uphold the administration of justice.

7.0.7 Public Officers have a duty to uphold the political impartiality of the Public Service. Therefore, Public Officers must not engage in partisan political activities that may be seen to interfere with the duty of impartiality.

Generally, members of the Public Service Executive, Heads of Department within the Public Service, Public Officers within the Attorney-General's Chambers, Public Officers employed in Ministerial offices involved in policy development and implementation should not attend public gatherings or sign petitions advocating for a position on a public policy issue. However, other Public Officers whose roles are not related to policy development or implementation may participate in public debate on issues of concern to the community.

Where an employee may be in doubt about their public activities on matters of public policy, they should discuss the matter with their Head of Department who may consult with the Head of the Public Service.

7.0.8 Public Officers must conduct themselves with the members of the public courteously, efficiently, promptly and without bias or maladministration.

7.0.9 Public Officers must ensure the proper, effective and efficient use of public resources, always ensuring value for money as specified in Financial Instructions. Public Officers should not use Government resources such as email, computers, photocopiers, or other facilities for personal gain or profit.

7.0.10 If current Public Officers decide to seek political office, they must resign from employment from the Public Service before formally committing to the political process. In certain circumstances, to be determined in the sole discretion of the Head of the Public Service, Public Officers may be granted unpaid leave of absence

during any election period should they seek elected office.

7.0.11 Public Officers must ensure that all information or data held relating to the Department or the Government which is not in the public domain ("Confidential Information") is protected against unauthorised access or use. Public Officers acknowledge that such information may contain non-public information and that the improper use or disclosure of such information could be unlawful. Public Officers must comply with Government instructions in relation to such data. Confidential Information includes any and all information or data provided by a Department or Government to Public Officers under circumstances where they should reasonably understand the confidential nature of such information.

Copyright and other intellectual property in work produced by Public Officers in the course of their employment belongs to the Government.

7.0.12 Confidential Information in the possession of Public Officers must be kept confidential unless the Public Access to Information Act 2010, the performance of official duty, or the requirement of the public interest require otherwise. Such restrictions should also apply after employment with the Public Service has ended. Breaches of the duty of confidentiality, whether as Public Officers or consultants, may result in disciplinary proceedings and dismissal or criminal prosecution.

7.0.13 The Official Secrets Act 1920 provides penalties for the unauthorised disclosure of Confidential Information.

7.0.14 The Personal Information Protection Act 2016 may apply in the case of information or data that is collected by Public Officers. Disclosing information or data covered by this Act is an offence if it is likely to cause harm to an individual.

7.0.15 The Computer Misuse Act 1996 contains penalties for persons, including Public Officers, who access a program, software or data on a computer without proper authorisation.

7.0.16 Public Officers should never seek to frustrate or influence the policies, decisions or actions of Ministers by the unauthorised, improper or premature disclosure of any information to which they have had access. Nor should Public Officers seek to frustrate the policies, decisions or actions of the Government by declining to take, or abstaining from taking, action that flows from decisions by Ministers.

Accounting Officers have a particular responsibility to see that appropriate advice is given to Ministers on all matters of financial propriety and regularity. If a Minister in charge of a Department is contemplating a course of action which involves a transaction which the Accounting Officer considers would breach the requirements of propriety and regularity, he/she will record in writing his/her objection to the proposal and the reasons for that objection. If the advice is overruled, the matter should be brought to the attention of the Secretary to the Cabinet and the Accountant General.

If the Minister decides nonetheless to proceed, the Accounting Officer will request a written instruction to take the action in question and will send the relevant documentation to the Auditor General.

7.0.17 Public Officers have a right to expect to be able to undertake their duties and responsibilities without fear or favour, to be treated with respect for their professionalism, to expect fair and reasonable treatment by the Government and to

not to be required to act in any manner that:

(a) Is illegal, improper, or unethical;

(b) Is in breach of any law, professional code, or authorised procedures;

(c) May involve possible maladministration, fraud, or misuse of public funds;

(d) Is otherwise inconsistent with this Code of Conduct.

7.0.18 Public Officers will be required to:

(a) Behave in a manner which does not have a material negative impact on their ability to carry out their obligations;

(b) Disclose material information whether obtained prior to or during their employment with Government that has or could have a material negative impact on their ability to carry out their obligations;

(c) Remain compliant with the rules issued in accordance with the Government's electronic communications systems.

7.0.19 Public Officers should not use their official position to receive, agree to accept or attempt to obtain any payment or other consideration for doing or not doing anything or showing favour or disfavour to any person. They should not receive benefits of any kind from a third party that might reasonably be seen to compromise their personal judgment and integrity. Under the Bribery Act 2016, Public Officers of public bodies may be required to prove that the receipt of payment or other consideration from someone seeking to obtain a contract is not corrupt.

Apart from minor items (e.g. an inexpensive pen, calendar, diary, minor refreshments, etc.), Public Officers should only accept gifts or hospitality with the written agreement of the Permanent Secretary or Head of Department. In addition, Public Officers will report all offers of gifts and hospitality related to their work other than minor items, whether or not they are accepted, to the Permanent Secretary or Head of Department.

7.1 Frequently Asked Questions

The following sections set out the standards of conduct required of Public Officers and offers suggestions to minimise the possibility of conflicts arising between a Public Officer's private interests and public duties.

7.1.1 How should I serve Government?

You have a principal responsibility to implement and administer the policies and programmes of the Government of the day. You may hold views on particular matters that differ from those of the elected Government, but such views must not interfere with the performance of your duties. You are to provide a responsive service to the elected Government regardless of the political party in office.

Act and advise with integrity in all aspects of your official duties. If you believe an aspect of Government policy or administration may have unforeseen consequences or otherwise requires review, bring it to the attention of your Manager.

7.1.2 How should I serve the public?

Treat all people with whom you have contact in the course of your work fairly, consistently and with courtesy and sensitivity. Act with propriety and be able to demonstrate this in relation to any advice or service you provide.

You must be able to justify any decision you make, strive to attain value for public money, and avoid waste and extravagance in the use of public resources. If possible, identify improvements to administrative and operational systems and procedures to achieve optimal effectiveness, efficiency and responsiveness.

7.1.3 How should I treat colleagues?

Treat your colleagues with respect.

7.1.4 What is expected of me?

Perform your duties diligently, impartially, responsibly and in a timely manner and to the best of your ability.

Always observe the relevant occupational safety and health requirements and act to remove or bring to the attention of your Manager any situation that is, or may be, a health or safety hazard.

You should have appropriate authorisation to be absent from work. Your activities outside working hours must not diminish public confidence in the Public Service or in your ability to perform your duties.

7.1.5. May I consume alcohol or use prohibited drugs while at work?

Alcohol must not be consumed during your prescribed working hours.

The use of prohibited drugs at any time is illegal.

7.1.6 What should I do if I am bullied or harassed in the workplace?

The Government of Bermuda is committed to eliminating inequality, harassment, bullying, victimization and discrimination in the workplace. If you feel you are being bullied, harassed or victimized, liaise with the Department of Employee & Organizational Development. Additional information on the Dignity At Work Policy and Complaints Procedure is located on the Department of Employee & Organizational Development's Intranet site http://hr/default.aspx.

7.1.7 What should I do if I am charged with a criminal offence?

Any criminal offence for which you have been charged or found guilty, either prior to commencing or during your employment, must be reported to your Head of Department immediately subject to the Rehabilitation of Offenders Act 1977.

7.1.8 How should I handle official resources?

Use organisational facilities and other resources for their intended purpose and maintain them properly. It is expected that Public Officers will have the same level of regard for Government's resources and assets as a prudent person would for their own. Official resources should not be used for your personal or private pursuits or interests.

The Government of Bermuda retains the copyright of work produced by you during your employment. You only retain the copyright of the work if approved by Cabinet.

7.1.9 How should I respond to a direct request from a Minister, and I am not a Permanent Secretary or Head of Department?

If a Public Officer, who is not a Permanent Secretary or Head of Department, receives a direct request from a Minister, the Officer must immediately report the matter to the Permanent Secretary through the Head of Department.

7.1.10 What should I do if a Minister directs me to do something that is not in accordance with legislation and/or policy?

If a Public Officer is directly instructed by a Minister to act outside of legislation and/or policy, the Officer must immediately report the matter to the Permanent Secretary through the Head of Department.

7.1.11 How should I report unethical behaviour?

Report any unethical behaviour or wrong doing by any other Public Officer to an appropriate senior Public Officer. This may include behaviour that you believe violates any law, rule, policy or regulation, or represents misconduct, maladministration or mismanagement, or is a danger to public health or safety. Promptly comply with all lawful directions given to you.

If you have grounds for complaint arising out of such directions, whether ethical or otherwise, you should discuss and attempt to resolve the matter with your Manager. If you are still dissatisfied, you can lodge a grievance in accordance with the provisions of the Collective Bargaining Agreement. You must continue to carry out any lawful directions that you may be given until the matter is resolved.

Note that the Employment Act 2000 provides guidance regarding whistle-blowing in *Section 29A: Whistle-blowers*. A Public Officer may therefore be entitled to the protections available to whistle-blowers in 29A of the Employment Act 2000.

7.1.12 What happens if I attend court?

You may be summoned, subpoenaed or called as a witness or juror at a court of law or any legally constituted inquiry. Immediately advise your Manager and, unless otherwise exempted, attend the court or inquiry as specified.

If attending in an official capacity under a subpoena or order to give evidence or to produce papers in any court, you are required to pay any fees you receive immediately to the Consolidated Fund. The Accountant General should be consulted in this regard.

7.1.13 How can I avoid a conflict of interest?

Public Officers shall comply with Article 8 of the United Nations Convention as detailed in General Assembly resolution 51/59 of 12 December 1996, against Corruption, as follows:

(a) Public Officers shall not use their official authority for the improper advancement of their own, their family's or their friends'/associates' personal or financial interest.

(b) Public Officers shall not engage in any transaction, acquire any position or function or have any financial, commercial or other comparable interest that is incompatible with their office, functions and duties or the discharge thereof.

(c) Public Officers, to the extent required by their position, shall, in accordance with the Conditions of Employment and Code of Conduct declare business, commercial and financial interests or activities undertaken for financial gain that may raise a possible conflict of interest. In situations of possible or perceived conflict of interest between the duties and private interests of Public Officers, they shall comply with the measures established to reduce or eliminate such conflict of interest.

(d) Public Officers shall at no time improperly use public funds, property, services or information that is acquired in the performance of, or as a result of their official duties for activities not related to their official work.

(e) Public Officers shall comply with measures established by law or by administrative policies in order that after leaving their official positions they will not take improper advantage of their previous office.

A conflict of interest with official duties may arise for various reasons and, as an individual, you may have private interests that from time to time conflict with your public duties. However, there is a reasonable public expectation that where such conflict occurs it will be resolved in favour of the public interest rather than your own.

Disclose potential conflicts of interest to your Manager when the normal course of official duties places you in contact with relatives, close friends or business acquaintances.

It is not possible to define all potential areas of conflicts of interest and if you are in doubt as to whether a conflict exists, raise this with the appropriate manager. In some circumstances, the appearance of a conflict of interest could itself jeopardise your public integrity. You are required to declare to the Permanent Secretary or Head of Department any conflict of interest that arises or is likely to arise. You should recuse yourself from any decision-making process where you may be compromised.

7.1.14 May I review my personnel file?

Yes. There are two personnel files: one is kept in the employing department and one is kept centrally at the Department of Employee & Organizational Development. You may review the departmental file in the presence of a departmental manager by arrangement. You may review the central file in the presence of a representative from the Department of Employee & Organizational Development by appointment.

7.1.15 May I accept gifts and favours?

In accordance with the Code of Conduct, you should not seek or accept gifts or favours for services performed in connection with your official duties.

Included in this category are gifts in kind, such as free accommodation, travel or entertainment vouchers, whether for you or members of your family. The general principle to be followed is that you should not seek or accept gifts or favours from anyone who could benefit by influencing you.

Immediately report to your Manager any circumstance in which an offer of a benefit or gift is made, regardless of whether it is accepted or not, if you feel that such circumstance involves an attempt to induce favoured treatment.

Where a gift is given without your prior knowledge or consent or where a gift is given as a token of goodwill to the Government, inform your Manager as soon as possible. Gifts of more than token value should in all cases remain the property of the Government.

Token gifts in the nature of souvenirs, mementos or symbolic items of low material value may be accepted in circumstances approved by your Manager.

7.1.16 How can I prevent patronage or favouritism?

You must not use your position to obtain a private benefit for yourself or anyone else. Your decisions must not be improperly influenced by family or other personal relationships.

7.1.17 How should I handle financial matters?

Ensure that in financial matters, including the handling of monies, there is full accountability in relation to any advice or transaction in which you may be involved. If you have financial responsibilities, observe the relevant legislative and regulatory requirements as well as Financial Instructions.

7.1.18 May I also work outside the Public Service?

You should not engage in outside employment or in the conduct of a business (including additional employment with the Government of Bermuda under a separate contract), trade or profession without written authority from your Head of Department. Public Officers are required and responsible for completing a Request to Engage in Outside Employment Form, downloadable from the Department of Employee & Organizational Development's intranet site, for submission and approval.

Consideration of a request to engage in outside employment is made with regard to whether the outside employment would interfere with the proper performance of official duties and whether it would give rise to a conflict of interest.

7.1.19 What should I do once I leave the Public Service?

Once you have left the Public Service for other employment you must not use or divulge confidential information obtained during your employment to advantage yourself, your prospective employer or to disadvantage the Government of Bermuda in commercial or other relationships.

7.2 Discipline

The maintenance of good order, discipline, efficiency and proper conduct is essential to the reputation of the Public Service. Every Public Officer has a duty to the elected Government and to the people of Bermuda to preserve the highest standards in all aspects of work and behaviour.

Maladministration, inefficiency or incompetence will not be ignored or tolerated.

7.2.1 Permanent Secretaries, Heads of Departments and all Managers are responsible

for ensuring good order, discipline, efficiency and the proper conduct of all Public Officers in their Department. Managers have the authority to initiate disciplinary proceedings against any Public Officer employed in their Departments when the situation demands.

7.2.2 In addition to this document, disciplinary procedures are set out in the Public Service Commission Regulations 2001. Managers must ensure compliance with the procedures. If further clarification is required, Managers should consult with the Department of Employee & Organizational Development.

7.2.3 In all cases, the principle of progressive discipline is embraced. Public Officers must be made aware of the standard of conduct, behaviour and performance expected. Managers monitor and bring infractions against the required standard to the attention of the Public Officer concerned, clarify the shortfall, restate the requirement, make suggestions for improvement and set a deadline for follow up. In less serious matters, this will be dealt with informally and followed up in writing should there be no improvement.

This cycle repeats itself with increasing penalties being imposed, should the improvement not occur.

Dismissal is considered a last resort. There is an obligation on the part of the Manager to encourage the required change and to document evidence of the infraction, the improvement and all efforts to resolve the situation.

7.2.4 Public Officers shall be required to follow all internal grievance procedures in accordance with this Code of Conduct, the Collective Bargaining Agreement and the Public Service Commission Regulations 2001, as amended. For the avoidance of doubt, a grievance procedure is not to be used as an appeal against a decision arising out of a disciplinary process.

7.2.5 Refer to Regulation 27(1) of the Public Service Commission Regulation 2001 regarding Public Officers convicted of criminal offences.

7.3 Misconduct and Gross Misconduct

It is imperative for Permanent Secretaries, Heads of Departments and Managers to initiate disciplinary action promptly in accordance with the appropriate schedule of the Public Service Commission Regulations 2001.

There are two levels of disciplinary offences for Public Officers, namely misconduct and gross misconduct.

7.3.1 Misconduct

A Public Officer is guilty of misconduct if he/she:

(a) Fails to comply with this Code of Conduct or with any policy, statute, regulation or order governing his/her employment.
(b) Fails to report information which could have an effect on their ability to carry out their obligations.
(c) Without good and sufficient cause is insubordinate, including failing to carry out any lawful or reasonable instruction by his/her Manager.
(d) Is inefficient as defined by 7.3.3.
(e) Neglects or, without good and sufficient cause, fails to carry out his/her duties promptly and with diligence.

(f) Fails to report for duty at the allotted time and place or is absent from the place of duty without authorisation.
(g) Feigns or exaggerates sickness or injury with a view to evading duty, or reports sick without cause.
(h) Uses obscene, abusive, threatening or insulting language or behaviour towards another Public Officer or member of the public.
(i) Communicates to any person any information of a secret, confidential, privileged or security nature without authorisation.
(i) Aids, abets or incites misconduct by another Public Officer, whether or not the misconduct is committed, or assists another Public Officer who has committed misconduct to evade or attempt to evade detection or punishment.
(j) Commits any other behaviour that the Head of the Public Service may consider to be misconduct in accordance with section 7.3.4.

7.3.2 Gross Misconduct

A Public Officer is guilty of gross misconduct if the Public Officer:

(a) Assaults another Public Officer or member of the public while on duty.

(b) Is unfit for duty as a result of being under the influence of alcohol or drugs.

(c) Acts fraudulently or dishonestly, or is involved in theft or failure to account for Government funds or monies or property belonging to Government.

(d) Commits a series of acts of misconduct or a single act of misconduct of such gravity that the Permanent Secretary or Head of Department considers should be treated as gross misconduct.

(e) Acts in a manner that is likely to bring the Public Service into disrepute, whether on or off duty.

(f) Commits any other behaviour that the Head of the Public Service may consider to be gross misconduct in accordance with section 7.3.4.

7.3.3 Inefficiency is not established by a single failure to carry out the essential duties of office. It usually consists of a series of acts of omission, incompetence, misbehaviour or low productivity established over a period of time and for which the Public Officer has had the matter brought to his attention and has been invited to improve his performance. Single incidents in themselves may not be serious enough to merit proceedings for misconduct but the cumulative effect shows that a Public Officer is not effectively discharging the duties of his/her office.

7.3.4 Any potential discipline matter not covered by this Code of Conduct may be reported by the respective Permanent Secretary or Head of Department to the Head of the Public Service who will determine whether discipline action may be taken.

7.4 Penalties

There are two levels of penalties that may be imposed, namely misconduct penalties and gross misconduct penalties.

7.4.1 Misconduct Penalties

These are imposed by the relevant authority as identified in accordance with

Schedule 1 of the Public Service Commission Regulations 2001:

(a) Oral warnings.

(b) Written warnings with a copy placed on the Public Officer's personnel file.

(c) The Head of Department may determine that restitution would be appropriate, and may, with the agreement of the Public Officer, direct the Public Officer to make restitution for any loss or damages caused by the Public Officer.

7.4.2 Gross Misconduct Penalties

These are imposed only by the relevant authority as identified in accordance with Schedule 2 of the Public Service Commission Regulations 2001:

(a) Suspension with partial loss of pay.

(b) Suspension with full loss of pay.

(c) Surcharge levied to compensate for any loss incurred by Government as specified in the Public Treasury (Administration and Payments) Act 1969.

(d) Reduction in rank, demotion and/or transfer to an office attracting a lesser salary.

(e) Dismissal.

In accordance with the principles of fairness and proportionality, more than one penalty may be levied.

7.4.3 The treatment of offences will be influenced by the circumstances of the particular case, including the Public Officer's discipline record. Repetition of misconduct offences may call for a gross misconduct penalty.

7.4.4 A Public Officer who is absent from duty without permission or without reasonable cause renders himself/herself liable to disciplinary action. In such cases, the Permanent Secretary or Head of Department must consult the Department of Employee & Organizational Development for advice and guidance. The onus will rest on the Public Officer to show that the circumstances do not justify such action being taken.

7.4.5 Where a Public Officer is absent from duty without leave or reasonable excuse for a period exceeding five working days, he/she shall be deemed to have resigned.

7.4.6 A Public Officer charged with a disciplinary offence may be permitted to resign, upon the agreement of the Head of the Public Service.

7.5 Appeals Process

The procedure for taking disciplinary action is set out in the Public Service Commission Regulations.

7.5.1 Appeals against any disciplinary action may be lodged in writing within 14 days of the penalty being awarded.

7.5.2 In cases of misconduct, the Public Officer's final right of appeal is to the Head of the Public Service whose decision will be final.

7.5.3 In cases of gross misconduct, the Public Officer's final right of appeal is to the Public

Service Commission, whose decision will be final.

7.5.4 The Bermuda Public Services Union is the exclusive bargaining agent on behalf of Public Officers. As a result, Government cannot deal with any other agent on behalf of a Public Officer (including legal counsel) without the written consent of the Bermuda Public Services Union. In the event that the Public Officer engages legal counsel prior to exhausting the internal grievance procedures of the Bermuda Public Services Union, the Government shall not be liable for any subsequent liabilities, costs, or legal expenses. This clause does not apply to Public Officers who are deemed non-union workers by the Bermuda Public Services Union prior to the disciplinary matter.

7.5.5 For the avoidance of doubt, a grievance procedure as set forth in the Collective Bargaining Agreement is not to be used as an appeal against a decision arising out of a disciplinary process.

8 General Policies

8.0 Business-Related Expenses

Financial Instructions outline the requirements and obligations of any Public Officer spending public funds. They also outline the penalties for any Public Officer misusing public funds. Summarised below are the key points to keep in mind when spending public money. They should not, however, be considered exhaustive and cannot be used as a defence for inappropriate expenditure.

No expense, including legal expense, fine, penalty, interest, tax or similar unapproved expenditure shall be incurred without authorisation, general or specific, of a Head of Department. The retainer of external legal counsel may only be made with the written permission of the Attorney-General, and no legal expenses may be incurred without the prior written permission of the Attorney-General, upon his/her approval of an agreement with such external counsel.

8.0.1 Permanent Secretaries and Heads of Departments have a responsibility to ensure that Government receives the best possible value for all money spent. They must also put appropriate procedures in place to ensure control and proper approval processes and for the accurate recording and disbursement of public funds.

Permanent Secretaries and Heads of Departments must allocate signing and approval authorities carefully and on a need-only basis.

The Accountant General's Department is available for specific advice and guidance in this regard.

8.1 Travel

8.1.1 Public Officers required to travel overseas on behalf of the Government must submit a request in writing to their Permanent Secretary or Head of Department at least four weeks prior to the departure date. The request must include the following:

(a) Detailed justification for the trip.

(b) Destination.

(c) Dates.

(d) Anticipated costs.

8.1.2 In cases of emergency, Permanent Secretaries and Heads of Departments have the authority to waive the four-week notice period.

8.1.3 Permanent Secretaries and Heads of Departments, in considering such requests, should take into account the necessity of the trip and the benefit to Government. Permanent Secretaries and Heads of Departments, by signing the request form, give their support and approval for the trip and associated expenses. It is also their responsibility to ensure that adequate funding exists.

8.1.4 Permanent Secretaries and Heads of Departments who do not report to a Permanent Secretary, when required to travel overseas, must seek the approval of the Head of the Public Service prior to departure or incurring any expense, including legal expenses.

8.1.5 If proper authorisation is not obtained, reimbursement for the costs and any expense (including legal expenses) fine, penalty or tax, of the trip will not be honoured.

8.1.6 Public Officers shall not take advantage of overseas travel and derive economic benefit from business trips.

8.1.7 Public Officers are expected to secure the most reasonable airfares and accommodation arrangements possible. Permanent Secretaries and Heads of Departments are expected to ensure that all arrangements are fair and reasonable and that common sense prevails in the making of these arrangements. Details on the appropriate class of travel are outlined in Financial Instructions.

8.2 Subsistence

8.2.1 The current rates for subsistence allowances are outlined in Financial Instructions and will be reviewed every two years by the Ministry of Finance.

8.2.2 Some Departments that require Public Officers to travel overseas frequently on business will arrange for the Accountant General's Department to provide them with a business credit card. The Accountant General's Department should be contacted for issuance and information on business credit cards.

Details for the use of business credit cards are clarified with each individual Public Officer at the time of issue.

8.2.3 Public Officers using business credit cards will be required to submit itemised receipts for each charge on the credit card and are not eligible for cash advances.

8.3 Mileage Allowance

8.3.1 Public Officers authorised by their Head of Department to use their own vehicles for Government business will be paid a mileage allowance. The current rates are set out in the Collective Bargaining Agreement. In June of each year, the Department of Statistics shall provide the effective revised rates to the Head of the Public Service (HOPS), Compensation and Benefits, the Bermuda Public Services Union, and Public Officers as detailed in the Collective Bargaining Agreement.

8.3.2 It is the responsibility of each Head of Department to ensure an adequate means of

reporting and verifying the claims submitted. Claims are to be submitted monthly by the respective deadlines. Claims must be submitted within two months of the date of the trip. Claims submitted after this two-month deadline will not be honoured.

8.4 Health and Safety

8.4.1 In accordance with the Occupational Safety and Health Act 1982, each Department employing five or more persons must have a designated Safety and Health Committee. It is the responsibility of every Head of Department to ensure a safe and healthy work environment for all Public Officers. Likewise, each Public Officer has a responsibility to work safely and in the manner prescribed, and to wear the protective clothing and equipment provided for his/her protection. Each Public Officer should be made aware of the expectations and requirements of the Department in which he/she is working with regard to safety.

Any accident or injury sustained at work should be immediately reported to the Manager.

8.4.2 The Occupational Safety and Health Policy shall provide additional assistance and anyone requiring further information should contact the Public Officer within the Cabinet Office responsible for coordinating safety and health for the Government in its capacity as an employer Safety and Health Coordinator.

8.4.3 In keeping with the principle of providing a safe and healthy work environment for all its Public Officers, Government has introduced a Smoke-Free Workplace Policy.

8.4.4 Any Public Officer requiring further information or clarification should contact his/her Head of Department, or the Public Officer within the Cabinet Office responsible for coordinating safety and health for the Government in its capacity as an employer Safety and Health Coordinator.

8.5 Intellectual Property and Data Protection

8.5.1 Public Officers shall execute all documents and do all things necessary to ensure the Government has full ownership and obtains adequate protection in respect of all Government intellectual property, which shall include, but not be limited to, inventions, patents, trademarks, and copyrights resulting in the execution of its work duties.

Public Officers shall surrender all intellectual property to the Government upon the termination of employment and shall not retain copies. Any copies saved as a result of automatic back-up shall not be used.

8.5.2 Public Officers shall consent to the Government processing their personal data for legal, personnel, administrative, and management purposes and in particular to the processing of any sensitive personal data as may be deemed appropriate by the Head of the Public Service, holding such information on a confidential basis at all times in accordance with the Personal Information Protection Act 2016.

8.5.3 Exceptions may be made to the reference in the handling of intellectual property and for the protection of data only after mutual agreement, as between of the Head of the Public Service and relevant Public Officer, in consultation with the Premier.

9 Social Media Policy

9.1 The Government fully respects the legal rights of Public Officers in any jurisdiction

in which it operates. In general, what Public Officers do on their own time is their affair. However, activities in or outside of work that affect their job performance, the performance of others, and Government's interests or reputation, are the proper focus for this social media policy.

9.2 When the Government wishes to communicate using a post, blog, tweet or otherwise publish or communicate in writing on or within any media platform or network open to be viewed by the public ("Post"), it will do so via an authorised person. Only those officially designated by the Government have the authority to speak on, or say anything that could be construed as being spoken on, behalf of the Government.

9.3 In the event that Public Officers do post, they must disclose that they are doing so on their own behalf and not in their position as an employee or as a person engaged by or on behalf of, the Government.

9.4 There may be consequences to what a Public Officer posts and ultimately, Public Officers have sole responsibility for what they post.

9.5 A Public Officer's violation of this social media policy is subject to disciplinary action which can include termination of his/her employment contract or termination of the contractor agreement.

9.6 The Cabinet Office may update or withdraw this policy.

10 Administrative Policy

10.1 Public Officers are required to comply with all administrative policies which shall be posted on the Government intranet as set forth in the Collective Bargaining Agreement.

10.2 A Public Officer's violation of any administrative policy may be subject to disciplinary action which can include termination of his/her employment contract or termination of the contractor agreement.

10.3 Government's Confidential Information ("Information") is stored on electronic, computing or other platforms or devices ("Devices"). These Devices, whether owned or leased by the Government, a user or a third party, remain the sole property of the Government. Users must ensure through legal or technical means that Information is protected in accordance with this Section and with relevant laws and regulations.

10.4 Users have a responsibility to promptly report the theft, damage, loss or unauthorised disclosure of Information and to use the Government's systems and network in accordance with Government's Acceptable Use Policy guidelines.

10.5 Users may access, use or share Information only to the extent it is authorised and necessary to fulfill their assigned job duties.

10.6 Public Officers are responsible for exercising good judgment regarding the reasonableness of personal use. Individual Government Departments are responsible for creating guidelines concerning personal use of internet/ intranet/ extranet systems. In the absence of such policies, employees should be guided by Departmental policies on personal use, and if there is any uncertainty, employees should consult their supervisor or Manager.

10.7 For security and network maintenance purposes, authorised individuals within the Government's Information Technology Department have the right to monitor Devices, equipment, systems and network traffic at any time.

10.8 The Government reserves the right to audit networks and systems on a periodic basis to ensure compliance with this administrative policy.

11 Special circumstances

Public Officers recognise that special circumstances may arise such as a national emergency or other extraordinary events that may require the modification of duties, hours of work, and conditions of employment for some or all Public Officers. In such instances, the Head of the Public Service may issue specific guidance to Public Officers.

Such circumstances, emergencies or other causes may be beyond Government's reasonable control. They include but are not limited to natural disaster, or national, regional or global health emergency, civil disturbance, imposition of sanctions, breaking off of diplomatic relations, any law or any action taken by a government or public authority, labour dispute or any other similar circumstances.

Officers recognise that in such circumstances, they may be asked to perform duties in accordance with the needs of the community and be directed by Government as represented by management in other Departments during the time that the special or emergency persists.

12 Appendix

Annex I: Framework for Management of Compliance

2. Application

2.1 This *Framework* applies to all Public Officers.

3. Objectives

3.1 This *Framework for Management of Compliance*:

(i) Clarifies the roles of the Public Service Commission (PSC), the Public Service Executive (PSE), Permanent Secretaries and Heads of Departments in managing compliance with the *Human Resources Policy Suite*;
(ii) Assists in ensuring that responses to non-compliance are managed appropriately and consistently;
(iii) Facilitates the identification and sharing of approaches to managing compliance;
(iv) Connects learning and development to the management of compliance;
(v) Encourages innovation and informed risk-taking to achieve results; and
(vi) Provides the procedures to be followed for amending the *Human Resources Policy Suite*.

4. Context

4.1 Excellence in public service management, as summarised in the *Values and Ethics Code*, *Guidelines on Service Standards*, the *Charter on People Management Values*, and applicable codes of conduct, is achieved through innovative, ethical and integrated management practices that are primarily, but not exclusively, set in policies. Public Officers understand the importance of public service management excellence and strive to comply with the policies, rules and standards that define and distinguish their decisions and actions.

4.2 Managing compliance encompasses making appropriate rules that are known, understood and followed, and for which the consequences of non-compliance are clear and commensurate with risk and context. Managing compliance is an area of shared responsibility where the PSC, the PSE and other Government decision-makers have an obligation to ensure that rules are clear and coherent, and Public Officers have an obligation to know and understand the rules and abide by them.

4.3 A tenet of public sector management holds that the means by which an objective is achieved is as important as the objective itself. Legal and policy requirements, including applicable codes of conduct, underpin a minimum standard of behaviour and conduct that is necessary to safeguard the public trust.

4.4 The *Framework for Management of Compliance* establishes principles for managing compliance with the instruments in the *Human Resources Policy Suite*, and the procedures for amending the instruments. These principles are reflected in a suggested set of considerations that the PSE, Permanent Secretaries and Heads of Department are expected to normally take into account when deciding on the response to non-compliance with legal and *Human Resources Policy Suite* requirements.

4.5 Decisions on the appropriate response to non-compliance can be both complex and sensitive and therefore must be examined on a case-by-case basis.

4.6 The size and complexity of Government and the number and scope of legal and policy requirements both mean that immediate, full compliance is sometimes a challenge. It is expected and accepted that public authorities and Public Officers will be compliant with new policy requirements within reasonable time frames, and that a transition period is necessary for new *Human Resources Policy Suite* requirements.

4.7 Where it occurs, non-compliance can result from a variety of factors, including: lack of knowledge and training, gaps in oversight, inaccurate and incomplete interpretation and application of policies and, in some circumstances, culpable misconduct.

4.8 The management of compliance in Government differentiates between non-culpable and culpable behaviour. Honest mistakes should be redressed by means intended to realign behaviour and improve performance within expected norms and objectives while culpable behaviour is not tolerated and corrective measures, including disciplinary actions where merited, will be taken.

4.9 A robust compliance management approach identifies the best methods (including training and education) to align behaviour with expectations. It supports innovation and creativity and provides feedback for continuing reassessment, refinement and development of legal and *Human Resources Policy Suite* requirements. It provides clear procedures for amending policies to promote effective consultation and transparency.

5. Definitions

5.1 Public Officer is one who holds a public office of emolument in one of the following public authorities, with the exception of persons who hold positions which fall within section 103 of the *Bermuda Constitution Order 1968*, and temporary relief employees. The CECC does not apply to warranted Police Officers, the Information Commissioner, the Privacy Commissioner, the Director of Public Prosecutions or the Ombudsman, although it does apply to Public Officers under their control.

(i) Every Department of the Government of Bermuda
(ii) The Cabinet Office
(iii) Civilian members of the Bermuda Police Service
(iv) The Office of the Auditor General, with the exception of the Auditor General
(v) The Office of the Information Commissioner
(vi) The Office of the Privacy Commissioner
(vii) The Department of Public Prosecutions
(viii) The Office of the Ombudsman

5.2 Head of Department means the officer who manages and supervises the public authorities listed in paragraph 5.1.

5.3. Words importing the masculine gender include females.

6. Relationship to Other Frameworks and Policies

6.1 The *Framework for Management of Compliance* provides the basis for managing compliance with, and making amendments to, the frameworks and policies within the *Human Resources Policy Suite*.

7. Scope

7.1 The *Framework for Management of Compliance* is systemic in scope and applies to legal and *Human Resources Policy Suite* requirements.

7.2 While not designed to alter or add particular consequences to specific situations of non-compliance, the *Framework* serves as a statement of intent that implicates specified public authorities and the individuals who represent them. The *Framework* assumes that all individuals to whom legal or *Human Resources Policy Suite* requirements apply are collectively responsible for compliance with those requirements.

7.3 In their capacity as Accounting Officers, members of the PSE, Permanent Secretaries and Heads of Departments need to be cognizant of all applicable legal and policy requirements incumbent upon public authorities above and beyond those requirements falling within the ambit of this *Framework*.

8. Principles

8.1 The effective management of compliance hinges upon having informed management and employees throughout the various levels of a public authority. It is also dependent on the ability of management to integrate the spirit and intent of policies within management culture and its overall plan to achieve management excellence against expectations set out in the *Guidelines on Service Standards*. In particular, the *Framework* is based on the following principles or prerequisites which seek to maximise compliance:

8.2 Legal and *Human Resources Policy Suite* requirements are clear, coherent and reflective of a risk-based approach to managing compliance;

8.3 Legal and *Human Resources Policy Suite* requirements are integrated to the approval processes, procedures and control systems of public authorities;

8.4 All individuals in the public authority are informed of legal and *Human Resources Policy Suite* requirements that relate to their areas of decision-making. They are knowledgeable and have access to relevant information in order to make decisions that are reflective of legal and *Human Resources Policy Suite* requirements. They understand these requirements, thus facilitating and enabling consensus and consent on the need for compliance;

8.5 Compliance with legal requirements and the *Human Resources Policy Suite* is monitored, with the focus of monitoring determined on the basis of risk;

8.6 Potential situations of non-compliance are examined; and,

8.7 Actual situations of non-compliance are met with appropriate responses.

9. Core Responsibilities in Managing Compliance

The Public Service Executive is responsible for, amongst other things:

9.1 Overall control, maintenance and development of the *Human Resource Policy Suite*;

9.2 Embodying public service values and ethics and fostering an organisational culture reflective of the values contained in the *Values and Ethics Code*;

9.3 Ensuring compliance with legal and *Human Resources Policy Suite* requirements within public authorities while fostering an organisational environment conducive to innovation and informed risk-taking to deliver better value to the public;

9.4 Ensuring a fair, consistent, and transparent application of labour relations practices within their areas of responsibility;

9.5 Ensuring that employees are properly trained and have access to learning opportunities and to relevant information to increase their awareness and knowledge of applicable legal and *Human Resources Policy Suite* requirements;

9.6 Ensuring that performance management is aligned with Government priorities and business plans, including compliance considerations. The PSE, Permanent Secretaries and Heads of Departments should refer to the performance management policies and associated directives and guidelines for the tools that are available to them to address performance management issues;

9.7 Establishing a robust environment of internal controls and sound management practices that are transparent, understood and supported in their areas of responsibility;

9.8 Taking appropriate corrective action necessary to restore compliance;

9.9 Referring all proposed amendments to the Human Resources Policy Review Committee and receiving a formal written recommendation from the Committee to proceed with the amendments;

9.10 Advising the PSC of any knowledge or reason to believe that significant non-compliance with a legal or *Human Resources Policy Suite* requirement has occurred that could undermine or negatively impact the public authority or the Government.

9.11 Seeking authority from the PSC on policy adjustments which refer to the following:

(i) Amendments or new policy provisions which may lead to the redundancy or termination of employees;
(ii) Amendments or new policy provisions regarding the discipline or appeal procedure of a Public Officer;
(iii) Amendments or new policy provisions affecting standards for employee recruitment;
(iv) Amendments or new policy provisions impacting job classification, payroll administration or employee remuneration.

The Head of the Public Service (HOPS)

The HOPS is responsible for:

9.12 Evaluating the extent to which Departments incorporate and uphold the *Values and Ethics Code*;

9.13 Appraising the state of compliance with legal and *Human Resources Policy Suite* requirements across the public service and taking appropriate action as necessary to align behaviour with these requirements;

9.14 Ensuring that *Human Resources Policy Suite* instruments are clear, coherent and reflective of due consideration of risk;

9.15 Identifying and sharing examples of effective practices to promote improvements and consistency in compliance management across the public service; and,

9.16 Formulating advice in respect of any additional follow-up that may be necessary in order to ensure a comprehensive response to situations involving non-compliance.

10. Responding to Non-Compliance

The Public Service Executive

10.1 The Permanent Secretary, when responding to non-compliance, needs to ensure that the nature of the consequences and their severity are commensurate with the nature of the non-compliance. The full response may be composed of several different consequences that could include elements of learning and development, performance, discipline, reporting of suspected offences to the responsible law-enforcement agency, public authority actions, and specific consequences that may be outlined in legal requirements, applicable codes of conduct, and individual *Human Resources Policy Suite* instruments.

In considering the possible mix of consequences, the PSE needs to balance various considerations including the following:

10.2 What is the impact? This includes consideration of the seriousness of harm or potential harm, such as the impact on resources, the workforce, the reputation of Government, and on assets including loss, waste and misallocation of funds, or whether there was personal gain;

10.3 Is there a history of non-compliance? The compliance history should be considered including previous cases and seriousness of non-compliance, as well as whether the non-compliance is isolated to one individual or organisational unit within the public authority or reflective of a systemic problem;

10.4 Was there intent? Was the behaviour culpable or non-culpable? Consideration should be given as to whether there was knowing and deliberate contravention of legal or policy requirements; and,

10.5 Are there other circumstances? Consideration should be given to whether, in instances of non-compliance, the public good, including the interest of taxpayers, was ultimately served or harmed.

10.6 In determining the level and type of consequence that may be warranted, the PSE should also examine how the non-compliance came to light in order to assess the adequacy of internal control systems and whether there are any management performance issues that need to be addressed within the public authority.

10.7 **The actions to be taken if criminal activity is suspected**: any associated records should be retained and the matter should be referred to the Bermuda Police Service.

Head of the Public Service (HOPS)

When responding to situations of significant non-compliance, to assess the adequacy of the Permanent Secretary's response and to determine whether any consequences should be considered, the HOPS should use the series of questions set out in sections 10.2 to 10.7 of this *Framework*, along with the following additional questions:

10.8 Has compliance been restored? Consideration should be given to the actions taken to restore compliance and, if compliance has not been restored, that the risks to the Government are properly mitigated;

10.9 What steps has the PSE taken to mitigate the risks of a recurrence? Is the likelihood of a recurrence high and, if so, what are the risks to the Government in the event of a recurrence; and,

10.10 What is the public authority's general level of management performance? Consideration should be given to whether there is evidence of a potential systemic problem within the public authority or whether the non-compliance is an isolated incident. Consideration will also be given as to whether, as a whole, the public authority either has a positive record in the performance of its management functions or it has made satisfactory progress in improving its management functions.

10.11 The consequences applied by the HOPS are undertaken with a view to supporting the PSE in restoring compliance within the relevant public authority or to mitigating the risks and associated costs of control failure, mismanagement or wrongdoing until controls and compliance are restored.

10.12 If insufficient information is available to answer these questions, the HOPS may require that the PSE commence a review process, such as by way of an audit, in accordance with the scope determined by the HOPS.

Consequences

10.13 In order to foster knowledge, acceptance, ability and effective compliance with legal and *Human Resources Policy Suite* requirements, consequences that are clear and commensurate with the risk and context of a given situation should be employed.

10.14 Possible consequences range from moral suasion (e.g. maintaining a dialogue) to restraint (e.g. reorganisation of a public authority or termination of employment). Consequences can be applied internally or externally and involve officials, Permanent Secretaries, and Heads of Departments.

10.15 The following sets out the range of consequences to which the Public Service Executive should refer in determining or recommending responses to address non-compliance:

Moral Suasion

Engaging in discussions aimed at aligning or realigning behaviour with legal and policy requirements in response to potential or actual low-impact situations of non-compliance. The actions taken may include:

(i) Discussions at a variety of levels amongst officials;
(ii) A review of policies and procedures with the appropriate persons;
(iii) Supervisory counselling or mentoring.

This process is largely informal although there may be a need for increased monitoring through vehicles such as the *Values and Ethics Code*, the *Guidelines on Service Standards*, and the *Charter on People Management Values*.

Consent

Occurs where moral suasion has resulted in an agreed-to course of action that needs to be made transparent and that requires formal commitment and documentation of follow-up and

resolution. The level of commitment may be demonstrated through measures including, at the public authority level:

(i) A formal strategic plan;
(ii) Enhanced performance measurement or quality assurance standards, which are documented.

At the individual level, consent may include the following:

(i) Detailed in letters at The Public Officers' level that could include the Permanent Secretary or Head of Department;
(ii) Written warnings;
(iii) A formal performance improvement plan;
(iv) Training;
(v) Or a combination of the foregoing.

In some cases PSC consideration of the proposed measures may be sought. Moral suasion and consent differ in terms of the level of formality of the process but both are characterised by cooperation between parties.

Counteraction

Recourse is needed to impose remedial or corrective actions when more collaborative approaches have failed and when consequences of non-compliance need to be demonstrated. Consequences encompass a range of interventions - imposing or denying certain actions or privileges that would compel the undertaking of prescribed activities.

Implicit in this approach is the absence of demonstrated responsibility for ensuring policy compliance or persistent failures in control functions.

Restraint

Restraining public authorities or individuals involves the curtailment or removal of authority or responsibility to such an extent that they are unable to perform certain actions. Public authorities can be restrained through measures including the following:

(i) Suspension of decision-making powers pending the implementation of corrective measures;
(ii) Restructuring;
(iii) Dissolving or merging with other public authorities.

At the individual level, restraint may include the following measures:

(i) Suspension with full loss of pay;
(ii) Salary/wage increment withheld;
(iii) Financial penalty;
(iv) Reduction in rank, demotion to an office attracting a lesser salary
(v) Termination of employment.

11. Amending the Human Resources Policy Suite

11.1 The PSE has primary responsibility for amending the *Human Resources Policy Suite*. Proposals to amend the *Human Resources Policy Suite* should normally be initiated by relevant Public Officers with written recommendation to the PSE.

11.2 All proposals for amending the *Human Resources Policy Suite* must be reviewed by the HOPS before making a decision as to whether to adopt them. The HOPS has responsibility for:

(i) Reviewing proposals to determine whether their implementation would present any legal or other issues or concerns;
(ii) Ensuring that any approval of the proposals required by any person or agency under existing Government rules or procedures has been given.

12. Transparency and Accountability

12.1 The PSE and the PSC will use information gathered through a range of sources that include: reporting on compliance under this *Framework* and the *Human Resources Policy Suite*, internal and horizontal audits, Auditor General's reports, evaluations, and other reports to the legislature to gauge the state of compliance management in the Government.

12.2 The *Human Resources Policy Suite* will be made available to the public on the Government website and other means as determined within one month of any instrument being ratified or amended.

13. Enquiries

The Head of the Public Service is responsible for the policy instruments to which this *Framework* applies. Please direct any enquiries related to this F*ramework* to:

Head of the Public Service

Office of the Head of the Public Service
The Swan Building
1st Floor
26 Victoria Street
Hamilton HM 12

Annex II: Charter on People Management Values

2. Application

2.1 This Charter is intended to guide the application of human resource policies which recognise people management as an integral part of public service delivery.

2.2 People management goes beyond the transactional activities associated with human resources to building a culture of excellence on foundations such as values and ethics, motivation and commitment, and employee engagement and development.

2.3 People management is fundamental to achieving operational objectives and requires sustained investment of time and resources. It insists on the collaboration of managers, employees, human resources practitioners, central departments, and bargaining agents.

2.4 This Charter is to be read in conjunction with the *Values and Ethics Code* and the *Framework for Management of Compliance*.

3. Context

3.1 Rationale

3.1.1 There is a clear link between improving employee engagement and improving organisational performance. How people are managed day to day ultimately determines if investment in public services has the intended effect on service delivery.

3.1.2 An improvement in the quality of people management, particularly among line managers and supervisors, is central to greater accountability and to more effective, continuous delivery of public services.

3.1.3 Effective people management introduces positive and lasting change. Government can create more innovative public services but management needs to set priorities, allocate resources, and most importantly, support and empower front-line employees.

3.1.4 People management must evolve to keep pace with fast-paced change, new challenges, fiscal considerations, and more complex and diverse situations to ensure continuing excellence in public service.

3.2 Principles

3.2.1 Invest in developing and supporting leaders at all levels: leadership, empowerment and employee engagement are fostered at all levels of Government.

3.2.2 Nurture and recognise innovation and creativity: departments must have people management flexibilities to respond to their business needs.

3.2.3 Grow and develop organisational practitioners: make more use of talent and management models to generate more positive attitudes across the workforce.

3.2.4 Value employee contribution: a respectful workplace is fostered through inclusiveness and meaningful dialogue with all parties.

3.2.5 Cultivate trust and horizontal collaboration: a shared management agenda across the public service in responding to challenges.

3.2.6 Build-up organisational support: Government works better when employees have clear goals and supportive HR practices.

3.3 Expected Results

3.3.1 Retain talented individuals and maximise the potential of Governments' workforce to meet both current and future organisational needs.

3.3.2 Provide a workplace where employees have meaningful work in a fair, safe, supportive and ethical environment.

3.3.3 Foster leadership that sets clear direction, engages employees, and demonstrates and promotes the public service values and ethics.

3.3.4 Invest in an infrastructure of people and systems that enables high-quality people management services.

4. Responsibilities and Management Measures

4.1 Responsibilities

4.1.1 Managers and Heads of Department are responsible for:

(i) Planning and implementing people management practices that deliver on operational objectives.
(ii) Assessing the Departments' people management performance.
(iii) Working individually and collectively to foster a culture of people management excellence.
(iv) Making employees aware of the standards expected of them and for dealing with shortcomings promptly and fairly.
(v) Striving to maintain good employee relations and to foster the commitment and motivation of employees.
(vi) Promoting a climate of open communication.
(vii) Supporting the corporate people management agenda for the public service.

4.1.2 Senior Management and Executives are responsible for:

(i) Creating a sense of shared purpose within Government in which its identity and reason for existing is understood and supported by all employees.
(ii) Setting strategy and empowering both middle and line managers to innovate and drive sustainable organisational performance.

4.1.3 Ministers are responsible for:

(i) Leading by example. Setting clear and consistent direction as a demonstration of trust.
(ii) Committing to segregation of duties and resisting impromptu action.

4.1.4 The Public Service Commission is responsible for:

(i) Independently safeguarding the integrity of the staffing system and the non-partisanship of the Public Service.

4.2 People Management Measures

4.2.1 The Government of Bermuda, Department of Employee & Organizational Development with delegated authority under the Head of the Public Service is responsible for:

Talent management and leadership

(ii) Establish transparent, efficient, and enterprise-wide talent-identification process.
(iii) Plan talent and leadership needs on a long-term (more than five-year) basis and by business unit and expertise.
(iv) Develop a systemic talent management programme.
(v) Apply leadership criteria in selection, promotion, and reward processes.

Workforce planning and reporting

(i) Develop a clear process for measuring workforce performance indicators to predict HR behaviour and quantify the success of people management.
(ii) Develop an ongoing strategy to address absenteeism.
(iii) Implement a demand model to anticipate human resourcing needs.
(iv) Establish a systemic and regular process to update analyses and plans.

Performance management and rewards

(i) Ensure that each employee is working to achieve the goals set by the Department, which in turn should support the goals of Government.
(ii) Define clear performance criteria for each job function.
(iii) Apply consistent performance criteria in the feedback and promotion process.
(iv) Establish fair and equitable compensation.

Training and equal opportunities

(i) Establish a clear link between Government business strategy and development programmes.
(ii) Develop activities aimed at helping employees improve their performance and learn new skills that will prepare them for new positions in Government.
(iii) Treat all Public Officers employed in the same capacity with the same terms of employment, same working conditions, equal pay and equal training opportunities.
(iv) Promote the dignity at work of all employees and support reasonable accommodation for employees with disabilities.

Succession Planning

(i) Integrate employees into Government plans in a systemic way.
(ii) Invest systematically in building senior employees' capabilities.
(iii) Establish processes that encourage junior employees to move up.
(iv) Ensure that employees are informed about their job, conditions of employment and the standards of performance.

5 Monitoring and reporting

5.1 Specific monitoring and reporting requirements are described in the individual policy instruments associated with this Framework.

5.2 The Department of Employee & Organizational Development will use information gathered through its monitoring and assessment activities to assess and report, as

necessary, on the people management performance of Government. It will also prepare an annual report to Cabinet on the overall state of people management in the Public Service.

5.3 Individual departments will use information gathered through monitoring and assessment activities to assess and to report, as necessary, on the people management performance of their departments to the Public Service Executive.

6. Consequences

6.1 The *Framework for Management of Compliance* explains the role and application of consequences with respect to Government policies. Specific consequences for non-compliance are outlined in individual policy instruments associated with this Charter.

7. References

7.1 Related Frameworks

(i) Framework for Management of Compliance
(ii) Values and Ethics Code

7.2 Legislation, regulations and orders

(i) Bermuda Constitution Order 1968
(ii) Employment Act 2000
(iii) Good Governance Act 2011
(iv) Human Rights Act 1981
(v) Labour Relations Act 1975
(vi) Mental Health Act 1968
(vii) Occupational Safety and Health Act 1982
(viii) Public Service Commission Regulations 2001
(ix) Public Service (Delegation of Powers) Regulations 2001

8. Enquiries

Enquiries about this Charter should be directed to the responsible officers in the department who, in turn, may seek interpretations from:

The Department of Employee & Organizational Development
Ingham and Wilkinson Building
3rd Floor, 129 Front Street
Hamilton, HM 12
Bermuda
T: 441-279-2820
T: 441-295-5151

Annex III: Values and Ethics Code

2. The Role of Public Officers

2.1 Public servants have a fundamental role to play in serving Bermudians, our communities and the public interest under the direction of the elected Government of the day and in **accordance with the law.**

2.2 Public Officers are committed to the highest degrees of integrity for delivery of the best administration possible. They are committed to fair and transparent governance for delivering high-quality services and stewardship of Government funds.

2.3 Public Officers are committed to the continuous improvement of Government through personnel development, strength in policy-making, and enhanced service delivery in a professional and non-partisan public sector which is integral to our democracy.

2.4 **Public Officer**: includes any person who is employed or appointed to the public service of the Government of Bermuda as defined in the *Framework for Management of Compliance* as referred by the *Bermuda Constitution Order 1968*.

3. Objectives

3.1 This *Code* outlines the values and expected behaviours to guide Public Officers in the conduct of all activities related to their professional duties. By committing to these values and adhering to the expected behaviours, Public Officers strengthen the ethical culture of Government and contribute to public confidence in the integrity of the Public Service.

3.2 This *Code* should be read in conjunction with any Government code of conduct, the *Bermuda Constitution Order 1968*, the *Employment Act 2000*, the *Human Rights Act 1981*, the *Guidelines on Service Standards*, the *Charter on People Management Values*, and the *Policy on Dignity at Work*.

4. Statement of Values and Ethics

These values guide Public Officers in everything they do. They cannot be considered in isolation from each other. This *Code* and respective codes of conduct are therefore important sources of guidance for Public Officers. Departments are expected to take steps to integrate these values into their daily duties ─ decisions, actions, policies, processes, and systems.

Public Officers can expect to be treated in accordance with these values by their Government. A hallmark of good governance is the development and execution of shared values. The Government must ensure the integration of Public Officers in the establishment of priorities, service improvement and workplace quality.

4.1 Accountability

Public Officers are expected to take ownership of performance and conduct; they are entrusted to care for and use public resources responsibly.

4.2 Impartiality

Public Officers are expected to act solely on the merits of the case and to serve the Government of the day; they recognise that non-partisanship is essential to our democratic system.

4.3 Impeccable Service

Public Officers are expected to strive for world-class public service; they understand planning for excellence and continuous improvement in the design and delivery of public services.

4.4 Integrity

Public Officers are expected to exemplify ethical and professional standards; they uphold the highest ethical standards to treat all people with respect, dignity and fairness.

4.5 Teamwork

Public Officers are expected to utilise diverse team strengths to deliver superior public service outcomes; they promote engagement, openness and transparency.

5. Expected Behaviours

Public Officers are expected to conduct themselves in accordance with the values of the Government and to display these expected behaviours.

5.1 Accountability

Public Officers are required to take ownership of performance and conduct:

(i) Adhere to code of ethics, standards of practice, and policies/procedures that govern conduct within the Public Service
(ii) Work towards achieving ministry, department and individual goals
(iii) Carry out responsibilities and job tasks
(iv) Assume responsibility for learning and development
(v) Be flexible and adaptable to change
(vi) Own problems until solved
(vii) Hold others accountable for actions, behaviours and performance
(viii) Accept responsibility and be answerable for their actions

5.2 Impartiality

Public Officers are required to act solely according to the merits of the case and serving the Government of the day:

(i) Carry out responsibilities in a way that is fair, just and equitable
(ii) Serve the Government, whatever its political persuasion
(iii) Ensure their personal and/or political views and/or relationships do not interfere with any advice they give or with their actions
(iv) Avoid taking part in any political or public activities which would compromise, or might be seen to compromise impartial service

5.3 Impeccable Service

Public Officers are required to strive to provide world-class public service:

(i) Hold themselves to high standards of performance
(ii) Drive themselves and others to excel
(iii) Strive to exceed goals
(iv) Achieve the highest levels of individual and organisational achievement

5.4 Integrity

Public Officers are required to exemplify ethical and professional standards by:

(i) Being open, honest and fair
(ii) Discussing issues with the appropriate persons
(iii) Maintaining confidentiality
(iv) Following through on all commitments
(v) Sharing ideas and concerns
(vi) Supporting decisions once made
(vii) Putting obligations of the Public Service above personal interests

5.5 Teamwork

Public Officers are required to utilise diverse team strengths to deliver superior public service outcomes:

(i) Work as one team with shared goals
(ii) Collaborate across the organisation looking for more efficient ways to serve the public
(iii) Value ideas and contributions from everyone
(iv) Respect and value diversity within the organisation
(v) Share knowledge
(vi) Encourage open discussions
(vii) Recognise that we all have a part to play

6. Application

Public Officers

6.1 Acceptance of these values and adherence to the expected behaviours is a condition of employment for every Public Officer in the Government of Bermuda, regardless of their level or position. A breach of these values or behaviours may result in disciplinary measures being taken, up to and including termination of employment.

6.2 Public Officers who complain against their employer are protected. In accordance with the *Employment Act 2000* section 29A(1), a person makes a protected disclosure if he/she has reasonable grounds to believe that his/her employer has committed, is committing, or is about to commit, a criminal offence or breach of any statutory obligation related to the employer's business; that he himself/she herself has been directed, either by his/her employer or by one of his/her supervisors, to commit such a criminal offence or breach of statutory obligation; or that information tending to show any matter falling within the preceding has been, is being, or is likely to be, altered, erased, destroyed or concealed by any person.

6.3 The expected behaviours are not intended to respond to every possible ethical issue that might arise in the course of a Public Officer's daily work. When ethical issues arise, Public Officers are encouraged to discuss and resolve these matters with their immediate supervisor. They can also seek advice and support from other appropriate sources within their department and/or Government.

Senior Officers and Executives

6.4 Executive members of Government are responsible for establishing a code of conduct for employees and have an overall responsibility for fostering a positive culture of values and ethics in Government. They ensure that employees are aware of their obligations and that employees can obtain appropriate advice on ethical issues including possible conflicts of interest.

6.5 Executive members of Government are to ensure ministries work in the public interest. They have to bring about positive outcomes for the people who use the services and provide good value for the taxpayers who fund these services. They have to balance the public interest with their accountability to Government and with strict adherence to the regulatory environment. They have to motivate front-line staff by making sure that good executive leadership is in place.

Senior officers and executive members of Government ensure that this *Code* along with disclosure procedures are implemented effectively and are regularly monitored and evaluated. They hold accountability for service standards and for managing expectations, integrating both targets and results measures into Government systems of business planning and delivery of outcomes.

Members of the public

6.6 Members of the public who have reason to believe that a Public Officer has not acted in accordance with this *Code* can bring the matter to a point of contact that has been designated for handling such concerns.

7. Public Service Commission

7.1 The Public Service Commission is responsible for conducting staffing investigations to safeguard the integrity of the public service staffing system and administering certain provisions related to assessments and selection, appointments and promotions, probation reports, performance appraisals, discipline and termination to maintain the non-partisanship of the public service in accordance with the *Public Service Commission Regulations 2001*.

Annex IV: Guidelines on Service Standards

2. Application

2.1 These guidelines apply to all Public Service employees of the Government of Bermuda.

2.2 A Public Service employee is defined as under the *Framework for Management of Compliance*.

2.3 These guidelines are to be read in conjunction with the *Framework for Management of Compliance*, the *Charter on People Management Values*, and the *Values and Ethics Code*.

3. Context

3.1 Rationale

3.1.1 Service standards demonstrate the Government of Bermuda's commitment both to transparency and to providing service excellence. They also provide a source of relevant information to senior management on the quality of service of the department.

3.1.2 Service standards link quality management with client outcomes, staff wellbeing, organisational sustainability and practice improvement. They help clarify expectations and contribute to results-based management, providing better service experiences.

3.1.3 Service standards excellence promotes confidence in Government. Services are designed to be integrated, simple, timely and secure. Assessment of needs is informed by input from stakeholders to develop strong service management practices.

3.1.4 Service standards value interpersonal public service delivery as an integral part of our culture to aid technological advancement. The objectivity of one-stop-shop is a point of emphasis through the sharing of services and information.

3.2 Principles

3.2.1 Heads of Department are responsible for applying the following principles to achieve better and more efficient design and delivery of Government services:

3.2.2 Client-centric service: Services are designed and delivered considering client needs and the duty to engage the community in developing and effecting public sector priorities, policies and decisions.

3.2.3 Operational efficiency: Services are designed and delivered in a cost-effective manner, considering opportunities for standardisation, integration and re-engineering.

3.2.4 Culture of service management excellence: Services are designed and delivered based on strong service management practices.

3.2.5 Promoting accountability: Services are delivered exercising proper diligence, care and attention; they operate within a framework of mutual obligation and shared responsibility.

3.2.6 Greater flexibility: Services are streamlined to meet quality assurance standards and to offer restored managerial authority to ensure continuous quality improvement.

4. Policy Statement

4.1 Objective

4.1.1 The objective of these guidelines is to establish a strategic and coherent approach to the design and delivery of Government of Bermuda external and internal services that are client-centric, realise operational efficiencies, and promote a culture of service management excellence.

4.2 Expected Results

(i) Better service experiences for clients;
(ii) Greater cohesion between Government departments;
(iii) Sustained accountability at all levels;
(iv) Increased innovation;
(v) Prioritisation of Government services; and
(vi) More efficient Government services.

5. Policy Requirements

5.1 Service Standard Categories

5.1.1 To satisfy these guidelines, each department shall conduct a routine self-assessment to record evidence of current good practice and to identify areas for further improvement. This process involves collecting and assessing evidence for each Standard. Departments must provide evidence to demonstrate that they are addressing each of the following service standard categories. Each of these standards must have set criteria set against them for which evidence indicators are then developed.

(i) Public Engagement

To listen to client views about services provided. To improve public trust and participation. To be clear about Government's purpose and intended outcomes. To make sure that taxpayers receive value for money. To be professional in all phases of work. To uphold public ethics and honesty. To deliver services in a fair, equitable, and transparent manner. To treat all persons with dignity.

(ii) The Culture of Government

To foster a culture which respects the rights and obligations of all Public Officers and those who utilise Government services. To ensure the well-being and the physical and emotional health of Government employees. To offer layers of prevention and detection to safeguard all Bermudians and visitors to Bermuda. To cultivate and embed a culture of commitment and leadership throughout the organisation.

(iii) Information and Access

To provide sufficient knowledge transfer. To establish solid practice in information management. To respect privacy rights. To facilitate greater

transparency. To provide the public with valuable, accurate and comprehensive information. To open the channels and forms of information delivery. To support internal communication. To make informed decisions. To streamline access to services.

(iv) Partnership and Delivery

To ensure maximum cooperation between departments. To establish baselines and minimum requirements for performance. To enhance service delivery through the coordination and cooperation of stakeholder agencies. To increase Government efficiency. To achieve business aims according to strategic plans. To enable foresight and to effectively manage problems. To develop an appropriate risk management strategy.

(v) Stewardship and Quality of Service

To allocate resources appropriately. To act with financial stewardship. To instil continuous learning. To encourage innovation. To strengthen decision-making within departments. To establish benchmarks. To set and keep agreed timescales. To be a model of consistency. To ensure the correct skills-mix of employees. To develop capacity and capability. To ensure the best possible result for the public.

5.2 Responsibilities

Heads of Department are responsible for ensuring that:

5.2.1 A service inventory is developed and updated annually.

5.2.2. Learning opportunities regarding service-related knowledge and client-service excellence are given to Public Officers on a regular basis.

5.2.3 As part of the budget estimate process, departmental expenditure plans are prepared that consist of performance measures to assess value for money.

5.2.4 A multi-year departmental service management strategy is developed and implemented in alignment with the Government service direction, and progress is measured annually.

5.2.5 The proportion of external and internal electronic services is increased annually, according to resource allocation.

Departments are responsible for ensuring that:

5.2.6 A mechanism to provide feedback and to address client service issues in a timely manner is available to clients.

5.2.7 Related activities are identified and grouped, linking them logically to strategic outcomes supported by performance measures.

5.2.8 Priority services are reviewed regularly to identify opportunities for service redesign, improved usability, and, where appropriate, alternative service delivery mechanisms and partnership arrangements.

5.2.9 Service standards and real-time service delivery performance information are published and made publicly available.

5.2.10 Enterprise services are adopted where available.

5.3 Procedures

5.3.1 Establishing Service Standards

A service standard should be linked to an operational performance target or the frequency to which the department expects to meet the service standard. The target takes into account the risks associated with process delays and uncertainties arising from factors such as workload fluctuations, staff movements, and seasonal variations.

Service standards serve two key purposes:

(i) To provide staff with performance targets (e.g. "Phone must be answered within three rings"); and
(ii) To inform clients what to expect (e.g. "Waiting time is less than 10 minutes").

Service Standard	Operational Performance Target
The Office of the Tax Commissioner has put in place a standard to process CS2 Corporate Services Tax forms within 60 days	The target for achieving this standard is set at 90 per cent.
The Department of Immigration has established a service standard that states “Where applications to the Work Permits Sections are complete; including responses from Consultative Boards (where applicable), the maximum turnaround time will be four (4) weeks.”	The target for meeting this standard is set at 95 per cent.

Table 1. Example: Comparing Service Standards and Operational Standards

5.3.2 Incorporating Service Standards

(i) **Reflective of the entire department:** Service standards involve a review of all department services and examine how the service standards will contribute to the departments’ mandate and business activities.
(ii) **Relevant to the client:** Service standards must be consistent with client priorities observed by qualitative and quantitative study and within available resource allocations.
(iii) **Based on consultation:** Service standards must be developed in consultation with clients, managers, staff, and other partners in service delivery to ensure that they are meaningful and match the organisation's mandate.
(iv) **Measurable:** Service standards must be quantifiable by using key performance indicators and are linked to monitoring activities.
(v) **Time-specific:** Service standards must identify a specified period of completion.
(vi) **Consistent across Government:** Service standards must be consistent throughout Government Departments providing similar services.
(vii) **Endorsed by management:** Service standards must be understood and endorsed by the Permanent Secretary with the Public Service Executive serving an oversight function.
(viii) **Communicated:** Service standards must be clearly communicated to clients, employees, and other stakeholders; they must be made publicly available on the department website.

5.3.3. **Reported:** Service standards are monitored and reported to the Public Service Executive semiannually and performance results are published to ensure transparency and client trust.

5.3.4 Implementing Service Standards

With the service standard priorities already established, departments must develop an implementation plan which indicates when, where, and how service standards will be applied to departmental services. Plans must include:

(i) Set time frames associated with key deliverables and milestones for each service.
(ii) Reference to each associated partner or department in the process.
(iii) Potential risks that might affect the implementation of service standards (the plans must establish mitigation strategies).
(iv) Constraints and opportunities for efficiency linked to standard implementation.
(v) A strategy to monitor progress.
(vi) A training programme for employees to successfully meet the new service standards.

Implementing service standards may require restructuring existing processes or introducing new systems. Decisions to modify or introduce new processes or systems should be carefully thought out.

(i) Identify tools (such as a tracking database) and resources (such as who will be responsible for collecting the information).
(ii) The decision should be risk-based, taking into account implications, including financial. Consider combining with another tool or system to reduce effort and cost.
(iii) Find a balance between the drivers for change and the human and financial capacity.
(iv) Clearly communicate the expected benefits and the rationale for the change; identify any training needs.

5.3.5 Assessment of Service Standards

Performance measurement of service standards enables the analysis of trends and identification of potential areas for improvement. Departments must provide evidence to demonstrate they are addressing each of the service standard categories. A well-designed measurement process helps determine:

(i) Whether the service is consistent within and across delivery channels such as in person, telephone, mail, and using the internet;
(ii) Customer satisfaction and employee engagement levels;
(iii) How well the service is being performed compared with similar services provided by other departments (benchmarking); and
(iv) Whether the service performance level is improving over time and by how much.

Evaluating service standard performance data determines organisational strengths and weaknesses, identifies progress, and sets priorities for future action. When evaluating performance activities, departments must:

(i) Examine overall performance against each individual standard such as access, timeliness, and accuracy as appropriate.

(ii) Analyse the results of monitoring activities and identify trends, issues, and progress.
(iii) Compare standards and results with similar services both within the department and in other Government organisations.
(iv) Consider other evaluation activities, such as client satisfaction measurement, consultations, and operational reviews.

Assessing service standards should be completed by people within the department who have the skills to coordinate the process: engaging other staff in examining *the standards* and criteria, conducting interviews and deciding which policies, records or other documents might need to be examined or revised. Depending on the size of the department, this activity may require the cooperation of a number of people.

5.3.6 Types of Evidence for Service Standards

Documents: Written material that demonstrates how the department meets *the standards* while addressing relevant external requirements, e.g. legislation, regulations, and departmental and programme specific requirements:

(i) policies, procedures, protocols, work instructions describing processes and practices;
(ii) information available and/or provided to people or displayed, such as: brochures, pamphlets, newsletters, photographs, or posters; or other written material given to people who use the service or to other stakeholders; and
(iii) records and other tools used by staff or people who use the service such as: referrals, intake and assessment tools, care plans, attendance records, feedback and complaint forms, improvement forms, personnel files, meeting minutes, memorandums, emails.

Knowledge and awareness: Information about the methods the department uses to demonstrate implementation of the documented processes and systems:

(i) training plans/records,
(ii) agenda items in meetings, and
(iii) manuals/guidelines/memos.

Monitoring and evaluation: Demonstrates the department's approach to continuous quality improvement and the methods used to measure the effectiveness of processes and systems in day-to-day service delivery. Evidence should confirm implementation and identify outcomes or outputs of systems and processes:

(i) client records, complaints register, incident register;
(ii) management reports, financial reports, annual reports, audit report;
(iii) feedback mechanisms, e.g. focus groups, surveys, complaints;
(iv) benchmarking;
(v) quality plans and associated activities; and
(vi) risk management plans.

5.3.7 Independent Review of Service Standards

Independent reviews are required against *the standards*. Independent review processes help to ensure that departments have acceptable levels of management, administration and service delivery in place and that there is a culture of continual improvement.

Review bodies may include the Management Consultant Section, the Department of Internal Audit, the Human Rights Commission, the Safety and Health Officer, the Office of Project

Management and Procurement, the Accountant General's Department, the Office of the Ombudsman for Bermuda, and/or the Auditor General either as requested or as authorised by law. Subsequently, departments may also choose an independent review body from a range of publicly certified review bodies.

Independent reviews may be commissioned by departments and/or mandated by the Permanent Secretary or the Head of the Public Service. Where Government deems a performance report (self-assessment) to be inefficient (i.e. it does not demonstrate compliance with *the standards*), it may require the department to undertake an independent review or advise the department that it is in breach of its service agreement.

The review will include:

(i) policies, records or other documents,
(ii) site assessments,
(iii) file and system reviews,
(iv) client interviews/participation, and
(v) stakeholder feedback.

Where a service provider does not meet a standard, there is a requirement to:

(i) Immediately resolve any non-compliance with standards that places a client or employee at significant risk; or
(ii) Resolve any other non-compliances within six months.

Independent review bodies are required to immediately notify the department if it suspects, has evidence of, or receives a complaint or allegation about any of the following:

(i) the health, safety, abuse or risk to a person who receives services from the department;
(ii) the governance, financial accountability or criminal activity of the department or persons within the department;
(iii) the department fails or may fail to meet basic client needs or puts a client or employee at risk of significant harm;
(iv) there is a violation of employee or client rights;
(v) a service provider is experiencing significant disruption and executive mismanagement;
(vi) there are serious concerns about the ongoing financial viability of the department, and/or
(vii) the department (or persons within the department) engages in conduct which is fraudulent or potentially fraudulent or is engaged in other criminal activities.

6. Monitoring and Reporting

6.1 Within Departments

(i) Formalise processes for the collection of information.
(ii) Continuously review and update service standards.
(iii) Establish internal processes to handle comments, concerns or complaints.
(iv) Develop a tracking system that monitors client feedback and complaints.
(v) Ensure a redress mechanism is publicly available and easy to locate.
(vi) Inform clients and other stakeholders of any changes made.

6.2 By Departments

(i) Decide what performance criteria need to be in place.

(ii) Determine how information on performance will be collected.
(iii) Verify reliable and accurate data sets to assist in evaluating performance.
(iv) Measure regularly against the service standard(s) (quarterly, monthly and/or weekly).
(v) Develop an integrated performance framework (balanced scorecard) which should cover each of the service standards.
(vi) Ensure sufficient capacity to monitor and evaluate performance, and to report against the service standards.

6.3 Government-wide

(i) Hold departments accountable for the standards which are set.
(ii) Ensure uniformity across sectors for similar services.
(iii) Involve legal services from the beginning of the service standards process to eliminate potential legal liabilities.

7. Delegated Authority

Heads of Department are responsible for the following:

7.1 Assuring the application and monitoring of compliance with these guidelines within their department and taking corrective action as needed; and

7.2 Providing reports or information as requested by the Permanent Secretary or the Public Service Executive to confirm compliance with these guidelines.

The Permanent Secretary and the Public Service Executive is responsible for the following:

7.3 Oversight and monitoring of the compliance with these guidelines by Heads of Departments, including through existing reporting frameworks for confirmation that requirements are being met;

7.4 Recommending to the Head of Department that corrective action be taken when a department has not complied with the requirements of these guidelines; and

7.5 Establishing a framework for the review of these guidelines and ensuring that a review is initiated within five years of the effective date of these guidelines.

Additional mandatory requirements may be set out in directives and standards.

8. Consequences

8.1 The Head of Department is responsible for investigating and acting when issues arise regarding compliance. The Head of Department is also responsible for ensuring that appropriate remedial actions are taken to address these issues within the department.

8.2 If the Permanent Secretary or Public Service Executive determines that a department may not have complied with any of the requirements of these guidelines, the Permanent Secretary or Head of the Public Service may request that the Head of Department:

(i) Conduct a formal review or an audit to assess whether requirements of these guidelines or its supporting directives or standards have been met. The cost of such an audit or review will be paid from the department's budget; and
(ii) Take corrective actions in keeping with *the Framework for Management of Compliance* and report on the results achieved.

8.3 Consequences of non-compliance with these guidelines and supporting directives and standards, or of failure to take corrective actions requested by the Permanent Secretary or Head of the Public Service, may be that the Public Service Executive:

(i) Imposes limits on the spending authority of the department; and
(ii) Imposes any other measures determined appropriate in the circumstances.

8.4 Consequences of non-compliance with these guidelines can include any measure allowed by the *Framework for Management of Compliance.*

8.5 Consequences of non-compliance with these guidelines can include any measure allowed by the *Audit Act 1990*, the *Employment Act 2000*, the *Good Governance Act 2011*, the *Human Rights Act 1981*, the *Internal Audit Act 2010*, the *Labour Relations Act 1975*, the *Occupational Safety and Health Act 1982*, the *Occupational Safety and Health Regulations 2009*, the *Ombudsman Act 2004* and the *Public Service Commission Regulations 2001*.

9. Responsibilities of Public Agencies Consequences

This section identifies public agencies that have assessment capacity in the administration of the Guidelines on Service Standards. This section does not confer authority.

9.1 Account General's Department

The Accountant General's Department is responsible for all monies paid into or out of the Bermuda Government. The mandate to control public funds is under the *Public Treasury (Administration and Payments) Act 1969* (and Amendments). As such, it is responsible for monitoring the funds flowing throughout all Government accounts. It also manages the Government's working capital to ensure that Government remains sufficiently liquid to cover all operating expenditures whilst at the same time maximising Government's return on its cash holdings.

9.2 Auditor General

The *Bermuda Constitution Order 1968* and the *Audit Act 1990* provide the legislative mandate for the Office of the Auditor General *to promote improvement in the financial administration of all Government departments and controlled entities for which the Government is accountable to Parliament* under section 13 of the *Audit Act 1990*. *This includes* financial statement audits and management control systems audits.

The *Audit Act 1990* allows the Auditor General to report to the House of Assembly on matters that he/she believes are significant and constitute an actual or potential loss of public funds, lack of financial control, impairment of accountability, or non-compliance with legislative requirements.

9.3 Department of Internal Audit

The Department of Internal Audit is governed by the *Internal Audit Act 2010*. It provides independent and objective assurance and consultative services regarding risk management, controls and governance processes of financial, operational and information systems, and other relevant matters within the Government of Bermuda.

The Department of Internal Audit has the right to examine all ministries /departments or QUANGOs to ensure:

(i) public funds are adequately safeguarded and are used as intended;
(ii) public funds are used economically, effectively and efficiently;
(iii) risks are appropriately identified and managed;
(iv) financial, managerial and operating information is accurate, reliable and timely;
(v) the auditee's actions are in compliance with policies, standards, procedures and the law; and
(vi) plans, goals and objectives of the auditee are capable of being achieved.

9.4 Human Rights Commission

Bermuda's system of Human Rights is constituted by one authority, the Human Rights Commission. Since the enactment of the *Human Rights Act 1981*, the Commission has served to provide a code of non-discrimination between people in Bermuda and to extend the fundamental rights and freedoms which are enshrined in the Constitution.

The Act prohibits discrimination in areas such as employment and in the provision of services on the basis of certain characteristics or grounds (e.g. race, place of origin, national origins, sex, disability, etc.). The purpose of the Act is to ensure that residents are offered an equal opportunity to earn a living, find a place to live, and enjoy services customarily available to the public without discrimination. The Executive Officer and staff are responsible for receiving complaints and for investigating those where it would appear that a violation of the Act may have occurred.

9.5 Management Consulting Services Section

The Management Consulting Services Section (MCS) operates out of the Department of Employee & Organizational Development. It is the internal consultancy service for the Government of Bermuda. It contributes towards increasing the effectiveness and efficiency in Bermuda's public service by recommending solutions that support informed decision-making, and guiding Government ministries and agencies in the implementation and management of their public-focused programmes and services.

9.6 Office of the Ombudsman for Bermuda

The *Ombudsman Act 2004* provides that the Ombudsman may investigate administrative decisions, acts, recommendations; failure to do an act or make a decision or recommendation; and failure to provide reasons for a decision or action. Section 2 determines if there is evidence of "Maladministration" which includes actions which are inefficient, bad, improper, unreasonable delay, abuse of power (including discretionary), contrary to or mistake of law, mistake of facts, irrelevant grounds, unfair, oppressive, improperly discriminatory, arbitrary procedures, negligence.

Section 3 reviews administrative actions of all Government departments and boards, Public Authorities, other bodies established by Legislature or a Minister or whose revenues or fees derive from money provided or authorised by Legislature. The Ombudsman may also investigate administrative action of an authority pursuant to a specific complaint or on her own motion – notwithstanding that no complaint has been made – where there are reasonable grounds to carry out an investigation in

the public interest; and makes recommendations about the specific complaint and generally about ways of improving administrative practices and procedures.

9.7 Office of Project Management and Procurement

The Office of Project Management and Procurement (OPMP) provides oversight, guidance and support to Government departments regarding procurement processes and contracting activities. OPMP helps to ensure that processes for tendering and selecting qualified vendors are transparent and consistent with the Code of Practice for Project Management and Procurement, as well as international standards and best practices. OPMP also helps to ensure that all businesses have an equal opportunity to obtain Government contracts to provide goods and services. Additionally, OPMP is a service organisation that assists departments with capital projects by providing professional project management and support services.

9.8 Office of Safety and Health

The *Occupational Safety and Health Act 1982* and section 5.10 of the *Bermuda Occupational Safety and Health Regulations 2002* gives authority to the Safety and Health Coordinator for the Government of Bermuda to monitor the action taken by employers and employees to eliminate, reduce or control hazardous conditions. Duties also include the co-ordination of safety and health activities at the site, receiving reports from persons who have observed hazardous conditions at the site, and notifying the employer having control over a work activity whenever the work presents, or is likely to present a danger to the safety and health of any person.

9.9 Office of the Information Commissioner

The Information Commissioner provides essential oversight to guarantee and enforce the rights under the *Public Access to Information Act 2010* and *Public Access to Information Regulations 2014*. When a public authority denies access to a public record, the requester has the right to ask the Information Commissioner for an independent examination of that decision. The Information Commissioner will determine if the public authority's denial of access is justified and take steps to enforce her decision if required. Through the oversight and enforcement of the PATI Act, the Information Commissioner safeguards the right of access to public information and strengthens the accountability of Bermuda's public authorities.

9.10 Office of the Privacy Commissioner

The *Personal Information Protection Act 2016* outlines the requirements for organisations that use personal information, as well as the rights that individuals have regarding the use of their personal information by organisations. This legislation applies to all organisations that use personal information in Bermuda, including businesses and the Government. While organisations require the use of personal information to provide services, it is important that individuals have control over their information and over how it is used and shared.

The Privacy Commissioner ensures compliance with PIPA and that the Act's purposes are being achieved. The Privacy Commissioner aims to assist in providing information and education both to organisations and to members of the public.

10. References

10.1 Legislation, regulations and orders

(i) Audit Act 1990
(ii) Bermuda Constitution Order 1968
(iii) Employment Act 2000
(iv) Good Governance Act 2011
(v) Human Rights Act 1981
(vi) Internal Audit Act 2010
(vii) Mental Health Act 1968
(viii) Occupational Health and Safety (Approved Code of Practice) Notice 1997
(ix) Occupational Safety and Health Act 1982
(x) Occupational Safety and Health Regulations 2009
(xi) Occupational Safety and Health Ticketing Regulations 2012
(xii) Ombudsman Act 2004
(xiii) Personal Information Protection Act 2016
(xiv) Public Access to Information Act 2010
(xv) Public Access to Information Regulations 2014
(xvi) Public Service Commission Regulations 2001
(xvii) Public Treasury (Administration and Payments) Act 1969
(xviii) Regulatory Authority Act 2011
(xix) Trade Union and Labour Relations (Consolidation) Act 2021

10.2 Related policy instruments

(i) Code of Practice for Project Management and Procurement
(ii) Charter on People Management Values
(iii) Framework for Management of Compliance
(iv) Guidance of Service Standards
(v) Dignity at Work Policy and Complaints Procedure
(vi) Values and Ethics Code

11. Enquiries

Enquiries about this policy should be directed to the responsible officers in the department who, in turn, may seek interpretations from:

The Cabinet Office

The Cabinet Building
105 Front Street
Hamilton, HM 12
Bermuda
T. 441-292-5501
T. 441-292-5151