



## Secondment Policy

### GOVERNMENT OF THE COOK ISLANDS

Effective February 2023

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### Policy Statement

Secondments are a recruitment mechanism to assist Public Sector agencies secure human resources on a temporary (fixed-term) basis to meet functional needs of the agency. It can also be used for capability development.

The initial employment relationship continues with the Home Agency throughout the secondment period.

### Scope

Secondments can be used by Public Sector Employers and Employees:

- Where agencies require additional resourcing on a temporary fixed-term basis, e.g. COVID-19 pandemic response.
- To undertake Government functions on a periodic basis e.g. General Elections
- For employee capability development.

Secondments are available to all Public Sector Employees.

Ministerial Support Offices are excluded from this Policy.

### Principles

The Public Service Act 2009 identifies the following values for public servants to adhere to:

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<b>Honesty</b>	Acting honestly, being truthful, and abiding by the laws of the Cook Islands.
<b>Impartiality</b>	Providing impartial advice, acting without fear or favour, and making decisions on their merits.
<b>Service</b>	Serving the people well through faithful service to the Government of the Cook Islands.
<b>Respect</b>	Treating the people, the Government of the Cook Islands, and colleagues with courtesy and respect.
<b>Transparency</b>	Taking actions and making decisions in an open and transparent way.
<b>Accountability</b>	Being able to explain the reason for actions taken, and taking responsibility for those actions.
<b>Efficiency and effectiveness</b>	Achieving good results for the Cook Islands in an economical way.

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The duty to act as a good employer requires employers to develop and implement personnel policies which ensure the fair and proper treatment of employees during employment, including the impartial recruitment of employees, provide employee capability development opportunities and good and safe working conditions.

### Legislation and Regulations

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The Public Service Act 2009, Employment Relations Act 2012, and other relevant legislation apply.

## Definitions

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**Agency** means any public Sector department, instrument, or agent of the Government and includes a body corporate or organisation that is wholly owned or controlled by the Crown

**Employee** means a person engaged to work under an employment agreement. It does not include an independent contractor/consultant engaged under a contract for services

**Employer** means the Head of a Public Sector Agency or their delegated authority

**Home Agency** is the agency where the seconded employee is contractually appointed to work

**Host Agency** is the agency where the seconded employee will work on a temporary basis

**Public Sector** includes Public Service Departments, Island Governments, Agencies, Offices of Parliament, State Owned Enterprises, and Other agencies

**Public Service Commissioner** means the Public Service Commissioner appointed under Article 73 of the Constitution and Section 5 of the Public Service Act

**Seconded Employee** means an employee that has been seconded to a Host Agency on a temporary (fixed term) basis of no more than 12 months.

**Internal Secondment** means an employee seconded on a temporary (fixed term) basis to another division or section within their home agency.

**Temporary** means a term or time period no longer than 12 months that is agreed between the Head of the Home Agency and the Head of the Host Agency.

## Procedures

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Employers are responsible for administering this Policy. The employer is responsible for ensuring all policies are easily accessible to employees. However, employees are responsible for ensuring they read and understand this policy and any relevant government policies. A breach of the Policy may be considered misconduct and may be subject to disciplinary action and/or dismissal.

## Secondments

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Employees on fixed term contracts may be considered for secondment, depending on the terms of their contract and secondment duration.

A Secondment is the transfer of an employee either externally to a Host Agency, or internally to another division or section of the employees Home Agency. A Seconded Employee should return to their Home agency upon completion of the secondment, unless an extension or transfer of employment is agreed by all parties in writing, and the seconded period is no more than 12 months, including any extensions.

Host Agency can advertise secondments using the Streamlined Recruitment process provided in the Recruitment Policy.

Secondments may be arranged to provide capacity for:

- Capital projects (e.g. Te Mato Vai).
- National or regional events (e.g. Te Maeva Nui, General Election, By-Elections, National Census and Pacific Islands Ministerial meetings).
- Special projects (DRM Taskforce, Pandemic Response, National Taskforce).
- Cover off short-term staff absences or a short-term need of an agency, including to assist with meeting statutory and Business as Usual functions.
- Secondments also permit employees to be seconded for capability development purposes.

## **Benefits**

- A recruitment mechanism for employers requiring employees on a temporary basis.
- Enables the movement of human resources across the public sector to carry out statutory Government functions and/or deliver desired agency priorities.
- Provides employees an opportunity to develop their professional capabilities.
- Employees gain a broader understanding of the work of other public sector agencies.

## **Managing Secondments**

Employers, at both Home and Host Agencies are responsible for managing Seconded Employees. The initial employment agreement between the Home Agency and employee (including employee benefits), continue throughout the period of the secondment.

### **The following factors must be considered prior to a secondment being finalised:**

- Purpose, duration and costs of the secondment.
- Any Fixed Term contractual terms or obligations.
- Specified outcomes and outputs must be clearly outlined.
- Clarity on reporting lines during the period of secondment.
- Financial and people resourcing to cover the employee absence from the Home Agency.
- Impact on the capacity of the Home Agency to continue delivering services and outputs.
- Whether allowances will be payable to the Seconded Employee.
- Any professional capability or development opportunities.
- Termination of the secondment.
- The financial implications on the Home and Host Agency for any costs including salary, allowances and overtime payable to the Seconded Employee as detailed in the Remuneration Policy, and applicable Government legislation and policy.
- Whether there are any conflict of interests between any of the parties that may affect the secondment. Where it is deemed that a conflict of interest may arise, then the seconded Employee should complete a Conflict of Interest Declaration form (Annex 02).
- The Host Agency agrees, in consultation with the Home Agency, to the apportionment of costs documented in the Secondment Terms of Reference (Annex 1), including, allowances, equipment, overtime and higher duties, tax and superannuation costs.

## **Duration**

- The secondment period should be clearly defined and agreed in writing by all parties involved.
- Secondment terms should not be renewed or extend beyond 12 months in total.
- Secondments are not intended to be a long-term solution for vacancy or recruitment issues. Host Agencies should engage Seconded Employees temporarily and advertise the role if a longer term is required, using the recruitment process outlined in the CIGOV Recruitment Policy.

## **Employer Obligations**

- Home and Host Agency and the Seconded Employee must agree to the secondment terms and conditions in writing by completing the Seconded Terms of Reference Template (Annex 1).
- Host Agency must ensure there are clear outcomes and outputs included in the Secondment Terms of Reference.

The Home Agency must continue the initial employee agreement and benefits during the period of secondment and be responsible for:

- Tax and superannuation statutory requirements as should be further outlined in the Secondment Terms of Reference.

- Performance appraisals for secondments less than 6 months in duration with the Host Agency providing input and support where applicable.
- Assist the Seconded Employee with Employment Disputes that have been reported by them.

The Host Agency during the period of the secondment is responsible for:

- Performance Appraisals more than six months with relevant input from the Home Agency
- Reports employment disputes to the Home Agency and resolve with input from the Home Agency if required.

### **Employee obligations**

- Employees must obtain approval from their Home Agency before proceeding with an application for secondment.
- Employees must follow policy requirements for employment disputes with the Host Agency but in addition, must also report any employment disputes to the Home Agency during the secondment period.
- Any confidentiality obligations that the Employee falls under as a result of their initial employee agreement continues in full during the term of their Secondment.

### **Termination**

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Secondments may be terminated:

- At the end of the secondment contract period or term; or
- If both employers and the seconded employee agree to end the secondment; or
- If there is a serious breach of the secondment agreement by either party; or
- Where an emergency or exceptional circumstances provide it is necessary; or
- In accordance with the written terms and conditions of the secondment.

When a secondment ends, the employee returns to work for the Home agency.

### **Other provisions**

All records relating to the administration of this Policy must be kept for at least seven years and is only accessible by the employer and/or authorised staff. After the required seven-year period, the agency may destroy the documentation in adherence with Government official information management policies.

The Office of the Public Service Commissioner is responsible for reviewing and/or updating this policy and associated documents as the need arises.

### **Template Documents**

The templates set the minimum standards based on CIGOV Policies, ERA and PSA. They can be edited to suit individual Agency requirements as long as the minimum standards are not removed.

Secondment Terms of Reference (Annex 01)

Conflict of Interest Declaration Form (Annex 02)

### **Associated Documents**

Recruitment Policy

Employment Dispute Policy

Code of Conduct Policy

Remuneration Policy

### **Other information**

For policy queries contact the Office of the Public Service Commissioner on phone (682) 29421 or email: [pscinfo@cookislands.gov.ck](mailto:pscinfo@cookislands.gov.ck)