



Recruitment Policy

GOVERNMENT OF THE COOK ISLANDS

Effective: March 2023

Policy Statement

This Policy supports good recruitment practice and promotes fairness, transparency, and merit-based selection, to ensure the best applicants are appointed to roles across the Public Sector.

Scope

This Policy applies to the recruitment, selection, and appointment of employees to new or existing vacant positions across the Public Sector. This Policy may be read along with the Internship Policy and/or the Secondment Policy. Employers are responsible for administering this Policy and ensuring all policies are easily accessible for employees. Employees must read, understand, and adhere to this Policy. Breaches of this Policy may be considered misconduct and subject to disciplinary action and/or dismissal.

This Policy does not apply to:

- The recruitment of Heads of Public Sector Agencies.
- Constitutional posts mandated (or implied) in the Cook Islands Constitution.
- Diplomatic posts provided under the Ministry of Foreign Affairs Act 1984.
- Employee redeployment due to redundancy – refer to the Redundancy Policy.
- The engagement of independent contractors/consultants – refer to the Contracting for Services Policy.
- Ministerial Support Offices.

Principles

The Public Service Act 2009 (PSA) provides the following values Public Servants must adhere to:

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

The duty to act as a good employer (PSA 2009) 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, employee capability development opportunities and good and safe working conditions.

The Cook Islands Government Policies and ERA prohibits discrimination on the grounds of race or ethnic origin, beliefs, religion, gender or sexual preference, disability, age or health status, whether for internal or external recruitment.

Legislation and Regulations

The Public Service Act 2009, Employment Relations Act 2012 (ERA), Public Service (Identification of Departments) Order 2008 and other relevant legislation.

Definitions

Acting Post means when an employee temporarily assumes the responsibilities of a higher-level position for the purposes of covering the incumbent employee's role, preferably for no longer than six months.

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

Base Salary means the amount of salary that an employee is paid without additional benefits, allowances or market premiums.

Casual Employee means an employee who works irregular or intermittent hours, on an hourly pay rate without additional benefits.

Competencies are a combination of knowledge, skills and attributes directly related to the job.

Conflict of Interest is where an individual's perceived or real objectivity is impaired and can lead to the individual deciding in their official capacity to derive personal benefit or favour others, including family members as defined in the Conflict of Interest Declaration (Annex 05).

Cook Islander is defined as per the Cook Islands Immigration Policy which is an indigenous Cook Islander, or persons having Cook Islands status or permanent resident status.

Direct Report is any person, an employee has to report directly to, and is confirmed in the Agency's approved Organisation Structure.

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.

Employee Benefits are benefits available to employees which include, but are not limited to: leave, superannuation, motor vehicle and phone use.

Employer means the Public Service Commissioner or Heads of Public Sector Agencies, or their delegated authority.

Employment Agreement (Annex 11) means an agreement under which an employee is employed that covers all the terms and conditions to be agreed on between both parties and meets the minimum standards set out in the ERA, Part 3 Clause 24.

Expatriate Employee is an employee who is not a Cook Islander or permanent resident of the Cook Islands.

Fixed Term Employee means an employee in a role for a defined period of time, for genuine business related reasons, and can include expatriate employee appointments.

Full Time Employee means an employee who works a minimum of 35 hours per week and has regular hours of work each week and has a reasonable expectation to be employed for at least 35 hours per week.

Human Resource Practitioner is a person who works, or has worked in a Human Resource (HR) role and/or has a degree in HR or similar.

Independent Contractors/Consultants are contracted to provide services and are bound by the terms and conditions of their Contract for Services. They are not employees and do not receive employee benefits. Refer to the Contracting for Services Policy.

Job Description (JD) (Annex 02) is the document used to describe the job content, responsibilities, organisational context and specific competencies required to perform the job to expectations of the Agency.

Job Evaluation Committee (JEC) evaluates new or amended job descriptions using the Government approved Job Evaluation system to arrive at a salary job band.

Notice of Appointment, or NOA is the notice that is initiated by the employer when an employee begins working for an Agency, and validated by OPSC in the Government Human Resources Management Information System (HRMIS).

Notice of Employee Adjustment, or NEA is the notice that is initiated by the employer when confirming changes to an employee's conditions of employment, including salary or position changes and validated by OPSC in HRMIS.

Offer of Employment Letter (Annex 12) means the letter from the employer to the preferred applicant, making an offer of employment outlining the basic terms and conditions of employment. This should not be used as an alternative to the Employment Agreement.

Organisational Structure means the Agency's approved staffing structure which includes staffing numbers, positions and reporting lines used by an Agency to carry out its functions.

Minimum Working Age means the minimum working age is above 13 years. Employers must not employ students during normal school hours or for more than 10 hours per week outside normal school hours, or for work other than light work as defined in the ERA, Section 30.

Part Time Employee means an employee who works less than 35 hours per week, with regular hours of work each week and has a reasonable expectation of working these hours each week.

Permanent Employee means an employee in a role with no fixed end date.

Promotion is a move to a new position of higher rank, increased responsibilities, and remuneration, within the same Agency.

Public Service Commissioner (PSC) means the individual appointed under Article 73 of the Constitution and Section 5 of the PSA.

Public Sector includes Public Service Departments, Island Governments, Agencies, Crown/Statutory Agencies, Offices of Parliament, Ministerial Support Offices, State Owned Enterprises, as defined in the Public Service (Identification of Departments) Order 2008.

Recruitment Manager is the person who is delegated to manage the overall recruitment process.

Unsuccessful Recruitment is where no suitable applicants are appointed to the role.

Workforce Plan is a document that analyses the current workforce, determines future workforce needs, identifies the gap between the workforce available and your future needs, and implement solutions so that an Agency can achieve its mission, goals, and strategic plan.

Procedures

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.

The Cook Islands Government Policies and ERA prohibits discrimination on the grounds of race or ethnic origin, beliefs, religion, gender or sexual preference, disability, age or health status, whether for internal or external recruitment.

The Cook Islands Government is an equal opportunity employer, so everyone is equally eligible for positions within the Public Sector.

While recruitment is based on merit, if two applicants are ranked equally, then preference will be given to Cook Islanders.

Authorisation

Only the employer, or Acting Heads of Agency's with the appropriate delegation, have the authority to appoint an employee to the Public Sector.

Recruitment

Recruitment is the process of identifying and appointing the best qualified applicant for a role. A recruitment process can be initiated when a new position is created, or an existing position is vacant (currently or in the future). The process includes understanding the competencies of the role, advertising the role, screening and interviewing applicants, for appointment. The recruitment process for employees can be delegated to a Recruitment Manager.

The recruitment process should be guided by an Agency Workforce Plan and must ensure:

- The job Key Result Areas (KRA's) are outlined in a job description.
- There are transparent methods of assessing the requirements for the job.
- That persons who are capable of doing the job are appointed to the role.
- That records of the recruitment process are kept, including the criteria used to qualify or reject applicants.

All positions advertised must ensure:

- Equal opportunity is given to all interested parties.
- A transparent recruitment process is promoted.

Recruitment and Selection Process

1. Confirming the job requirements and standards in a Job Description

- Every job advertised must have a JD and be on the approved organisational structure.
- A JD must be written on the standardised CIGOV JD template (Annex 02), approved by the employer and job sized by the JEC.
- New or amended JD's must be submitted to the JEC at least 10 working days prior to advertising a role.

2. Advertising the job

All job vacancies must be advertised over a 14 day period in local print media and Government authorised social media sites and websites, including the OPSC Vacancy Portal, and international media if applicable.

Agencies are responsible for submitting a Vacancy Portal Template (Annex 3) to the HR division of OPSC.

Each advertisement must:

- Include information, or provide a link, to enable an applicant to easily access and complete an Employment Application Form (Annex 04) and any additional documents that needs to be provided (e.g. CV or Cover Letter, Qualification Certification).
- Include official Cook Islands Government email addresses, postal addresses and applicable web links for contact and application purposes.
- Provide information to interested applicants on the Agency vision, outputs and selection criteria for the role, including the recruitment process.

3. Recruitment Panel

A Recruitment Panel must be established early in the advertising process, and approved by the employer to assist with all or partial aspects of the recruitment process. The Recruitment Panel composition, where possible, must be gender balanced and include person/s who understand the Cook Islands Maori language. For senior positions and to promote transparency, at least one Recruitment Panel member should be from another Agency, when possible. Any deviations must be approved by the employer.

The Recruitment Panel must be made up of a minimum of three people:

- The Direct Report whom the position reports to, and who may also be the Recruitment Manager or a person delegated by the Direct Report.
- A HR practitioner or a Senior Manager.
- A technical representative for technical roles and/or another suitably qualified person.

Once approached to be on the Recruitment Panel, members must:

- Declare any conflict of interest by completing the Conflict of Interest Declaration form and submit to the Recruitment Manager for consideration.
- Be involved in the short-listing, interview and selection process.

4. Short-listing Applicants

A Shortlist Assessment template (Annex 06) is recommended to be used by the Recruitment Panel for all applications, along with their application documents. Applicants who meet the minimum criteria of the role based on the JD can be shortlisted for interview.

In order to be shortlisted, applicants must do all of the following:

- Submit complete applications with required documentation by the closing date. Shortlisting late applications is at the discretion of the Recruitment Panel.
- Declare any criminal convictions or pending criminal court proceedings.
- Declare any medical conditions that the employer should be made aware of and may impact the applicant's ability to carry out the role or will require adaptations made to the work area (i.e. access ramp).
- Meet essential knowledge, skills and experience requirements for the role as outlined in the Job Description.
- Meet essential personal specifications for the role.

For all applications, the Recruitment Manager must:

- Acknowledge in writing within two working days of receipt of the application.
- Contact all applicants in writing within five working days after applications close to either confirm an interview or advise of unsuccessful applications (Applicants Letter Template (Annex 07)).

Applicants must not be disqualified from the selection process on the grounds of race or ethnic origin, beliefs, religion, gender or sexual preference, disability, age or health status, whether for internal or external recruitment.

Applicants cannot be disqualified on account of a previous criminal conviction, unless there is clear evidence that the nature of the offence committed is relevant to the job applied for. The Recruitment Manager/Panel should consider:

- the nature and seriousness of the offense/crime
- the time that has passed since the criminal offense or completion of the sentence and
- the nature of the job

For further information refer to Checklist for Hiring Applicant with a Conviction (Annex 13)

5. Interviews and Other Assessments

Interview questions should be prepared by the Recruitment Manager a minimum of three working days prior to the interview date and circulated to Panel Members using the Interview Question & Scoring Template (Annex 08). For fairness and consistency, interview questions should be the same for all applicants and can be in either Cook Islands Maori or English. Candidates should be given the opportunity to respond in either Maori or English and the Recruitment Manager must ensure the Panel understands the responses.

The Recruitment Manager will provide to the Recruitment Panel the following information:

- The Job Description.
- Supporting documentation for shortlisted applicants (e.g. application form, cover letter, curriculum vitae and other relevant information requested).
- Interview questions and assignment of questions to Panel members.
- A schedule of interview appointments, including the location of interview or online meeting details.

Following each applicant's interview, the Recruitment Panel can discuss their observations and rank candidates or if preferred complete once all the interviews are completed. A preferred applicant is recommended to the employer and Direct Report using the Appointment Recommendation Form (Annex 10).

Unsuccessful interviewee's must be notified in writing within three working days after the selected candidate has accepted the role. Individual applicants may request and receive written feedback on their interview performance (Unsuccessful Applicants Letter Annex 07).

6. Reference Checks

Information provided and claims made by the preferred candidate, upon which Panel Members have relied in the short-listing, interview and selection processes, must be verified through reference checks before a preferred candidate is selected. At least three referees, two professional and one character, with one from a recent employer and/or a direct report for the applicant, must be contacted by phone, video call or email to provide feedback on an applicant's work ethics, performance, character and other relevant information needed by the Panel Members to make a decision regarding the suitability of the applicant for the role. Panel Members must use the Reference Check Form Template (Annex 09) and referee responses must be summarised by the Recruiting Manager in the Appointment Recommendation Form.

Verification of qualifications through awarding institutions may also be required, including obtaining Police and medical clearances. The decision of payment for Police and medical clearance costs is at the discretion of the Agency.

Applicants who receive unfavorable references should not be recommended to the employer. Unsuccessful applicants who request information as to why they were not selected can be provided with a summary report of their interview results. Results from other applicants cannot be provided.

7. Appointment

The final selection of a preferred candidate for recommendation to the employer must be made by the Recruitment Manager in writing using the Appointment Recommendation Form supported with rationale for the selection.

If the employer does not agree with the recommendation from the Recruitment Manager they must provide a rationale as to why they do not agree to the recommendation and the recruitment would then be deemed an Unsuccessful Recruitment.

All Public Sector employees must sign and be subject to a written Employment Agreement (Annex 11), which includes the minimum terms and conditions provided in the PSA 2009.

It is recommended that all Direct Reports to Heads of Agencies be placed on fixed term employment of no more than three years. Any extensions or rollovers must be substantiated by performance appraisal reports, including meeting KRAs and other job requirements.

Section 30, of the PSA 2009 covers the employment of expatriate employees (S30) and requires that employers consult with the PSC before any offer of appointment is made. All terms and conditions of employment must be in writing in the form of an Employment Agreement, which must meet the minimum terms provided in the PSA 2009.

Section 31 of the PSA 2009 covers the employment of employees with specialised skills or expertise and requires employers to obtain approval from the PSC to employ. All terms and conditions of employment must be in writing in the form of an Employment Agreement.

For both Section 30 and 31 refer to the CIGOV Employment & Employees Type Guide (Annex 17) or the Employment Guide for S31 Employees (Annex 20). For consultation or approval from the PSC use the Special Application for Recruitment to PSC (Annex 21).

If an applicant is a school-aged person (i.e. between the age of 13 and 16 years old) they are young workers as per section 30 of the ERA. The Agency recruiting is required to complete a young workers application process with the Ministry of Internal Affairs to get the Secretary's approval.

8. Employment Offer

If the employer is satisfied with the preferred candidate, the employer must make an employment offer in writing. The Offer of Employment Letter is used to provide the successful applicant with the basic terms and conditions of employment, including workplace location, employment type, salary and leave entitlements, while the Employment Agreement covers the full terms and conditions of employment including disputes resolution, notice period and confidentiality.

It is recommended that the Offer of Employment Letter template (Annex 11) and Employment Agreement template (Annex 12) are used because the templates include the minimum standards, as set out in the ERA and PSA.

There are different types of employment offers: permanent, fixed term, and casual, part-time, or full-time. All employment offers must be consistent with CIGOV policies covering remuneration and employee benefits.

Offers of employment can be conditional upon acceptance of the terms and conditions (salary, leave entitlements, etc.) contained in the Employment Agreement, including other specific requirements such as providing a Police Clearance or obtaining a Work Permit.

Employment Agreements must be dated and signed, and each page initialed, by both the employee and employer.

9. Notice of Appointment

Once an offer of employment is accepted by the applicant in writing, the employer must complete a Notice of Appointment (NOA) to establish the employee on the Government HRMIS.

Refer to Employment Notices Guide for further information.

If an employment offer is made to an existing Public Sector employee within the same Agency, then a Notice of Adjustment (NEA) must be completed in the same manner as a NOA to update the employee's details on HRMIS.

Probationary Period

The Probation Period is the period of time agreed to by the employee at the start of employment to assess and confirm suitability for the position. Any termination must comply with the termination clause in the Employment Agreement. This probation period does not limit the legal rights and obligations of the employer or the employee, and both parties must deal with each other in good faith.

A Probationary Period lasts for no longer than three (3) calendar months, or up to a maximum of six months, to allow for any extensions or work related requirements, and is documented in the Employment Agreement.

The Probationary Period can be applied in exceptional circumstances when an employee is moving into a new position within an Agency they are currently employed. (E.g. redeployment)

During the term of the Probationary Period, the Direct Report and employee shall participate in completing a Probation Period Management Plan. (Annex 15).

The Probationary Period shall in no way limit the Employee's rights under their employment agreement.

A Probationary Period Guide (Annex 14) is provided as a best practice guide for employers and employees during this period.

Unsuccessful Recruitment

If a suitable candidate for the position is not appointed, then the recruitment process should be deemed an unsuccessful recruitment and the following options are available to the employer:

- Re-launch a new recruitment process and change the format of the advert or advertising medium to reach a different or wider pool of potential applicants.
- Directly approach an individual who is known to meet the selection criteria. If they are interested in the position their application can be processed using the Streamlined Recruitment process as outlined below
- Continue to advertise the role using free and/or paid media platforms (e.g. OPSC Vacancy Portal, Government approved social media and websites etc.).
- The position should be re-advertised using the most appropriate method identified by the individual Agency if the unsuccessful recruitment options are not successful after three months.

Streamlined Recruitment

A streamlined recruitment process can be used to recruit to secondments, acting posts, unsuccessful recruitment vacancies, casual positions and internships.

It differs from the usual recruitment process as follows:

- The advertising period is reduced to a five working-day period and only local advertising is required.
- The minimum number of people on the Recruitment Panel is reduced to two. Depending on the nature and seniority of the role a third Panel member should be added.

All other recruitment section processes must still be followed from Section 4 through to 8.

Internal Recruitment

Internal recruitment is when an Agency has multiple suitable candidates and chooses to only advertise a job within their Agency or to employees across the Public Sector. The main advantage is that it can save time and money, but it can also serve to develop and motivate employees.

When posting a job internally, a Recruitment Panel should be established, (Section 3 of this Policy, Recruitment Panel), and they should follow the recruitment process as outlined in this Policy, except that:

- The advertising period is reduced to a five working-day period.
- The minimum number of people on the Recruitment Panel is reduced to two. Depending on the nature and seniority of the role a third Panel member should be added.

Promotions

Promotion is another form of internal recruitment and should be used when there is only one suitably qualified candidate that meets the conditions for promotion as outlined in this Policy. Promotion is a commitment to investing in employees and rewarding exceptional performance to encourage overall excellence and a chance for career advancement. Promotion is a move within the same Agency to a new or vacant position of higher rank, additional duties, or invest in professional growth.

Promotion is only applicable to employees who have completed their Probation Period and are not facing a disciplinary process or under any performance improvement plan or its equivalent process that poses uncertainty.

In principle, promotions will always depend on employee performance and workplace conduct. The specific criteria for promotion are:

- Experience and service in the Public Sector.
- Exemplary performance and workplace conduct.
- Qualified for the new role.
- Personal drive and ambition for change and a more challenging role.

Promotions will not be accepted if they are based on the following:

- A Direct Report's subjective evaluation of an employee, not supported by documentation like performance appraisals or similar reports.
- Discrimination of any nature.
- Nepotism, friendship or social alliances inside or outside of the workplace.
- Patronage or lobbying, whether directly or indirectly.
- Bribery or any form of inducement.

Promotions can take place when:

- An opportunity has been identified through a position becoming vacant and/or a new position created; or
- A vacancy arises abruptly and the Agency wishes to fill it from within; or
- An employee shows consistently good performance, and the Direct Report recommends them for a position.

Besides the above criteria, Agencies should have a comprehensive and updated Workforce Plan that gives a framework for career growth for different employees. Management should be guided by this Plan whenever considering any promotions in their Agency.

Any new positions created must follow the relevant policies and processes. Refer to the Organisation Structure and Machinery of Government Policies.

Agencies are required to keep comprehensive records to support promotions. Such records become especially important should other employees contest the promotion decisions, feel discriminated against, or even sue the Agency for unfair treatment.

Promotions Process

For promotions, the following process should have been followed:

- Met with employees bi-annually, as part of the Performance Management process, to discuss performance objectives, training and development needs and prospects for promotions.
- Identified promotion opportunities within the Agency that their employees would be eligible for.
- Sought approval from the appropriate management authority for intended promotions, including confirmation of budget availability, before making any offers or commitments to the employees.
- Once promotion opportunities are endorsed and employees are identified, a meeting should be held with the employee to discuss the promotion and gain their confirmation.

Once a promotion offer is accepted by the applicant by signing the Variation of Employment letter (Annex 16), the employer must complete a Notice of Employment Adjustment (NEA) to update the employees file on HRMIS and send to OPSC for processing.

A Notice of Employment Adjustment must:

- Be authorised by the employer.
- Confirm the effective date of the appointment.
- Specify the employee details and employment type (e.g. permanent, fixed term or casual, either full time or part time).
- Complete the Remuneration Adjustment section (if any) or
- Specify remuneration and employee benefits or any entitlements offered.
- Complete the Relocation section including Reason for Relocation (if applicable).
- Provide supporting documents that must accompany the NEA including Employment Agreement and/or Letter of Offer, Letter for Relocation (if applicable), and a form of Identification (if passport has expired).

At a minimum, an email to the Agencies employees should be sent to announce the successful recruitment of a new employee.

Other Provisions

All documentation relating to the recruitment process of successful applicants must be placed on the employee's personnel file.

All records relating to the administration of this Policy, including any handwritten notes, must be kept for at least seven years for audit purposes and are 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 or at a minimum once every three years.

Associated Documents

Agency Restructuring Policy
 Remuneration Policy
 Contracting for Services Policy
 Recruitment Process (Annex 01)
 Vacancy Portal Template (Annex 03)
 Conflict of Interest Declaration Form (Annex 05)
 Checklist for Hiring Applicant with Criminal Conviction (Annex 13)
 Probationary Period Guide (Annex 14)
 Recruitment Policy Guide (Annex 18)
 Employment & Employee Type Guide (Annex 19)
 Employment Guide for S31 Employees (Annex 20)
 Notice of Appointment Form (NOA)
 Notice of Employment Adjustment Form (NEA)

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.

Job Description Template (Annex 02)
 Employment Application Form (Annex 04)
 Shortlisting Assessment Template (Annex 06)
 Successful or Unsuccessful Applicants Letter Template (Annex 07)
 Interview Question & Scoring Template (Annex 08)
 Reference Check Form Template (Annex 09)
 Appointment Recommendation Form Template (Annex 10)
 Employment Agreement Template (Annex 11)
 Offer of Employment Letter Template (Annex 12)
 Probation Period Management Plan Template (Annex 15)
 Probation Period Confirmation/Termination Letter Template (Annex 16)
 Variation of Employment Letter Template (Annex 17)
 Special Application for Recruitment to PSC (S30 & S31, Waivers & Market Premium (Annex 21)

Other Information

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