

**SAINT CHRISTOPHER AND NEVIS**

**STATUTORY RULES AND ORDERS**

2014 No. **9**.....

**PUBLIC SERVICE (CONDUCT AND ETHICS OF OFFICERS) CODE**

**ARRANGEMENT OF SECTIONS**

1. Citation.
2. Interpretation.
3. Purpose of the Code.
4. Application of Code.
5. Role of the Public Service.
6. Principles of accountability, legality and the upholding of ethical standards.
7. Integrity, impartiality, honesty.
8. Mode of dealing with the public and staff.
9. Use of public funds.
10. Conflict of interest.
11. Actions to instil confidence.
12. Declining to act on decisions.
13. Records and non-disclosure of information.
14. Confidential and secret correspondence.
15. Responsibility of Permanent Secretaries and Heads of Departments for the security of classified documents.
16. Handling of classified correspondences.
17. Decisions affecting a public officer.
18. Official correspondence.
19. Communications to be answered without delay.
20. Opinion by law officers.
21. Hours of work.
22. Overtime.
23. Absence without permission.
24. Absence from Saint Christopher and Nevis.
25. Attendance Register.

26. Dress.
27. Loss or damage to property.
28. Officer not to engage in private activity or investment.
29. Officer not to undertake private agency.
30. Work for public boards or committees.
31. Private employment while on leave.
32. Officers not to sign public petitions.
33. Officers and the press.
34. Publication of official documents.
35. Publication of books or articles.
36. Public meetings.
37. Representation by officers.
38. Engaging in political activities.
39. Engaging in Trade Union activities.
40. Acceptance of gifts.
41. Legal proceedings by officers.
42. Legal proceedings against officers.
43. Pecuniary embarrassment.
44. Bankruptcy.
45. Bankruptcy proceedings to be reported.
46. Judgment summons.
47. Chief Personnel Officer, Human Resources to obtain copy of judgment.
48. Prohibited activities.
49. Misconduct.
50. Strikes by officers.
51. Criminal conviction.
52. Sexual harassment.
53. Use of information technology and the internet.
54. Use of official stationery.
55. Improper behaviour to be reported.
56. Reports to be made to the Commission.
57. Other misconduct not specially provided for.
58. Grievance handling.
59. Grievance handling procedure.

60. Penalties.

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2014 No. **9**.

**PUBLIC SERVICE (CONDUCT AND ETHICS OF OFFICERS) CODE**

**IN EXERCISE** of the powers conferred upon the Minister by section 53 of the Public Service Act, this Code is hereby made.

**1. Citation.**

This Code may be cited as the Public Service (Conduct and Ethics of Officers), 2014.

**2. Interpretation.**

In this Code, unless the context otherwise requires,

“Act” means the Public Service Act, No. 19 of 2011;

“Chief Personnel Officer” means the Permanent Secretary, Human Resources Department;

“Code” means the Public Service (Conduct and Ethics of Officers) Code.

**3. Purpose of the Code.**

This Code specifies the values that public officers are expected to uphold in the Public Service.

**4. Application of Code.**

This Code shall apply to all public officers except in cases where, by virtue of the Constitution or any other law in force in Saint Christopher and Nevis, specific provision is made with respect to a particular public office or category of public offices.

**5. Role of the Public Service.**

(1) The role of the Public Service shall be to

(a) provide and administer the public services for which the Government is responsible with integrity, honesty, and impartiality;

(b) assist with the formulation of the policies of the Government by providing objective, honest, comprehensive, accurate and timely advice;

- (c) implement policy, programmes and decisions of the Government.

(2) All officers in the Public Service, while carrying out the role referred to in subsection (1), shall uphold those values that reflect a Service that

- (a) is apolitical, impartial and professional;
- (b) maintains the highest ethical standards;
- (c) recruits and promotes persons based on merit;
- (d) is responsive to the Government in implementing the policies and programmes of the Government;
- (e) provides a workplace that is free from discrimination and promotes the fair treatment of officers;
- (f) delivers services fairly, effectively, impartially and courteously to the public;
- (g) has the leadership of the highest quality;
- (h) establishes relations in the workplace that value communication, consultation, co-operation and input from employees on matters that affect their workplace;
- (i) provides conditions which are conducive to the good health, welfare and safety in the workplace;
- (j) focuses on achieving results and managing performance;
- (k) provides a reasonable opportunity to all eligible members of the community to apply for employment in the Public Service;
- (l) is a career-based service to enhance the effectiveness and cohesion of Saint Christopher and Nevis's democratic system of Government;
- (m) provides a fair system of review of decisions taken in respect of persons in the Public Service;
- (n) provides a system of preserving employee privacy.

(3) For the purposes of subsection (2)(c), a decision relating to the engagement or promotion of a person is based on merit where an assessment for that purpose

- (a) is made of the relative suitability of the candidates for the duties, using a competitive process;
- (b) is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties;
- (c) focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and

(d) is the primary consideration in making the decision.

(4) The Head of the Public Service may, from time to time, issue directions, in writing, on any of the values set out in subsection (1) for the purpose of

- (a) ensuring that the Public Service incorporates and upholds those values; and
- (b) determining, where necessary, the scope or application of those values.

6. **Principles of accountability, legality and the upholding of ethical standards.**

Officers shall serve the Government in accordance with the principles set out in this Code recognising the following:

- (a) the accountability of officers to the officer in charge of their department;
- (b) the duty of all officers to discharge their functions reasonably and in accordance with the law;
- (c) the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice; and the ethical standards governing particular professions.

7. **Integrity, impartiality, honesty.**

Public officers shall

- (a) conduct themselves with integrity, impartiality and honesty;
- (b) give honest and impartial advice to the Minister, Permanent secretaries, or Heads of Departments or to the office holder in charge of their department, as the case may be, and make all information that is relevant to a decision available to them; and
- (c) not deceive or knowingly mislead Ministers, Permanent Secretaries, Heads of departments or the public.

8. **Mode of dealing with the public and staff.**

Officers shall endeavour to deal with the affairs of the public emphatically, efficiently, promptly and without bias or maladministration, being courteous and respectful in words and demeanour to the public and to members of staff.

9. **Use of public funds.**

Officers shall endeavour to ensure the proper, effective and efficient use of public funds, and the officers shall be strictly accountable in respect of those funds in accordance with the provisions of the Finance Administration Act, Cap. 20.13 and any regulations made under that Act.

10. **Conflict of interest.**

Public officers shall not

- (a) misuse their official position or information acquired in the course of their official duties to further their private interests or those of others; or
- (b) receive benefits of any kind from a third party that might reasonably be seen to compromise their personal judgment or integrity.

11. **Actions to instil confidence.**

(1) Officers shall conduct themselves in a manner that will ensure the efficient and effective discharge of their duties.

(2) Officers shall comply with the restrictions put on their political activities in accordance with the provisions of this Code.

(3) Officers shall conscientiously perform their duties and obligations and impartially assist, advise and carry out the lawful policies of the Government.

12. **Declining to act on decisions.**

(1) Subject to this Code, officers shall not frustrate the policies, decisions or actions of the Government by declining to act on decisions by Ministers or the Cabinet, and where an officer disagrees with a Minister on a matter involving a decision by the Minister or Cabinet, the officer shall place on record his or her disagreement with the decision which the officer finds difficult to defend or which the officer regards as being inconsistent with his or her obligation in the normal discharge of his or her duties.

(2) Where a Permanent Secretary disagrees with a Minister on a matter involving a decision by a Minister or by the Cabinet, the Permanent Secretary shall place on record his or her disagreement with any decision or proposed course of action which the Permanent Secretary finds difficult to defend or which he or she regards as inconsistent with his or her obligation to see that the administration of his or her department is carried out with due regard to the propriety of the proposed course of action, and he or she shall set out the reasons for his or her disagreement.

(3) Where the Minister adheres to his or her decision, the Minister shall communicate that decision in writing to the Permanent Secretary or the officer, who shall carry the decision into effect.

13. **Records and non-disclosure of information.**

(1) Officers shall not, without authority, disclose official information which is communicated in confidence within the Ministry or department, or received in confidence from others.

(2) Officers shall maintain records

- (a) where a failure to do so would amount to grave injustice; or
- (b) as required by the Act, this Code or any other law.

(3) Nothing in this Code shall be taken as overriding existing statutory or common law obligations to keep confidential, or not to disclose, certain information.

(4) Officers shall not seek to frustrate or influence the policies, decisions or actions of Ministers, or of the Government by the unauthorised, improper or premature disclosure outside the Service of any information to which they have had as officers.

(5) Persons who were employed as public officers shall continue to observe their duties of confidentiality after they have left the Public Services.

(6) The publication of official documents or information is governed by the provisions of sections 34 and 35 of this Code.

**14. Confidential and secret correspondence.**

A public officer shall keep confidential and secret correspondence and documents under lock and key, and separate from open correspondence and material.

**15. Responsibility of Permanent Secretaries and Heads of Departments for the security of classified documents.**

(1) A Permanent Secretary or Head of Department shall ensure that no member of his or her staff, other than a public officer authorised to do so, is in a position to handle or read confidential or secret documents.

(2) All correspondence marked "Secret", "Personal", "Confidential" or "In Confidence" shall be opened by the addressee personally.

(3) A Permanent Secretary or Head of Department shall be responsible for the security of secret and confidential material that comes into his or her hands.

(4) A Permanent Secretary may arrange for one clerk to be appointed in the Department to whom all secret and confidential correspondence will be entrusted.

**16. Handling of classified correspondences.**

(1) All official correspondence addressed "Secret", envelopes, one inside the other and the inner envelope must be marked "Secret", "Confidential" or "In Confidence" as the case may be, but the outer one should be folded in such a way that both will not be opened at the same time.

(2) Care must be exercised that secret and confidential papers are not passed about the office and another, except in sealed covers marked "Secret" "Confidential" or "In Confidence".

**17. Decisions affecting a public officer personally.**

(1) A decision affecting a public officer personally shall be conveyed to him or her in writing.

(2) A public officer through whose hands correspondence relating to another public officer passes shall not communicate any of the contents to any other person, without written instructions from the Permanent Secretary,

Head of Department, the Permanent Secretary, Human Resources or the Head of the Public Service.

**18. Official correspondence.**

(1) Copies of written communications to or from the Government shall not be conveyed to any person without the authority of a Permanent Secretary or Head of Department and if the orders therein contained are intended to be communicated, they will be embodied in letter addressed to the person concerned.

(2) A public officer shall not take copies of communications or reports referring to himself or herself or any other public officer, and a public officer found in unauthorised possession of communication or reports shall be liable to disciplinary action.

(3) Permanent Secretaries shall correspond directly with each other and with the public.

(4) Important questions of principle or of policy may be referred to the Minister concerned, and proposals which involve reference to other Ministries should be fully discussed between the Permanent Secretary and Head of Department concerned before they are referred to the Minister and the fact that this has been done should be stated in the submission.

(5) Personnel questions, (other than those which are for determination by the Service Commission) and establishment matters that may be resolved within the terms of this Code, as amended from time to time, may be dealt with by Permanent Secretaries and Heads of Departments.

(6) Where there is any doubt about the interpretation of Personnel Matters it shall be referred to the Chief Personnel Officer for advice.

**19. Communications to be answered without delay.**

(1) All communications, whether from the public or from a Department or between Departments shall be answered within a period of seven days.

(2) Where it is not possible reply to within the period stipulated in subsection (1) of this section, then an interim acknowledgment shall be made, and a reply sent as soon as possible, and in any case, not later than fourteen days from the date of receipt of the communication.

(3) Communications may, as far as possible, be confined to a single subject.

(4) Where it is found to be essential that more than one subject is dealt with in one communication, additional copies, according to the number of subjects, shall be furnished.

(5) The Head of the Public Service may set further standards relating to the way communications may be answered without delay.

**20. Opinion by public officers.**

An opinion of the Government Law Officer shall not be quoted directly to a private person, and if it is necessary to refer to a legal opinion this should be preceded by the words "The Government is advised that".



**21. Hours of work.**

(1) Subject to subsections (2), (3) and (4), the normal hours of work of public officers shall be 40 hours a week from Monday to Friday, except on public or bank holidays, between 8.00 a.m. and 4.00 p.m. excluding the lunch hour.

(2) A Permanent Secretary or Head of Department may require any or all of the staff to work temporarily for longer hours than those prescribed whenever the public interest warrants it.

(3) A public officer may be required by his or her Permanent Secretary or Head of Department to work on any Public Holiday, except that in such cases the public officer shall be compensated by being given time off in lieu, unless he or she receives overtime paid for the duty.

(4) Subject to the provisions of subsection (5), the normal hours of work of Government auxiliary workers and their supervisors are forty hours a week on Mondays to Fridays, except on public or bank holidays, between 7.00 a.m. and 4.00 p.m. excluding the lunch hour.

(5) The times of work of the Hospital, Customs, Harbour, Prisons, Teachers and Staff will be as set out by the Permanent Secretary or Head of Department responsible for the supervision of the Department.

**22. Overtime.**

A public officer who is regularly required by circumstances beyond his or her own control to work outside normal working hours shall be paid overtime at the prescribed rates.

**23. Absence without permission.**

(1) A public officer shall not absent himself or herself from duty during working hours without the permission of the Permanent Secretary or Head of Department in which he or she works or such other officer as may be authorised to give such permission.

(2) A public officer who absents himself or herself from duty without permission contrary to subsection (1), except in case of illness or other unavoidable circumstances, shall render himself or herself liable to disciplinary action.

(3) Absence as a result of illness or unavoidable circumstances referred to in subsection (1) shall be communicated to the Permanent Secretary or Head of Department as soon as possible on the day on which the officer is absent or expected to be absent.

**24. Absence from Saint Christopher and Nevis.**

(1) A public officer who is below the level of Head of Department shall not leave Saint Christopher and Nevis, on duty or otherwise, without permission in writing from the Permanent Secretary or Head of Department provided that such permission shall only be withheld in the public interest.

(2) A public officer who is at or above the level of Head of Department shall notify the Minister in charge of his or her department of any

intended absence from Saint Christopher and Nevis whether on duty or otherwise at least twenty four hour before leaving.

(3) A public officer who leaves Saint Christopher and Nevis contrary to subsection (1), except in case of illness or other unavoidable circumstances, shall render himself or herself liable to disciplinary action.

**25. Attendance Register.**

(1) A public officer shall be regular and punctual in his or her attendance at office.

(2) In each office of a Department an Attendance Register shall be kept in which each public officer shall record daily the hour of his or her arrival at and departure from the office and sign the entry.

(2) The Attendance Register shall be examined at least once a month by a senior officer designated by the Permanent Secretary or Head of Department, and a public officer shall be warned in writing of cases of lateness or irregular attendance.

(3) The working of less hours than the minimum laid down or irregular attendance by a public officer may form the basis of disciplinary action.

(4) A Permanent secretary or Head of Department may exempt certain officers from the provisions of this section.

**26. Dress.**

(1) Officers shall, while on duty, be required to dress soberly, neatly, and tidily and in accordance with the requirements of the job, having regard to the desirability of maintaining standards of attire consistent with the dignity of the Public Service.

(2) The suitability of any particular form of dress to the requirements of the office should be determined by the Head of Department in consultation with the Permanent Secretary, Human Resources, but shall not be contrary to the provisions of subsection (1).

**27. Loss of, or damage to, property.**

(1) Officers shall be accountable for any equipment, tool or other property of the government which is entrusted to them or which may come under their control in the course of duty, and shall report immediately to their Supervisor, or in the absence of the Supervisor, to another senior officer, any malfunction, damage or loss of any equipment so entrusted.

(2) Officers may be liable for any loss or damage of any equipment, tool or other property.

**28. Engaging in private activity or investment.**

(1) A public officer shall not, at any time, engage in any private activity or investment which may

(a) bring the public officer or the Government into disrepute;

(b) conflict with his or her official duties or responsibilities;

- (c) place him or her or give the appearance of placing him or her in a position to use his or her official position for his or her private benefit;
- (d) make him or her unavailable for official duties or official commitments.

(2) A public officer, who is of the opinion that any private activity or investment upon which he or she is engaged or in which he or she has a private pecuniary interest might offend against the provisions of this section, must declare it fully to the Governor - General through the Chief Personnel Officer and must comply with such conditions or restrictions as the Governor- General, acting in accordance with the recommendation of the Commission after due inquiry, may consider necessary.

**29. Officer not to undertake private agency.**

A public officer shall not undertake any private agency in any matter connected with the exercise of his or her duties as a public officer.

**30. Work for private boards or committees.**

A public officer shall not undertake paid work for private boards or committees without previously obtaining the approval of the Governor-General acting in accordance with the recommendation of the Commission.

**31. Private employment while on leave.**

Without prior approval of the Governor – General, acting on the recommendation of the Commission, a public officer shall not, while on leave, engage in trade, accept any paid employment, which will not normally be withheld when a public officer is on leave prior to retirement or resignation.

**32. Officers not to sign public petitions.**

A public officer shall not sign or procure signatures to any public petition against the declared policies of the Government.

**33. Officers and the press.**

(1) Subject to subsection (2), a public officer, whether that officer is on duty or leave of absence, shall not

- (a) act as an editor of any newspaper, magazine or periodical or take part directly or indirectly in the management thereof;
- (b) contribute to, whether anonymous or otherwise, or publish in newspaper, magazine or periodical or otherwise cause to be published in any manner, in Saint Christopher and Nevis or elsewhere, anything which may be reasonably be regarded as of political or administrative nature ;
- (c) allow himself or herself to be interviewed on questions of public policy, or any matter of a political or administrative nature or on matters affecting the administration, defence, military resources or the

security of any CARICOM Member State or other State; or

(d) speak in public or broadcast in any way on matters which may reasonably be regarded as of political or administrative nature.

(2) Subsection (1), shall not apply

(a) to a public officer acting pursuant to his or her official duties and with the prior permission of the Minister; or

(b) where a statement for publication of factual and technical information is made by a Permanent Secretary, Head of Department or other senior officer, if authorised by the Minister.

**34. Publication of official documents.**

(1) Unless authorised by the Minister, in writing, a public officer shall not make public or communicate to the Press or to unauthorised individuals, any documents, papers or information which may come into his or her possession in his or her official capacity or make private copies of any such document or paper.

(2) A public officer shall exercise due care and diligence to prevent unauthorised access to or disclosures of such documents and information.

**35. Publication of books or articles.**

Nothing in the preceding two sections shall be deemed to prevent a public officer from publishing in his or her own name, by writing, speech or broadcast, matters other than that which may reasonably be regarded as of a political or administrative nature, provided that if the publication is a book, article or other work, the subject of which is connected with the public officer's official duties or those of other public officers, the prior consent of the Head of the Public Service is obtained.

**36. Public meetings.**

(1) A public officer shall not call a public meeting to consider any action of the Government or speak or otherwise actively take part in such meeting.

(2) Subsection (1) applies to a public officer appearing on the platform at a public meeting which is convened with the object of considering or discussing a matter which involves the Government or the actions of the Government.

(3) Subsection (1) shall not apply to public meetings of a religious nature.

**37. Representation by officers.**

(1) A public officer shall not seek to influence or directly or indirectly approach any member of the National Assembly as a means of bringing his or her services to official notice especially in connection with appointments, leave, postings, transfers, discipline, promotions or any

condition of service, or as a means of furthering his or her interest in the Public Service in any way.

(2) The adoption of any method referred to in subsection (1), shall render a public officer liable to disciplinary proceedings.

(3) A public officer who wishes to make representations regarding promotion, transfer or increase in emoluments shall do so through the Head of Department or Permanent Secretary.

**38. Engaging in political activities.**

A public officer shall not engage in party political activity at any time, including,

- (a) holding office or taking active part in any political organization;
- (b) engaging in political controversy or publicly criticizing the policy of the Government or departments of Government;
- (c) writing letters to the press, publishing books or articles, circulating leaflets or pamphlets or participating in radio or television broadcast on political matters;
- (d) canvassing in support of political parties or in any way publicly supporting or indicating support for any political party or candidate.

**39. Engaging in trade union activities.**

(1) Subject to subsection (2), a public officer may be a member of a trade union and shall be entitled to attend private meetings of his or her trade union, and to speak and vote at such meetings.

(2) A holder of an office mentioned under section 79. (1) of the Constitution shall not hold a leadership position in a general trade union or an association functioning as a general trade union.

**40. Acceptance of gifts.**

A public officer shall not solicit or accept gifts for services rendered in his or her official capacity.

**41. Legal proceedings by officers.**

A public officer shall not institute civil proceedings in any Court in connection with matters arising out of the discharge of his or her public duties, or against a Minister, Permanent Secretary, Head of Department or other public officer, for anything done in the performance of his or her duty, without the approval of the Governor-General, acting on the recommendation of the Commission, except that the Commission shall not make the recommendation without having consulted the Attorney-General.

**42. Legal proceedings against officers.**

(1) Subject to subsection (2), the Government shall, unless advised otherwise by the Attorney-General in any particular case, accept responsibility for the defence of a public officer against whom legal proceedings are

threatened or instituted with respect to acts done or liabilities incurred in the execution of his or her duty.

(2) Subject to subsection (3), where legal proceedings referred to under subsection (1) are threatened or instituted, the fact thereof shall be reported forthwith to the Attorney - General, and no legal or other expenses shall be incurred by the public officer against whom the proceedings have been threatened or instituted, or other steps taken in connection with any such proceedings until the directions of the Attorney- General have been received by the public officer.

(3) Where it is not practicable to obtain the direction of the Attorney - General, interim measures incidental to the proceeding may be taken by the public officer or a Government Law Officer in order to avoid unnecessary expense or judgment by default.

**43. Pecuniary embarrassment.**

A public officer shall be liable to disciplinary action if the public officer continually subjects himself or herself to serious pecuniary embarrassment resulting from imprudent conduct of private financial affairs.

**44. Bankruptcy.**

In the event of a public officer filing a petition in bankruptcy, and bankruptcy proceedings are taken against him or her or if the public officer enters into a composition with his or her creditors under the Bankruptcy Act or if the public officer's action results in serious financial embarrassment on his or her part, the public officer shall immediately notify,

- (a) in the case of a public officer below the level of Head of Department, the Permanent Secretary in his or her Department, thereof who will report the fact to the Chief Personnel Officer;
- (b) in the case of a public officer at or above the Head of Department, the Head of the Public Service.

**45. Bankruptcy proceedings to be reported.**

(1) In every instance of bankruptcy proceedings against a public officer, the public officer shall forthwith report the matter to,

- (a) in the case of a public officer below the level of Head of Department, the Chief Personnel Officer;
- (b) in the case of a public officer at or above the Head of Department, the Head of the Public Service;

giving particulars of the public officer's indebtedness.

(2) On the conclusion of the bankruptcy proceedings referred to in subsection (1),

- (a) in the case of a public officer below the level of Head of Department, the Chief Personnel Officer
- (b) in the case of a public officer at or above the Head of Department, the Head of the Public Service;

may take appropriate action relating to the matter.

**46. Judgment summons.**

A public officer who is sued for debt and against whom after an order of payment has been made, a judgment summons is issued will be regarded, in the absence of a reasonable explanation and his or her failure to pay the debt, as having brought himself or herself within the terms of section 77.

**47. Chief Personnel Officer to obtain copy of judgment.**

The Chief Personnel Officer, in the case of a public officer below the level of Head of Department or the Head of the Public Service, in the case of a public officer at or above the level of Head of Department, shall obtain a copy of a judgement issued against the public officer from the clerk of court.

**48. Prohibited activities.**

(1) Officers shall not, while on duty, indulge in activities that would bring themselves or the office which they hold into disrepute.

(2) Activities such as betting, gambling, the possession or use of illegal drugs and the use of profane language shall be considered to be activities referred to in subsection (1).

**49. Misconduct.**

A public officer shall be liable to disciplinary action for any misconduct including general misconduct to the prejudice of the proper administration of Government business or contravention of specific rules and regulations.

**50. Strikes by officers.**

(1) A public officer who goes on strike or engages in any other industrial action, except on the direction of a recognised trade union, violates the terms of his or her office and renders himself or herself liable to disciplinary proceedings.

(2) All officers who are on leave at the commencement of a strike must be informed by the Permanent Secretary or Head or Head of Department of the existence of a strike and of the fact that they must report for duty immediately unless that leave is

(a) leave for the purpose of study or training; and

(b) leave of absence outside Saint Christopher and Nevis.

(3) Officers shall not be paid for any day or portion of a day during which they are on strike.

(4) Officers who are not on strike and who report for duty as usual but are unable to work because of the prevailing circumstances shall be paid.

(5) When the Permanent Secretary or Head of Department is satisfied that an officer who is on leave during a strike and who was given notice by the Permanent Secretary or Head of Department of that strike pursuant to subsection (2) fails to report for duty as provided in that subsection, the Permanent Secretary may recommend the withholding of

payment of the salary or wages for that officer in respect of the period of the strike during which he or she failed to report.

(6) Notwithstanding subsection (3), salaries and wages may be paid to persons who are absent on the grounds of illness or maternity leave where the entire period of absence is supported by a satisfactory medical certificate.

**51. Criminal conviction.**

(1) An officer who is convicted of a criminal offence or who is guilty of misconduct of a serious nature while holding public office is liable to be dismissed.

(2) Officers who fail to disclose to the recruiting authority when required to do so any criminal conviction that they incurred prior to employment in the Public Service may be liable to be dismissed.

**52. Sexual harassment.**

(1) Engaging in any activity that amounts to sexual harassment is a breach of this Code which renders an officer liable to dismissal.

(2) For the purpose of subsection (1), "sexual harassment" includes un welcomed or unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature in circumstances where

- (a) submitting to or rejecting such conduct is an explicit or implicit term or condition of employment;
- (b) submitting to or rejecting the conduct is a basis for employment decisions affecting the individual; or
- (c) the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

**53. Use of information technology and the internet.**

Officers are required to use information technology, including the intranet, the internet and other network lawfully and responsibly and in accordance with policies and guidelines of the Public Service stipulated in writing.

**54. Use of official stationery.**

(1) Official stationery shall not be used for private correspondence or for any purpose not directly connected with the work of a Department.

(2) A Permanent Secretary or Head of Department shall ensure that the strictest economy in the use of stationery is exercised in their offices.

(3) An order for stationery should be scrutinised, before the stationery is issued, by a responsible officer deputed by the Permanent Secretary or the Head of Department for this purpose.



**55. Improper behaviour to be reported.**

(1) Where an officer believes that he or she is being required to act in a way that

- (a) is illegal, improper, or unethical;
- (b) is in breach of an accepted convention or a professional code;
- (c) may involve possible maladministration; or
- (d) is otherwise inconsistent with this Code;

that officer shall report the matter in accordance with procedures laid down in the appropriate guidelines or rules of conduct for that officer's Ministry or Department or in accordance with the provisions of the relevant law.

(2) An officer shall report to his or her Head of Department or where the matter involves the Head of Department, the Head of the Public Service

- (a) evidence of any criminal or unlawful activity by others, in accordance with the relevant procedures; or
- (b) instances of breaches of this Code of which he or she becomes aware.

**56. Reports to be made to the Commission.**

Where an officer reports a matter referred to in section 55 in accordance with the relevant procedures and believes that the response does not represent a reasonable response to the grounds of his or her concern, the officer may report the matter in writing to the Commission.

**57. Other misconduct not specifically mentioned.**

Any case of misconduct for which no provision is otherwise made by this Code shall be reported to the Chief Personnel Officer, who shall deal with the misconduct in a manner approved by the Commission.

**58. Grievance handling.**

- (1) Where a public officer is aggrieved by any action or decision of
- (a) person appointed by the Commission who has or had supervisory powers of the public officer;
  - (b) a person, other than a person referred to in paragraph (a), who has supervisory in relation to the employment of the public officer;
  - (c) a fellow public officer;

the public officer may invoke the procedure with respect to grievance handling that is set out in section 59 of this Code.

(2) A public officer may, instead of the procedure referred to in subsection (1), opt for the process of alternate dispute resolution.

- (3) In this section,  
“grievance” includes a complaint regarding the alleged violation of
- (a) the provisions of any agreement between a trade union or any other body authorised to represent a public officer in respect of employment matters;
  - (b) the rules or regulations or any conventions applicable to the category of public officers to which the public officer belongs;
  - (c) the principles of natural justice; or
  - (d) the dignity of the human person; and
- “alternate dispute resolution” includes conciliation, mediation or any other method of dispute resolution.

**59. Grievance handling procedure.**

(1) The procedure for handling grievance shall be as provided in subsections (2), (3), (4), and (5).

(2) The aggrieved public officer, the shop steward of the union which represents the public officer, and the supervisory officer of the public officer may seek to resolve the grievance within a period of three working days after the grievance has been reported.

(3) Where there is failure to have the matter resolved in accordance with the provisions of subsection (2), then the aggrieved public officer may appeal to the Permanent Secretary, who shall determine the matter within a period of seven working days, and such appeal shall be brought within a period of three working days.

(4) Where the union representing the public officer is dissatisfied with the decision of the Permanent Secretary made pursuant to the provisions of subsection (3), the aggrieved public officer refer the matter to the Chief Personnel Officer, in writing, and the Chief Personnel Officer shall determine the matter within a period of ten working days.

(5) Where the aggrieved party is dissatisfied with the decision made pursuant to subsection (4), he or she may, within ten working days of that decision, appeal to the Head of the Public Service.

(6) Where the decision made by the Head of Public Service is not accepted, the union may declare that a dispute exists.

(7) For the purposes of this section, “Union” means the trade union or other body authorised to represent an officer or employee in respect of employment matters.

**60. Penalties.**

(1) A person who fails to comply with, or engages in behaviour which is prohibited by, the provisions of section 25.(3) of this Code commits misconduct which is regarded as misconduct of a minor nature within the

meaning of section 2 of the Public Service Code of Discipline, and shall be liable to the penalty for the misconduct as is specified in the Public Service Code of Discipline.

(2) A person who fails to comply with, or engages in behaviour which is prohibited by, the provisions of sections 7(c), 9.(2), 10, 13, 23, 24, 26, 27, 33, 52, 53, 48, 51, 55.(2) of this Code commits misconduct which is regarded as a “misconduct of a serious nature” within the meaning of section 2 of the Public Service Code of Discipline, and shall be liable to the penalty for the misconduct as is specified in the Public Service Code of Discipline.

Dated this <sup>9<sup>th</sup></sup> day of <sup>May</sup>~~April~~, 2014.



**DENZIL L DOUGLAS**  
*Minister responsible for the  
Public Service*

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**SAINT CHRISTOPHER AND NEVIS**

**STATUTORY RULES AND ORDERS**

2014 No. *10*

**THE PUBLIC SERVICE CODE OF DISCIPLINE**

**ARRANGEMENT OF SECTIONS**

1. Citation.
2. Interpretation.
3. Purpose of the Code.
4. Criminal investigation.
5. Adjudication of minor offences.
6. Adjudication of misconduct of a serious nature.
7. Penalties.

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

2014 No. 10

PUBLIC SERVICE CODE OF DISCIPLINE

IN EXERCISE of the powers conferred upon the Minister by section 53 of the Public Service Act, this Code of Discipline is hereby made.

1. **Citation.**

This Code may be cited as the Public Service Code of Discipline, 2014.

2. **Interpretation.**

In this Code, unless the context otherwise requires,

“Act” means the Public Service Act, No. 19, 2011;

“Chief Personnel Officer” means the Permanent Secretary, Human Resources department;

“Code” means the Public Service Code of Discipline;

“misconduct of a minor nature” means conduct that does not warrant dismissal, and, without prejudice to the generality of the foregoing, includes the following:

- (a) use of obscene, or abusive or insulting language while on duty;
- (b) malingering on duty;
- (c) failure to maintain official records as required;
- (d) insubordination;
- (e) unpunctuality without just cause;
- (f) loss of or damage to property of the Crown other than that considered as a misconduct of a serious nature;
- (g) misuse of the Government’s intranet, the internet and any other information technology network;
- (h) disorderly conduct;

“misconduct of a serious nature” means improper or unprofessional conduct that may warrant the dismissal of a public officer found guilty of such conduct, and, without prejudice to the generality of the foregoing, such conduct, in addition to the misconduct specified in section 49 of the Public Service Code of Conduct and Ethics, include the following:

- (a) absence from duty without leave or approval for a period of five days;
- (b) conviction of a criminal offence punishable by a term of imprisonment;
- (c) unauthorised disclosure of information pertaining to the Government;
- (d) habitual intoxication or possession, use or distribution of illegal drugs while on duty;
- (e) reporting for duty or performing duties while under the influence of alcohol or illegal drugs;
- (f) failure to observe any laws, orders, rules or regulations governing the Public Service;
- (g) falsification of accounts or records, either manual or electronic;
- (h) wilful mutilation, alteration or destruction of property including official documents or records, either manual or electronic;
- (i) failure to report or disclose any information that ought reasonably to be reported or disclosed where the consequence of that failure amounts to a grave injustice;
- (j) threatening of a fellow officer or any person or threatening the destruction of any property while on duty;
- (k) causing of grievous bodily harm;
- (l) unauthorised possession of a firearm or other device that can be considered an offensive weapon;
- (m) acceptance of bribes or other inducements;
- (n) misappropriation of public funds;
- (o) major loss of or damage to property of the employer;
- (p) failure to perform the duties assigned to the office;
- (q) negligence in the performance of duty;

- (r) sexual harassment;
- (s) failure to maintain official records where the consequence amounts to a grave injustice;
- (t) misconduct involving three or more of the matters listed herein as matters of misconduct of a minor nature in paragraphs (a) to (h) within a period of two years;

“officer” includes a temporary employee;

“sexual harassment” has the meaning assigned to it by section 52.(2) of the Public Service Code of Conduct and Ethics.

### 3. **Purpose of the code.**

The purpose of this Code is to ensure

- (a) that standards of conduct laid down in the Act, in any regulations made under the Act or in the Public Service Code of Conduct and Ethics are observed;
- (b) the existence of general principles that guide the disciplinary process including:
  - (i) procedural fairness;
  - (ii) determining each case on its merits;
  - (iii) indicating the factors to be taken into account; and
  - (iv) the powers and responsibilities of the investigating officer.

### 4. **Criminal investigation.**

(1) Notwithstanding the fact that an officer is under investigation in respect of the commission of an offence leading to criminal charges or has been charged with an offence, disciplinary proceedings or action may be instituted or continued under this Code in relation to a breach of this Code or the Code of Conduct and Ethics.

(2) Where the investigation referred to under subsection (1) or an investigation into any other misconduct has been or is about to be instituted, and the Permanent Secretary or Head of Department is of the opinion that the public interest requires that the officer should forthwith cease to perform the functions of his or her office, the Chief Personnel Officer may recommend to the Commission that the officer be interdicted.

(3) An officer who is under interdiction from duty may not leave Saint Christopher and Nevis without the permission of the Governor-General granted on the recommendation of the Commission.



**5. Adjudication of minor offences.**

(1) A senior Human Resource officer or other officer of a similar or a higher grade in the Public Service deputed by the Chief Personnel Officer, shall conduct the necessary enquiry into any charge relating to misconduct of a minor nature by a public officer.

(2) The person who conducts an enquiry referred to in subsection (1) shall be at a grade that is higher than that of the officer who is charged.

(3) The person who conducts the hearing of a charge shall at the end of the hearing,

(a) decide whether the officer committed the offence for which he or she is charged; and

(b) recommend to the Chief Personnel Officer, a penalty which is permissible under this Code if the officer is found to have committed the offence.

(4) The enquiry shall be conducted within a period of ten working days.

(5) The decision of the person who is conducting the enquiry and any penalty recommended shall be conveyed to the person charged in writing within seven working days of the completion of the enquiry.

**6. Adjudication of misconduct of a serious nature.**

(1) The Commission may set up a Committee of Enquiry of not more than three persons, to conduct the necessary enquiry into any charge against an officer for the commission of misconduct of a serious nature.

(2) Any officer in a panel deputed to conduct an enquiry referred to in subsection (1) shall be a holder of an office which is at a grade higher than that of the officer against whom the charge is brought, but in any case shall not be below the level of senior personnel officer.

(3) The Chief Personnel Officer shall, within seven days of becoming aware of a breach of Public Service Code of Conduct and ethics on the part of an officer, bring a charge against that officer for the breach.

(4) An officer who is charged under subsection (3) may be suspended from duty by the Chief Personnel Officer.

(5) Notice of suspension of the officer shall be in writing, and shall be sent to the Commission and the concerned officer as soon as practicable, except that suspension shall be subject to the confirmation of the Commission.

(6) An officer who is suspended pursuant to the provisions of subsections (4) and (5) shall be entitled, during the period of suspension, to such reduced pay as the Commission may determine in the circumstances.

(7) The reduction in a person's rate of pay made pursuant to the provisions of subsection (6) shall not exceed one half of the salary to which the officer would have been entitled had he or she not been suspended, and the reduction shall be for a period not exceeding six months after which period the officer will revert back to his or her normal salary.

(8) A charge brought against an officer pursuant to the provisions of subsection (3) shall be defined in a written statement, in which statement the nature of the case to be answered shall be set out, together with

- (a) an individual statement signed by the officer, if any;
- (b) signed statements from all witnesses, supervisors, and any other relevant parties; and
- (c) advice to the officer that he or she may be assisted, if he or she so wishes throughout the hearing by a trade union representative, an attorney-at-law or a friend.

(9) A copy of the statements and all documentary evidence which is to be used in an enquiry relating to a charge of misconduct of a serious nature shall be given to the officer who is charged.

(10) The officer who is charged shall be given ten working days after receipt of the statements and documentary evidence supplied in accordance with the provisions of subsection (9) to reply to the charges, and to make any observations he or she may wish in writing in respect of the charge.

(11) The Committee of Enquiry that has conducted an enquiry into a misconduct of a serious nature shall submit a report of the hearing to the Chief Personnel Officer not more than ten working days after completion of the enquiry, giving the opinion of the panel as to

- (a) whether the person is guilty as charged;
- (b) the reasons for its opinion; and
- (c) the maximum penalty that ought to be recommended for the misconduct by the Commission.

(12) The Chief Personnel Officer, shall, within five working days of receiving a report relating to a disciplinary charge, convey in writing his or her decision and any recommendation as to the penalty to be imposed for consideration by the Commission.

(13) The Commission shall conclude its deliberations on the matter within twenty-eight days of the receipt of the information pursuant to the provisions of subsection (12) of this section.

## **7. Penalties.**

(1) The penalties that may be imposed on an officer against whom a disciplinary charge constituting misconduct of a minor nature is proved, are as follows:

- (a) an oral warning; or
- (b) reprimand in writing.

(2) The penalties that may be imposed on an officer against whom a disciplinary charge constituting misconduct of a serious nature is proved are as follows:

- (a) suspension on half pay for a period not exceeding six months;

- (b) reduction in rank;
- (c) suspension of future increments for a period not exceeding two years;
- (d) compulsory retirement; or
- (e) dismissal.

Dated this <sup>9<sup>th</sup></sup> ~~April~~ <sup>May</sup> day of ~~April~~, 2014.



**DENZIL L DOUGLAS**  
*Minister responsible for the  
Public Service*

