

# **TRC HUMAN RESOURCES MANUAL**

## **TABLE OF CONTENTS**

1. Acknowledgment
2. Overview
3. Glossary
4. Equal Opportunity and Diversity
5. Harassment and Discrimination
6. Handling of Discrimination/Harassment/Sexual Harassment Complaints
7. Bullying
8. Disciplinary Offences and Procedures
9. Electronic Information, Email and Internet
10. Alcohol and Other Drugs
11. Privacy Policy
12. Personnel Management
  1. Hours of Work
  2. Termination of Employment
  3. Public Holidays
  4. Allowances
  5. Codes, Policies, Procedures and Manuals
  6. Leave Policies and Procedures.
13. Vehicle Usage
14. Security of Staff
15. Code of Conduct
16. Contracts of Employment
17. Over time
18. Payment of Salaries and Benefits

### **1. ACKNOWLEDGMENT**

This document is adapted from the Manual developed by the Pacific Centre for Peacebuilding (PCP) a civil society organisation based in Suva, Fiji.

### **1. OVERVIEW**

This document outlines the policies and procedures in place to manage staff within the Truth and Reconciliation Commission (TRC).

## Value of documented HR Policies and Procedures

1. A consistent framework for decisions that promotes fairness.
2. Ensuring all dealings with staff are open, transparent and equitable.
3. Ensuring all dealings with staff are consistent with TRC values and strategies.
4. Providing guidelines to managers to facilitate empowerment and encouraging them to be more active in the management of their staff.

## Responsibility for these guidelines

The TRC Commissioners, Executive Secretary and Deputy Executive Secretary are responsible for the development and monitoring of these guidelines. All staff are responsible, especially the managers, for the implementation of them.

### 1. GLOSSARY

Competence: competence is what individuals bring to a job as input and is managed through equipping staff with the skills and knowledge needed to achieve their targets.

Performance: performance is related to achieving goals and outcomes through generating output. It is managed through:

1. Establishing and agreeing future performance targets.
2. Measuring progress against targets.

Human Resources: in this manual this term refers to the organisational processes used when managing staff.

### 1. EQUAL OPPORTUNITY AND DIVERSITY

The TRC is an equal opportunity employer and will accord to all staff, permanent and casual, all rights and benefits under the law.

The TRC will not discriminate against an employee or applicant because of race, gender, ethnicity, age, sexual orientation, physical or mental disability, HIV/AIDS status, pregnancy or marital status.

The 'merit' principle is applied to all staffing decisions so that opportunity is provided to all employees on the basis of competence and job requirements.

## Workplace Diversity

The TRC seeks to provide an environment where there is fairness, teamwork and respect among all its staff. It will:

1. Treat everyone with respect, integrity and trust.
2. Understand the types of behaviour that are important to the TRC and take action to prevent discrimination, bullying and harassment.
3. Support this policy when recruiting, developing and working with TRC staff.

4. Appreciate and respect the true value of diversity each individual brings to the workplace.

## Roles and Responsibilities

1. The TRC Commissioners, the Executive Secretary, Deputy Executive Secretary and the Managers have a responsibility to ensure these principles are applied across the TRC.
2. All staff have a responsibility to uphold these principles when dealing with each other.

## 1. HARASSMENT AND DISCRIMINATION

1. The TRC is committed to fostering the right of individuals to be free from discrimination and harassment while associated with it in any way.
2. Discrimination and harassment will not be tolerated under any circumstances and the TRC will take all reasonable steps to eliminate discrimination and harassment of or by TRC Commissioners, staff, clients and visitors.

Discrimination: discrimination is to treat an individual less favourably because of an attribute or to impose unreasonable terms and conditions with which individuals with a particular attribute are unable to comply eg parental status, pregnancy, religion, political belief or activity, marital status, sex, sexual preference, age, ethnicity, impairment, trade union activity or association with individuals having these attributes.

Harassment: harassment, including workplace harassment, is repeated behaviour other than behaviour that is sexual harassment that:

1. is directed at an individual or group, and
2. is offensive, intimidating, humiliating or threatening, and
3. is unwelcome and unsolicited, and
4. a reasonable person would consider to be offensive, intimidating, humiliating or threatening for the individual or group.

Sexual Harassment: sexual harassment is any unsolicited, unwelcome and unreciprocated behaviour, act or conduct of a sexual nature that embarrasses, humiliates or offends other persons. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault, including but not limited to the following:

1. inappropriate jokes or comments with sexual connotations.
2. display of offensive material.
3. stares and leers or offensive hand and body gestures.
4. comments and questions about another person's sexual conduct and/or personal relationships.
5. persistent unwelcome invitations.
6. requests for personal favours.
7. offensive written, telephone or electronic mail or other computer system communications.
8. unnecessary close physical proximity including persistently following a person.
9. unwelcome physical contact such as brushing against or touching a person.

10. denigrating comments regarding a person's gender or sexual preference.
11. negative behaviour eg intimidation or exclusion relating to the sex of the recipient.

## 1. HANDLING OF DISCRIMINATION/HARASSMENT/SEXUAL HARASSMENT

### COMPLAINTS

1. The matter is reported to the Executive Secretary or member of staff authorised to receive such complaints.
2. The senior officer to whom the report is made appoints a conciliator to mediate between the parties in a non judgmental and independent manner. It may be an external party if there is no trained person within the TRC.
3. If the matter is not resolved then an investigator will be appointed to look into the complaint who may be from outside the TRC depending on the circumstances.
4. The parties involved are entitled to be heard by the investigator and have the right of representation by another person.
5. Appeal against the decision of the investigator lies to the Executive Secretary which may be reviewed by the TRC.

## 1. BULLYING

The TRC considers bullying an unacceptable form of behaviour which will not be tolerated in the workplace under any circumstances.

Bullying: bullying is defined as repeated, unreasonable behaviour towards anyone in the TRC that intimidates, denigrates or humiliates another person/persons eg-

1. verbal abuse.
2. excluding or isolating other staff.
3. psychological harassment.
4. intimidation.
5. assigning meaningless tasks unrelated to the job.
6. giving staff impossible assignments.
7. deliberately changing work rosters to inconvenience particular staff.
8. deliberately withholding information necessary for effective work performance.

This list is not exhaustive and bullying may take place among and between staff at all levels and not just between senior and subordinate staff. When an alleged incident or series of incidents occur, the procedure in harassment cases is to be followed.

## 1. DISCIPLINARY OFFENCES AND PROCEDURES

1. The following offences will attract a reprimand or written warning depending on their seriousness-

(i) habitual lateness.

(ii) unauthorised absence (s).

(iii) betelnut chewing in or around TRC premises.

- (iv) Insubordination.
  - (v) use of abusive language.
  - (vi) being drunk during official hours of work.
  - (vii) abuse of TRC property or vehicles.
  - (viii) sending offensive or abusive email.
  - (ix) inappropriate use of the internet.
  - (x) inappropriate conduct that brings the TRC into disrepute.
1. Three written warnings may attract dismissal by the Executive Secretary and warnings are in effect for three months.
  1. Serious offences such as breach of confidentiality, sexual harassment, misappropriation of funds, assault or abuse of other TRC staff or the public and undermining the work of the TRC will attract summary dismissal.
  1. Penalties for all offences may include any of the following-
    - (i) verbal reprimand.
    - (ii) written warning.
    - (iii) demotion/transfer.
    - (iv) Fine.
    - (v) Dismissal.
  1. The Executive Secretary has responsibility for disciplinary matters and may delegate to the Deputy Executive Secretary or Managers as appropriate. Appeals lie to the TRC.
  1. For all offences the staff member implicated has a right to put his/her case in writing or verbally.
  1. ELECTRONIC INFORMATION, EMAIL AND INTERNET

The TRC recognises that staff will use their computers for official as well as personal business. Staff will do so mindful of what is 'reasonable' usage as against abuse. 'Reasonable' means that as long as any personal use does not affect (including delay) a staff member's work.

Basic Rules:

1. TRC email accounts are provided for TRC objectives although reasonable private usage is permitted.
2. TRC email accounts may not be used for commercial purposes.
3. Privacy of email cannot be guaranteed, and may be subject to scrutiny where necessary in order to pursue its normal business operations.
4. The security of email cannot be guaranteed so that consideration ought to be considered when sending highly sensitive messages or documents.
5. Email content must not be offensive, harassing, discriminatory or abusive.
6. As official organisational records email must be properly stored, archived and recorded.
7. Use mailing lists properly.
8. Be aware of the accepted etiquette for using email.
9. Work emails may not be forwarded to anyone outside the TRC unless it is for acceptable work purposes.
10. Work computers may not be used for any illegal activities – this includes the viewing and downloading of pornographic material.

### Staff Confidentiality

The TRC recognises that its staff have reasonable expectations of privacy with regard to use of email, even when this is restricted to organisational business and the information is stored in organisational computers.

### Client Confidentiality

These principles are to be read with the TRC confidentiality policy-

1. Access to documents should be restricted to those who 'need' to have access.
2. Distribution of documents via email should not be done without due consideration as to who needs to have access.
3. Confidential documents should not be kept on portable devices such as laptops
4. When documents are deleted, staff should ensure the recycle bin is also emptied, particularly with portable devices like laptops.
5. Only write emails you are prepared to make public and forwarded on to others as one cannot guarantee this will not happen to it.

### Internet

Access to the internet is authorised for research related to work and for general information which does not include illicit or illegal websites using the TRC internet server.

### Reservation

1. The TRC reserves the right to access and disclose the contents of employee email messages but will only do so when it has a legitimate business need and the urgency of the need is sufficiently strong to offset the TRC's commitment to staff privacy.
2. The TRC does not and will not monitor email as a routine matter. The TRC may inspect the contents of email or messages or information stored on computers in the course of an investigation or as necessary to locate substantive information that is not

readily available by other means. The TRC may disclose an email or information stored on computer to law enforcement officials if it has good reason to do so.

## 10. ALCOHOL AND OTHER DRUGS

This refers to any member of staff who reports to work while under the influence of drugs or alcohol risks endangering his/her safety and the safety of others, destruction of or damage to personal or TRC property as well as a loss of productivity and workplace morale.

1. Staff members and volunteers either in TRC offices or conducting business on its behalf, regardless of location, are prohibited from the following-

(i) Reporting to work while under the influence of alcohol or any controlled/illicit substance eg narcotics (heroin, morphine), cannabis (marijuana, hashish), kwasso, stimulants (cocaine, amphetamines), depressants (tranquilisers) except on medical prescription, sedatives (kava) and hallucinogens (PCP/ LSD).

1. The TRC will support staff who seek help in overcoming drug and alcohol problems and any staff who voluntarily seeks substance abuse treatment will not be penalised or discriminated against in any way by the TRC.

### Smoking and Chewing Betel Nut

1. Smoking and chewing betel nut are not permitted inside any TRC office or vehicle.

## 11. PRIVACY POLICY

This policy is to be read with the TRC's Confidentiality Policy and Code of Ethics and the guidelines are to provide information to staff on how their personal information will be collected, used, stored and reviewed.

1. Security and Lifespan of Personal Information

(i) The TRC is committed to protecting the privacy of staff and will take reasonable steps to ensure that the information collected is protected from loss and misuse as well as from unauthorised access, modification and disclosure.

(ii) Hard copies of collected personal information are to be archived in secured cabinets.

(iii) Access control measures are to be put in place for electronic records through the application of user passwords with access restricted to authorised staff.

(iv) TRC staff personal records will be retained for posterity in a national TRC archive when the work of the TRC is completed.

1. Accuracy of Personal Information - The TRC will take all reasonable precautions to ensure that personal information provided by staff is accurate, complete and current and in this regard it also relies on the co-operation of staff.

2. Access to Personal Information - TRC staff have a right to access their individual personal information and are required to put their request for information to the Executive Secretary or her delegate in writing for record and security purposes.

## 12. PERSONNEL MANAGEMENT

The following terms and conditions of employment apply to all TRC staff and are the minimum level terms and conditions (in addition to that set out in individual contracts of employment).

### A. HOURS OF WORK

(i) TRC working hours are from 8.00am to 4.30pm from Monday to Fridays with lunch from 12.00pm to 1.00pm.

(ii) If staff are late, in training or in a meeting, they should call in and advise their superior (preferably the day before). The reason for this is to ensure there is fairness and equity in work hours as well as setting standards regarding the professionalism and reputation of the TRC.

(iii) Flexibility in work hours can only be decided by the Executive Secretary or her delegate and it should be applied on a fairness test to all staff.

### B. TERMINATION OF EMPLOYMENT

(i) All contracts of employment, other than casual staff, may be terminated by the TRC or staff member upon one (1) month's notice unless the contract states otherwise. For casual employees, either party may give a week's notice. Termination of employment under this clause is not to be construed as a dismissal under clause 8.

(ii) A contract of employment will be deemed terminated should a staff member be absent from work without reasonable cause or without the consent of the TRC for a continuous period of seven (7) working days.

### C. PUBLIC HOLIDAYS

(i) New Year's Day 1 January.

(ii) Good Friday 2 April.

(iii) Easter Saturday 3 April.

(iv) Easter Monday 5 April.

(v) Whit Monday 24 May.

(vi) Queen's Birthday Friday 11 June.

(vii) Independence Day Wednesday 7 July.



(viii) Christmas Day Saturday 25 December.

(ix) National Day of Thanksgiving (Boxing Day) Monday 27 December.

#### D. ALLOWANCES

Meal, travel and per diem allowances will be provided for official duties where necessary according to rates approved by the TRC and must be fully accountable.

#### E. CODES, POLICIES, PROCEDURES AND MANUALS

Members of staff are required to comply with the provisions of all TRC protocols as set out in the following-

(i) Code of Ethics

(ii) Confidentiality Policy

(iii) Human Resources Manual

(iv) Accounting and Finance Policies Manual

#### F. LEAVE POLICIES AND PROCEDURES

(i) Annual leave - Fulltime members of staff are entitled to forty-two (42) working days' leave per year unless otherwise indicated in their contracts of employment which accrues from the first day of engagement and may be taken on a pro rata basis provided it does not affect the work of the TRC. Leave must be requested at least fourteen (14) days in advance in writing.

(ii) Sick Leave - Fulltime members of staff may take fifteen (15) days sick leave per year and require a medical certificate if their absence is more than a day (and is to be submitted with a sick leave form on the next day at work).

(iii) Maternity Leave - All fulltime female staff are eligible for eighty-four (84) days paid maternity leave and have to submit a request at least thirty (30) days before going on leave.

(iv) Paternity Leave - Fulltime members of staff are eligible for ten (10) days paternity leave and must apply for it in writing at least fourteen (14) days in advance.

(v) Compassionate Leave - Fulltime members of staff are eligible for five (5) days compassionate leave per year and must be requested in writing.

#### G. RECRUITMENT

(i) All Staff positions, both casual and permanent, must be advertised in at least one of the national dailies and members of the TRC or staff involved in the process of recruitment are required to disclose any possible conflict of interest if applicable and excuse themselves from any involvement. Any subsequent revelation of such conflict invalidates the appointment unless the TRC decides otherwise by a majority of its full membership.

(iii) The TRC may waive such requirements in particular circumstances where time is of the essence or where special arrangements were entered into such as the recruitment of fieldworkers for Guadalcanal, in which case a majority of its full membership is required.

### 13. VEHICLE USAGE

1. Should a TRC vehicle not be available for official duties, staff may use petty cash to pay for taxis and provide receipts
2. Staff in remote locations may have to use their own or other vehicles and seek reimbursement in accordance with the Accounting and Finance Policies Manual.
3. This clause complements the provisions in individual staff members' contracts.

### 14. SECURITY OF STAFF

The nature of the work of the TRC involves significant security concerns and must be taken seriously by both TRC Commissioners and members of staff.

1. It is the responsibility of all staff to monitor and report security risks to the Executive Secretary who is to bring it to the attention of the TRC expeditiously.
2. The Executive Secretary is responsible for investigating all reported risks and doing what is practicable to lessen those risks.
3. All reception areas should be separated from the workplace and access restricted.
4. When meeting or dealing with members of the public, staff should balance confidentiality with personal security, and any risk should preclude seeing that person alone.

### 15. CODE OF CONDUCT

This is covered in the TRC Code of Ethics but the basic rule is to treat others as one would like to be treated ie with respect and courtesy.

### 16. CONTRACTS OF EMPLOYMENT

TRC employment contracts should include the terms and conditions of employment and are signed by the employer and individual member of staff.

#### 1. Content and Procedure

(i) Names of the employer and member of staff concerned.

(ii) Job title.

(iii) Date of commencement and termination.

(iv) Job description.

(v) Job location.

(vi) Hours of work.

- (vii) Salary, wage and other benefits.
- (viii) Leave entitlement.
- (ix) Process for termination of contract.
- (x) Dispute resolution and grievance process.
- (xi) Confidentiality.

## 17. OVER TIME

If a staff member is required to work on the weekend or over time, they will be compensated with this by time off-in lieu or the TRC may authorise overtime payment in particular cases. If a staff member works late or on the weekend because of inefficiency will not be compensated. Working overtime should be on the prior approval or request of a person's supervisor.

## 18. PAYMENT OF SALARIES AND BENEFITS

Salaries and wages for staff and casual staff respectively will be paid fortnightly and weekly. Deductions shall be made for NPF contributions in accordance with the law.

(Adopted by the TRC on 17 February, 2010)