



BERMUDA

PUBLIC SERVICE COMMISSION AMENDMENT REGULATIONS 2016

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The Acting Governor, in exercise of the powers conferred by section 84(5) of the Constitution and after consultation with the Premier and the Public Service Commission, makes the following Regulations:

Citation

1 These Regulations, which amend the Public Service Commission Regulations 2001 (the “principal Regulations”), may be cited as the Public Service Commission Amendment Regulations 2016.

Inserts Regulation 1A

2 The principal Regulations are amended by inserting the following after Regulation 1—

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“Purpose

1A The purpose of these Regulations is to promote and uphold a public service that—

- (a) is imbued with the spirit of service to the community;
- (b) operates in the collective interests of government;
- (c) maintains appropriate standards of integrity and conduct;
- (d) maintains political neutrality;
- (e) is supported by effective workforce and personnel arrangements;
- (f) meets good-employer obligations;
- (g) identifies and cultivates high-calibre leaders;
- (h) is driven by a culture of excellence and efficiency;
- (i) fosters a culture of stewardship.”.

Amends Regulation 2

3 The principal Regulations are amended in Regulation 2 by deleting the definition of “disciplinary offence” and substituting the following—

“ “disciplinary offence” has the meaning assigned to it in Regulation 23(1);”.

Inserts Regulation 5A

4 The principal Regulations are amended by inserting the following after Regulation 5—

“General powers of Commission

5A The Commission shall have all such powers as are reasonably necessary or expedient to enable the Commission to carry out the functions and duties imposed upon the Commission under the Constitution.”.

Amends Regulation 6

5 Regulation 6 of the principal Regulations is amended—

- (a) in the heading by deleting “Powers” and substituting “Further powers of the Commission”;
- (b) in paragraph (1) in the introductory paragraph by deleting “The Commission” and substituting “Without prejudice to the generality of Regulation 5A, the Commission”;
- (c) by revoking paragraph (3).

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Inserts Regulation 6A

6 The principal Regulations are amended by inserting the following after Regulation 6—

“Failure to comply with Regulations or request a disciplinary offence

6A (1) Any officer who, without reasonable cause, fails to comply with a requirement imposed upon him under these Regulations or with any request lawfully and properly made by the Commission shall be guilty of a disciplinary offence and subject to proceedings accordingly if the Commission so recommends.

(2) Paragraph (1) is without prejudice to any disciplinary proceedings under any Orders, Rules or other Regulations to which an officer may be subject.”.

Amends Part V heading

7 The principal Regulations are amended by deleting all the words in the heading to Part V and substituting “PROBATIONARY REPORTS AND PERFORMANCE REVIEWS”.

Inserts Regulations 22A, 22B and 22C

8 The principal Regulations are amended by inserting the following after Regulation 21—

“Commission to establish annual performance objectives for senior officers

22A The Commission shall, in consultation with the Governor, the Premier and the relevant Minister, establish annual performance objectives in respect of the officers referred to in Regulation 22B(1).

Commission to conduct annual and periodic reviews of senior officers

22B (1) For the purpose of making recommendations to the Governor in the exercise of disciplinary control over persons appointed to a public office under section 82 of the Constitution, the Commission shall be responsible for reviewing, either generally or in respect of any particular matter, the performance of—

- (a) the Secretary to the Cabinet;
- (b) the Head of the Civil Service;
- (c) an Assistant or Deputy Secretary to the Cabinet;
- (d) an Assistant or Deputy Head of the Civil Service; and
- (e) a Permanent Secretary (including the Financial Secretary).

(2) In carrying out its functions in respect of the officers referred to in paragraph (1)(a) and (b), the Commission shall consult with—

- (a) the Premier; and
- (b) such other persons who, in the opinion of the Commission, are capable of providing relevant information.

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(3) In carrying out its functions in respect of the officers referred to in paragraph (1)(c), the Commission shall consult with—

- (a) the Premier;
- (b) the Secretary to the Cabinet; and
- (c) such other persons who, in the opinion of the Commission, are capable of providing relevant information.

(4) In carrying out its functions in respect of the officers referred to in paragraph (1)(d), the Commission shall consult with—

- (a) the Premier;
- (b) the Head of the Civil Service; and
- (c) such other persons who, in the opinion of the Commission, are capable of providing relevant information.

(5) In carrying out its functions in respect of the officers referred to in paragraph (1)(e), the Commission shall consult with—

- (a) the relevant Minister;
- (b) the Secretary to the Cabinet; and
- (c) such other persons who, in the opinion of the Commission, are capable of providing relevant information.

(6) When conducting a review, the Commission shall have regard to any performance review in respect of the officer, and the annual performance objective established under Regulation 22A.

Commission to submit performance reports of senior officers

22C (1) The Commission shall make and submit a written report of its review to—

- (a) the Governor and the Premier, in respect of all the officers;
- (b) the Governor, the Premier, and the Secretary to the Cabinet, in respect of the officers referred to in Regulation 22B(1)(c) and (e);
- (c) the Governor, the Premier, and the Head of the Civil Service, in respect of the officers referred to in Regulation 22B(1)(d); and
- (d) the Governor, the Premier, and the relevant Minister, in respect of the officers referred to in Regulation 22B(1)(e).

(2) The report referred to in paragraph (1) shall set out the manner and extent to which the officer is fulfilling all of the annual performance objectives established under Regulation 22A.”.

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Amends Regulation 30

9 Regulation 30 of the principal Regulations is amended—

- (a) in paragraph (1)(b) by deleting “two” and substituting “ten”;
- (b) by inserting the following after paragraph (1)—

“(1A) The chairman shall select a panel consisting of himself and two of the qualified medical practitioners for the purpose of determining the question referred to the Staff Medical Board under Regulation 29.

“(1B) Notwithstanding paragraph (1A), the Staff Medical Board may vary the number of qualified medical practitioners, provided the panel consists of an odd number of members.”.

Amends Regulation 31

10 Regulation 31 of the principal Regulations is amended—

- (a) by renumbering the provision as paragraph (1);
- (b) by inserting the following after paragraph (1)—

“(2) The Staff Medical Board may adopt rules of procedure of general application in respect of the hearing, subject to the requirements of procedural fairness.

“(3) Notwithstanding that it has adopted procedures of general application, the Staff Medical Board may adopt particular procedures or vary existing procedures for a given circumstance, subject to the requirements of procedural fairness.”.

Made this 1st day of December 2016

Ginny Ferson
Acting Governor of Bermuda