



A FRAMEWORK FOR THE OPERATIONALISATION OF THE COMESA-EAC-SADC JOINT COMPETITION AUTHORITY (JCA)

FINAL REPORT - PART THREE

HUMAN RESOURCES AND ORGANISATIONAL PLAN

CONTRACTING AUTHORITIES
COMESA

BENEFICIARY
COMESA, EAC, SADC

Service Agreement Number TMSA-SC-12-31



Prepared by
Bilson Henaku Solicitors



HR and Organisational Plan

**Project: A Framework for the Operationalisation of the
COMESA EAC-SADC Joint Competition Authority (JCA)**

Service Agreement No: TMSA-SC-12-31

	CONTRACTING AUTHORITY	CONTRACTOR
Name	COMESA	BH SOLICITORS
Address	COMESA Centre Ben Bella Road Lusaka Zambia	5 th Floor Dorland House, 14 – 16 Regent Street London SW1Y 4PH United Kingdom
Telephone	+260 211 22726 - 32	+44 208 463 9970
Fax	+260 211 227 318	+44 208 463 9989
Contact Person	Sindiso Ngwenya <i>Secretary General</i>	Barbara Bilson <i>Senior Partner</i>
Email	snqwenya@comesa.int	bbilson@bhsolicitors.com

Date of report: 31/5/2013

Author of Report:

- ❖ Geoffrey Puseletso Moshabesha, HR Expert
- ❖ Dr. Kofi Henaku, Team Leader

HR and Organisational Plan

Contents

Executive Summary	7
1. Proposed Human Resources and Organisational Structure	8
1.1 Review of the existing secretariats in the three RECs	9
1.2 Functions of the JCA and Management Responsibilities of the JCA	9
1.3 JCA Organisation Design and Justification for proposed structure	10
1.4 Proposed staffing and human development plan	11
1.5 Staff Rules and Regulations	13
1.6 Salaries structure and Compensation Planning	13
1.7 Annexes to HR and Organisational Plan	13
2. Introduction to Analysis of 3 Secretariats	14
2.1 Background	14
3. Mandate and Structure of the 3 Secretariats	15
3.1 COMESA Secretariat	15
3.1.1 Legal Mandate	15
3.1.2 Organisation Structure	15
3.2 EAC Secretariat	17
3.2.1 Organisation Structure	17
3.3 SADC	20
3.3.1 Organisation Structure	20
3.4 Situation Analysis	22
3.4.1 COMESA	22
3.4.2 EAC	23
3.4.3 SADC	23
3.5 Conclusion	24
3.5.1 Consultants	24
3.5.2 Relationship with JCA Secretariat	24
4. Personnel Development, Recruitment Policies and Employment Benefits	25
4.1 Introduction	25
4.2 COMESA	25
4.2.1 HR Internal Organisation Structure	25
4.2.2 Personnel Development	26
4.2.3 Recruitment Policies	27
4.2.4 Overview of the COMESA Recruitment Policy	27
4.2.5 Recruitment Procedures for COMESA Secretariat	27
4.2.6 EMPLOYMENT EMOLUMENTS AND BENEFITS	28
4.2.7 Salaries	29

HR and Organisational Plan

4.2.8	Allowances _____	29
4.2.9	LEAVE _____	30
4.2.10	TRAVEL AND REMOVAL EXPENSES _____	31
4.3	EAC _____	32
4.3.1	HR Organisation Structure _____	32
4.3.2	Personnel Development _____	32
4.3.3	Recruitment Policies _____	33
4.3.4	Interviewing Panels _____	33
4.3.5	Recruitment Procedures _____	34
4.3.6	Appointment Authority _____	34
4.3.7	Human Resource Advisory Committee _____	35
4.3.8	REMUNERATION _____	35
4.3.9	SOCIAL SECURITY AND WELFARE SERVICES _____	36
4.3.10	TRAVEL AND MOVEMENT OF STAFF _____	36
4.3.11	STAFF LEAVE _____	37
4.4	SADC _____	38
4.4.1	HR Organisation Structure _____	38
4.5	Conclusions _____	38
5.	<i>JCA JOB DESCRIPTIONS</i> _____	39
5.1	Executive Director _____	39
5.2	Executive Director Personal Assistant _____	40
5.3	Data Base Expert _____	41
5.4	Quality Control Manager _____	43
5.5	Consumer Protection Manager _____	44
5.6	Head Legal Department _____	45
5.7	Competition Lawyer _____	47
5.8	Chief Air Transport Services _____	49
5.9	Air Transport Specialist _____	50
5.10	Head of Administration and Finance _____	52
5.11	Accounting Officer _____	53
5.12	HR and General Administration Officer _____	54
	<i>Management the operational activities of the administrative services of the JCA.</i> _____	54
5.13	HR and General Administration Assistant _____	56
5.14	Driver/Messenger _____	57
6.	<i>STAFF RULES AND REGULATIONS</i> _____	lix
7.	<i>Schedule 1 - PROPOSED JCA SALARY STRUCTURE</i> _____	113
8.	<i>SCHEDULE 2 - PROPOSED JCA ALLOWANCES</i> _____	114

Abbreviations

Acronyms	Definition
AA	Aeronautical Authorities
AFCAC	African Civil Aviation Commission
AFRAA	African Airline Association
ASA	Air Service Agreement
ATC	Air Traffic Control
ATM	Air Traffic Management
AU	African Union
AUC	African Union Commission
BASA	Bilateral Air Service Agreement
CAA	Civil Aviation Authority
CAC	Civil Aviation Committee (of SADC)
DCA	Directors of Civil Aviation
Doc.	Document
EA	Executing Agency
EASA	European Aviation Safety Agency
EAYD	Executing Agency of the Yamoussoukro Decision
e-bulletin	Electronic news letter
ECA or UNECA	United National Economic Commission for Africa
EU	European Union
FAA	Federal Aviation Administration
FE	Financial Expert
GHC	Ground Handling Company
H/Q	Headquarters

HR and Organisational Plan

Acronyms	Definition
HR	Human Resources Expert
IATA	International Air Transporters Association
ICAO	International Civil Aviation Association
IT	Information T echnology
JCA	J oint C ompetition A uthority
MASA	M ultilateral A ir S ervice A greement
MIDT	M arketing I nformation D ata T ransfer
OAG	O fficial A irline G uide
OAU	O rganisation of A frican U nity
PM	P roject M anager
POL	P olicy A nalyst
RECs	R egional E conomic C ommunities
SADC	S outhern A frican D evelopment C ommunity
SC	S teering C ommittee
SG	S ecretary G eneral
SPSS	S tatistical P ackage for the S ocial S cientist
TE	T ransport E conomist
TL	T eam L ead
TOR	T erms of R eference
WASA	W orld A ir S ervice A greements
YD	Y amoussoukro D ecision

Executive Summary

The consultant has completed the following four key deliverables under the human resources plan:

- An Analysis of the 3 Secretariats Transport Departments
- An Organizational structure of the JCA
- Job Description of the envisaged key post
- Staff and Recruitment Packages

The analysis of the 3 Secretariats Transport Departments covered the background to the establishment of the three RECs, their Legal mandate, organisation structures, administrative and finance division, Programmes Division, with the latter covering the Infrastructure Development Department. It also covered the human resource policies and objectives

It was observed that although the transport departments in all the three RECS are within the larger and broader Infrastructure Development Departments, they provide an appropriate context within which to construct a JCA Secretariat that will have across the board acceptance with the capacity to effectively carry out its mandate; and that the JCA Secretariat, as far as possible, be the hybrid of the best of the three RECs in terms of policies and benefits, subject to ability to support such proposals.

The organisational structure has been developed to include all the relevant units to ensure that the JCA meets its core functions and mandate as spelled out in the draft JCA Regulation. The structure depicts the internal management hierarchy within the JCA secretariat. It also includes units for the purpose of performing necessary functions of a non-permanent nature, which may be outsourced whenever required in order to render the Authority cost-effective.

Job descriptions for the core 14 envisaged positions of the JCA have been developed. Effort has been made to ensure that the job descriptions cover enough details to ensure that the Authority efficiently and effectively meets its functions and mandate as spelled out in the draft Regulation. In this regard, the following 7 positions have been identified for the start up of the JCA:

- a) Executive Director;
- b) Executive Director Personal Assistant;
- c) Data Base Expert;
- d) Competition Lawyer;
- e) Air Transport Specialist;
- f) Accounting Officer;
- g) HR and General Administration Assistant; and
- h) Driver/Messenger

The Staff and Recruitment Package has been developed in the form of Staff Rules and Regulations whose objective is to detail and define the fundamental conditions of service, and the basic rights, duties and obligations of the members of staff of the JCA. They also lay down general JCA principles for human resource management which are governed by the need to attract and retain staff who meet the highest standards of efficiency, competence and integrity. The Staff Rules and Regulations further outline the JCA's staff compensation scheme.

1. Proposed Human Resources and Organisational Structure

Following a review of the project TORs as outlined in the Technical Proposal and related documents, the consultant established a plan to determine and propose a core functional staff component and an optimum organisational structure in order to enable the JCA to perform its core functions efficiently and effectively and meet its obligations as specified in the JCA Regulation.

The objective is to ensure that a functional organisational structure for the JCA is established and that the JCA is rendered capable to oversee the gradual and full implementation of YD in the Tripartite Region in accordance with its mandate.

The consultant noted from the proceedings of the First JCA Meeting that was held in Gaborone, Botswana, from 31 May to 1 June 2011 that, under the existing arrangement, the JCA comprises seven members, two members each from EAC, COMESA and SADC; and a chairperson on a rotational basis. It was further noted that it was established as a joint Committee operating on the authority of the three RECs' Councils.

The Secretariat to support the JCA technical work and administrative processes is hosted at the SADC Secretariat. In this regard, the proposal is therefore that the JCA should continue to be hosted by SADC.

Consequently, the scope of the task was determined to produce the following:

- a) Comparative analysis of the transport departments of the three Recs;
- b) Detailed organisational structure;
- c) Job descriptions; and
- d) Staff and Recruitment package in the form of Staff Rules and Regulations.

In order to achieve the task, a review of the organizational structures of the three RECs was conducted in paragraphs 1 to 3 above. In this regard, only the overall structures of the RECs were made available for review. The documents did not include specifics on the transport department of the RECs. It was however, determined that, in terms of size and complexity, they were not comparable to the proposed JCA structure. However, the salary structures, allowances and conditions of service in the three RECs were considered to be relevant in the work of the consultant.

Information regarding the organisation structures, including salary grading and conditions of service of the subsidiary organisations in the EAC and SADC were made available, taking into account the non-existence of a similar organisation in COMESA. The organisations included the CASSOA, SASO and RETOSA. A review of the information on the three organisations was considered to be more relevant for benchmarking in the work of the consultant, particularly in relation to the size of the proposed JCA.

HR and Organisational Plan

1.1 Review of the existing secretariats in the three RECs

In order to be able to develop an organisation structure, functions and conditions of service for the JCA Secretariat that are harmonious with those of the three RECs, available documentation on the structures, staffing composition and salary levels prevailing in the three RECs was reviewed. The information that was reviewed included remuneration packages.

An Analysis of personnel and recruitment manuals and procedures of the secretariats of the three RECs was also reviewed based on available information. Examination of internal HR structures in the transport sectors of the secretariats of the three RECs including personnel development, recruitment policies and employment benefits was has not been made available. In this regard, particular focus was on the subsidiary organizations of the RECs as they were considered more relevant to the establishment of the JCA.

The JCA represents a subsidiary organisation of the three RECS. Therefore its organizational structure and the number of positions are comparable to those of the EAC and SADC subsidiary organisations rather than that of the three RECS based on their size and scope of activities. However, as the JCA's scope of activities is larger than that of the subsidiary organisations of the individual RECs, its size was not envisaged to represent that of the organisations under reference.

Efforts were made to an extent possible to harmonise the salary structure and conditions of service with those of the three RECs and the existing subsidiary organisations. However, it may be noted that no information was made in relation to the prevailing salaries and allowances in SADC. With regard to the EAC, only grade designations were made available and it was noted that they were based on those of the UN system. In relation to COMESA, all the relevant information was made available.

Details are provided in section 2 below.

1.2 Functions of the JCA and Management Responsibilities of the

JCA

In the development of the organisational structure and job descriptions of the JCA staff, the consultant took into account the functions and responsibilities of the JCA. The functions are outlined in Article 9 of the Draft Regulation Establishing the JCA.

The consultant took into account that, based on the scope of the mandate of the JCA, it has collaborative and coordination functions with member states, individual RECs, external organisations such as AFCAC, Safety Oversight Agencies, ICAO, AFRAA, and IATA.

HR and Organisational Plan

1.3 JCA Organisation Design and Justification for proposed structure

In addressing the task, the consultant took into account the need to have a functional and basic structure in order to be able to cost-effectively meet the mandate of the JCA to supervise and manage the gradual implementation of the Yamoussoukro Decision within the Tripartite Region; and, in particular give effect to the Competition Regulations as adopted by the RECs in 2004 and its implementing rules and regulations.

The organisational structure depicts reporting lines within the JCA secretariat. It establishes a chain of command from the Executive Director to the various units that support him/her in his/her mandate to efficiently ensure that the JCA meets its obligations under the Regulation.

The structure is established to consist of the following units with the objective of meeting the core functions of the JCA:

- a) The **Executive Director's office** which is responsible for the overall management of the JCA;
- b) **Audit, Inspection, Evaluation and Quality Control unit** which is assigned to recommend and subsequently conduct Inspections of eligible airlines and other service providers in order to ensure compliance with set procedures;
- c) **Communications, Consumer Protection and Publications Unit** which is mandated to encourage research in areas of its competence, conduct or facilitate training of senior management personnel directly involved in national aviation authorities' implementation of the YD; and also ensure that the rights of consumers of the air transport service are protected;
- d) **Regulatory and Enforcement Services Unit** which is responsible for recommending the Imposition of Sanctions. It also develops opinions, procedures, plans, specifications for endorsement of eligible airlines, and guidance material to be applied by State Parties;
- e) **Economic Regulation, Investigation and Planning Unit** which is responsible for monitoring the application of the Yamoussoukro Decision by national aviation authorities and air transport service providers; and
- f) **IT and Data Management Unit** which is responsible for developing an IT system that is to be used by the JCA and all the stakeholders.

HR and Organisational Plan

Secretariat of the Joint Competition Authority
Proposed Structure

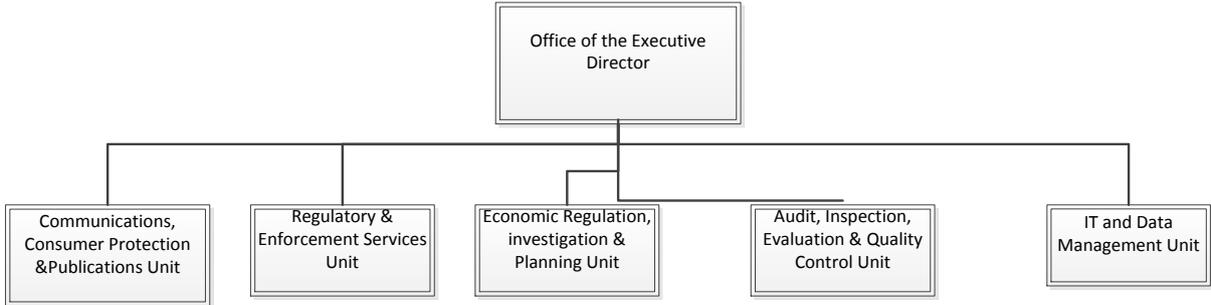


Figure 1: Proposed Structure of the JCA

The approach in the development of the organisational structure also took into account the external relationship of the JCA with the implementation hierarchy up to the Tripartite Summit through the Tripartite Council of Ministers. In addition, it includes collaboration with the Member States, AFCAC, other RECs and any other bodies in other RECs which are responsible for the implementation of the YD.

With regard to the evolution of the structure, it is acknowledged that it will need to be reviewed and amended following its implementation and on the basis of lessons learnt. This will also depend on the budget growth to enable the expansion of the services. The current structure has been developed with the objective of initially operationalizing the Authority within its present mandate. It is therefore envisaged that the initial key staff will further establish systems and propose amendment to the structure in order to enable it to carry out its mandate progressively and effectively.

1.4 Proposed staffing and human development plan

The current proposed key staff is composed of the following positions whose major functions are also outlined:

- a) **Executive Director** – The overall management and administration of the functions of the JCA to ensure that it meets its obligations as prescribed in the Regulation; and also responsible for the expected outcomes of the JCA, in particular assuring the full implementation of the YD within the tripartite member states;

HR and Organisational Plan

- b) **Executive Director Personal Assistant** – To provide an efficient and responsive administrative, organizational and logistical service to the Executive Director, helping him/her to manage and prioritise his/her time;
- c) **IT Manager** - Plan and manage the implementation of JCA Information Communication Technology (ICT) system, including data development; system security; inter/intranet development; systems integration; computer operations; hardware and network operations; and user support, policy and procedure development;
- d) **Quality Control Manager** - Plans, coordinates, and directs research, audits, inspections and quality Control functions in order to ensure the full, equal and transparent implementation of the Yamoussoukro Decision within the Tripartite Region;
- e) **Consumer Protection Manager** - Conduct studies and monitor the activities of the JCA in order to ensure the protection of the consumers of air transport in the Tripartite Region and also communicate related information to all concerned;
- f) **Head Legal Department** – Supervise and manage the implementation of the Yamoussoukro Decision, in particular give effect to the Competition Regulations;
- g) **Competition Lawyer** - Harmonise the regulations on competition, consumer protection, market access, conflict resolution and licence approval, including the standardisation of the application of eligibility criteria;
- h) **Chief Air Transport Economist** - Support States to enhance their economic regulatory framework and assist them with their implementation of the YD;
- i) **Air Transport Economist** – Perform operational functions in relation to enhancing to the economic regulatory framework of the States and assisting them with their implementation of the Decision;
- j) **Head of Administration and Finance** - Responsible for the planning, coordination and management of the administrative and financial services of the JCA;
- k) **Finance Officer** - Manage the operational activities of the financial services of the JCA; and
- l) **HR and General Administration Officer** - Management the operational activities of the administrative services of the JCA.

Notwithstanding the need for the initial key staff of the Authority to propose additional staff to enable it to adequately meet its mandate, the consultant has determined that the following additional positions will be required during the next five years as follows:

- a) Enforcement Officers
- b) Aviation Lawyer;

HR and Organisational Plan

c) Data Analyst

1.5 Staff Rules and Regulations

The Staff and Recruitment Package component has been addressed through the development of Staff Rules and Regulations. In this regard, a review of the Staff Rules and Regulations of the three RECs and that of the subsidiary organizations within EAC and SADC has been reviewed in order to benchmark on the best practices prevailing in the models. In addition, the Staff Rules and Regulations of some United Nations agencies have also been reviewed for comparison.

These Staff Rules and Regulations specify and define the fundamental conditions of service, and the basic rights, duties and obligations of members of staff of the JCA. They also lay down general JCA principles for human resource management, which shall be governed by the need to attract and retain in the service of the JCA staff who meet the highest standards of efficiency, competence and integrity.

1.6 Salaries structure and Compensation Planning

With regard to the grading of posts, a mixture of the COMESA and EAC salary scales were considered and applied. It was noted that CASSOA and the current SADC COSCAP which is in the process of being transformed to SASO have adopted the UN salary scales. Furthermore, documentation was received on the development of salaries in RETOSA, and this was also taken into account.

In the development of the salary structure, the RETOSA mid-point salary was adopted for the post of Executive Director. With regard to the rest of the positions, the net salary dependent rate scales were adopted. The foregoing is adopted with the assumption that the salary of the JCA staff will be tax exempted.

In relation to allowances, the plan is to adopt those that have been developed in the Tripartite Region, particularly those prevailing in COMESA and RETOSA.

1.7 Annexes to HR and Organisational Plan

- a) JCA Draft Job descriptions;
- b) JCA Draft Staff Rules and Regulations;
- c) JCA Proposed Salary Structure;
- d) Sample salary structures

2. Introduction to Analysis of 3 Secretariats

The terms of reference of the project to operationalise the JCA include the development of an appropriate organisation management structure and functions of the JCA Secretariat. The task aims at developing an organisational scheme and a human resource package for the JCA Secretariat. The task has been divided into a number of sub tasks to facilitate execution of the overall task. In this section we present an Analysis of the 3 Secretariats Transport Departments, one of the sub tasks. The objective of the sub task is to analyse personnel and recruitment manuals and procedures of the Secretariats of the 3 RECs.

The first part of the report reviews the Transport Departments in the overall context of the current organisation management structures of COMESA, EAC and SADC Secretariats. It briefly outlines the mandate and functions of the respective Secretariats as provided in the relevant Articles of their Treaties. It then focuses on the organisation of the Transport Sector within each of the secretariats. The second section examines Personnel development, recruitment policies and employment benefits in the three RECs.

2.1 Background

The Treaties establishing the RECS also established organs to perform functions and exercise powers conferred upon them by or under the respective Treaties. A Secretariat was established by COMESA, EAC and SADC to coordinate activities as well as prepare and implement decisions of the respective REC. In this respect, the functions currently being performed by the Secretariats of the three RECs, among many others, include those of the Joint Competition Authority.

Article 9 of paragraph 3 of the Regulations for Competition in Air Transport Services within COMESA, EAC and SADC provides that the Joint Competition Authority shall monitor the implementation the Yamoussoukro Decision and these Regulations, while paragraph 4 outlines specific functions that the JCA will be responsible for. The Secretariats and in particular the transport Departments of the three RECs currently provide human resources, the framework and structures with which and within which these functions are currently being undertaken. Indeed paragraph 5 of Article 9 of the Regulations provides that “The functions of the JCA referred to in paragraph 4 shall be performed by the regional competition authorities prior to the establishment of the JCA”. An analysis of the 3 Secretariats transport Departments is therefore a logical and practical starting point of reference for the development of the organisation and management structure of the JCA Secretariat which in way is to be the successor to the Departments in this respect.

It is against this background that we review here below the mandate and the organisation structures of the Secretariats of the 3 RECs.

3. Mandate and Structure of the 3 Secretariats

3.1 COMESA Secretariat

3.1.1 Legal Mandate

The COMESA Secretariat derives its legal existence and authority from Article 7 of the COMESA Treaty which among other organs of the Common Market establishes the Secretariat. Article 17 provides for the appointment of the Secretary General as chief executive of the Common Market. The Article also provides for two Assistant Secretaries-General. The Secretary General is appointed by the Authority to serve for a term of five years and is eligible for reappointment for a further term of five years. The two Assistant Secretaries-General are also appointed by the Authority. The terms and conditions of service of the Secretary-General and the Assistant Secretaries-General are determined by the Authority while the terms and conditions of other staff of the Secretariat are determined by the Council.

As to functions of the Secretariat Article 173 provides that “Subject to the provisions of this Treaty, the Secretariat shall be responsible for following up and monitoring the implementation by the Member States of the provisions of this Treaty and the regulations made, directives issued, recommendations made and decisions taken and opinions delivered by the Council”.

3.1.2 Organisation Structure

The COMESA Secretariat is organised into two divisions – Administration/Finance and Programmes divisions. Each is headed by an Assistant Secretary General.

3.1.2.1 Administration and Finance

The Administration and Finance Division is organised into five Departments responsible for:

- a) Administration,
- b) Finance and Budgeting
- c) Human Resources Management.
- d) Procurement, and
- e) Conferences.

3.1.2.2 Programmes

The Programmes Division is responsible for economic and social activities or programmes of the Common Market as provided under the Treaty. Accordingly, it is organised in four Departments responsible for:

- Trade customs and Monetary Affairs

HR and Organisational Plan

- Investment Promotion and Private Sector Investment
- Information Networking
- Gender Social Affairs
- Infrastructure Development

The Transport Sector is located in the Infrastructure Development Department. In addition to the transport sector the Energy and ICT sectors are also organised within the Department.

3.1.2.3 *The Transport Sector*

Under Article 4(2) of the Treaty establishing COMESA, Member States are to foster co-operation amongst them as would facilitate the production of goods and facilitate trade in goods and services and the movement of persons. Thus, Article 84 commits them to promoting easy transportation and communication amongst themselves. They undertake to evolve coordinated and complementary transport and communications policies to improve and expand the existing links and establish new ones as a means of furthering the physical cohesion amongst Member States, so as to facilitate movement of inter –State traffic and to promote greater movement of persons, goods and services within the Common Market. Steps are provided therein to guide Member States in the achievement of this goal.

Articles 85 and 86 deal with road and rail transport respectively while Article 87 specifically deals with promoting air transport within the sub-region. Maritime transport is provided for in Article 88 while Article 94 provides for Meteorological Services.

The transport sector in the Secretariat has been organised accordingly within the Infrastructure Development Department headed by a Director. It comprises surface transport consisting of roads and railways as well maritime transport. Air transport and Meteorological Services complete the composition of the sector. However, as Exhibit 1 below shows, the organisation structure in its current form does not provide for dedicated offices for each transport mode. The office of the Senior Transport Economist is responsible for activities relating to all transport sub sectors. This office together with that of the Director, undertakes and to some extent supervises functions that have been assigned to the JCA. For example, the ARTB which was established to implement competition regulations and oversee YD implementation within COMESA is supervised by this Department.

HR and Organisational Plan

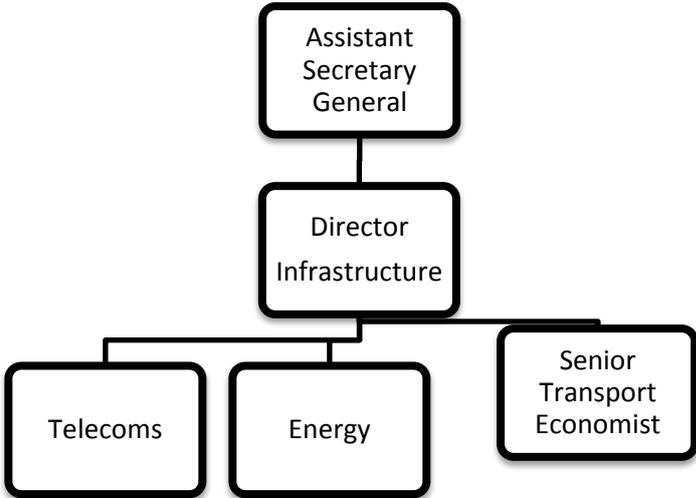


Figure 2: Organisation Structure of the COMESA Transport Sector

3.2 EAC Secretariat

Article 9 of the East African Community Treaty establishes the EAC Secretariat, the Executive Organ of the Community. Article 66 provides for the Executive Staff consisting of the Secretary General, Deputy Secretaries General (DSGs) and Counsel to the Community. Also provided for under the Article are Professional and General staff of the Secretariat.

The Secretary General (SG) who is the principal executive officer of the Community is appointed under Article 67 by the Summit upon nomination by the relevant Head of State under the principle of rotation to a fixed five year term of service. The terms and conditions of service of the SG are determined by the Council and approved by the Summit. Deputy Secretaries General is also appointed by the Summit on recommendation of the Council also under the principle of rotation. The number of DSGs is determined by the Council and each is appointed to a three year term of service, renewable once.

In addition to the SG and DSGs, Article 69 of the EAC Treaty provides for the appointment of a Counsel to be the principal legal adviser to the Community. The Counsel is appointed on contract in accordance with the staff rules and regulations and terms and conditions of service of the Community. Other terms and conditions of service of this office are determined by the Council.

All other officers and staff of the Secretariat are appointed on contract and in accordance with staff rules and regulations and terms and conditions of service of the Community. Their salaries, job design and conditions of service are determined by the Council

3.2.1 Organisation Structure

The EAC Secretariat is organised into four divisions – Political Federation, Planning and Infrastructure, Productive and Social Sectors, and Finance and Administration and the

HR and Organisational Plan

Directorate of Customs and Trade. Each division is headed by a DSG while the Director General is the Head of the Directorate of Customs and Trade.

3.2.1.1 Political Federation

The Political Federation Division is responsible for Political Affairs and International Relations. It is also responsible for Peace and Security.

3.2.1.2 Productive and Social Sectors

This Division is responsible for productive and social sectors. The productive sectors include the following Departments:

- a) Agriculture, Food Security and Rural Development.
- b) Energy, Environment and Natural Resources
- c) Tourism and Wildlife
- d) Industrial Development

The Social sectors include the Departments of:

- a) Education, Culture and Sports, Science and Technology
- b) Community Development and Civil Society
- c) Health
- d) Labour and Immigration

Finance and Administration

Finance and Human Resources and general Administration are the responsibility of this division.

Customs and Trade

This Directorate at the level of a division is responsible for some of the core activities of the Community, namely; Customs and Trade.

Planning and Infrastructure

The Projects and Planning Division is responsible for Planning and Infrastructure development.

Directorates

Below the divisions are six Directorates headed by a Director. They are responsible for:

- a) Planning and Investments
- b) Productive sectors
- c) Social sectors
- d) Finance
- e) Human Resources and Administration
- f) Customs
- g) Trade
- h) Infrastructure

HR and Organisational Plan

The Transport Sector is within the Infrastructure Directorate. Also in the Directorate of Infrastructure are the Department of Meteorology and the Communications Department.

3.2.1.3 Transport Sector in the EAC

The Community has as part of the Operational Principles governing the practical achievement of its objectives, the establishment of an export oriented economy for the Partner States in which there shall be free movement of goods, persons, labour, services, capital and technology. Article 7 (1) (c) of the Establishing Treaty)

Under Article 89, Partner States undertake to evolve co-ordinated, harmonized and complementary transport and communications policies; improve and expand the existing transport and communication links; and establish new ones as a means of furthering the physical cohesion of the Partner States, so as to facilitate and promote the movement of traffic within the Community. In order to do this, the Partner States are to among others, take steps to develop (a) harmonized standards and regulatory laws, rules, procedures and practices; (b) construct, maintain, upgrade, rehabilitate and integrate roads, railways, airports, pipelines and harbours in their territories; (f) provide security and protection to transport systems to ensure the smooth movement of goods and persons within the Community; (g) take measures directed towards the harmonization and joint use of facilities and programmes within their existing national institutions for the training of personnel in the field of transport and communications

Article 92 of the Establishing Treaty specifically deals with Civil Aviation and Civil Air Transport. It requires the Partner States to harmonise their policies on civil aviation in order to promote the development of safe, reliable, efficient and economically viable civil aviation with a view to developing appropriate infrastructure, aeronautical skills and technology as well as the role of civil aviation in support of other economic activities.

As shown in figure 2 below, the Transport Sector in the EAC has been organised into two Departments in line with the transport activities stated in the Treaty. The Department of Transport and Works was set up to meet the objectives of Article 89 while The Civil Aviation and Airports Department undertakes activities identified in Article 92 of the Treaty.

The Civil Aviation offices of the EAC currently undertake YD Implementation and other related activities. They are assisted in this regard by the Air Transport Sub-Committee.

HR and Organisational Plan

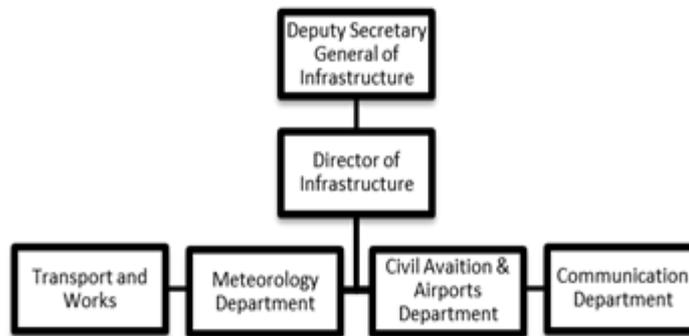


Figure 3: Organisation Structure of the EAC Transport Sector

3.3 SADC

The Secretariat was established under Article 9 of the Treaty to be the principal executive Institution of SADC. As per Article 14, the Secretariat is responsible for:

- a) Strategic planning and management of the programmes of SADC;
- b) Implementation of decisions of the Summit and of the Council;
- c) Organisation and management of SADC meetings;
- d) Financial and general administration;
- e) Representation and promotion of SADC; and
- f) Coordination and harmonization of the policies and strategies of Member States.

The Secretariat is headed by the Executive Secretary, who is appointed under Article 10 (7) of the Treaty by the Summit on the recommendation of the Council for four years and is eligible for another period not exceeding four years. The Treaty also provides for the appointment by the Summit of a Deputy Executive Secretary.

3.3.1 Organisation Structure

The SADC structure provides for two Deputy Executive Secretaries, one responsible for the Regional Integration Division and the other for Finance and Administration.

HR and Organisational Plan

3.3.1.1 Finance and Administration

The Finance and Administration division is organised into two Directorates – Budget and Finance and Human Resources and Administration, each is headed by a Director.

3.3.1.2 Regional Integration

The following five Directorates are organised under the Deputy Executive Secretary-Regional Integration:

- a) Trade, Industry, Finance and Investment
- b) Food, Agriculture and Natural Resources
- c) Social and Human Development and Special Programmes
- d) Policy Planning and Resource Mobilisation, and
- e) Infrastructure and Services

The Transport Sector is located in the Infrastructure and Services Directorate. The ICT/Telecommunications, Energy, and Transboundary Water Management sectors are also organised within the Infrastructure and Services Directorate. Also in the Directorate is the Department of Meteorology.

3.3.1.3 Transport Sector

SADC has as one of the means of achieving its objectives set out under Article 5(1), developing policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the peoples of the region generally among member states. This is provided under article 5(2) (d) of the Establishing Treaty.

The transport sector has been organised accordingly to meet the above objectives. As shown in Exhibit 3, the Programme Manager-Transport who reports to the Director is responsible for all the functions of the sector comprising Roads, Rail and Air transport modes. The Programme Office responsible for air transport coordinates all activities relating to YD and regulation of competition. The office is assisted by the Steering Committee which was set up primarily to spearhead YD implementation within the SADC region.

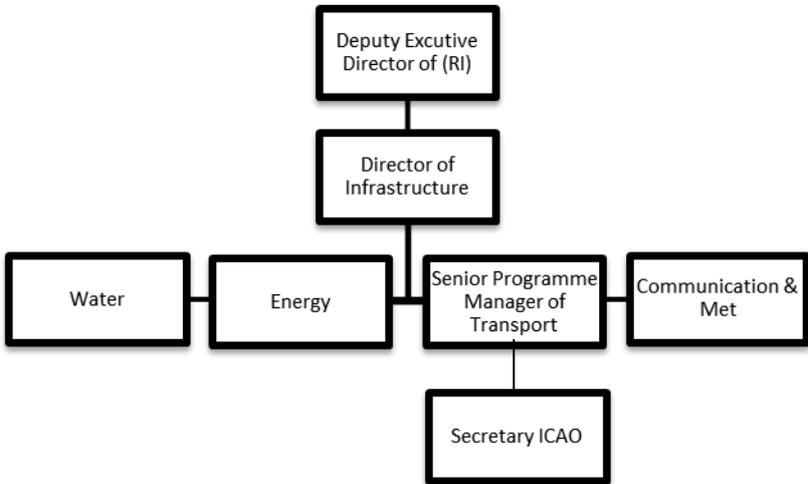


Figure 4: Organisation Structure of SADC Transport Secretariat

HR and Organisational Plan

3.4 Situation Analysis

The obvious conclusion to be drawn from the organisation and management structures of the Secretariats of the three RECs described above is that the Secretariat is responsible for the coordination and implementation of decisions of Member States. Accordingly they have been structured and positioned to carry out the various tasks of the RECs under the respective Treaties. They have been provided with an executive management and other suitably qualified staff to carry out functions of the Secretariat and ensure implementation of the agreed programmes and decisions of the RECs.

The COMESA Secretariat is headed by a Secretary General who is appointed for a five year term renewable once for another five years. There are two Assistant Secretaries-General in addition to the SG while the Secretary General at the EAC Secretariat is appointed under the principle of rotation to a fixed five year term of service. In addition to the Secretary General there are four Deputy Secretaries General at the EAC Secretariat. The Executive Secretary who is the chief Executive at the SADC Secretariat is assisted by two Deputy Executive Secretaries. The Executive Secretary is appointed for four years and is eligible for another period not exceeding four years.

It is also clear that the scope of activities of the RECs under the Treaty influenced the organisation structures of the Secretariats and of the required personnel. These activities can largely be categorised into two groups. The first group comprises the traditional coordination activities that provide vital services essential for the smooth and effective functioning of the REC/Secretariat and ensure that the various activities under the respective Treaties are carried out. This includes service functions such as HR management, Finance and budgeting as well as procurement. The second group is what we can call that dealing with core economic activities of the RECs. The transport sector falls into this category of activities. Consequently, the Transport Departments in the three Secretariats have been organised and provided with the HR structure required to coordinate these activities of the sector. The Departments have appropriately been placed in the Infrastructure Departments of the respective Secretariats. Their HR structures are summarised below.

3.4.1 COMESA

	Position	Grade	Number
1	Assistant Secretary General - Programs	D2	1
2	Director, Infrastructure	P5	1
3	Senior Transport Economist	P4	1
4	Aviation Expert	P3	NIL
5	Roads Expert	P3	NIL

HR and Organisational Plan

6	Railways Expert	P3	NIL
7	Maritime Expert	P3	NIL
8	Meteorologist	P3	NIL

Table 1: COMESA HR Structure

3.4.2 EAC

	Position	Grade	Number
1	DSG - Planning and Infrastructure	D1	1
2	Director Infrastructure	P5	1
3	Principal Civil Engineer – Transport and Works	P3	1
4	Senior Pavement and Materials Engineer	P2	1
5	Senior Meteorologist	P2	1
6	Principal Senior Aviation Officer	P3	1
7	Engineer Planner Communications	P2	1

Table 2: EAC HR Structure

3.4.3 SADC

	Position	Grade	Number
1	Deputy Executive Secretary - RI	-	1
2	Director Infrastructure and Services	-	1
3	Senior Programme Officer - Transport	-	1(On secondment)
4	Programme Officer - Air	-	Nil
5	Programme Officer - Roads	-	-
6	Programme Officer - Railways	-	-

Table 3: SADC HR Structure

3.5 Conclusion

3.5.1 Consultants

A few observations may be made as a summary to this part of the paper. First, the transport departments in all the three RECS are within the larger and broader Infrastructure Development Departments. Secondly, the departments are small and thinly staffed in relation to the volume of activities and work. However, the work of the professional staff in the departments is to a very large extent supported by Consultants and other short term experts. In fact supervision of Consultants forms a big part of the work of the professional staff in the departments.

The departments are also supported by sectoral bodies from the region and beyond. Another major activity involves arranging, preparing and implementing decisions of relevant transport committees and organs of the RECs. This includes Regulatory bodies such as the ATRB in COMESA.

3.5.2 Relationship with JCA Secretariat

As to the possible relationship with the JCA Secretariat, it can be assumed that most of the aviation work done by the Secretariats particularly as it pertains to economic regulation of air transport will be transferred to the JCA Secretariat. It is therefore possible and in fact recommended that the JCA consider using personnel in the existing transport structures in the 3 RECs. This will facilitate continuity and institutional memory retention.

HR and Organisational Plan

4. Personnel Development, Recruitment Policies and Employment Benefits

4.1 Introduction

This second section of the paper discusses some aspects of Human Resources (HR) policies and objectives of the RECs. Accordingly; it reviews the internal structures and distinct functions of the Human Resources Departments of the three Secretariats. Typically, the departments are responsible, among other things, for the organisations' (RECs) HR policies, strategies and procedures on all aspects of people management. We here examine specific aspects of these functions as they pertain to:

- Personnel development
- Recruitment policies, and
- Employment benefits.

The paper also examines in each REC organisational structures of HR within which these activities take place.

4.2 COMESA

4.2.1 HR Internal Organisation Structure

Figure 4 shows that the Chief of HR to the Director of Administration who heads the division. The Chief has two direct Reports, the HR Expert and the senior HR Assistant. Below those are three HR Assistants. There are no distinct functionalities such as Training, Recruitment etc, these are done generally.

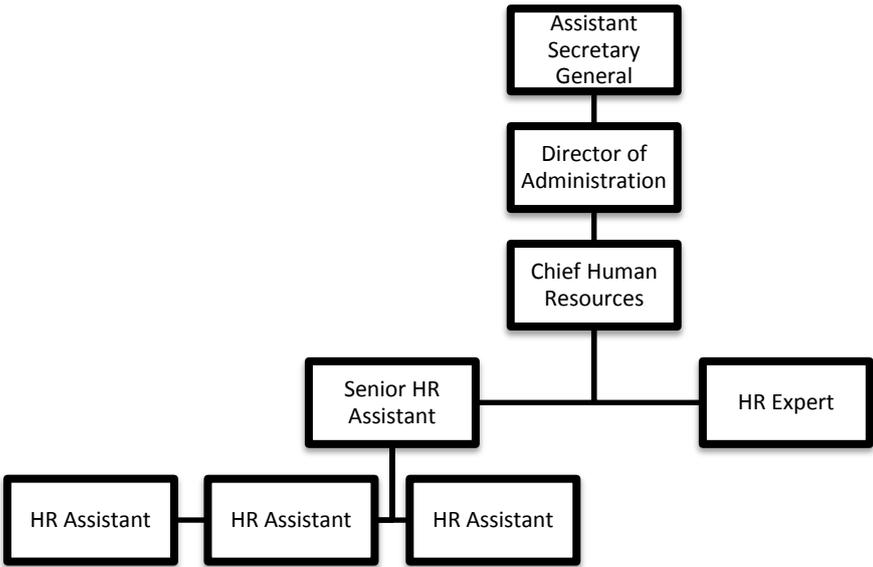


Figure 5: COMESA HR Structure

HR and Organisational Plan

Human Resource Committee

In addition to the HR Department, the Secretary General periodically appoints a Human Resource Committee composed of Administration and staff representatives to advise on:

- (a) the recommendations he or she may make to the Council on appointments and promotions;
- (b) Classification or-reclassification of posts;
- (c) Loans or advances that can be made to staff; and
- (d) Any other matter on human resource management

4.2.2 Personnel Development

Personnel development is an HR activity which is about people acquiring skills in order to develop their capacity to perform effectively. It occurs when Individuals are developed further within the organisation and the methods of development are geared to its ongoing activities. Indeed one of the basic objectives of COMESA is to ensure that the organisation is adequately staffed, with appropriately qualified, experienced and motivated personnel, who are continuously developing their skills, knowledge and attitude to meet the challenges of the organisation. Towards this end, COMESA has in place a Staff Development policy which is outlined in the 'Recruitment and Selection Manual 2009 Edition'. The policy is administered by the HR Department.

The COMESA stated policy is to offer opportunities to its employees for staff development to acquire skills, update knowledge and attitudes appropriate to the fulfilment of COMESA's mandate. The second element aims at providing programmes for strengthening the institution and its management systems. The emphasis is to select short and medium term programmes to achieve its missions using modern techniques of identifying development needs. It is not the policy of COMESA to offer long term training opportunities of an educational nature such as pursuing degrees.

The emphasis on short term or upgrading programmes could be against the background and understanding that each Member State is responsible for long term professional or vocational training of its nationals. In deed COMESA or any other REC are expected to have recruited already suitably qualified individuals from this pool of trained nationals of Member States.

In line with the basic policy objectives stated above, the COMESA Staff development strategy is to provide appropriate programmes that include staff induction and orientation. The emphasis is also on providing programmes aimed at improving and enhancing skills of employees such as; introduction to new technologies especially on information technology; technical training; and professional training aimed at increasing knowledge of staff. In short, COMESA aims at training its staff to:

- a. provide the Secretariat with competent staff who are trained, skilled and with the right attitudes to meet its present and future needs;
- b. meet the dynamic and versatile skills, knowledge and attitudes required to optimize productivity and efficiency of delivery by the Secretariat and its units;
- c. Strengthen the system of management at the Secretariat;
- d. Provide for teamwork among all the staff of the organization;
- e. Provide opportunities for staff to realize their full potential for personal/career development and growth;
- f. Enhance professionalism and expertise among the staff of COMESA;

HR and Organisational Plan

- g. Provide for an effective staff development programme geared towards improving the abilities and performance of each employee at work; and
- h. Integrate the development needs and objectives of the individual employee with the needs and objectives of the COMESA Secretariat.

In addition, it is the policy of COMESA to open training opportunities to all deserving staff members both individually and collectively as determined by the Secretary General through the Director responsible for Administration.

4.2.3 Recruitment Policies

The recruitment and selection process is concerned with identifying, attracting and choosing suitable people to meet an organisation's human resource requirements. The principal purpose of recruitment is to attract sufficient and suitable potential employees to apply for vacancies in the organisation and then selection, by comparison, is to identify the most suitable applicants and persuade them to accept a position in the organisation. Such an important process in the activities of any organisation requires to be guided by well defined policies necessary for the organisation to timely respond to its human resource requirements.

COMESA recruitment and selection policies are found in the Recruitment and Selection Manual 2009 Edition' and 'Staff Rules and Regulations 2010 Edition'.

4.2.4 Overview of the COMESA Recruitment Policy

Article 17 paragraph 5 of the COMESA Treaty sets out the guiding principles of the recruitment policy for COMESA comprising:

- a. Recruiting candidates with the highest standards of integrity, efficiency and technical competence
- b. Maintaining the principle of equal opportunities
- c. Maintaining the principle of an equitable distribution of appointments among citizens of all the Member States

The Secretariat therefore, ensures that when recruiting for posts in the Secretariat, the guiding principles stated above are adhered to. In addition, any recruitment process has to be transparent, fair and competitive. In a bid to adhere to the above principles, COMESA has adopted Recruitment Procedures outlined below.

4.2.5 Recruitment Procedures for COMESA Secretariat

Two specific recruitment processes are followed. These pertain specifically to the recruitment of Professional Staff and the recruitment of General Service Staff. Once vacant positions are identified and approved for recruitment, the Secretariat commences the recruitment process as outlined below.

HR and Organisational Plan

4.2.5.1 Professional Staff

For professional staff, the Secretariat informs the Member States of the vacancies and invites them to advertise the posts in their local media. The Secretariat provides the Member States the following information:

- a. Job specifications
- b. Timetable for the recruitment, including the closing date for the submission of shortlisted candidates

The applications are received by the Coordinating Ministries in individual Member States who then screen them and develop a shortlist of a maximum of five candidates which are forwarded to the Secretariat. In addition, initially the advertisement may only be placed in the Member States with none or under representation. Once this fails to identify suitable candidates, then the positions are opened up to all member states, regardless of whether they have filled their quota or not.

Once applications are received by the Secretariat, shortlisting and interviews are conducted by the relevant panels, which will include specialists from the private or public sectors. The final recommendations of the interview panel are then submitted to the Secretary General, who has power to appoint officers up to P3 level, in consultation with the Bureau of Council. For Officers at P4 and P5 level, the recommendations are then submitted to the Policy Organs for final consideration and approval by the Council of Ministers.

4.2.5.2 General Service Staff

For General Service staff the advertisements for vacant posts are conducted locally in the host country, i.e., Zambia.

Zambians and COMESA citizens resident in Zambia are free to apply directly to the COMESA Secretariat. Once the applications are received, the shortlisting and interviews are conducted by the Secretariat. The recommendations of the interview panel are submitted to the Secretary General who has been given power to appoint staff at General Service level.

(c) Detailed Procedures

The detailed procedures contained in the attached manual highlight the process followed in the recruitment of Professional staff and General Service Staff in the COMESA Established posts. However, the procedures are also followed in the recruitment of staff to Non-Established posts, unless otherwise stated in the financing agreements with specific cooperating partners.

4.2.6 EMPLOYMENT EMOLUMENTS AND BENEFITS

Employee benefits are various non-wage compensations provided to employees in addition to their normal salaries. The bulk of the current COMESA staff emoluments and other benefits were adopted by the Council of Ministers in December 2009. They are outlined in the 'Staff Rules and Regulations 2010 Edition' and consist of salaries and allowances. In

HR and Organisational Plan

addition to salaries, the benefits include: Allowances, Leave, Travel, Medical Scheme and Relocation expenses. Details of some of the emoluments and benefits are summarised below.

4.2.7 Salaries

i) General

In general, the salaries of the staff are approved by the Council of Ministers and revised periodically in a manner prescribed by the Council. Towards this end, the Council may order a salary review to be conducted from time to time and commission an independent body to conduct such review.

ii) Salary Grades/Scales

Salaries are determined by grade or scale. In this respect, there are three salary scales in COMESA:

- Executive Management, which consists of the Secretary General and the two Assistant Secretaries General.
- The professional category; (P5 being highest and P1 lowest)
- The intermediate scale; (IC3 –IC1), and
- The General service category. (GS9 at the top and GS1 at bottom of scale)

First appointment to all COMESA posts is placed at Step 1 of the appropriate scale except in exceptional circumstances

iii) Gratuity and Provident Fund

A staff member is entitled to gratuity on termination or expiration of contract at the rate to be determined by Council from time to time.

The 2011 COMESA Annual Salaries and Gratuity as per above scales are attached.

4.2.8 Allowances

COMESA members of staff are entitled to various types of these allowances, mostly according to their job category and circumstances. Allowances that could be classified as standard or statutory and are applicable in any organisation may not merit mention. Those that may be of interest are listed below as revised in 2012

- 1 **Spouse Allowance**, A professional staff member is entitled to a spouse allowance for a spouse who is not gainfully employed.
- 2 **Dependency Allowance**, A staff member receives dependency allowance for each dependent child subject to a maximum of four children provided the child is below the age of 18 years or 21 years in the case of a dependent still pursuing full time education:

HR and Organisational Plan

- 3 **Housing Allowance**, A staff member is entitled to housing allowance at rates and conditions set by the Council.
- 4 **Installation Support**, A staff member and dependents accompanying him/her receives installation support upon arrival at his/her duty station provided the staff member was not recruited from the country where the duty station is located. The support is in the form of payment of per diem at the obtaining rate and the staff member receives the full rate of the support for up to a maximum of 30 days.
- 5 **Education Allowance**, the Education allowance is payable to a staff member whose child is undertaking an educational programme at a recognized school or university up to the attainment of a post-secondary diploma or degree provided that no such allowance is paid if the beneficiary reaches 25 years. Reimbursement of up to 75% of actual educational expenses incurred up to the applicable maximum.
- 6 **Housing Allowance**, the Secretary General is provided free furnished accommodation. Professional and Intermediate category members of staff are paid a housing allowance as per applicable rate and according to grade. General Service's category personnel are entitled to 7% of annual salary per month.
- 7 **Language Allowance**, General Service category members of staff are entitled to this allowance for a second language.
- 8 **Per Diem Allowance and Travel**, when travelling on duty a staff member is entitled to per diem allowance at the COMESA ruling rate. If the mission is covered by another institution, the per diem allowance is at the ruling rate of that institution. The current (2012) Per Diem Allowance and Travel Allowances are attached.
- 9 **Medical Expenses**, Reimbursement of up to 80 per cent of medical expenses incurred by a staff member/his family up to COM\$3,750 per annum, including the contribution by COMESA to any hospital in-patient Insurance Scheme for all staff members approved by the Council.
- 10 **Insurance**, All staff members are covered by the Group Personal Accident and any other medical insurance schemes that COMESA may institute for the benefit of her staff members.
- 11 **Staff Provident Fund**, COMESA contributes 15% of staff member's basic salary to the Staff Provident Fund; while staff members contribute 10% of their basic salary to the Staff Provident Fund (deductible on a monthly basis). The amounts accumulated in the Staff Provident Fund is be payable to the staff member on final separation from COMESA.
- 12 **Ex-Gratia Payments**, The Secretary General may on the recommendation of the appointments and promotions committee, pay an *ex-gratia* payment to dependents of a deceased staff member.

4.2.9 LEAVE

1. **Earned Leave**. Staff members are entitled to earned leave of thirty working days per year and entitled to spend at least one week of earned leave in the designated place of home leave once every two years.
2. **Study Leave**. The Secretary General may grant a study leave with full pay for a period not exceeding three months. Such leave shall not be charged against the staff member's accrued leave.
3. **Sick Leave**. A staff member who falls ill is granted sick leave under specified terms and conditions. In addition, the Secretary General may approve emergency medical evacuation of a staff member or his/her certified dependents upon the recommendation of a panel of medical officers appointed by him. Travel costs of such medical evacuation are borne by COMESA.

HR and Organisational Plan

- 4. Maternity/Paternity Leave.** A female staff member is entitled to a maternity leave of twelve weeks while paternity leave is granted to a male staff member for a period of three days beginning from the time of delivery by his spouse.

4.2.10 TRAVEL AND REMOVAL EXPENSES

4.2.10.1 Official Travel

Official travel of staff members and their dependents is subject to written authorization by the Secretary General. The following constitute the grounds for official travel:

- (a) Official missions;
- (b) Initial appointment of a staff member from his/her place of recruitment or recognized home country to his/her official duty station of COMESA;
- (c) Home leave;
- (d) Separation from service;
- (e) Authorized medical evacuation; and
- (f) Security and safety;

COMESA pays all expenses related to official travel including, where applicable, daily subsistence allowance for the duration of such travel in accordance with the relevant provisions of the Financial Rules and Regulations. The current Daily Substance Allowances are attached.

4.2.10.2 Removal of Personal Effects

On initial recruitment and on separation from the service, COMESA pays the costs for the removal of personal effects and household goods according to existing terms and conditions. On initial appointment, COMESA pays the travel expenses for the staff member and his/her dependents from his/her home country of normal residence to the official duty station. The same applies to return travel expenses on separation from service.

4.2.10.3 Travel Allowance on Initial Recruitment and Separation from Service

1. Travel Allowance on Initial Recruitment

On first appointment, a member of staff recruited for two years or more from outside the duty station may be reimbursed expenses in transportation of excess baggage or unaccompanied personal effects and household goods, within one year following date of appointment.

2. Transportation in case of death

Upon the death of a staff member, his/her spouse or a recognised dependent, COMESA bears the expenses of transportation of the body from his/her official station or in the event of

HR and Organisational Plan

death having occurred whilst in official travel status, from the place of death to the place of home leave.

4.3 EAC

4.3.1 HR Organisation Structure

Figure 5 shows the Director, Human Resources is the head of the EAC HR Department who reports to Deputy Secretary General for Administration and Finance. The Department is divided into two distinct functions, HR Management division on one hand and the Training division on the other hand.

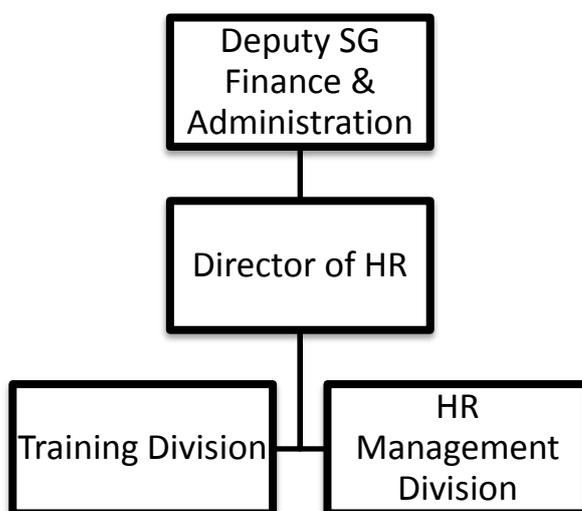


Figure 6: EAC HR Structure

4.3.2 Personnel Development

The EAC Staff Training and development policy is outline in the attached EAC Staff Training and Development Policy Manual. The policy aims at supporting and developing the abilities required of its employees to deliver existing and future services.

Specific aims of this policy are to:

1. Provide staff with an appropriate level and range of training and development opportunities in line with individual and institutional policies
2. Eliminate duplication effort in staff training and development available to staff
3. Extend the range and flexibility of training and development available to staff
4. Ensure improved value-for- money through maximum and harmonised utilisation of available resources; and
5. Ensure that staff is trained to levels appropriate to their roles.

One of the strategies used to achieve the above aims is through a continuous process of identifying training and development needs in order to provide staff with appropriate training and development programmes. In this regard, training and development of staff takes the following forms:

HR and Organisational Plan

1. Induction training
2. On the job training
3. Formal education and training programmes
4. Self-education and flexible learning
5. Continuing education events
6. Exchange of experiences (attachments, study tours, etc)
7. Support for staff involved in professional activities, research and publishing.

In general the EAC views the cost of training as an investment. It is a right aimed at addressing skills required by the organisation and the development of individual career paths.

4.3.3 Recruitment Policies

The EAC Recruitment and Selection Policies are outlined in the 'East African Community Staff Rules and Regulations 2006 Edition'. The general provisions are to some extent similar to those of COMESA. They include the following:

- a. Recruitment of candidates with the highest standards of integrity, efficiency and technical competence
- b. Advertisement of all vacancies, with the exception of the posts of the Secretary General and Deputy Secretaries General, in the print and electronic media of Partner States;
- c. Recruitment only of nationals of the EAC as members of staff;
- d. Recruitment to be transparent, fair and equitable and based on set requirements of each post;
- e. Payment for travel and accommodation expenses for the shortlisted candidates for the advertised posts;
- f. Recruitment to as far as possible, be reflective of equal representation of the Partner States;
- g. Age limit of 55 years for employment in the Community under the professional and General Staff category;
- h. Recruitment to take into account gender balance.

EAC has put in place appointment and recruitment procedures and structures outlined below that are in line with above general provisions.

4.3.4 Interviewing Panels

There are two Interviewing Panels, one for professional staff and another for general staff. The panel for professional staff is chaired by the Secretary General while the Chair for the panel for general staff is the Deputy Secretary General, Administration and Finance. The functions of the Interviewing Panels are to interview and make recommendations to the relevant appointing authorities.

Types of Appointment

HR and Organisational Plan

There are two types of appointments in the EAC, fixed term appointments and temporary term appointments.

1. Fixed term appointments

Fixed appointments include the Secretary General who is appointed to serve a fixed term of five years and the Deputy Secretaries General who are appointed for a term of three years, renewable once. All professional members of staff are appointed on a five year contract, which may be renewed once by the Council. The General Staff are also appointed on a five year contract, renewable once.

2. Temporary appointments

When a post falls vacant, the SG in consultation with the relevant head of department may appoint an officer to temporarily handle the functions of the vacant office for period not exceeding three (3) months. The remuneration for such an appointed is fixed at the first step of the appropriate salary grade to which the appointment is made. Temporary appointments do not attract any other benefits and privileges.

4.3.5 Recruitment Procedures

EAC Recruitment Procedures include:

1. Advertising vacant posts in major newspapers in Partner States including use of electronic media;
2. Shortlisting an equal number of candidates from each Partner State where possible and where possible by the interviewing panel.
3. No more than three candidates are shortlisted from each Partner State for each position.
4. All appointments are subject to interviews
5. Skill oriented jobs are subjected to oral and practical interviews.

4.3.6 Appointment Authority

EAC appointment authority is established as follows:

1. The Secretary General submits the names of successful candidates to the Council for appointment of professional staff;
2. The appointment of SG and DSGs are in accordance with Articles 67 and 68 of the Treaty respectively;
3. Pursuant to Articles 48 (4) and 49 (f) of the Treaty, the Assembly recommends to the Council the appointment of the Clerk and other officers of the Assembly;
4. The Council appoints the Registrar, Clerk, Counsel of the Community and other professional staff in accordance with the relevant provisions of the Treaty.

HR and Organisational Plan

5. General Staff are appointed by the Secretary General.

4.3.7 Human Resource Advisory Committee

The EAC HR policies provide for a Human Resource Advisory Committee which comprises the following:

- a) The Deputy Secretary General for Finance and Administration (Chairperson)
- b) The Registrar (Member)
- c) The Clerk (Member)
- d) Director General, Customs and Trade (Member)
- e) Head, Human Resource Division ,and (Secretary)
- f) Any other technical member as may be co-opted by the Secretary General

The functions of the Human Resources Committee are to give advice to the Secretary General in respect to confirmation in appointment, renewal of employment contracts, staff complaints, staff performance evaluation decisions, staff discipline, recommendation for training and any other staff related matters.

4.3.8 REMUNERATION

Part 6 of the Staff Rules and Regulations outline the various elements that constitute remuneration due to Community staff. Some of these are summarised below

4.3.8.1 *Salary Administration*

All posts in the Community are classified by title and salary scale in accordance with respective duties and responsibilities and as approved by the Council. The classification is based on job analysis and evaluation. Like COMESA, EAC has three salary scales. These are:

- Executive Management
- Professional staff
- General Staff

The remuneration of the staff may be reviewed by Council on the recommendation of the SG.

4.3.8.2 *Allowances and Benefits*

1. Same as COMESA

Allowances and benefits entitled to EAC Members and stipulated in the Rules and Regulations are with, a few variations, the same as those in COMESA. To this end EAC staff are also entitled to: **Education Allowance, Spouse allowance, Substance allowance, Settlement allowance and Baggage and travel allowances.** The conditions under which these allowances are paid are similar to those in COMESA.

2. Transport allowance

HR and Organisational Plan

In addition, EAC provides for a monthly transport allowance to both professional and general staff to facilitate movement from home to office.

3. Mileage allowance

A professional member of staff who is authorised to use his or her vehicle for travel on an official duty outside the duty station is also entitled to a mileage allowance at applicable rates.

4. Official Transport.

As in COMESA, executive members of staff are entitled to a chauffeur driven vehicle maintained by the Community.

4.3.9 SOCIAL SECURITY AND WELFARE SERVICES

Under Social Security and Welfare Services EAC staff entitlements are also similar to those applicable in COMESA. These include; ***Medical Scheme, Staff insurance and compensation for death or injury.***

4.3.10 TRAVEL AND MOVEMENT OF STAFF

Official and other travel outside the duty station by members of staff and in case of staff's dependent, where the Community is to bear the cost, has to be authorised by the Secretary General. The following constitute such travel:

1. Official Travel

Conditions for official travel in the Community are similar to those in COMESA. The definition, types and criteria to what constitutes official travel in the EAC is more or less as what has been outlined in the discussion under COMESA. In this case the types of official travel include travel on duty, initial recruitment, home leave and separation from service. It also covers authorised travel by a member of staff's dependent.

2. Travel of Spouse and Dependent children

The Community bears travel expenses for the entitled dependants of a member of staff under circumstances similar to the respective member of staff which include, travel on initial recruitment and home leave. The mode and class of travel of the dependants are the same as that of the member of staff.

3. Transport upon death of Member of Staff or Family Member

As in COMESA, upon the death of a member of staff, his or her spouse, his or her dependent children, the Community pays expenses of transporting the body from the duty station to the officially declared domicile of the member of staff.

4.3.11 STAFF LEAVE

General Provision

The EAC considers annual leave as a right which has to be taken when due, subject to the exigencies of services. The types of leave provided by the Community include the following:

1. Annual Leave

Executive and Professional Staff are entitled to thirty working days while the entitlement for General Staff category is twenty one (21) working days per year of active service.

2. Home Leave

All members of staff except the general staff are entitled to home leave once every two years of qualifying service at the expense of the Community.

3. Compassionate Leave

A member of staff may be granted compassionate leave of not more than ten (10) days with full pay during one calendar year in the event of important events such as family misfortune, serious illness or death of a member of staff's immediate family.

Sick Leave

Members of staff who are incapacitated from the performance of their duties by illness or injury shall be granted sick leave under the following terms and conditions:

- a) A member of staff on a fixed term contract is granted sick leave up to three (3) months on full salary after which he or she will be granted a further three months on half pay provided that the amount of sick leave permitted in any contract period does not exceed six (6) months.
- b) A member of staff who continues to be sick for a period exceeding six (6) consecutive months or accumulated period of six months (6) months in one calendar year (180 days), shall be examined by a Medical Panel comprising three (3) medical doctors appointed by the Secretary General to determine the member staff's physical and mental fitness to continue in the service of the Community.
- c). A member of staff who may be retired on medical grounds on the advice of the Medical Panel shall be paid three months basic salary in lieu of notice.

D) Maternity and Paternity leave

As applicable in COMESA

e) Study Leave

The Secretary General may on the advice of the Human Resources Committee grant study leave on full pay to a member of staff for a period not exceeding one(1) month provided the course is relevant and within the training needs of the Community. Such leave is not charged against the member of staff's accrued leave.

HR and Organisational Plan

4.4 SADC

4.4.1 HR Organisation Structure

Figure 6 shows that the Head, Human Resources reports to Executive Deputy Director, Finance and Administration. The Head has one direct Report, Assistant Human Resources.

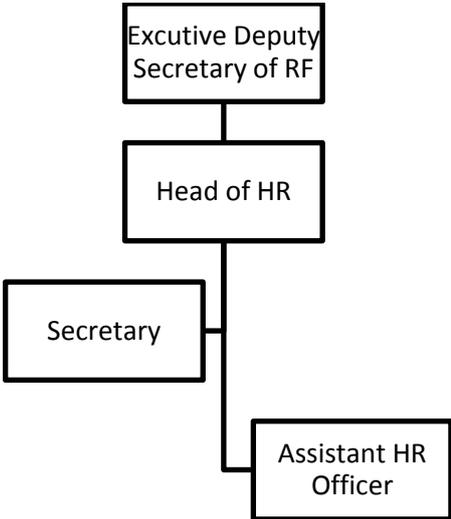


Figure 7: SADC HR Organisation

4.5 Conclusions

A number of conclusions can be drawn from the discussion on the three Secretariats.

1. The overall structures and legal mandates of the three Secretariats provide an appropriate context within which to construct a JCA Secretariat that will have across the board acceptance with the capacity to effectively carry out its mandate.
2. Currently, the Transport Departments of the 3 RECs have been performing the basic functions assigned to the JCA. The departments will therefore provide a foundation or springboard and a basis for the future development of the JCA Secretariat. There will always, of course, be the risk of overlapping of responsibilities and ‘stepping on each other’s toes.’
3. Personnel policies and benefits of the RECs that supplied sufficient data on the matter provide an indication of what the JCA could offer to attract suitably qualified members of staff.

In light of the above it is recommended that the JCA Secretariat, as far as possible, be the hybrid of the best of the three RECs in terms of policies and benefits, subject to ability to support such proposals.

5. JCA JOB DESCRIPTIONS

5.1 Executive Director

Grade: D1

Reports to: JCA Authority

Major Function:

The overall management and administration of the functions of the JCA to ensure that it meets its obligations as prescribed in the Regulation; and also responsible for the expected outcomes of the JCA, in particular assuring the full implementation of the YD within the tripartite member states

Duties and Responsibilities:

- a) Under the direction of the Board, supervise and manage the full, equal and transparent implementation of the Yamoussoukro Decision within the Tripartite Region ;
- b) Implement the measures of the Joint Competition Authority within the limits specified by the Regulation, its implementing rules and any applicable law;
- c) Liaise with the regional economic communities and other organs of the African Union to ensure the acceptance of harmonised rules necessary to ensure the liberalisation of air transport;
- d) Draw up an estimate of the revenues and expenditure of the Joint Competition Authority including work programme for the following financial year and forward it to the JCA for approval at least three months before the end of the each current year;
- e) Submit an annual work plan to the Council of Ministers for approval and endorsement by the Tripartite Summit, at least three month before the end of the current year;
- f) Submit an annual list of proposed regulatory activities to be undertaken in pursuance of Article xxxx of the JCA Regulation to the Council of Ministers;
- g) Carry out investigation and inspections on the state of YD implementation in Member States and recommend actions to be taken to the Council of Ministers;
- h) Represent the JCA at meetings of the YD Executing Agency;
- i) Take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Joint Competition Authority in accordance with the provisions of its Regulation;
- j) Prepare each year a draft general report and all other reports stipulated in Article 23 of the Regulation and submit it to the JCA Draw up estimates of the revenues and expenditure of the Joint Competition Authority pursuant to its Regulation and implement the budget ;
- k) Prepare quarterly reports on activities and performance review;
- l) Present to the JAC Authority for approval proposals on the enhancement of the organisational structure of the JCA;

HR and Organisational Plan

- m) Delegate his/her powers to other members of staff of the Joint Competition Authority; and
- n) Perform any other duties as may be assigned from time to time by the JCA Authority.

Qualifications

- a) At least a Masters degree from a recognized institution in a relevant field of aviation;

Experience

- b) At least 10 years management experience of which 5 should be at senior/executive management level in the field of civil aviation

Skills and Competency

- a) Excellent communication skills in writing and orally;
- b) Ability to work as a team leader and to motivate others; and
- c) Ability to work under pressure and to deliver on the set objectives and targets.
- d) Ability to establish and maintain collaboration with outside partners, to work and put points across effectively in a system based on consensus and to successfully manage and resolve conflicts.
- e) Ability to understand reports based on complex legal and economic analysis
- f) Knowledge of the civil aviation regulatory framework, particularly within the tripartite region
- g) ITC literacy is essential

Performance indicators:

- (a) Successful implementation of YD in all member States
- (b) The fair application of competition rules

5.2 Executive Director Personal Assistant

Grade: G5

Reports to: Executive Director

Major Function:

To provide an efficient and responsive administrative, organizational and logistical service to the Executive Director, helping him/her to manage and prioritise his/her time.

Duties and Responsibilities

- a) Prepare and manage correspondence, reports and documents in the office of the Executive Director;
- b) Organize and coordinate meetings and travel arrangements of the Executive Secretary;

HR and Organisational Plan

- c) Take, prepare and distribute minutes of meetings with the Executive Director;
- d) Implement and maintain office systems;
- e) Maintain schedules and calendars of the Executive Director, and arrange and confirm appointments ;
- f) In consultation with the IT Manager, set up and maintain electronic management and filing system;
- g) Prepare correspondence on behalf of the CEO, including the drafting of general replies;
- h) Filter general information, queries, phone calls and invitations to the CEO by redirecting or taking forward such contact as appropriate;
- i) Carry out any other related duties as may be assigned by the Executive Director.

Qualifications

- a) Diploma in secretarial services/office administration or equivalent and at least five (5) years experience performing the duties of a secretary or office administrator;

Experience

- a) Demonstrable experience in an administration/executive assistant/PA role in an environment requiring tact, judgment and discretion in handling internal and external contacts;
- a) Knowledge and experience of Microsoft software applications – spreadsheets, word-processing and database management;
- b) Proficient in spelling, punctuation, grammar and other English language skills;
- c) Proven experience of producing correspondence and documents;
- d) Proven experience in information and communication management.

Skills and Competency

- a. Excellent oral and written communication skills and ability to professionally represent the Executive Director's office.
- b. Have strong interpersonal skills and the ability to work under pressure and to deliver on established deadlines;
- c. Attention to detail;
- d. Ability to exercise own initiative;
- e. Ability to exercise discretion in dealing with sensitive and confidential matters; and
- f. Effective organisational skills.

5.3 Data Base Expert

Grade: P4

HR and Organisational Plan

Reports to:

Executive Director

Major Function:

Plan and manage the implementation of JCA Information Communication Technology (ICT) system, including data development; system security; inter/intranet development; systems integration; computer operations; hardware and network operations; and user support, policy and procedure development.

Duties and Responsibilities

- a) Manage and operate the JCA ICT Infrastructure and Equipment;
- b) Act as the focal point for ICT related matters to ensure all Organizational strategic needs are met;
- c) Plan for systems upgrades and implement IT infrastructure changes; install systems, network components and software; suggest best technical solutions in order to achieve required standards;
- d) Plan, install, configure, operate and maintain an appropriate suite of Network Information Systems applications (Internet Access, Web, Electronic Mail, Network File and Print Services);
- e) Perform needs assessment for new systems and modifications to existing systems including conducting on-going reviews with users as well as keep abreast of developments in the field and conduct research on new technologies. Identify and analyse staff training needs on ICT related areas and assist in organizing appropriate courses;
- f) Develop a central database of air transport activities including but not limited to compiling a statistics of air transport and generating reports on all aspects of its competence;
- g) Design and facilitate the deployment of a database required to collect data from states, RECs, air transport service providers, and any other relevant institution ;
- h) Implement a secure, expeditious, efficient and cost effective means of communication to ensure the exchange of information between the JCA, civil aviation authorities, regional economic communities, air transport services, and the Council of Ministers;
- i) Implement a communication system to ensure that national authorities have direct access to the JCA information network and database and are able to communicate seamlessly and securely;
- j) Facilitate the use by service providers to utilise the website of the JCA to communicate with the Authority, states, RECs and other institutions;
- k) Implement an internet platform and establish conditions for consumer and hazard reporting;
- l) Liaise with and/or supervise external consultants and service providers with regard to ensuring service delivery, maintenance and implementation of systems;
- m) Prepare and draft ICT operational, technical, hardware, software requirements and specifications for procurement and invitations to tenders;
- n) Provide ICT technical support to meetings/seminars/workshops hosted by the JCA;
- o) Update and maintain the ICT equipment inventory; and

HR and Organisational Plan

- p) Carry out any other related duties as may be assigned by the Executive Director.

Qualifications

- a) University degree in computer science or equivalent qualification;

Experience

- a) Strong experience in systems design; and
- b) Sound knowledge of computer software.

Skills and Competency

- a) Proven ability to take ownership of all responsibilities and to honour commitments, to exercise mature judgment, to recognize key issues and analyse relevant information, to make feasible recommendations and to make sound decisions;
- b) Ability to write clearly and concisely and to present articulate verbal reports;
- c) Demonstrated ability to plan and guide the work of a technical team in a multinational environment, to identified priorities and adjust them as required; and
- d) Ability to establish and maintain partnerships with external collaborators, to work and advocate effectively in a consensus-based system and to successfully manage and resolve conflict.

5.4 Quality Control Manager

Grade: P4

Report to: Executive Director

Major Function

Plans, coordinates, and directs research, audits, inspections and quality Control functions in order to ensure the full, equal and transparent implementation of the Yamoussoukro Decision within the Tripartite Region.

Duties and Responsibilities

- a) Carry out research in areas of JCA's competence;
- b) Formulate and maintain quality control objectives and coordinate with all units of the JCA in relation to procedures to maximize service reliability and minimize costs;
- c) Direct inspections to ensure continuous control of procedures;
- d) Plan, promote and organize training activities related to quality and reliability;
- e) . Develop and enforce the criteria for eligibility under Article 6.9 of the Yamoussoukro Decision and safety of airline operations;
- f) Investigate and address complaints regarding quality;
- g) Initiate the Supervision and management of the full, equal and transparent implementation of the Yamoussoukro Decision within the Tripartite Region;

HR and Organisational Plan

- h) Encourage African universities, other educational institutions and research institutes to conduct such research as will enhance understanding and further promote air transport liberalisation in the region;
- i) Maintain a publicly available database of research undertaken by the JCA, States, RECs and other regional organisations, academic and research institutions;
- j) Coordinate the JCA research activities with those of the RECs and States so as to ensure that policies and actions are mutually consistent and to prevent duplication of efforts;
- k) Liaise with the RSOO's to ensure that air transport service providers meet ICAO safety and security standards; and
- l) Carry out any other related duties as may be assigned by the Executive Director.

Qualification and

- a) A university degree in aviation law or air transport economics.

Experience

- a) Broad operational knowledge and experience in the air transport economic regulation functions, preferably five years experience in the quality control position.

Skills and Competency

- a) Must have excellent communication skills and get along well with people even in stressful situations/environments; and
- b) Must possess project management skills for implementing or changing management systems, obtaining support, keeping activities on track, providing regular reports and reporting on quality costs and benefits.

5.5 Consumer Protection Manager

Grade: P4

Report to: Head Legal Department

Major Function

Conduct studies and monitor the activities of the JCA in order to ensure the protection of the consumers of air transport in the Tripartite Region and also communicate related information to all concerned.

.

Duties and Responsibilities

- a) Provide guidance to ensure that all air transport activities are conducted in the interest of the consumer and whose interests shall be considered as protected by all stakeholders;
- b) Maintain awareness of all the stakeholders on progress and challenges regarding the implementation of the YD in the Tripartite Region;
- c) Refer to and liaise with all stakeholders regarding the protection of the

HR and Organisational Plan

- interests of all stakeholders in the implementation of the YD;
- d) Ensure that an internet platform is created and conditions for consumer and hazard reporting are established;
 - e) Develop an official publication for the JCA which is guided by openness, transparency and a willingness to publish relevant documentation to all interested parties, including the general public;
 - f) Establish measures for the dissemination of information to interested parties based on the need to:
 - (i) Provide persons and organisations with the information they need to enable them undertake their obligations under the Yamoussoukro Decision;
 - (ii) Limit the dissemination of information to what is strictly required for the purpose of its users, in order to ensure appropriate confidentiality of that information.
 - g) Ensure that civil aviation authorities, regional economic communities and air transport service providers take necessary measures to ensure appropriate confidentiality of the information received by them in application of this Regulation;
 - h) Carry out any other related duties as may be assigned by the Executive Director.

Qualification

- a) A university degree in aviation law or air transport economics with five years experience in a related position.

Experience

- a) Five years experience in performing related job functions.

Skills and Competency

- i) Proven ability to take ownership of all responsibilities and to honour commitments, to exercise mature judgment, to recognize key issues and analyse relevant information, to make feasible recommendations and to make sound decisions;
- j) Ability to write clearly and concisely and to present articulate verbal, quantitative and qualitative reports and
- k) Ability to establish and maintain partnerships with external collaborators, to work and advocate effectively in a consensus-based system and to successfully manage and resolve conflict.

5.6 Head Legal Department

Grade: P5

Report to: Executive Director

Major Function

Supervise and manage the implementation of the Yamoussoukro Decision, in particular give effect to the Competition Regulations.

Duties and Responsibilities

- a) Ensure the enforcement of decisions, resolutions, regulations and directives of the Tripartite Summit and the Tripartite Council of Ministers;
- b) Formulate opinions, recommend decisions, adopt guidelines and guidance materials including clarifications of provisions of the Yamoussoukro Decision and acceptable means of compliance;
- c) Prepare applications to the Tribunal and Court of Justice of the regional economic communities for Advisory Opinions, or otherwise initiate actions against State Parties and air transport service providers, or, intervene in disputes in matters involving the implementation of the Yamoussoukro Decision;
- d) Request specific action, including but not limited to, data and reports, of States within implementation of the Decision;
- e) Make determinations on the state of compliance of the Yamoussoukro Decision, the Competition Regulations and any relevant implementing rules and regulations by a State Party and/or an airline and recommend appropriate remedial action;
- f) Make recommendations to the Tripartite Council of Ministers including but not limited to the imposition of sanctions on State, where appropriate;
- g) Recommend and impose sanctions on air transport service providers including fines and penalty payments;
- h) Develop requirements for breaches or infringements to be brought to an end;
- i) Establish orders for interim measures;
- j) Recommend the acceptance of commitments of compliance from State Parties as necessary;
- k) Report annually or as often as is determined by the Council of Ministers on the status of implementation of the Yamoussoukro Decision and the Competition Regulations;
- l) As necessary, submit the following additional reports to Council of Ministers:
 - (i) Annual reports on implementation of the Decision and the Competition Regulations;
 - (ii) Sanctions imposed on service providers, and
 - (iii) Any other matter proposed to report on.
- m) Establish measures to ensure that states and service providers are obliged to submit requested reports quarterly or annually or as frequently as may be determined by the Joint Competition Authority;
- n) Establish and adopt rules on means of enforcing the measures for States and service providers to provide reports by:
 - (i) Reporting on States and service providers that appear to be persistently in breach of obligations on submission of reports or other information requested;
 - (ii) Publication on the JCA website of a list of states and service providers discharging or not discharging their reporting obligations; and
 - (iii) Any other action or sanction that may be considered reasonable to recommend to the Council of Ministers.
- o) Establish measure to ensure that any sanction approved by the Council of Ministers are applied;
- p) Ensure that the JCA exercises such other powers and perform such other functions as are vested in or conferred on it by the Council of Ministers, any other organ of the Tripartite or of the Yamoussoukro Decision; and
- q) Carry out any other related duties as may be assigned by the Executive Director.

HR and Organisational Plan

Qualification

- a) University law degree with specialization in aviation legislation and at least 10 years working experience in aviation law.

Experience

- a) Familiarity with government machinery for establishing and administering air law and regulations;
- b) Familiarity with air transport agreements and international legal protocols, proceedings and recommendations, and with the preparation and negotiation with bilateral and multilateral agreements;
- c) Familiarity with the YD implementation by the RECs;
- d) Experience in the revision or drafting of laws, rules and regulations applicable to domestic and international air transport and their application within government in such matters as licenses and permits, powers of regulation over air transport, aircraft ownership and registration, responsibilities and duties of air operators, general safety requirements.

Skills and Competency

- a) Demonstrated ability to take ownership of all responsibilities and commitments, to exercise a mature opinion, to recognize key issues and analyse relevant information, to formulate viable recommendations and make decisions;
- b) Ability to write clearly and concisely and present oral reports;
- c) Ability to work with colleagues to achieve organisational objectives and maintain harmonious working relations in a multinational environment; and
- d) Proven ability to plan and guide the work of a technical team in a multinational environment, with identified priorities and adjust as needed.

5.7 Competition Lawyer

Grade: P4

Report to: Head Legal Department

Major Function

Harmonise the regulations on competition, consumer protection, market access, conflict resolution and licence approval, including the standardisation of the application of eligibility criteria.

Duties and Responsibilities

- a) Monitor the application of the Yamoussoukro Decision by national aviation authorities and air transport service providers and prepare annual reports to the Council of Ministers;
- b) In the fulfilment of the reporting function:
 - (i) Conduct regular investigations;
 - (ii) Carry out evaluations;

HR and Organisational Plan

- (iii) Request for and review national aviation regulations including but not limited to economic regulations, air services agreements, and operational statistics of all aspects of air transport falling within its field of competence of the JCA;
- c) Prepare the publication of a comprehensive report on each State every three years on the level and effectiveness of application of the Decision and any relevant implementing rules and regulations;
- d) Prepare for the submission of the following additional reports to Council of Ministers:
 - (i) Annual reports on implementation of the Decision and the Competition Regulations;
 - (ii) Sanctions imposed on service providers;
 - (iii) Any other matter that may be proposed to be reported on;
- e) In performing the above function, he/she will:
 - (i) Arrange for requests for reports from states, and service providers who shall be obliged to submit requested reports quarterly or annually or as frequently as may be determined by the JCA; and
 - (ii) .Propose and adopt rules on means of enforcing sub-paragraph the process including but not limited to reporting on States that appear to be persistently in breach of obligations on submission of reports or other information requested; and publication on the JCA website of a list of states discharging or not discharging their reporting obligations; and develop any other action or sanction that the JCA may consider reasonable to recommend to the Council of Ministers; and
- f) Carry out any other related duties as may be assigned by the Head Legal Department.

Qualification

- a) University law degree with specialization in aviation/air transport legislation and at least five years working experience in aviation law;

Experience

- a) At least five years governmental (civil aviation) or international airline experience, including policy submissions or decisions on the following matters:
 - (i) Regulations of the air transport market;
 - (ii) Control of airline operating economics, and control of the economics of airports and route facilities;
 - (iii) Bilateral and multilateral agreements; and
 - (iv) Knowledge of recent trends in the regional air transport industry, particularly the implementation of the YD;

Skills and Competency

- a) Proven ability to take ownership of all responsibilities and to honour commitments, to exercise mature judgment, to recognize key issues and analyse relevant information, to make feasible recommendations and to make sound decisions;
- b) Ability to present, defend and amend proposals;
- c) Ability to write clearly and concisely and to present articulate verbal reports;

HR and Organisational Plan

- d) Ability to work with colleagues to achieve the organisational goals and maintain harmonious working relationships in a multinational environment; and
- e) Ability to keep abreast of new developments.

5.8 Chief Air Transport Services

Grade: P5

Report to: Executive Director

Major Function

Support States to enhance their economic regulatory framework and assist them with their implementation of the YD.

Duties and Responsibilities

- a) Establish systems for performance monitoring, traffic forecast, analysis of financial data, conducting of surveys, capacity analysis, infrastructure investment studies and risk assessment;
- b) Outline and stipulate enforcement conditions under which a state may limit its commitment under Article 3.2 of the Yamoussoukro Decision in order to ensure the proper functioning and effective liberalization of air transport within the Tripartite Region,
- c) Continuously review, recommend and, where applicable enforce modern and effective measures of:-
 - (i) Tariff notification;
 - (ii) Frequency and capacity notification; and
 - (iii) Designation and authorization of eligible airlines under Article 6.1, 6.2 and 6.3 of the Yamoussoukro Decision;
- d) Establish systems for the supervision and management of the liberalisation of air transport in the Tripartite Region;
- e) Establish procedures to monitor the application of the JCA Regulation, the Yamoussoukro Decision and its implementing rules including the Competition Regulation by national aviation authorities and air transport service providers;
- f) Conduct investigations in the territories of the State Parties and undertake all necessary measures within the powers conferred on the JCA by the Competition Regulation, the Yamoussoukro Decision or other regulations;
- g) Submit Annual Reports to the Council of Ministers on the state of the air transport industry within the region including but not limited to detailed tri-annual reports on each state; and
- h) Carry out any other related duties as may be assigned by the Executive Director.

HR and Organisational Plan

Qualification

- a) University degree in air economics, transport or sciences;
- b) Qualification in air transport.

Experience

- a) At least ten years in governmental (civil aviation) or international airline experience, including policy submissions or decisions on the following matters:
 - (i) Air transport studies and forecasting trends;
 - (ii) Regulation of the air transport market; and
 - (iii) Bilateral and multilateral air transport agreements; and
- b) Knowledge of recent trends in the continental and world air transport industry in relation to liberalization, particularly in relation to the YD;

Skills and Competency

- a) Proven ability to take ownership of all responsibilities and to honour commitments, to exercise mature judgment, to recognize key issues and analyse relevant information, to make feasible recommendations and to make sound decisions;
- b) Ability to write clearly and concisely and to present articulate verbal reports;
- c) Demonstrated ability to plan and guide the work of a technical team in a multinational environment, to identified priorities and adjust them as required; and
- d) Ability to establish and maintain partnerships with external collaborators, to work and advocate effectively in a consensus-based system and to successfully manage and resolve conflict.

5.9 Air Transport Specialist

Grade: P4

Report to: Chief Air Transport

Major Function

Support States to enhance their economic regulatory framework and assist them with their implementation of the Decision.

HR and Organisational Plan

Duties and Responsibilities

- a) Collect the necessary information and documentation on the present situation in order to be monitor performance on the implementation of the YD in the Tripartite Region;
- b) Identify evaluate the challenges which prevent the effective and efficient discharge of responsibilities and recommend necessary remedial actions to improve the identified challenges;
- c) Conduct studies and analysis into air transport economics, competition issues, and encourage the establishment of institutions of advanced studies into such matters;
- d) Compile statistics of air transport and generate reports;
- e) Analyse the statistical trends and conduct traffic forecasts required for planning purposes;
- f) Make analysis of the air transport financial data, conduct surveys, capacity analysis, infrastructure investment studies and risk assessment;
- g) Undertake such studies and propose actions, advice and support the Executing Agency in its tasks provided for under the Yamoussoukro Decision;
- h) Make recommendations to encourage that all air transport activities undertaken on the African continent and particularly within the Tripartite Region shall aim at achieving smooth, safe, sustainable, comfortable, affordable and efficient intra-African travel;
- i) Establish provisions to ensure that air transport service providers are encouraged to operate profitably with least operating cost, with airlines preferably utilising all logical fifth freedom routes;
- j) Establish procedures for to enable air transport service providers to be assisted by States, RECs and the JCA to identify potentially attractive routes based on long term focussed economic activities; and
- k) Carry out any other related duties as may be assigned by the Chief Air Transport Economist.

Qualification

- a) University degree in air economics, transport or sciences.

Experience

- a) At least 5 years experience in the regulation of air transport operations, route permits, rates, fares, business practices and competition, the regulation of the air transport market and traffic studies and forecasting trends; and
- c) Awareness of the continental activities related to the implementation of the YD.

Skills and Competency

- a) Proven ability to take ownership of all responsibilities and to honour commitments, to exercise mature judgment, to recognize key issues and analyse relevant information, to make feasible recommendations and to make sound decisions;
- b) Ability to present, defend and amend proposals;
- c) Ability to write clearly and concisely and to present articulate verbal reports;
- d) Ability to work with colleagues to achieve the organisational goals and maintain harmonious working relationships in a multinational environment; and
- e) Ability to keep abreast of new developments.

5.10 Head of Administration and Finance

Grade: P5

Report to: Executive Director

Major Function

Responsible for the planning, coordination and management of the administrative and financial services of the JCA.

Duties and Responsibilities

- a) Assess the human resources available to the JCA and identify deficiencies that exist in the number and qualifications of its personnel;
- b) Assess the requirement for personnel in the various fields and disciplines for which the JCA will be responsible;
- c) Propose amendments to recruitment and training plan to ensure that it meets the human resources requirements of the JCA for its efficient and safe operation and management;
- d) Review and propose appropriate and feasible personnel policies, procedures, and pay scales for the JCA;
- e) Develop and maintain a suitable performance management system for the JCA;
- f) Responsible for payroll administration;
- g) Develop and submit a draft regulation on the collection of fees and charges and identify the matters for which fees and charges are due, the amount of the fees and charges and the way in which they are to be paid;
- h) Ensure that the JCA meets required financial management and reporting standards;
- i) Prepare and consolidate the JCA annual budget;
- j) Manage outsourced activities including related agreements and contracts;
- k) Monitor and control expenses against budgets;
- a) Approve expenditure up to a level agreed with the Executive Director;
- b) Arrange for annual audits and subsequently ensure that audit recommendations are followed through;
- c) Conduct or facilitate training of senior management personnel; and
- d) Carry out any other related duties as may be assigned by the Executive Director.

Qualification

- a) University degree in business administration or equivalent professional qualifications related to human resources and finance.

Experience

- a) A minimum of ten years experience in a senior management position in a civil aviation authority, major airline; or regional or international, preferably with

HR and Organisational Plan

responsibility for planning, administration and/or organization of human and financial resources.

Skills and Competency

- a) Proven ability to take ownership of all responsibilities and to honour commitments, to exercise mature judgment, to recognize key issues and analyse relevant information, to make feasible recommendations and to make sound decisions;
- b) Ability to write clearly and concisely and to present articulate verbal reports;
- c) Ability to work with colleagues to achieve the organisational goals and maintain harmonious working relationships in a multinational environment;
- d) Demonstrated ability to plan and guide the work of a team in a multinational environment, to identified priorities and adjust them as required; and
- e) Ability to establish and maintain partnerships with external collaborators, to work and advocate effectively in a consensus-based system and to successfully manage and resolve conflict.

5.11 Accounting Officer

Grade: P3

Report to: Head of Administration and Finance

Major Function

Manage the operational activities of the accounting services of the JCA.

Duties and Responsibilities

- a) In liaison with the Financial Unit of the SADC Secretariat, manage the JCA financial accounting, monitoring and reporting systems;
- b) Collate, prepare and interpret financial reports, budgets, accounts and financial statements;
- c) Assist in maintaining accounting records for the financial operation of the JCA and monitoring the status of budget allotments and other Funds as required;
- d) Implement and manage the JCA payroll system and ensure that it is efficient and effective to meet staff needs and requirements;
- e) Provide advice to staff on financial procedures and compliance/regulatory/statutory issues;
- f) Implement and manage a system for the collection and accounting for the fees and charges levied by the JCA;
- g) Produce accurate financial reports to specific deadlines;
- h) Control income, cash flow and expenditure;
- i) Manage budget and implement cash management strategies;
- j) Implement budget management strategies;
- k) Preparing special financial reports as and when required by the JCA management;
- l) Carry out the day to day management of the finance unit; and
- m) Carry out any other related duties as may be assigned by the Head of Administration and Finance.

HR and Organisational Plan

Qualification

- a) University degree in business administration or accounting or equivalent professional qualifications in a financial management field.

Experience

- a) Minimum five years of progressively responsible experience in finance related duties in support of financial activities of an organization; and
- b) Experience should include financial management and experience in using integrated automated systems for the management of financial resources.

Skills and Competency

- a) willingness and ability to accept responsibility for oneself and one's duties; taking ownership for actions and outcomes;
- b) Ability to set clear goals, to prioritize, to anticipate problems or risks and use time efficiently;
- c) Ability to handle a large volume of work timely and accurately under tight time schedules and to have initiative and good judgement; and
- d) Good inter-personal skills in order to maintain harmonious working relationships with colleagues of different nationalities and cultural backgrounds.

5.12 HR and General Administration Officer

Grade: P3

Report to: Head of Administration and Finance

Major Function

Management the operational activities of the administrative services of the JCA.

Duties and Responsibilities

- a) Plan, coordinate, and ensure the timely delivery of administrative services related to office management, human resources management, information and communication technology management, building and conference services management, external relations and travel arrangements for the JCA staff, in accordance with defined regulations and procedures;
- b) Advise staff on human resources, financial, administrative and protocol matters, in accordance with rules and agreement with host country;
- c) Ensure that administrative directives issued are communicated to staff, and are implemented and maintained;
- d) Prepare data/reports related to administrative matters as required;
- e) Within delegated authority, interpret and apply human resources rules and regulations in respect of conditions of service and staff entitlements and allowances;

HR and Organisational Plan

- f) Review documents and correspondence, determine eligibility, certify entitlements and initiate action for approval and payment;
- g) Maintain recruitment plans for staff;
- h) Initiate the advertisement process for the recruitment of staff by preparing and obtaining approval for job descriptions and submitting them for approval and publication;
- i) Serve as Secretary of the Appointment and Promotion Board for GS posts;
- j) Prepare employment contracts for staff;
- k) Ensure timely arrangements are made for the assignment of staff (travel, accommodation, import of household effects);
- l) Perform tasks related to official travel, e.g. calculation of costs, reservations and obtaining necessary travel documents, including visas;
- m) Arrange for the indoctrination of newly recruited staff;
- n) Brief newly recruited staff on working conditions and eligibility for entitlements, allowances and benefits and administer these in accordance with established rules and regulations;
- o) Liaise on matters of protocol, visas, permits, privileges and immunities accordingly, ensuring prompt assistance to newly recruited staff and their families;
- p) Maintain a database of training facilities and courses within and outside the tripartite region and arrange for certification or endorsement of such courses and training facilities;
- q) Compile annual schedules for meetings, workshops and training courses; and establish meeting arrangement timetables for implementation;
- r) Ensure provision of required documentation support for meetings and workshops; and equipment as required;
- s) Coordinate and manage the office systems and facilities of the JCA and ensure that all related support activities, including, inter alia, the functioning of office and conferencing facilities, equipment and meeting rooms;
- t) Assist in assessing and selecting suppliers, service/maintenance/training companies, consultants and in negotiating related contracts;
- u) Initiate procurement for equipment through competitive bidding procedures;
- v) Ensure that inventories (of goods, publications, audio-visual supplies, equipment, etc.) are maintained; and
- w) Carry out any other related duties as may be assigned by the Head of Administration and Finance.

Qualification

- a) University degree or equivalent professional qualifications related to human resources management and/or financial accounting;

Experience

- a) A minimum of five years experience in a senior management position preferably with responsibility for planning, administration and/or organization human resources planning, recruitment and development;

Skills and Competency

- a) Ability to accept responsibility and take ownership for actions and outcomes;

HR and Organisational Plan

- b) Ability to set clear goals, to prioritize, to anticipate problems or risks and use time efficiently;
- c) Ability to handle a large volume of work timely and accurately under tight time schedules and to have initiative and good judgement;
- d) Ability to deal patiently and tactfully with people of different national and cultural backgrounds and to have high sense of confidentiality; and
- e) Good inter-personal skills in order to maintain harmonious working relationships with colleagues of different nationalities and cultural backgrounds.

5.13 HR and General Administration Assistant

Grade: G4

Report to: Executive Director

Major Function

Responsible for the efficient day to day operational activities related to the management of the JCA

Duties and Responsibilities

- a) Coordinate with the Human Resources and Financial Units of the SADC Secretariat to ensure the timely delivery of administrative services related to office , human resources and financial management; building and conference services management; external relations and travel arrangements for the JCA staff, in accordance with defined regulations and procedures;
- b) Ensure that administrative directives issued are communicated to staff , and are implemented and maintained;
- c) Prepare data/reports related to administrative matters as required;
- d) Within delegated authority, interpret and apply human resources rules and regulations in respect of conditions of service and staff entitlements and allowances;
- e) Review documents and correspondence, determine eligibility, and initiate action for approval and payment;
- f) Ensure that timely arrangements are made for the assignment of staff (travel, accommodation, import of household effects);
- g) Perform tasks related to official travel, e.g. calculation of costs, reservations and obtaining necessary travel documents, including visas;
- h) Arrange for the indoctrination of newly recruited staff;
- i) Brief newly recruited staff on working conditions and eligibility for entitlements, allowances and benefits and administer these in accordance with established rules and regulations;
- j) Liaise with the SADC Secretariat on matters of protocol, visas, permits, privileges and immunities accordingly, ensuring prompt assistance to newly recruited staff and their families;
- k) Maintain a database of training facilities and courses within and outside the tripartite region;
- l) Compile annual schedules for meetings, workshops and training courses; and establish meeting arrangement timetables for implementation;
- m) Ensure provision of required documentation support for meetings and workshops; and equipment as required;

HR and Organisational Plan

- n) Coordinate and manage the office systems and facilities of the JCA and ensure that all related support activities, including, inter alia, the functioning of office and conferencing facilities, equipment and meeting rooms;
- o) Initiate procurement for equipment through competitive bidding procedures;
- p) Ensure that inventories (of goods, publications, audio-visual supplies, equipment, etc.) are maintained;
- q) Answer organizational phones and routing calls; and maintain files and filing; and
- r) Carry out any other related duties as may be assigned by the Head of Administration and Finance.

Qualification

- a) University degree or equivalent professional qualifications related to human resources management and/or financial accounting.

Experience

- a) A minimum of three years experience in office management preferably with responsibility for planning, administration and finance.

Skills and Competency

- a) Ability to accept responsibility and take ownership for actions and outcomes;
- b) Ability to deal patiently and tactfully with people of different national and cultural backgrounds and to have high sense of confidentiality; and
- c) Good inter-personal skills in order to maintain harmonious working relationships with colleagues of different nationalities and cultural backgrounds.

5.14 Driver/Messenger

Grade: G3

Report to: HR and General Administration Assistant

Major Function

Responsible for operating the JCA vehicle to provide effective transport facilitation to the JCA staff in order to attain the objectives of the Authority.

Duties and Responsibilities

- a) Drive the Executive Director and appointed staff to appointments and functions as necessary;
- b) Collect and deliver official mail and other communications as specified;
- c) Sort, deliver and pick up mail from various offices in the JCA at regular intervals and keep records as necessary.
- d) Maintain log book of the vehicle on daily basis
- e) Update monthly mileage records
- f) Check oil and tyres regularly and keep the vehicle in clean condition, both inside and outside
- g) Determine when and what kind of maintenance the vehicle needs and keep track of general maintenance schedules
- h) Keep track of timely car registration and insurance renewals
- i) Assist in photocopying, scanning and faxing documents as directed;

HR and Organisational Plan

- j) Carry out any other duties as directed by Head of Administration or Officials (if within job description).

Qualification and

- a) Have a valid Driver's License; and
- b) Completed secondary education.

Experience

- a) At least five (5) years' work experience as a driver, with a safe driving record;
- b) Read, write, understand, and communicate clearly in English.

Skills and Competency

- a) Demonstrated dependability and self-motivation; and
- b) High level of personal integrity and reliability.

6. STAFF RULES AND REGULATIONS

TABLE OF CONTENTS

PART I: PURPOSE, SCOPE AND APPLICATION

	Title
	Purpose and Scope
Regulation 1	Application
Regulation 2	Interpretation and Implementation
Regulation 3	Delegation of Authority
Regulation 4	Definitions

PART II: OBLIGATIONS, RIGHTS AND DUTIES

Regulation 6	Status of Members of Staff
Regulation 7	Impartiality and Integrity
Regulation 8	Disclosure of Information
Regulation 9	Acceptance of Favours, Honours, Gifts or Remuneration
Regulation 10	Authority Relationships
Regulation 11	Outside Activities and Interests
Regulation 12	Proprietary Rights
Regulation 13	Financial Liability
Regulation 14	JCA Obligations
Regulation 15	Protection of Staff
Regulation 16	Liability Assurance
Regulation 17	Privileges and Immunities

PART III: STAFF CATEGORISATION AND GRADING

Regulation 18	Staff Categories of the JCA
Regulation 19	Organisation Structure and Staffing of the JCA

PART IV: APPOINTMENTS

Regulation 20	General Provisions
Regulation 21	Establishment and Functions of the Interviewing Panels
Regulation 22	Types of Appointment
Regulation 23	Appointment Authority and Procedures
Regulation 24	Effective Date of Appointment
Regulation 25	Acceptance of Offer
Regulation 26	Internship
Regulation 27	Provision of Information by Members of Staff

Staff Rules and Regulations

Regulation 28	Beneficiaries of Members of Staff
Regulation 29	Oath of Allegiance and Oath of Secrecy
Regulation 30	Probationary Period
Regulation 31	Confirmation of Appointment

PART V: STAFF PERFORMANCE EVALUATION AND DEVELOPMENT

Regulation 32	General Provisions
Regulation 33	Right of Appeal
Regulation 34	Staff Training and Development
Regulation 35	Training Expenses
Regulation 36	Self-sponsored Training
Regulation 37	Human Resource Advisory Committee

PART VI: REMUNERATION

Regulation 38	Salary Administration
Regulation 39	Allowances and Benefits
Regulation 40	Education Allowance
Regulation 41	Spouse Allowance
Regulation 42	Housing and Furniture Allowances
Regulation 43	Subsistence Allowance
Regulation 44	Settlement Allowance
Regulation 45	Acting Allowance
Regulation 46	Responsibility Allowance
Regulation 47	Entertainment Allowance
Regulation 48	Overtime Allowance
Regulation 49	Baggage and Travel Allowance on Initial Recruitment
Regulation 50	Baggage and Travel Allowance on Separation from Service
Regulation 51	Transport Allowance
Regulation 52	Official Transport
Regulation 53	Mileage Allowance

PART VII: STAFF SALARY ADVANCES

Regulation 54	Staff Salary Advances
Regulation 55	Withholding and Deductions

PART VIII: SOCIAL SECURITY AND WELFARE SERVICES

Regulation 56	Medical Scheme
Regulation 57	Requirement for Medical Examination
Regulation 58	Health and Safety at Work
Regulation 59	HIV/AIDS Policy

Staff Rules and Regulations

Regulation 60	Staff Welfare Services
Regulation 61	Staff Insurance
Regulation 62	Compensation for Death or Injury
Regulation 63	Participatory Contributions

PART IX: TRAVEL AND MOVEMENT OF STAFF

Regulation 64	Authorisation of Travel
Regulation 65	Official Travel
Regulation 66	Official Travel of Spouse and Dependent Children
Regulation 67	Transport upon Death of Member of Staff or Family Member

PART X: WORKING HOURS AND OFFICIAL HOLIDAYS

Regulation 68	Working Hours
Regulation 69	Official Holidays

PART XI: STAFF LEAVE

Regulation 70	General Provision
Regulation 71	Annual Leave
Regulation 72	Home Leave
Regulation 73	Compassionate Leave
Regulation 74	Sick Leave
Regulation 75	Maternity and Paternity Leave
Regulation 76	Study Leave
Regulation 77	Leave Without Pay
Regulation 78	Compensatory Leave

PART XII: CORRESPONDENCE AND PERSONNEL RECORDS

Regulation 79	General Provisions on Official Correspondence
Regulation 80	Internal Memoranda
Regulation 81	Oral Communication
Regulation 82	Personnel Records
Regulation 83	Post File

PART XIII: STAFF RELATIONS

Regulation 84	Staff Relations
---------------	-----------------

PART XIV: DISCIPLINE AND GRIEVANCE

Regulation 85	General Provisions
Regulation 86	Disciplinary Authority
Regulation 87	Grievances or Complaints
Regulation 88	Grounds for Disciplinary Action

Staff Rules and Regulations

Regulation 89	Disciplinary Measures
Regulation 90	Disciplinary Procedures
Regulation 91	Suspension, Termination and Dismissal
Regulation 92	Right of Defense
Regulation 93	Right of Appeal

PART XV: SEPARATION FROM SERVICE

Regulation 94	Separation from Service
Regulation 95	Resignation
Regulation 96	Termination
Regulation 97	Health Reasons
Regulation 98	Abandonment of Duty
Regulation 99	Dismissal
Regulation 100	Death
Regulation 101	Abolition of Office
Regulation 102	Retirement Age
Regulation 103	Service Gratuity

PART XVI: GENERAL PROVISIONS

Regulation 104	Retroactive Payments
Regulation 105	Certificate of Services
Regulation 106	Review of the Staff Rules and Regulations
Regulation 107	Revocation
Regulation 108	Effective Date

APPENDICES

Appendix I	Personal Record Form
Appendix II	Oath of Allegiance and Oath of Secrecy
Appendix III	Performance Evaluation Report Form
Appendix IV	Training Request Form
Appendix V	Training Report Form
Appendix VI	Leave Request Form
Appendix VII	Service Gratuity Form

SCHEDULES

Schedule 1	Local Terms
Schedule 2	Current Salary Structure
Schedule 3	Education Allowance Rates
Schedule 4	Spouse Allowance Rates
Schedule 5	Housing and Furniture Allowance Rates
Schedule 6	Subsistence Allowance Rates
Schedule 7	Entertainment Allowance Rates
Schedule 8	Transport Allowance Rates

Staff Rules and Regulations

Schedule 9

Mileage Allowance Rates

JCA STAFF RULES AND REGULATIONS, 2013

PART I

PURPOSE, SCOPE AND APPLICATION

Regulation 1 - Purpose and Scope

1. These Staff Rules and Regulations, made in pursuance of Article 4 of the Regulation specify and define the fundamental conditions of service, and the basic rights, duties and obligations of members of staff of the JCA.
2. These Rules and Regulations lay down general JCA principles for human resource management, which shall be governed by the need to attract and retain in the service of the JCA staff who meet the highest standards of efficiency, competence and integrity.

Regulation 2 - Application

- (1) These Rules and Regulations shall apply to all members of staff of the JCA.

Regulation 3 - Interpretation and Implementation

- (1) The interpretation and implementation of these Rules and Regulations is vested in the Executive Director.
- (2) Where the member of staff is dissatisfied with the decision of the Authority, he or she may appeal to the Appeals Tribunal established pursuant to Article 32 of the Regulation establishing the JCA or any other Tribunal that may from time to time identify as seized of jurisdiction of JCA labour matters and the decision of the Tribunal, or such Court, shall be final.
- (3) The staff responsible for Human Resource Management shall ensure the availability of these Rules and Regulations to all members of staff.

Regulation 4 - Delegation of Authority

The Executive Director may delegate his or her authority under these Rules and Regulations to a senior member of staff as he or she may deem fit.

Regulation 5 - Definitions

Staff Rules & Regulations

For the purpose of these Rules and Regulations and unless the context otherwise provides:

“Allowances” means benefits accorded to a member of staff as approved by the Authority;

“Appointing **authority**” Tripartite Council of Ministers or the Executive Director as the case may be;

“**Authority**” means the Joint Competition Authority of the Common Market for the Eastern and Southern Africa, East African Community and Southern African Development Community.

“**Beneficiary**” means any person appointed or designated as such by the member of staff as a recipient of entitlements and benefits resulting from the death of that member of staff;

“**Consultant**” means a specialist engaged by the JCA on ad hoc basis for a specific technical or professional assignment within a specified time period not exceeding 6 months and for a fee;

“**Dependent child**” means a member of staff’s biological or legally adopted child of up to twenty-four years and is attending school/college on a full time basis up to under graduate level;

“**Dismissal**” means the termination of a member of staff from the service of the Community as a result of gross violation of these Rules and Regulations;

“**Duty station**” means the assignment location on appointment or re-assignment;

“**Eligibility**” means the qualification for the provision of benefits, goods and services or resources subject to their availability;

“**Entitlement**” means a benefit or a right, which must be provided irrespective of its availability;

“**Executive Director**” means the head of the JCA;

“**Family member**” means one spouse and a dependent child up to a maximum of four children;

“**General Staff**” means a member of staff of the Joint Competition Authority, employed on local terms as specified under of these Rules and Regulations;

“**home leave**” means leave taken by an entitled Staff of the Joint Competition Authority in his or her home country once in two years, the travel expenses of which are paid for by the Joint Competition Authority;

“**Interviewing panel**” means the panel established under regulation..... of these Rules and Regulations;

“**Joint Competition Authority**” means

“**JCA Authority**” means the Board of the JCA

“**JCA Ministers**” means JCA Ministers responsible for civil aviation;

Staff Rules & Regulations

“leave” means the official time off duty in the form of annual leave, home leave, special leave, sick leave, maternity or paternity leave and compassionate leave;

“local terms” means terms and conditions of service approved by Authority and applicable to the General Staff category and specified to these Rules and Regulations.....;

“Misconduct” means a breach of these Rules and Regulations;

“official holidays” shall include the National Days of the Partner States, New Year's Day, Idd-el-Fitr, Idd-el-Haj, Good Friday, Easter Monday, Labour Day, Christmas and Boxing Day and East African Community Day;

“Overtime” means any additional hours worked in a day over and above the official working hours;

“privileges and immunities” means special arrangements agreed and made with the respective Partner States for entitled members of staff as inscribed in the

“Professional staff” means a category of members of staff of the Authority other than the Executive Director, and General Staff with special technical knowledge or professional qualifications and specifically recruited for a particular job; in the Professional Grade Category;

“Regulation” means the Regulation establishing the JCA

“Resignation” means disengagement of members of staff from the service of the Authority initiated by a member of staff;

“Salary” means basic salary paid to a member of staff on a monthly basis for services rendered to the Authority;

“Service gratuity” means the terminal benefit a member of staff on a contract will receive upon satisfactory completion of his or her respective contract period of service;

“Spouse” means the husband or wife of a member of staff;

“Member of staff” means the Executive Director, Professional Staff and General Staff of the JCA;

“Suspension” means temporary disengagement from employment of the Authority until the case is resolved;

“Termination” means disengagement of staff from the services of the Authority initiated by the Executive Director;

PART II

OBLIGATIONS, RIGHTS AND DUTIES

Regulation 6 - Status of Members of Staff

Staff members shall be entitled to such privileges and immunities as may be accorded to them by the government of the Republic of Botswana (Host Country) or by the Governments of the Tripartite Member States as determined by the Council. Provided that a distinction shall be made between privileges and immunities accorded to Staff in the professional category from those accorded to Staff in the general service category, in accordance with international practice.

Regulation 7 - Impartiality and Integrity

A member of staff shall perform his or her duties and conduct himself or herself with dedication, and diligence, and with strict impartiality and highest integrity. He or she shall refrain from any conduct or activity which may compromise his or her integrity and impartiality and his or her status as an international civil servant.

Regulation 8 - Disclosure of Information

- (1) A member of staff shall avoid any action that might commit or discredit the Authority or adversely reflect on the integrity, independence and impartiality required of a member of staff. He or she shall not, except with express authorisation in writing by the Executive Director:-
 - (a) Issue statements to the press, radio or other media;
 - (b) Accept speaking engagements;
 - (c) Participate in film, radio or television production or interviews; or making of public pronouncements;
 - (d) Disclose any information, which he or she may have obtained in the course of duty;
 - (e) Misuse or extract or destruct official papers or documents; or
 - (f) Communicate or reproduce documents or papers except in the course of official duties in the prescribed manner.
- (2) This obligation shall remain in effect after separation from the service unless a special dispensation is authorised by the Executive Director.

Staff Rules & Regulations

Regulation 9 - Acceptance of Favours, Honours, Gifts or Remuneration

- (1) A member of staff shall not accept from any Government or any other source external to the Authority any honour, decoration, form of remuneration or any sort of favour incompatible with his or her obligations and duties towards the Authority, or likely to compromise his or her independence. Every member of staff of the Authority shall be duty-bound to report immediately to the Executive Director any such offer received. Failure to do so shall render him or her liable to disciplinary measures as provided under these Rules and Regulations.
- (2) These favours exclude such offers as academic or honorary awards, books, scrolls, trophies.
- (3) In very rare circumstances and in the interest of the service, a member of staff may receive a gift or remuneration. In such circumstances, the Executive Director shall dispose of the gift or item in a manner he or she deems fit. The Executive Director may also decide to give the item or gift to the member of staff concerned, or to the Authority, to a Museum or to any other appropriate organization.

Regulation 10 - Authority Relationships

A member of staff shall respect the principles of hierarchy and discipline. He or she shall be subject to the authority of the Executive Director who may assign him or her any other duties in addition to his or her normal schedule of duties. He or she shall be responsible to him or her or to such other person to whom he or she has duly delegated authority within the framework and responsibilities of the Joint Competition Authority.

Regulation 11 - Outside Activities and Interests

- (1) In the performance of his or her duties, a member of staff shall neither seek nor accept instructions from any Government or from any other body external to the Authority.
- (2) A member of staff, being on full time appointment in the Authority shall not undertake paid work or other continuous work with parties outside the Authority except with express permission of the Executive Director.
- (3) A member of staff shall not engage in any private or commercial activities or business, which may affect his or her impartiality in the performance of his or

Staff Rules & Regulations

her official duties or his or her undivided loyalty to the service and interests of the Authority.

- (4) A member of staff who, acting in his or her official capacity in any matter involving a business concern in which he or she holds commercial interest, shall disclose the fact of the interest to the Executive Director.
- (5) The holding of shares in a company shall not constitute commercial interest within the meaning of these Rules and Regulations unless such holding constitutes substantial control of the company.

Regulation 12 - Proprietary Rights

All proprietary rights, including titles, copyrights and patent rights in any work produced by a member of staff as part of his or her official duties or with the resources and facilities of the Authority shall be vested in the Authority, unless a special dispensation is approved by the Authority on recommendation of the Executive Director.

Regulation 13 - Financial Liability

A member of staff shall be liable for loss or damage of Authority property or equipment if such loss or damage is occasioned by his wilful act or negligence. Such loss or damage shall be made good in the form of deductions from his or her salary or any other benefits. Where the loss or damage is beyond the salary and benefits of the member of staff, the Executive Director shall decide on the course of action.

Regulation 14 - JCA Obligations: Provision of Conducive Working Environment

The Authority shall in as far as practicable:

- (a) Ensure equity, taking into account individual circumstances;
- (b) Consciously and continually aim to improve the quality of the working life of staff; and
- (c) Provide healthy, safe and conducive working conditions and facilities.

Regulation 15 - Protection of Staff

- (1) The Authority shall afford its members of staff every assistance, protection and security consistent with their status as provided for under Regulation 6 of

Staff Rules & Regulations

these Rules and Regulations for as long as they continue in the service of the Authority and discharge their duties and obligations with due dedication and honesty.

- (2) Members of staff shall be protected against threats, abuse, violence, assault, insults or defamation to which they may be subjected in the course of proper and careful discharge of their duties in the Authority. The Authority shall indemnify a member of staff either in whole or in part against any loss suffered by him or her in the course of the discharge of his or her duties.

Regulation 16 Liability Assurance

The Authority shall assume full civil liability for any professional fault committed by a Staff Member in, or in connection with, the performance of his or her official duties. In such a case, the Authority may take appropriate action against the member of staff concerned.

Regulation 17 - Privileges and Immunities

Staff members shall be entitled to such privileges and immunities as may be accorded to them by the government of the **Republic of Botswana (Host Country)** or by the Governments of the other member States in the Tripartite Region as determined by the Council of Ministers. Provided that a distinction shall be made between privileges and immunities accorded to Staff in the professional category from those accorded to Staff in the general service category, in accordance with international practice.

PART III

STAFF CATEGORISATION AND GRADING

Regulation 18 - Staff Categories of the Community

- (1) The Staff of the JCA shall comprise the following Categories:

Executive Staff;
Professional Staff; and
General Staff.

- (2) Executive Staff shall be the Executive Director

Staff Rules & Regulations

- (3) Professional staff shall comprise members of staff other than the Executive Staff and General Staff.
- (4) General Staff shall comprise members of staff other than the Executive staff and Professional staff.
- (5) Grades and Steps (Classification of Posts):
 - (a) Executive Staff
There shall be one Grade in the Executive Staff category i.e. D1
 - (b) Professional Staff
There shall grades in the professional staff category; i.e. P5 to P1and
 - (c) General Staff
There shall grades in the General Staff category.i.e. G5 to G1.

Regulation 19 - Organisation Structure and Staffing of the Authority

- (1) The Executive Director shall, when deemed necessary, undertake a review of the organization structure and staffing requirements of the Authority and make recommendations to the Authority for approval.
- (2) A job evaluation exercise may result in the re-grading of posts. The effect of re-grading of posts may lead to up-grading or down-grading, creation, abolition or merging of some posts. Other posts may remain at the same level.
 - (a) **Up-grading Posts**

Up-grading of a post does not automatically up-grade the incumbent. Up-graded posts are vacant posts and shall be filled as specified under regulations 20 and 23 of these Rules and Regulations.
 - (b) **Down-grading Posts**

Where a post is down-graded, the incumbent shall remain with his or her salary on a personal to holder basis up to the end of the running contract.
 - (c) **Creating Posts**

New posts created as a result of a job evaluation exercise shall be filled as specified under Regulations 20 and 23 of these Rules and Regulations.
 - (d) **Merging Posts**

Where two or more posts merge, the incumbents affected shall be interviewed and the best candidate shall be recommended to take the job. However, in the absence of a suitable candidate among the incumbent of

Staff Rules & Regulations

the merged posts, the post shall be re-advertised. The unsuccessful incumbent will be redeployed where possible otherwise their services shall be terminated and their terminal benefits shall be determined in accordance with the provisions of regulation 91 of these Rules and Regulations

(e) Abolishing Posts

Where posts are abolished, the incumbents may after being interviewed be redeployed where possible, otherwise, their services shall be terminated and their terminal benefits shall be determined in accordance with the provisions of regulation 91 of these Rules and Regulations.

(f) Redundancy

Members of staff who are declared redundant as a result of upgrading, downgrading, merging or abolition of posts shall where possible be redeployed to positions for which they are qualified. In case this is not possible, their services shall be terminated in accordance with provisions of regulation 91 of these Rules and Regulations.

- (3) Without prejudice to the recruitment of fresh talent when filling posts created through restructuring and review of the Authority structure, first priority shall be given to the persons already in the service of the Authority provided such persons have requisite qualifications, and experience required of the post and have demonstrated competence and integrity in the service of the Authority.

PART IV

APPOINTMENTS

Regulation 20 - General Provisions

- (1) The foremost consideration in the appointment of staff shall be the need to secure the highest standards of efficiency, technical competence, professionalism and integrity.
- (2) No recruitment shall be undertaken unless an approved vacancy exists in the establishment of the Authority and for which financial provision has been made.
- (3) All vacancies shall be advertised on the website of the Authority, in the major circulating newspapers in the Partner States, including use of other electronic media.

Staff Rules & Regulations

- (4) The advertisement(s) shall state the level of the position, required qualifications as well as position specifications and terms and conditions of service.
- (5) All members of staff shall be nationals of the Tripartite States of the EAC, COMESA and SADC.
- (6) Selection of Staff to fill vacancies shall be transparent, fair and equitable and will be based on the set requirements for each post.
- (7) The Authority shall pay travel and accommodation expenses for the short listed candidates for the posts advertised.
- (8) Recruitment of Staff of the Authority shall as far as possible, follow any quota system as approved by the Tripartite Summit.
- (9) The marriage of one member of staff to another shall not affect the contractual status of either spouse, provided each shall not be assigned to serve in a post which is immediately superior or subordinate in the hierarchy of authority to the spouse.
- (10) A member of staff shall disqualify himself or herself from participating in the process of reviewing an administrative decision affecting his or her relative or his or her spouse.
- (11) No candidate above the age of 62 years will be considered for employment in the Community under the Executive, Professional and General Staff Category.
- (12) In the recruitment of Staff, gender balance shall be taken into account.
- (13) All appointments to the Authority shall be in writing.

Regulation 21 - Establishment and Functions of the Interviewing Panels

- (1) The Panel for the interview of the Executive Director will consist of representatives from the JCA Authority and one representative from each of the three Secretariats.
- (2) The Panel for interviewing of Professional Staff shall be composed of the following:
 - (a) Executive Director - Chairperson
 - (b) Independent representatives from State Members of the Authority knowledgeable in the post under reference - Members
 - (c) Head of Human Resources Division - Secretary
 - (d) Any technical member as may be co-opted by the Executive Director

Staff Rules & Regulations

(3) The Panel for interviewing General Staff shall be composed of the following:

- (a) The Executive Director or his/her representative-Chairperson
- (b) Head of Human Resources Division – Secretary
- (c) Any other members as may be co-opted by the Executive Director

(4) The functions of the interviewing panels shall be to interview and make recommendations to the relevant appointing authorities

Regulation 22 - Types of Appointment

(1) Fixed term appointments

- (a) The Executive Director shall be appointed to serve for a fixed term of five years on a rotational basis.
- (b) The Executive Director shall not serve for more than two consecutive terms.
- (c) All professional staff shall be appointed on a five-year contract, which may, subject to satisfactory performance and age requirement, be renewed once by the Authority.
- (d) The General Staff shall be appointed on a five-year contract, which may be renewed subject to satisfactory performance and the provisions of regulation 102 of these Rules and Regulations.

(2) Temporary appointments

- (a) When a post falls vacant due to death, resignation, dismissal, retirement, sickness or such other similar reasons, the Executive Director in consultation with the relevant head of department may appoint an officer to temporarily handle the functions of the vacant office.
- (b) The persons appointed shall be required to have qualifications applicable to that position.
- (c) The period of temporary appointments shall not exceed three (3) months.
- (d) The remuneration for temporary appointments shall be the appropriate salary grade to which the appointment is made.
- (e) Temporary appointments shall not attract any other benefits and privileges.

Regulation 23 - Appointment Authority and Procedures

- (1) The Authority shall advertise vacant posts on its website, in major newspapers of Tripartite States including use of other electronic media.

Staff Rules & Regulations

- (2) All applications for advertised positions shall be submitted directly to the Authority by the applicants.
- (3) Following the advertisement deadline for posts, an equal number of candidates shall be short listed from Tripartite States where possible by the shortlisting panel.
- (4) The Joint Competition Authority (for the positions of Executive Director) and the representatives of the Executive Director (for the positions of professional) shall review the applications and shortlist no more than three candidates from each Tripartite States for each position.
- (5) The Interview panel will assess the shortlisted candidates and will submit the name(s) of successful candidates to the Authority for appointment.
General staff shall be appointed by the Executive Director.
- (10) An appointed member of the professional and general staff shall be offered appointment in writing by the Executive Director. The offer of appointment for the Executive Director will be given in writing by the Chairman of the Authority.
- (11) All appointments including renewal of contracts shall be subject to medical clearance by a physician designated by the Authority.
- (12) Members of staff who wish to have their contracts renewed shall notify the Executive Director three months before the expiry of the contract.
- (13) All appointments shall be subject to interviews.
- (14) Skill oriented jobs shall be subjected to oral and practical interviews.
- (15) Renewal of contract shall be made on the advice of the Executive Director based on satisfactory performance of the individual Staff.

Regulation 24 - Effective Date of Appointment

- (1) The appointment of a member of staff shall take effect from the date on which he or she leaves his or her home country or place of domicile and begins official travel to take up his or her duties at the duty station, provided he or she travels by the most direct route.
- (2) Subject to sub-regulation (1), if no official travel is involved it shall take effect from the date on which he or she assumes duty.

Staff Rules & Regulations

Regulation 25 - Acceptance of Offer

- (1) All acceptances to offers of employment shall be communicated in writing to the Executive Director. It will be assumed that the offer has been rejected if it is not accepted within a period of three (3) months of offer. In such a situation, the next qualified candidate may be considered for the post, or the post may be re-advertised.
- (2) An offer of employment shall include details of terms and conditions of service.

Regulation 26 - Internship

- (1) The Executive Director may provide upon application, internship programme to students from institutions of higher learning in Tripartite States.
- (2) The Executive Director, on advice of the Head of Human Resource, shall admit a maximum of 2 interns in any one financial year.
- (3) The recommending institution shall commit itself in writing to the Executive Director to meet all expenses for the period of attachment.

Regulation 27 - Provision of Information by Members of Staff

- a. At the time of appointment, every member of staff shall provide to the Executive Director the personal records as specified under sub-regulation (5) of this regulation.
- b. The Executive Director may, at any time, request a member of staff to provide, in writing, information on facts anterior to his or her appointment and affecting his or her competence
- c. Or concerning facts related to his or her integrity, conduct, moral character and services as a member of staff of the Authority.
- d. Every member of staff shall be responsible for notifying promptly the Executive Director in writing of any subsequent changes in information provided.
- e. A member of staff who is arrested, charged with an offence, convicted and or fined or imprisoned for any offence other than a minor traffic violation or similar offence shall immediately report the fact to the Executive Director.

Staff Rules & Regulations

Regulation 28 - Beneficiaries of Members of Staff

- (1) At the time of appointment, every member of staff shall nominate a beneficiary or beneficiaries in writing. It shall be the responsibility of every member of staff to notify the Executive Director of any revocations or changes of beneficiaries.
- (2) In the event of death of a member of staff, all amounts outstanding to his or her credit shall be paid to a nominated beneficiary or beneficiaries. Such payment shall afford the Authority complete release from all further liability in respect of any sum so paid.
- (3) If a nominated beneficiary does not survive, or if a designation of beneficiary has not been made or has been revoked, the amount outstanding to the credit of a member of staff will, upon the member of staff's death, be paid to his or her estate.

Regulation 29 - Oath of Allegiance and Oath of Secrecy

- (1) All members of staff shall take an Oath of Allegiance and Oath of Secrecy.
- (2) The staff shall take the oaths by signing the Oath of Allegiance and Oath of Secrecy before the Executive Director or his or her appointed representative.
- (3) The Oath of Allegiance and Oath of Secrecy are specified under **Appendix II** of these Rules and Regulations.

Regulation 30 - Probationary Period

- (1) The probationary period shall be six months for Executive and professional staff and three months for general staff. The contract period will be calculated from the date of commencement of employment inclusive of the probationary period.
- (2) A performance appraisal report covering the probation period shall be prepared by the immediate supervisor, confirmed by the head of department and submitted to the Executive Director with appropriate recommendations, at least one month before the probationary period ends. The Human Resource Advisory Committee shall study the recommendations and submit appropriate advice to the Executive Director
- (3) In all cases, if the period of probationary service has been unsatisfactory, it may be extended once for a period of three months in the case of professional staff, and one month in the case of general staff.

Staff Rules & Regulations

- (4) If the period is extended, the individual's performance shall be reviewed again to determine whether or not performance has improved.
- (5) The holder of a probationary appointment who has completed the normal or extended period of probation satisfactorily shall be confirmed in the post. If his or her probationary service is unsatisfactory after the extended period, the appointment shall be terminated.

Regulation 31 - Confirmation in Appointment

- (1) A member of staff whose performance and conduct is satisfactory in terms of efficiency, competence and integrity, shall have his or her appointment confirmed after the probationary period.
- (2) The Authority shall verify the performance appraisal reports of the Executive Director and make appropriate recommendations to the JCA Ministers with particular reference to professional performance and conduct of the appointee.
- (3) The Human Resource Advisory Committee shall verify the performance appraisal reports of the individual members of staff and make appropriate recommendations to the Executive Director with particular reference to professional performance and conduct of the appointee.
- (4) The Executive Director shall, on the advice of the Human Resource Advisory Committee, consider the assessment reports and recommend confirmation of the professional staff to the Authority.
- (5) The confirmation in appointment of the Executive Director shall be made by the Chairman of the Ministers upon recommendation of the Authority while that of the professional staff shall be made by the Authority.
- (6) The confirmation in appointment of general staff shall be made by the Executive Director upon recommendation of the Human Resource Advisory Committee.
- (7) The effective date of confirmation shall be the date of assumption of duty.

PART V

STAFF PERFORMANCE EVALUATION AND DEVELOPMENT

Regulation 32 - General Provisions

- (1) The Authority shall operate an open and transparent evaluation system that shall be based on the principles of management by results.
- (2) The objectives of assessing performance of a member of staff shall be to review work performance during the period under review, provide information to appropriate authorities on the ability of the staff to perform duties, suitability

Staff Rules & Regulations

- for confirmation, promotion, renewal of contract, salary assessment and training and development.
- (3) Performance evaluations shall be conducted on an annual (calendar year) basis for every confirmed member of staff. For the staff on probation, performance evaluation shall be carried out as stipulated under regulation 30 of these Rules and Regulations.
 - (4) At the commencement of the appraisal period, each immediate supervisor shall discuss and agree with the member of staff being appraised on the expected performance outputs.
 - (5) In the evaluation, the immediate supervisor shall have a discussion with the member of staff before finalising the performance evaluation report. The member of staff shall make comments and sign the report and obtain a copy.
 - (6) The Executive Director shall comment and counter sign the performance evaluation report before it is submitted to the Authority.
 - (8) In the course of the performance review discussion, the supervisor and the supervisee shall agree on the performance, career or personal development objectives and performance plan for the following assessment year. Such objectives and plans shall be crosschecked and confirmed by the Executive Director.
 - (9) The guidelines for staff performance evaluation shall explain the procedure and importance of performance evaluation as well as who qualifies to assess another member of staff.
 - (10) The Performance Evaluation Report Form is specified under **Appendix III**

Regulation 33 - Right of Appeal

- (1) A member of staff who is dissatisfied with the supervisor's appraisal of his or her performance and that of the Head of Department may appeal in writing to the Executive Director within two weeks from the performance appraisal discussion with the supervisor.
- (2) Upon consideration of the appeal the Executive Director shall communicate the decision to the aggrieved member of staff within one month.
- (3) Where the member of staff is dissatisfied with the decision of the Executive Director, he or she may appeal to the Authority. The Authority shall consider the appeal at its next ordinary meeting and the Executive Director, shall communicate the decision of Authority thereafter.

Staff Rules & Regulations

- (4) Where the member of staff is dissatisfied with the Authority decision, he or she may appeal to the Court or Tribunal and the decision of the Court or Tribunal shall be final.

Regulation 34 - Staff Training and Development

- (1) The Joint Competition Authority shall have in place a Training Policy which will guide all the training process of the Authority.
- (2) All training and staff development programmes shall be based on training needs analysis, availability of resources and professional relevance of such training.
- (3) Staff training needs shall be identified through daily supervision, annual performance evaluation and periodic training needs assessment exercises.
- (4) Arising from the training needs analysis, staff development needs shall be identified.
- (5) Human Resource department shall prepare training and staff development plans based on Management recommendations.
- (6) The Executive Director shall ensure that all newly recruited members of staff of the Authority undergo an induction programme within the first three (3) months of assumption of duty.
- (7) The Executive Director shall put in place an Authority induction handbook.
- (8) Training or attachments or study visits or conferences shall not exceed a period of one month. In exceptional cases the Executive Director may allow a member of staff to undertake training for a period not exceeding three (3) months.
- (9) A member of staff who undertakes training under sub-regulation (7) above shall be required to make a written report within two weeks of completion of the course.
- (10)** Training Request Form and Training Report Form are specified under **Appendix IV and V** of these Rules and Regulations.

Regulation 35 - Training Expenses

- (1) The Authority shall meet the cost of training for a member of staff selected to undertake a relevant training course.

Staff Rules & Regulations

- (2) Where all the expenses required to undertake the training are met by a Development Partner, the member of staff shall not be entitled to any funding from the Authority.
- (3) In case of partial sponsorship by the sponsoring Joint Competition Authority, the Authority shall top-up the difference up to the individual member of staff's entitlement.

Regulation 36 - Self-sponsored Training

A member of staff may, at his or her own expense, undertake continuing education with a view to enhancing performance through distance learning or evening classes, or through any other method; provided that the continuing education shall not compromise a member of staff's performance of his or her duties.

Regulation 37 - Human Resource Advisory Committee

- (1) There is hereby established a Human Resource Advisory Committee which shall comprise the following:
 - (a) - Chairperson;
 - (b) - Member;
 - (c) any other member as may be co-opted by the Executive Director -
 - (d) Head of Human Resource -Secretary;
- (2) The functions of the Human Resource Advisory Committee are to give advice to the Executive Director in respect of staff confirmation in appointments, renewal of employment contracts, recommendation for staff training, staff performance evaluation decisions staff discipline and any other staff related matters.

PART VI

REMUNERATION

Regulation 38 - Salary Administration

- (1) All posts in the Joint Competition Authority shall be classified by title and salary scale in accordance respective duties and responsibilities as approved by Authority.
- (2) The classifications shall be based on job analysis and evaluation.

Staff Rules & Regulations

- (3) Salaries shall be paid in United States Dollars.
- (4) Salaries shall be paid on the twenty eighth day of each month, unless this falls on a weekend or public holiday in which case the working day immediately following the date shall be the date on which salaries are paid.
- (5) No salary shall be paid to a member of staff in respect of periods of unauthorised absence from work unless such absence was caused by reasons beyond his or her control or duly certified medical reasons.
- (10) The remuneration of the staff may be reviewed by the Authority on the recommendation of the Executive Director.
- (11) The current salary structure is specified under Schedule 1

Regulation 39 - Allowances and Benefits

- (1) Members of staff shall be entitled to allowances and benefits as stipulated under these Rules and Regulations.
- (2) The allowances and benefits may be reviewed by the Authority from time to time as appropriate.

Regulation 40 - Education Allowance

- (1) Members of staff shall be entitled to education allowance for their dependent children who are undertaking educational programmes at recognised education/academic institutions. Children up to twenty-four years of age and who are attending school at the level of undergraduate studies on full time basis shall qualify for the Education Allowance as provided for under these Rules and Regulations.
- (2) Education allowance shall cover up to a maximum of four Dependent Children and shall be paid annually.
- (3) Education allowance shall be paid to the member of staff on submission of documentary evidence in respect of entitled children officially registered with the Authority.
- (4) The documental evidence referred to in sub-regulation 3 above shall include birth certificate, legal adoption documents and letters of admission from the recognised education or academic Institutions.
- (5) The rates of education allowances are specified under Schedule 2.

Regulation 41 - Spouse Allowance

Staff Rules & Regulations

Spouse allowance shall be paid annually to all members of staff of the Joint Competition Authority who will be accompanied by their spouse, who are not in gainful employment at spouse allowance rates specified under Schedule 2.

Regulation 42 - Housing and Furniture Allowances

- (1) All members of staff shall be entitled to a monthly housing allowance where no housing is provided by the Joint Competition Authority.
- (2) The executive staff shall be entitled to furniture allowance payable once during their tenure of office.
- (3) The rates for housing and furniture allowances are specified under Schedule 2

Regulation 43 - Subsistence Allowance

- (1) Subsistence allowance shall be paid to a member of staff of the Joint Competition Authority while on official duty away from their duty station or on mission abroad at the rates per night specified under Schedule 2.
- (2) A member of staff on duty away from the duty station for a period of more than six hours but not amounting to one night shall be entitled to 25% of the subsistence allowance.
- (3) Where travel outside the duty station is partially funded by a third party, the member of staff shall receive top-up allowance up to the Authority rates.
- (4) In case a member of staff is traveling to a country where the hotel rates are higher than the subsistence rates, the Executive Director shall authorize payment of imprest to the member of staff which shall be accounted for at the end of the trip.

Regulation 44 - Settlement Allowance

- (1) On first appointment, an executive or professional member of staff shall receive, for himself or herself, spouse and four dependants accompanying him or her, a settlement allowance to meet extra-ordinary living expenses upon reporting on duty.
- (2) This allowance shall be paid for a maximum period of thirty days, according to approved subsistence rates per night specified under Schedule 2. To this end, the member of staff shall be paid 100% of this allowance and 25 % for each of his or her eligible dependants.

Staff Rules & Regulations

- (3) During the period the entitled member of staff is in receipt of the Settlement Allowance, he or she shall not be entitled to housing allowance.

Regulation 45 - Acting Allowance

- (1) A member of staff may be called upon to assume the duties and responsibilities of a post above his or her own in acting capacity provided he or she has the necessary qualifications for appointment to such a post.
- (2) Where a member of staff is appointed to assume the duties and responsibilities of a higher post and performs those duties and responsibilities for a minimum of thirty days on a continuous basis, he or she shall be paid an acting allowance.
- (3) The amount of acting allowance to be paid shall be equivalent to the difference between the basic monthly salary of the higher post and the basic monthly salary of the acting member of staff.
- (4) Acting in any position shall not exceed six months before the post is substantively filled. All acting appointments shall be in writing and subject to the approval by the respective appointing authority.

Regulation 46 - Responsibility Allowance

- (1) A member of staff shall be eligible for responsibility allowance under the following circumstances:
- (a) A member of staff shall be appointed, in writing, by the head of department and the additional responsibilities shall be clearly stated;
 - (b) The additional responsibilities may be of a position which is higher than his or her substantive position or at the same level;
 - (c) The member of staff performs additional responsibilities for a continuous period of at least one month.
- (2) A responsibility allowance shall not be paid for a period exceeding six months.
- (3) The rate of responsibility allowance shall be 10% of the officer's basic salary.

Regulation 47 - Entertainment Allowance

An executive member of staff shall be entitled to receive entertainment allowance to be determined by the JCA Board

Staff Rules & Regulations

Regulation 48 - Overtime Allowance

- (1) The general staff category who may be required to work in excess of the normal or the prescribed working hours shall be entitled to time off or overtime payments in cash. Overtime payments shall not exceed 25 per cent of the basic salary and shall be subject to budgetary provisions and approval by Executive Director.
- (2) Calculation of overtime rates shall be one and a half time for every hour worked from Monday to Friday and double time for every hour worked on Saturday, Sunday and public holidays.
- (3) The general staff claiming overtime shall have their overtime accrued monthly detailed by the immediate supervisor for authorisation by the Executive Director. All payments will be made at the end of the month.
- (4) The Executive shall be required to issue guidelines for eligibility, nature of work and other requirements for payment of overtime allowance.
- (5) The total number of overtime hours shall not exceed forty four (44) hours per month.
- (6) The Executive Director's driver will be paid 5% of his salary every month as extraneous allowance

Regulation 49 - Baggage and Travel Allowance on Initial Recruitment

- (1) On first appointment all members of staff shall be reimbursed transportation expenses of self, spouse and family up to a maximum of four dependent children.
- (2) The entitled member of staff shall also be entitled to reimbursement of expenses of excess baggage or unaccompanied personal effects within one year following the date of appointment, as follows:
 - (a) For the executive and professional staff, by land and/or by sea up to a maximum of one 40 ft. container per family;
 - (b) For executive and professional staff by air up to a maximum of:
 - (i) 50 kilos unaccompanied baggage; and
 - (ii) 10 kilos excess baggage for each eligible person authorised to travel at the expense of the Community.

Staff Rules & Regulations

- (c) for general staff by land, sea or rail by second class up to a maximum of one 20 ft container of unaccompanied baggage.

Regulation 50 - Baggage and Travel Allowance on Separation from Service

- (1) On separation from service where a member of staff completes his or her term of office or as a result of termination of service, he or she shall be entitled to transportation of self, spouse and family up to a maximum of four dependent children to his declared place of domicile.
- (2) The member of staff will also be entitled to transportation of his or her personal effects and household goods as follows:
 - (a) for executive and professional staff by land and/or sea up to a maximum of one 40 ft container per family;
 - (b) for executive and professional staff by air up to a maximum of:
 - (i) 50 kilos unaccompanied baggage; and
 - (ii) 10 kilos excess baggage for each eligible person authorised to travel at the expense of the Joint Competition Authority; and
 - (c) For the general staff category by land, sea or rail by second class up to a maximum of one 20 ft container of unaccompanied baggage.

Regulation 51 - Transport Allowance

Transport Allowance shall be paid to facilitate a member of staff to move from home to office. Professional and general staff shall be entitled to a monthly transport allowance as specified under Schedule 2.

Regulation 52 -Official Transport

- (1) The executive staff shall be entitled to chauffeur driven vehicle not exceeding capacity of 4500 c.c which shall be maintained by the Joint Competition Authority.
- (2) The vehicle shall be handed over to the Joint Competition Authority on separation from service.

Staff Rules & Regulations

Regulation 53 - Mileage Allowance

A professional member of staff who is authorized to use his or her vehicle for travel on official duty outside the duty station shall be entitled to a mileage allowance at the rates specified under Schedule 2.

PART VII

STAFF SALARY ADVANCES

Regulation 54 - Staff Salary Advances

- (1) Salary in advance may be granted to cover periods of approved local or official travel if the member of staff is expected to be away from the duty station on the payday.
- (2) In exceptional and compelling circumstances and where a member of staff's application is supported by justification in writing, the Executive Director may authorise salary advance of one month's basic salary, excluding all allowances. It shall be deducted from the member of staff's salary commencing the second month following the date on which the advance was made. The deduction shall be spread over a period of six months.
- (3) Any outstanding salary advance at the time of resignation, retirement, termination, dismissal or death shall be deducted from any salary or gratuity or other benefits due to the member of staff or his beneficiaries.
- (4) Salary advance shall be granted only after previous advances have been fully recovered within the same financial year.

Regulation 55 - Withholding and Deductions

- (1) Deductions from salaries shall be made, with prior knowledge of the member of staff, for the following reasons:
 - (a) For contributions to staff funds where provided for under these Rules and Regulations.
 - (b) For indebtedness to the Authority.
 - (c) For indebtedness to third parties where any deduction for this purpose is authorised by the Executive Director.

Staff Rules & Regulations

- (d) The salary of a member of staff may be withheld in full or in part for the following reasons:
 - (i) unauthorised absence from duty;
 - (ii) failure to provide required information; and
 - (iii) suspension from duty in line with Regulation 91.
- (2) A member of staff's total salary deductions shall not exceed 50% of his or her monthly salary.

PART VIII

SOCIAL SECURITY AND WELFARE SERVICES

Regulation 56 - Medical Scheme

- (1) The Authority shall use a medical scheme provided by a reputable health service provider approved by the Procurement Committee.
- (2) The medical scheme will cover the member of staff and his dependants up to a maximum of four dependent children who are or up to twenty four years of age and attending school at a maximum of undergraduate studies on a fulltime basis as well as the spouse of member of staff.
- (3) The Authority shall determine entitlement of medical cover in accordance with staff categorisation.
- (4) Where a member of staff is referred for further medical attention all medical expenses including transport and living expenses shall be met by the health service provider.

Regulation 57 - Requirement for Medical Examination

Members of staff may be required from time to time to undergo medical examination to ascertain their state of health.

Regulation 58 - Health and Safety at Work

The Authority shall ensure the provision of a healthy and safe work place by:

- (a) endeavouring to create a stress free work environment;
- (b) preventing accidents at work;
- (c) communicating to staff the need for good health and safety practices;

Staff Rules & Regulations

- (d) training in good health and safety practices and procedures;
- (e) organising health and safety requirements such as hygienic and safe office environment, first aid boxes, fire extinguishers; and
- (f) complying with health and safety legislation.

Regulation 59 - HIV/AIDS Policy

- (1) The Authority shall recognise HIV/AIDS as a serious threat to the Community and shall take all measures necessary towards its prevention, mitigation and control.
- (2) The Authority shall not discriminate against any members of staff, their families and any member of the Community in general infected with HIV/AIDS.
- (3) The Executive Director shall develop an HIV/AIDS Policy for the Authority in accordance with the Principles of the International Labour Organisation (ILO) Code of Practice on HIV/AIDS and the World of Work.

Regulation 60 - Staff Welfare Services

The Authority shall make effort to provide welfare services which may include the following:

- (a) providing counselling services on personal problems concerning for example, absence from work for long periods, marital or domestic problems;
- (b) assisting with problems of health and sickness for example continued illness, bereavement; and
- (c) encouraging group activities such as sporting, child care facilities, tours, picnics.

Regulation 61 - Staff Insurance

The Authority shall arrange an appropriate group insurance cover for members of staff with a reputable insurer for Group Life Insurance, Group Personal Accident and Total Permanent Disability.

Staff Rules & Regulations

Regulation 62 - Compensation for Death/Injury

Members of staff shall be entitled to compensation in the event of death, injury or illness attributable to the performance of duties on behalf of the Authority. Such compensation shall be in accordance with the Authority Group Life Insurance Scheme provided for under regulation 61.

Regulation 63 - Participatory Contributions

- (1) Members of staff may initiate contributory schemes for their benefit.
- (2) The Schemes established under sub-regulation (1) shall be registered, voluntary and shall operate under the administrative guidelines established by the members of staff themselves.

PART IX

TRAVEL AND MOVEMENT OF STAFF

Regulation 64: Authorisation of Travel

- (1) Official and other travel outside the duty station by members of staff shall be authorised by the Executive Director. Before travel is undertaken, the member of staff shall personally ensure that he or she has the necessary authorisation.
- (2) In the case where the Authority is to bear the travel expenses of a member of staff's dependent, the member of staff shall ensure that such expenses have been authorised.

Regulation 65: Official Travel

- (1) Subject to the provisions specified under the Financial Rules and Regulations, travel by members of staff of the Joint Competition Authority shall be as follows;
 - (a) on duty;
 - (b) on initial appointment;
 - (c) on home leave;
 - (d) on separation from service under the conditions stipulated in these Rules and Regulations;

Staff Rules & Regulations

- (e) on travel authorised by the Executive Director in accordance with the provisions of the Financial Rules and Regulations.
- (f)
 - (i) the normal route for all travel authorised by the Executive Director shall be the most direct and economical route;
 - (ii) the route, mode and conditions of transport shall be determined by the Executive Director in conformity with the relevant provisions of these Rules and Regulations;
 - (iii) if a member of staff or family member travels by a more expensive mode other than the approved modes, the member of staff shall only be reimbursed for the cost of the approved mode.
 - (iv) if a member of staff or a family member travels by a less expensive mode of transportation than the approved mode, the Authority shall only pay for the mode of transportation actually used.
 - (v) any member of staff authorised to travel outside the duty station shall be entitled to subsistence allowance at the rates for subsistence allowance specified under Schedule 2.
- (2) The Executive Director shall travel business class by air, by train or by sea and professional staff shall travel economy class by air, by train or first class by sea.
- (3) The general staff, if required to travel shall travel by economy class by air, by train and second class by sea.
- (4) On separation from service, the Authority shall pay the costs for the transportation of personal effects and household goods according to the terms and conditions establishing the authorised baggage weight as provided for in these Rules and Regulations.
- (5) The Executive Director shall determine from time to time the specific conditions for payment of excess baggage, including the transport of official documents and other effects of the Authority particularly during conferences organised by or in collaboration with the Authority.
- (6) Members of staff in travel status shall not be entitled to a refund of unused tickets; neither shall they keep them at the end of official travel. Unused tickets shall be returned to the Executive Director.
- (7) All unforeseen expenses incurred within reasonable limits during travel on official duty may be refunded upon presenting the receipts and supporting documents according to the terms and conditions established by the Executive director in conformity with the Financial Rules and Regulations.
- (8) On initial appointment, the Authority shall pay travel expenses for the member of staff and his or her dependants from his or her home country or country of normal residence to the official duty station, the same shall apply to return travel expenses on separation from service;
- (9) A member of staff who resigns after less than a year of service or within 6 months following the date of his or her return from home leave shall not be entitled to

Staff Rules & Regulations

- payment of the return travel expenses for himself or herself or his or her dependants. The Executive Director may authorise the payment of such expenses if he or she is satisfied that there are compelling or plausible reasons for so doing;
- (10) A member of staff who is dismissed from the service under a serious breach of conduct shall be entitled to baggage allowance and one-way air ticket to enable such a member of staff and his or her dependants return to home country.
 - (11) The Authority shall not pay return travel expenses if without good reason the travel has not commenced within three (3) months of the date of separation from service;
 - (12) The Human Resources Department, or any other officer designated to do so, shall be responsible for booking all flights or any other mode of transportation.

Regulation 66 - Official Travel of Spouse and Dependent Children

- (1) The Authority shall pay travel expenses for the entitled dependants of a member of staff under the following circumstances:-
 - (a) on initial appointment of the member of staff;
 - (b) on change of official duty station provided the services of a member of staff at the new duty station are expected to continue for more than six (6) months;
 - (c) on separation of a member of staff from the service;
 - (d) on home leave in accordance with the provisions of Regulation 72; and
 - (f) on medical or security or other reasons as shall be approved by the Executive Director.
- (2) The mode and class of travel for the dependants shall be the same as that of the member of staff.

Regulation 67 - Transport upon Death of Member of Staff or Family Member

- (1) Upon the death of a member of staff, his or her spouse or his or her dependent children, the Authority shall pay the expenses of transporting the body from the duty station to the officially declared place of domicile of the member of staff.
- (2) In case of death of a member of staff, spouse or dependent children which occurs outside the duty station, the Authority shall bear the transport expenses, by the most economic route to the place of burial.
- (3) In case of the death of a member of staff, his or her spouse or his or her dependent children, the Authority shall bear the cost of the coffin, fees for the undertakers, including the expenses for embalming the body.
- (4) In case of the death of a member of staff at his or her duty post or in the event of death having occurred while in official travel status the Executive Director

Staff Rules & Regulations

shall designate a representative to accompany the body. The travel expenses of the representative shall be borne by the Authority.

- (5) The Authority shall bear the cost of transportation of family members of a deceased member of staff, from duty station to the officially declared place of domicile.

PART X

WORKING HOURS AND OFFICIAL HOLIDAYS

Regulation 68 - Working Hours

- (1) Members of staff shall devote themselves entirely to the performance of their duties in the interest of the Authority.
- (2) They shall observe the prescribed normal working hours of the Authority.
- (3) The working hours of the Authority shall be from 08.00 hours to 17.00 hours from Monday to Friday, with a lunch break from 13.00 to 14.30 hours.

Regulation 69 - Official Holidays

- (1) Members of staff shall be entitled to the following official holidays with full pay:
The national days, New Year's Day, Idd-el-Fitr, Idd-el-Haj, Good Friday, Easter Monday, Labour Day, Christmas Day and Boxing Day.
- (2) Towards the end of each calendar year, the Executive Director will issue a memorandum detailing the official holidays for the following year.
- (3) Members of staff may be required to work beyond the prescribed working hours and on official holidays in order to accomplish their tasks or due to pressure of work or when the Executive Director or any other senior officer requires them to do so in the interest of the service of the Authority.

PART XI

STAFF LEAVE

Regulation 70 - General Provision

- (1) Annual Leave is a right and shall be taken when due.

Staff Rules & Regulations

- (2) Leave may only be taken when authorised by the Executive Director, subject to the exigencies of the service.
- (3) Unauthorised absence from duty shall be charged to either annual leave or salary and allowances for such period of absence.
- (5) Such unauthorised absence from duty shall be considered as misconduct within the meaning of these Rules and Regulations.

Regulation 71 - Annual Leave

- (1) The executive and professional staff shall be entitled to thirty working days and the General Staff category shall be entitled to twenty one working days leave per year of active service. Annual Leave Request Form is attached as **Appendix VI**
- (2) Annual leave may not be accumulated beyond thirty (30) days for the executive and the professional staff and twenty one (21) days for the general staff. Any period beyond this level may be considered on individual merit and must have express approval in writing by the Executive Director or other relevant authority in writing as the case may be.
- (3) The Executive Director may authorise payment of cash in lieu of annual leave to a member of staff provided such member of staff is requested in writing to forfeit annual leave due to exigencies of duty.
- (4) A member of staff who does not qualify for annual leave may in exceptional and compelling circumstances be granted advance annual leave for a maximum period of ten working days provided that he completes his or her period of qualifying service subsequently. The period of advance leave shall be deducted from the annual leave.
- (5) Members of staff on probation shall not be eligible for annual leave except under exceptional circumstances as may be approved by Executive Director or the relevant authority as the case may be.
- (6) Members of staff shall not accrue annual leave during the period of suspension from duty without pay.
- (7) In case of termination of services, any authorised outstanding leave shall run concurrently with payment in lieu of notice.

Regulation 72 - Home Leave

- (1) All members of staff except the General Staff shall be entitled to home leave once every two years of qualifying service at the expense of the Joint Competition Authority.

Staff Rules & Regulations

- (2) A member of staff may be required to take his or her home leave in conjunction with or after travel on official mission, due regard being paid to the interests of the staff and his or her family.
- (3) Members of staff may take their home leave at any time in the calendar year in which it falls due subject to the exigencies of service.
- (4) Dependant children whose parents are members of staff, each of whom is entitled to home leave, may accompany either parent and their travel expenses shall be paid by the Community provided that the frequency of travel does not exceed once every two (2) years.
- (5) If the entitled member of staff chooses to use his or her private vehicle instead of public transport, he or she will be reimbursed the mileage rate for the most direct route or the cost of the airfares using the economic and direct route whichever is the lower.
- (6) In exceptional circumstances, and at the member of staff's request, the Executive Director may authorise advance home leave provided that no less than eighteen (18) months of qualifying services have been completed and/or have elapsed from the date of return from his or her last home leave.

Regulation 73 - Compassionate Leave

- (1) In the case of important events such as a family misfortune, serious illness or death of a member of staff's immediate family, a member of staff may be granted compassionate leave of not more than ten (10) days with full pay during one calendar year.
- (2) Subject to regulation (1), any extra days shall be deducted from the annual leave.

Regulation 74 - Sick Leave

- (1) Members of staff who are incapacitated from the performance of their duties by illness or injury shall be granted sick leave under the following terms and conditions:
 - (a) all sick leave must be approved by the Executive Director on the recommendation of the Joint Competition Authority's physician or any other physician recognised by the Authority;
 - (b) a member of staff who is on probation shall be granted sick leave up to one month on half salary in any period of six (6) consecutive months provided that such period shall not count as part of the probationary period;
 - (c) a member of staff on a fixed term contract shall be granted sick leave up to three months on full salary after which he or she will be granted a further three months leave on half salary provided that the

Staff Rules & Regulations

- amount of sick leave permitted in any contract period shall not exceed six (6) months;
- (d) any absence from duty on grounds of illness shall be supported by a medical certificate from a Joint Competition Authority physician or a physician approved by the Executive Director to the effect that the member of staff is unable to perform his or her duties and stating the probable duration of absence;
 - (e) A member of staff who is on sick leave shall not leave his or her duty station without prior approval of the Executive Director or relevant authority as the case may be and on the advice of the Authority's physician;
 - (f) a member of staff who continues to be sick for a period exceeding six (6) consecutive months or accumulated period of six (6) months in one calendar year (180 days), shall be examined by a Medical Panel comprising three (3) medical doctors appointed by the Executive Director to determine the member of staff's physical and mental fitness to continue in the service of the Authority;
 - (g) A member of staff who may be retired on medical grounds on advice of the Medical Panel shall be paid three months basic salary in lieu of notice.
- (2) A member of staff in whose household there is any case of a contagious disease, who receives a quarantine order affecting his or her household and who, as a result, is unable to attend office shall continue to receive his or her full salary and other emoluments during this period of compulsory absence.
- (3) Except with the special approval of the Executive Director, no member of staff may be granted sick leave for a period of more than two consecutive working days without producing a certificate of incapacity from the Authority physician or where this is not possible from a duly registered medical practitioner stating the cause of illness and the probable duration of absence from duty. These special approvals shall not exceed seven (7) working days in a year, any further days being charged to annual leave.
- (4) The Executive Director may approve emergency medical evacuation of a member of staff or his or her certified dependants upon the recommendation of the Authority physician or any other physician approved by the Executive Director.

Regulation 75 - Maternity and Paternity Leave

- (1) A member of staff shall be entitled to maternity leave for a period of sixty (60) working days on full pay.
- (2) Paternity leave shall be granted to a male member of staff for a period of ten (10) working days once every two (2) years.
- (3) Paid maternity leave shall be limited to once every two (2) years.

Staff Rules & Regulations

Regulation 76 - Study Leave

- (1) The Executive Director may grant study leave with full pay to a member of staff for a period not exceeding one (1) month provided that the course is relevant and within the training needs of the Authority.
- (2) Study leave granted under sub-regulation (1) shall not be charged against the member of staff's accrued leave.
- (3) Any application for such leave must be supported by proper documents and the subject of study shall be directly related to the member of staff's duties and will enhance; improve or add value to the service provided to the Authority by that member of staff.
- (4) Study leave shall only be granted to confirmed members of staff.
- (5) The Executive Director reserves the right to refuse granting of the study leave on the basis of exigencies of duty.

Regulation 77 - Leave Without Pay

In very special and compelling circumstances, the Executive Director may grant a member of staff leave without pay of not more than three (3) months in any one (1) year provided that such leave is not for gainful employment. In such a case, the member of staff shall be required to first exhaust his or her annual leave entitlement.

Regulation 78 - Compensatory Leave

- (1) The general staff may, at the discretion of the Executive Director, be granted time off in lieu of overtime pay when they have been required to work for prolonged periods of overtime or on weekends and public holidays. Time off granted shall be known as compensatory leave.
- (2) The time off worked shall be deducted from the overtime hours worked.
- (3) For general staff, authority to work beyond the normal official work hours and on public holidays must be granted by the Executive Director or his designated officer.
- (4) Compensatory leave is not leave or gratuity earning.

PART XII

CORRESPONDENCE AND PERSONNEL RECORDS

Regulation 79 - General Provisions

- (1) Official correspondence is a term used to include letters, memoranda, documents, communication, or any other recorded information which comes into the possession of a member of staff in the course of his or her official duties.
- (2) In conformity with Regulation 8 of these Rules and Regulations, a member of staff shall not disclose information which comes into his or her possession in the course of their official duties.
- (3) A member of staff shall not be permitted to take copies of any official papers which pass through their hands in the course of their duties, except in the normal course of duty.
- (4) All incoming mails shall be directed to the Executive Director.
- (5) Outgoing mail shall be cleared by the Executive Director or a designated officer.
- (6) External correspondence must not be personalized.
- (7) A copy of each out-going mail shall be kept in the registry at the Office of the Executive Director.
- (8) The Registry shall maintain a computerized list of incoming and outgoing mail.
- (9) The Executive Director shall issue detailed guidelines on official correspondence and maintenance of records.

Regulation 80 - Internal memoranda

- (1) Routing of internal official correspondence shall respect the principle of hierarchy. Memoranda shall be addressed through heads of division who in turn shall submit, with recommendations to the Executive Director where necessary.
- (2) The routing of correspondence should be exercised with responsible flexibility.
- (3) A member of staff may copy his or her memorandum to only those who may be concerned with the subject of the correspondence;

Staff Rules & Regulations

- (4) When instructions are received from another Department, the member of staff concerned shall inform and consult with his or her own supervisor before implementing the instructions. Discretion shall be used depending on the urgency of the instruction.
- (5) Likewise, and in order to guard against any breach of confidentiality of information, a member of staff is required to consult with his or her supervisor before giving information or allowing access to official files in the Department.

Regulation 81 - Oral Communication

All oral instructions given by the Executive Director or any other official placed in a position of authority shall be committed in writing by the member of staff receiving such instructions and shall be forwarded to that superior officer for confirmation.

Regulation 82 - Personnel Records

- (1) The Executive Director shall maintain an open and confidential file in respect of a member of staff irrespective of his or her terms of employment.
- (2) The Executive Director shall establish and maintain personnel records and data with a view to facilitating periodic research and evaluation of the effective utilization of the Organization's human resources. Among such records shall be the following: job descriptions, recruitment and selection, wage and salary administration, staff performance evaluation and training, leave, transfers and promotions, health, discipline, terminations, retirements and all data related to human resources management.
- (3) Personnel Records shall include a letter of application for the job, letter of appointment, letter of acceptance of appointment, confirmation, -, change of incremental data, change in names, disciplinary letters, commendation letters, termination, transfers, approved annual and home leave, sick and special leave, medical certificates of fitness for service, official oath, declaration of next of kin, appraisal forms and any other official records on a member of staff.
- (4) A member of staff on request from the Executive Director may be allowed to access information on his or her open file.
- (5) A member of staff shall not have access to his or her confidential file.
- (6) Personnel records shall not be destroyed until ten (10) years after the death of a member of staff and in all other cases, twenty (20) years after separation from the service, unless the records have been micro-filmed for storage.

Regulation 83 - Post File

Staff Rules & Regulations

- (1) Every member of staff shall keep a Post File for the purpose of keeping a record of information about the post. Among the information kept in the Post File shall be:
 - (a) a statement of the vision, mission and objectives of the Authority;
 - (b) the objectives of the Department, -;
 - (c) the job description for the post;
 - (d) the annual work plan for the Authority;
 - (e) the annual performance plan and work plan for the post holder;
 - (f) the training and career development plan;
 - (g) each task accomplished and constraints encountered;
 - (h) copies of the completed Staff Performance Appraisal Reports; and
 - (i) any other important documents about the job;
- (2) A Post File shall be a reference document during the staff performance appraisal period and when a member of staff is handing-over. The file shall be handed-over to the in-coming member of staff or to the supervisor at the time of vacating the post to ensure less disruption of work as one takes over.
- (3) The Heads of Department shall ensure implementation of this regulation in their respective departments.
- (4) The Head of Human Resource shall coordinate the implementation of this Regulation.
- (5) The Executive Director shall establish systems and procedures for proper records management.

PART XIII

STAFF RELATIONS

Regulation 84 - Staff Relations

- (1) The Authority shall endeavour at all times to promote and maintain cordial and harmonious relationships between members of staff. The Executive Director shall ensure effective participation of staff in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other personnel policies.
- (2) The Executive Director may establish joint internal committees for periodic as well as ad hoc consultations between management and members of staff.
- (3) The staff shall have the right to choose their own representatives to such internal committees.
- (4) The joint internal committees shall be entitled to initiate proposals to the Executive Director.
- (5) The Authority shall ensure transparency, justice and fair-play in the effective implementation of personnel policies. The Human Resource Advisory Committee shall be established to advise the Executive Director on matters relating to discipline and handling of complaints.
- (6) In accordance with the principle of freedom of association, members of staff may join associations, unions or other social and professional groupings, provided that such associations, unions, social groupings shall not contradict or infringe upon any of the provisions in these Rules and Regulations.
- (7) The Executive Director shall encourage the participation of members of staff in making the decisions concerning their career advancement and welfare.
- (8) Members of staff and their families shall be encouraged to come together. Events aimed at creating industrial peace and harmony may be organised. They shall, among other events, include organising end of year get-together parties, various awards to members of staff, in recognition of long service or exceptional performance.
- (9) Management shall operate an open office style of management to enable individual members of staff to access them easily.
- (10) The Authority shall not be responsible for payment of membership costs related to professional bodies where staff belongs in their individual capacity.
- (11) A member of staff, who may wish to participate in political activities, shall be required to resign in accordance with provisions of regulation 95.

PART XIV

DISCIPLINE AND GRIEVANCE

Regulation 85 - General Provisions

- (1) All members of staff shall maintain the highest standard of integrity, conduct and self discipline required of an international civil servant. They shall regulate their private and official activities so as not to discredit the Authority.
- (2) Penalties may be imposed by the Authority or the Executive Director as appropriate, in accordance with the disciplinary procedures of these Rules and Regulations.
- (3) In all disciplinary matters, members of staff shall have the right of appeal in accordance with the procedure laid down in these Rules and Regulations.

Regulation 86 - Disciplinary Authority

- (1) The respective appointing authorities as provided for under regulation 23 of these Rules and Regulations shall be the authorities responsible for disciplinary decisions.
- (2) The Authority shall set up a Disciplinary Panel in the case of executive staff.
- (3) The Executive Director shall set up a panel to advise on matters related to discipline of the professional and general staff. The members of the Panel shall vary according to the nature of the case and the level of a member of staff to be reviewed.

Regulation 87 - Grievances or Complaints

- (1) The Executive Director shall set up a Complaints Panel which will consider any complaint from a member of staff relating to matters concerning these Rules and Regulations.
- (2) The Panel shall consider the complaint of a member of staff and make a report to the Executive Director.
- (3) The Executive Director shall consider the report, make a decision and communicate his or her decision to all concerned within fifteen (15) days of the receipt of advice.
- (4) If the member of staff is not satisfied with the Executive Director's decision he or she may refer the matter to the Authority then the Court or Tribunal.

Staff Rules & Regulations

Regulation 88 - Grounds for Disciplinary Action

The following shall constitute grounds for disciplinary action:

- (1) Minor offences include, but are not limited to, the following:
 - (a) reporting to work late without informing and receiving permission from the member of staff's supervisor;
 - (b) leaving work before close of office hours, without informing and receiving permission from the member of staff's supervisor;
 - (c) being absent without informing and receiving permission from the member of staff's supervisor;
 - (d) negligence of duty;
 - (e) unauthorised use of official property;
 - (f) minor damage to official property; and
 - (g) abuse of sick leave.

- (2) Serious offences include, but are not limited to, the following:
 - (a) abuse of privileges and immunities;
 - (b) use of abusive language;
 - (c) unauthorised habitual absence from duty without valid cause;
 - (d) serious damage to official property;
 - (e) breach of Joint Competition Authority Rules and Regulations;
 - (f) behaviour likely to bring the Authority into disrepute;
 - (g) misuse and abuse of official property;
 - (h) repeated abuse of sick leave; and
 - (i) sexual or racial harassment;
 - (j) acts of commission or omission, sectarian and parochial, prompted by allegiance to national interest contrary to the provisions of these Rules and Regulations.

- (3) Grave offences include, but are not limited to, the following:
 - (a) persistent repetition of serious offences;
 - (b) drunkenness on duty;
 - (c) theft of Joint Competition Authority property including data, files, records, etc;
 - (d) embezzlement or misuse of official funds;
 - (e) breach of confidentiality;

Staff Rules & Regulations

- (f) conviction by a court of law of a criminal offence;
- (g) gross insubordination or insolence;
- (h) wilful and repeated disregard of authority;
- (i) serious and wilful damage to official property;
- (j) immoral or disgraceful conduct; and
- (k) knowingly withholding information on any member of staff who is inefficient, incompetent or dangerous to the security of the Joint Competition Authority.

Regulation 89 - Disciplinary Measures

- (1) A member of staff shall be charged with misconduct for offences specified under regulation 88 or acting contrary to these Rules and Regulations.
- (2) For the purpose of this regulation, disciplinary measures that may be taken against a member of staff found guilty of misconduct shall include the following:
 - (a) verbal warning;
 - (b) written warning;
 - (c) reprimand;
 - (d) suspension from duty;
 - (e) termination; and
 - (f) dismissal.

Regulation 90 - Disciplinary Procedures

- (1) In the case of the executive staff, the Council of Ministers, acting on the advice of Authority shall be the authority for disciplinary action.
- (2) In the case of professional and general staff committing of minor offences shall receive a verbal warning for the first offence, a written warning for the second offence, and the third offence will be considered a serious offence.
- (3) Verbal warnings shall be given by a supervisor at his or her discretion when an employee is engaging in behaviour which is undesirable. The supervisor shall warn the employee verbally to desist from, or correct, such behaviour and shall make a note of the nature of the offence, when committed, the action taken and the date of the warning.

Staff Rules & Regulations

- (4) Written warnings shall be given in the following instances: for a minor offence, if a member of staff does not heed a verbal warning and for a serious offence, in the first instance.
- (5) A member of staff who commits serious offences shall receive a written warning for the first offence, and thereafter the subsequent offence may be considered as ground for termination or dismissal.
- (6) Commission of a grave offence shall be ground for dismissal.
- (7) Where a member of staff is alleged to have committed a grave offence or misconduct, charges will be framed against him or her. He or she will be required to defend himself or herself within a period not exceeding one month.
- (8) The response of the member of staff together with the charges shall be referred to the Executive Director.
- (9) The Executive Director may decide to make a ruling or refer the case to the Disciplinary Panel.
- (10) After hearing of the case, the Disciplinary Panel shall report back to the Executive Director, for any appropriate disciplinary measure:-
 - (a) in the case of the General Staff, the Executive Director, shall thereafter make a decision; and
 - (b) in the case of the professional staff the advice of the Disciplinary Panel together with the Executive Director's recommendation shall be submitted to the Authority for appropriate decision.
- (11) The Authority's decision shall be made known to the member of staff concerned and also to the other parties concerned within fifteen (15) days of receipt of the Authority's decision. The member of staff shall have the right of appeal as provided under regulation 93.

Regulation 91 - Suspension, Termination and Dismissal

- (1) A member of staff whose actions are being investigated by either the Authority or Police, or against whom action is being taken for having committed a serious offence shall be suspended from duty with full pay.
- (2) A member of staff whose actions are being investigated, by the Authority or Police or against whom action is being taken for having committed a grave offence shall be suspended from duty with half pay or without pay.
- (3) During the period of suspension the affected member of staff shall not leave his or her duty station and shall not engage in any gainful employment.
- (4) The Executive Director shall ensure that the case is resolved as expeditiously as possible, preferable within three months.

Staff Rules & Regulations

- (5) Where a member of staff is cleared of the charges his or her suspension will be lifted and he or she will be paid any part of his or her salary, which was withheld.
- (6) Where on the other hand, a member of staff is found guilty, and is subsequently separated from the service, he or she will not be paid his or her withheld salary.
- (7) Where a member of staff is released by Police or acquitted by Police or Court for any offences which in the interest of the Authority are otherwise gravious, the Executive Director shall recommend appropriate disciplinary action as provided in these Rules and Regulations.
- (8) A member of staff terminated from the service on disciplinary grounds other than dismissal shall be entitled to all his or her terminal benefits.
- (9) A member of staff dismissed from the service shall forfeit all rights and benefits. However, he or she and his or her dependant family members shall be transported to his or her place of domicile.

Regulation 92 - Right of Defence

- (1) During a hearing, a member of staff charged with misconduct shall be entitled to defend himself or herself before the relevant Panel.
- (2) If any witnesses are called to give evidence before the Panel, the member of staff shall be entitled to be present to cross-examine such witness.
- (3) The member of staff may call witnesses in his or her defence.
- (4) No documentary evidence shall be used against the member of staff unless he or she has previously been provided with a copy or unless he or she has been given access thereto.
- (5) Where under these Rules and Regulations it is found difficult to serve any notice, charge or other documents upon a member of staff or to communicate any information or administrative decision to a member of staff, it shall be sufficient for any notice, charge, document, information or decision to be sent by registered post addressed to the member of staff's usual or last known address or post office box. Where practical, it should be delivered personally to the member of staff's usual or last known residence.

Regulation 93 - Right of Appeal

- (1) A member of staff who is aggrieved or dissatisfied with an administrative decision may refer his or her appeal to the Court or Tribunal within thirty (30)

Staff Rules & Regulations

- days from the time he or she receives notification of the decision. A copy of the appeal shall be given to the Executive Director.
- (2) A member of staff appealing to the Court or Tribunal may engage a private legal practitioner.
 - (3) The Court or Tribunal shall examine the facts relating to the case expeditiously but in any case not beyond three (3) months from the date of receipt of the case.
 - (4) The ruling of the Court or Tribunal shall be final and binding.

PART XV

SEPARATION FROM SERVICE

Regulation 94 - Separation from Service

Separation from the service of a member of staff may be by:

- (1) expiration of appointment;
- (2) resignation;
- (3) normal retirement;
- (4) abandonment of duty;
- (5) death;
- (6) termination, including termination for abolition of post, unsatisfactory performance, health reasons, disciplinary reasons and in the interest of the Joint Competition Authority;; and
- (7) dismissal.

Regulation 95 - Resignation

- (1) The executive staff may resign by giving three months written notice to the Authority or pay three months' salary in lieu of notice.
- (2) The professional staff may resign by giving three months written notice through the Executive Director to the Authority or pay three months' salary in lieu of notice.
- (3) The General Staff may resign by giving one month's written notice to the Executive Director or pay one month's salary in lieu of notice.
- (4) In the event of the departure of the member of staff before the expiration of the requisite period of notice and without the agreement of the Executive Director, the member of staff shall pay an amount equivalent to the remaining period of the notice.
- (5) A member of staff who shall have accumulated annual leave at the time of his or her resignation shall be paid in lieu thereof a sum of money equivalent to his or her salary for the period of such accrued leave up to a maximum of sixty working days for professional category and forty two working days for general staff category.

Regulation 96 - Termination

Staff Rules & Regulations

- (1) Termination of the members of staff of the Joint Competition Authority will be as follows:
 - (a) the termination of the appointment of the Executive Director shall be upon the recommendation of the Authority to the JCA Ministers .
 - (b) the Executive Director shall recommend to the Authority to terminate the appointment of a professional member of staff.
 - (c) termination of the appointment of an Executive and professional member of staff shall be by three (3) months written notice or payment of equivalent salary in lieu of notice.
 - (d) the Executive Director may terminate the appointment of a general staff by giving him or her a one month's written notice or payment of salary in lieu of notice.

- (2) Termination of the appointment of a member of the professional or general staff shall be due to the following:
 - (a) where the exigencies of the service so demand or where the post is abolished through re-organisation;
 - (b) where the services of the member of staff are deemed unsatisfactory;
 - (c) where certain facts anterior to the appointment of the member of staff and relating to his or her suitability and moral conduct come to light which, if they had been known at the time of his or her appointment, should under the standards established by these Rules and Regulations have precluded his or her appointment;
 - (d) if he or she loses the right and status of a member of staff of the Joint Competition Authority as a result of a sentence or imprisonment by a court of law for dishonourable reasons;
 - (e) for health reasons; and
 - (f) for such other reason as may be specified in the letter of appointment.

Regulation 97 - Health Reasons

The appointment of a member of the Executive, professional or general staff shall be terminated where a medical report confirms that his or her physical or mental health prevents him from performing his or her duties.

Regulation 98 - Abandonment of Duty

Staff Rules & Regulations

- (1) This applies to a member of staff absenting himself or herself from duty without satisfactory explanation (including failure to report for duty after authorised leave). The effective date of separation is the day prior to the 1st day of unauthorised absence.
- (2) Where a member of staff absents himself or herself from duty for ten (10) days without authorisation his or her salary shall immediately be stopped.
- (3) After fifteen (15) days a letter shall be sent to his or her normal place of residence or to his or her official home address or to his or her next of kin.
- (4) After thirty (30) days, the member of staff shall be declared as having abandoned his or her post.
- (5) A member of staff who abandons his or her duty loses his or her entitlement to terminal benefits.

Regulation 99 - Dismissal

- (1) No member of staff shall be dismissed until given a fair hearing and the Disciplinary Panel has examined the matter, given its opinion and submitted the report to the Executive Director.
- (2) A member of staff dismissed from the service shall forfeit all rights and benefits. However, he or she and his or her dependant family members shall be transported to his or her place of domicile.
- (3) The Authority may dismiss a professional member of staff summarily for grave offences specified under regulation 88(3).
- (4) A general member of staff may be summarily dismissed by the Executive Director.
- (5) No notice shall be given for summary dismissal.
- (6) A member of staff dismissed may appeal to the Authority and if not satisfied to the Court.

Regulation 100 - Death

- (1) A member of staff's contract expires upon death.
- (2) Where a member of staff dies in service, the Authority shall pay to the surviving dependant, of the deceased an equivalent of three (3) months salary.

Regulation 101 - Abolition of Office

Staff Rules & Regulations

Where the Authority deems it fit to abolish any office by reason of reorganization or otherwise, the contract of the incumbent will expire and he or she will be entitled to three (3) months salary in lieu of notice and the balance of the determined contract and other terminal benefits.

Regulation 102 - Retirement Age

- (1) No Executive, professional or general member of staff who has reached the age of sixty two (62) years shall remain in the service of the Authority except in exceptional circumstances requiring the continuation of his or her service for the interest of the Authority. The Authority shall be required to extend the period of service in respect of such member of staff to a maximum period of six (6) months provided that medical panel certifies the member of staff as fit.
- (2) The effective date of retirement shall be the end of the month in which the member of staff reaches the age of sixty two(62) years.

Regulation 103 - Service Gratuity

- (1) Upon completion of their respective periods of service, the Executive Director, professional staff and general staff shall be paid a gratuity at the rate of 25% of the total basic salary received for each completed year of service including salary in respect of leave earned subject to the relevant provisions of these Rules and Regulations.
- (2) In the event of a contract being prematurely terminated, a pro-rata gratuity shall be paid to the member of staff.
- (3) Where a member of staff fails to pay any amount owed by him or her to the Joint Competition Authority or to a third Party at the time of leaving Service, such amount shall be deducted from his or her gratuity.

PART XVI

GENERAL PROVISIONS

Regulation 104 - Retroactive Payments

A member of staff who may have been entitled to receive allowances, grants or other payments due under these Rules and Regulations shall not be entitled to claim such allowances, grants or other payments retrospectively, unless a written claim has been submitted within twelve (12) months of the date when the initial payment would otherwise have been due.

Regulation 105 - Certificate of Service

Any member of staff who leaves the service of the Authority shall be given a Certificate of Service in relation to the nature of his or her duties, character and the length of Service.

Regulation 106 - Review of Staff Rules and Regulations

- (1) These Rules and Regulations may be reviewed, amended or modified by the Authority from time to time.
- (2) The Executive Director shall make proposals and submit any review, amendment, or modification to the Authority for approval.
- (3) The amended, reviewed or modified Staff Rules and Regulations shall not be applied retrospectively.

Regulation 107 - Effective Date

These Rules and Regulations shall come into effect upon approval by the Authority.

Proposed Salary Schedule

7. Schedule 1 - PROPOSED JCA SALARY STRUCTURE

Number	Post Title	Grade	Scale USD
1	Executive Director	D1	114,235.00
2	Head Legal Department	P5	86,791.00
3	Chief Air Transport Services	P5	86,791.00
4	Head of Administration and Finance	P5	86,791.00
5	IT Manager	P4	72,373.00
6	Quality Control Manager	P4	72,373.00
7	Consumer Protection Manager	P4	72,373.00
8	Competition Lawyer	P4	72,373.00
9	Air Transport Specialist	P4	72,373.00
10	Accounting Officer	P3	60,013.00
11	HR and General Administration Officer	P3	60,013.00
12	Executive Director Personal Assistant	G5	118,985 (Pula)
13	HR and General Administration Assistant	G4	93687.00 (Pula)
14	Driver/Messenger	G3	73192.00(Pula)

8. SCHEDULE 2 - PROPOSED JCA ALLOWANCES**1. Education Allowance**

Payable up to the attainment of a post-secondary diploma or degree provided that no such allowance shall be paid if the beneficiary reaches 25 years. Reimbursement of up to 75% of actual educational expenses incurred up to a maximum of:

- (a) Professional Staff \$4,950 per child per annum up to four children;
- (b) General Service Staff \$2,888 per staff member per annum for four children.

2. Dependency Allowance

Payable to a staff member subject to a maximum of four children provided the child is below the age of 18 years or 21 years in the case of a dependent still pursuing full time education:

- (a) Professional category \$300 per child per annum;
- (b) General Service category \$230 per child per annum.

3. Housing Allowance

Director General	Free furnished house
Professional Category Grades P4 – P5	\$1,584 per month
Professional Category Grades P1 – P3	\$1,346.40 per month
Intermediate Category (IC)	\$1,346.40 per month
General Services Category (GS)	7% of annual salary per month

4. Spouse Allowance

For the Professional category, \$413 per annum for a spouse not gainfully employed.

5. Language Allowance

For General Service category, \$180 per annum for a second language.

6. Installation Allowance

A maximum period of 30 days according to ruling per diem rate if the internationally recruited staff is not accommodated. Under exceptional circumstances the Secretary-General may extend the limit of 30 days by another maximum of 20 days.

7. Travel Allowance

- (a) per diem payable at the ruling rate;
- (b) 100 per cent per diem payable to staff member and 50 per cent for each dependent on first appointment, home leave and separation;
- (c) \$18 for every stop involving at least one night stay and the same amount paid on return to duty station.

8. **Mileage Allowance**

A professional member of staff who is authorized to use his or her vehicle for travel on official duty outside the duty station shall be entitled to a mileage allowance at the rate USD 0.08.

9. **Per diem Allowance and Travel**

When travelling on duty a staff member is entitled to per diem allowance at the JCA ruling rate. If the mission is covered by another institution, the per diem allowance is at the ruling rate of that institution.

10. **Ruling Per Diem Rates**

Staff Level	Within Africa	Outside Africa
Executive Director	300	315
Professionals	250	275
General Service staff	250	275

11. **Medical Expenses**

Reimbursement of up to 80 per cent of medical expenses incurred by a staff member/his family up to \$3,750 per annum, including the contribution by the JCA to any hospital in-patient Insurance Scheme for all staff members approved by the Council.

12. **Insurance**

All staff members are covered by the Group Personal Accident and any other medical insurance schemes that the JCA may institute for the benefit of her staff members.

13. **Staff Provident Fund**

The JCA contributes 15% of staff member's basic salary to the Staff Provident Fund. While staff member contributes 10% of his/her basic salary to the Staff Provident Fund deductible on a monthly basis. The amounts accumulated in the Staff Provident Fund is be payable to the staff member on final separation from the JCA.

14. **Annual Leave**

30 working days annual leave.

15. Diplomatic Privileges and Immunities

Professional employees of the JCA, are entitled to such diplomatic privileges and immunities as granted to their category by the host State or as provided under the Agreement on Privileges and Immunities to the SADC Secretariat staff