

# **Country-appointed Staff**

## **Core Standards of Employment**

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## Core Standards of Employment for Country-Appointed Staff

### Overview

This section describes the core minimum standards of employment for country-appointed staff. In 2003, the senior management team (SMT) gave a commitment to a global standard on the core conditions of service offered to country-appointed staff. All countries below the minimum standard on certain benefits and provisions have until December 2005 to implement all necessary changes to terms and conditions of service (TACOS) so that they are fully compliant.

### Audience

This section applies to country-appointed staff only.

### Responsibilities

These guidelines must be read and followed by:

- Country directors
- HR staff, particularly those working in an overseas office.

### Policy

All country-appointed staff working on an employment contract with the British Council can expect a minimum standard in their conditions of service. These standards cover the following areas:

- employment contracts
- end of service provision (ESP)
- medical provision and sickness and injury benefits
- leave entitlements.

The standards are a minimum requirement and country-appointed staff in some countries will have conditions of service that exceed these standards.

There are two exceptions where core standards might not apply:

- where the standard contravenes local employment legislation and a more extensive or revised standard needs to apply
- where the core standard policy on ESP is not mandatory for economically developed countries, such as Western and Northern Europe, Australia, New Zealand, USA, Japan and Hong Kong.

### The core minimum standards

#### Contracts of employment

Staff appointed to the British Council will normally be employed on indefinite contracts (IDCs). Staff may still be employed on fixed-term contracts (FTCs) and this will normally apply where the post is for a fixed life, such as project jobs where the funding is time-bound, or where the post is to cover a staff absence. Staff previously employed on a FTC, and not for these reasons, may be eligible to have their contract converted to an IDC. For guidance on the process and criteria used to convert staff from an FTC, see Guidance Notes on Converting Staff From an FTC to an IDC.

Staff employed on an IDC will be subject to a 12-month probationary period, unless this contravenes local employment legislation and a shorter period is necessary.

**End of service provision (ESP)**

Countries are below standard on ESP if there is an inadequate state retirement pension or provident fund and the British Council does not provide additional benefits in the form of either a terminal gratuity (TG), a contributory provident fund or private pension. To meet the minimum standard, countries will provide staff with a TG payment when they leave the British Council:

- The minimum TG payment is calculated as one month's salary for each year of paid service.
- The month is based on the gross monthly salary, before income tax or social security deductions are made.
- The payment will not include overtime payments or allowances.
- The figure used for calculation purposes is either the final month's salary or the average monthly salary over the last 12 months of service, whichever is the higher.

Where countries are introducing a TG scheme, or are bringing their existing scheme up to core standard, any changes to how TGs are calculated will take effect from the day the scheme, or amended scheme, starts and will not be backdated to the start of employment. Therefore, all previous years' service before 1 April 2005 will be covered by the rules of the old scheme, even if they are below core standard.

**Eligibility**

- The TG applies to staff employed on both IDCs and FTCs.
- Staff will start to earn their TG entitlement from the first day of employment.
- The qualifying period to claim a TG payment is six months' service. Staff leaving the British Council with less than six months' service are not eligible to a TG payment.
- Staff will not receive all, or some of their TG payment, if they have been dismissed for theft or fraud so that money taken or lost may be recovered by the British Council from the TG fund.

**Provident funds**

Staff covered by a provident fund must have these funds audited annually. Staff are entitled to know the value of the fund every two years.

Medical

Where the state medical provision is inadequate, country directors will investigate options on providing additional provision, usually in the form of private medical cover provided by a third party. More detailed guidance on providing contributory or non-contributory medical cover can be found in Guidance on Setting up a Medical Scheme.

Sickness / injury and death in service benefits

Staff who have one year of service may be granted up to six months' sickness absence on full pay if unable to work due to a long-term illness or injury. This will only apply if, in the opinion of a doctor selected by the British Council, the member of staff is likely to recover and be able to return to work within a reasonable period of time.

In cases where a member of staff is not able to return to work, medical retirement may be considered providing it is recommended by a doctor acting on behalf of the British Council. Staff taking medical retirement will receive a payment of no less than they would receive if made redundant under compulsory terms. If the member of staff is covered by a medical insurance or pension scheme for medical retirement, as part of their conditions of employment, they will not receive an additional payment from the British Council but any shortfall will be made up by the British Council. Staff must have one year's service to qualify for medical retirement.

If a member of staff dies in service, and they have completed one year's service, a lump sum of not less than two years' salary will be payable to a nominated next of kin. If the member of staff is covered by a medical insurance or pension scheme, as part of their conditions of employment, they will not receive an additional payment from the British Council although any shortfall will be made up by the British Council. This payment will include any TGs due to the member of staff, but if the value of the TG payment exceeds two years' salary then the member of staff will receive the higher amount.

#### Injury insurance

All offices should have workers' compensation / industrial injury insurance. If the country director considers the local legal minimum to be inadequate, they should make a case to HR Pay and Employment Relations (HR PER) and the Regional Director to top up the insurance from the country budget.

### **Leave entitlements**

#### Annual leave

Country-appointed staff are entitled to at least 35 days paid leave which can be made up of a combination of annual leave, all country public holidays, and any UK public holidays which staff are entitled to that fall on a working day. There are no grade differentials, and all staff are eligible for the same amount of leave. For policy and procedures for managing annual leave, see Annual Leave Entitlement.

#### Maternity / paternity and adoptive leave

Women employees are entitled to a minimum of 14 weeks paid maternity leave on full pay, providing they have one year of service at the point they wish to take their maternity leave.

Paternity or partner leave of up to 10 working days may be granted to staff with one year's service.

Staff with one year's service may be granted up to a minimum of 20 working days when legally adopting a child of 16 or under. A certificate of adoption is required to qualify.

#### Special leave

Staff are entitled to up to five days' leave, in addition to their annual leave, to cover family and domestic crises. This will normally include the death or illness of a family member or partner, or a serious domestic incident. This provision is effective from the first day of service.

## **Terms and Conditions of Service Document for Country-Appointed Staff**

### **Overview**

This section provides guidance for writing terms and conditions of service (TACOS) for country-appointed staff working overseas for the British Council.

### **Audience**

This section applies only to country-appointed staff only.

### **Responsibilities**

The Country Director and HR Manager are responsible for following this guidance and:

- the initial writing and revision of the condition of service document (TACOS)
- ensuring that a local labour lawyer checks that the document's terms and conditions are in line with local current and imminent labour law
- ensuring that both existing staff and new recruits have their own copy of their TACOS
- revising the document every three years in consultation with staff and:
  - ensuring a local labour lawyer checks the content again

- sending a copy of both the original and revised documents to Human Resources Pay and Employment Relations (HR PER) consultants for comment.

**Guidance**

The British Council recommends that you produce the TACOS document, discuss it with staff and put it on a shared drive on your intranet so that all staff have access to it. The TACOS document must contain:

- core information (as in Working in the British Council Section 1, which applies to all staff)
- local information
- all aspects of terms and conditions of employment for local staff, including the existing salary package.

See the Word document Terms and Conditions of Service Document Template for Country-Appointed Staff for a model of what to include in the local section of the document/booklet. Note that guidance and instructions on how to complete the TACOS document are highlighted in red. This model represents indicative terms and conditions of service only and is not meant to be a benchmark or standard. Each country will differ according to local employment market practices and employment law but all offices must follow the Core Standards of Employment for Country-Appointed Staff.

For further advice, contact HR PER consultants.