
MALDIVES CIVIL SERVICE REGULATION 2010

English Translation

August 2010

FORWORD

This is the “Maldives Civil Service Regulation 2010” formulated corresponding to the Maldives Civil Service Regulation 2008 compiled under Article 18 (f) of Act No. 5/2007 (Maldives Civil Service Act) and in view of the progress and reforms achieved by the Civil Service, while including a wide range of reforms brought about through an extensive process of consultation.

The revised regulation will come into effect from 1 May 2010. The “Maldives Civil Service Regulation March 2008” and the subsequent guidelines and circulars issued and publicized by the Commission correlating to the various reforms that were brought about to the Maldives Civil Service Regulation 2008 shall henceforth be annulled following the enactment of the revised Regulation.

The fundamental principles and standards underlined in the “Regulations Governing Matters Related to Government Employees” formulated by the Public Service Division of the President’s Office formed the basis of the “Maldives Civil Service Regulation 2008” when it was first compiled including many changes that were called for under the Maldives Civil Service Act.

Following the enactment of Act No. 2/2008 (Employment Act) within days of the coming into effect of the “Maldives Civil Service Regulation March 2008”, in order to facilitate for the many rights of employees that were provided for by the Act and made obligatory on the employer under the Act, many regulations required for at the time were revised and publicized as circulars and the Maldives Civil Service Regulation March 2008 was amended. Furthermore, several rules and principles being followed at the time were also revised in light of certain changes in the erstwhile situation and the enactment of the Employment Act.

Shortly after the Maldives Civil Service Regulation was brought in line with the Employment Act, the Constitution of the Republic of Maldives (2008) entered into force on 7 August 2008 and a series of efforts were made to examine and review the provisions of the Regulation that were

in contravention to the Constitution. In this manner, some contradictions to the Constitution were identified in the regulation and subsequently a report was submitted to the People's Majlis proposing amendments to the Maldives Civil Service Act to facilitate for the amendments to be incorporated in the regulation.

In addition, in enforcing the 2008 regulation, many amendments that were crucial in light of the current situation were identified and the changes were brought about through circulars and widely publicized rules. With these amendments and corroborating to the current situation and with whole new Chapters, the Maldives Civil Service Regulation 2010 is now compiled into a comprehensive set of regulations categorized into 28 Chapters and 242 Articles. The newly introduced Chapters include "General Provisions" "Job Classification of Employees" "Making Employees Redundant" "Retiring Employees" "Obtaining the Service of a Volunteer to carry out the Responsibilities of a Civil Service Post" "Appointing Persons Convicted by a Court of Law, to Civil Service Jobs" "Performance Appraisal of Employees" "Disclosing Personal Information of Employees" "Code of Conduct at Work and Disciplinary Measures" "Harassment of Employees" "Suspension from Work" "Compensation for Material Losses Incurred by an Employee" and "Assessing Cases Submitted to the Civil Service Commission". Old Chapters in the Regulation include many in which major amendments have been brought to suit the current situation. These include, the establishment of the administrative structure of offices, creation and dissolution of posts, overtime, allowances and other benefits, Senior Responsible Officers and Responsible officers, employment, transfer, promotions and dismissal, recruiting persons to perform the responsibilities of a Civil Service job, public holidays and employee's leave.

With the series of reforms that were brought to the Maldives Civil Service Regulation March 2008, the task of compiling the "Maldives Civil Service Regulation" began about two years ago. Innumerable work has been done to date, as the process developed through several stages. These include in-depth studies of several legal issues and a process of extensive consultations. In addition to the Civil Service Commission and the Advisory Committee, the process of formulating the Regulations saw invaluable cooperation and assistance from prominent lawyers of the Maldives and experts in the field of Human Resource Management and Development.

Furthermore, employees of the Civil Service and other parties contributed significantly to the process when the opportunity to propose amendments to the Regulations was opened to the public.

On behalf of the Commission, we would like to confer special thanks to all those who assisted in the formulation of this Regulation, including, consultants, lawyers, Permanent Secretaries, Heads and Staff of the Commission, Employees of the Maldives Civil Service, Government employees who are not in the Civil Service, members of the Public and members of the Civil Service Commission.

May the Regulation bring further progress and efficacy to the Civil Service and pave the way for the delivery of quality services to the Maldivian people thereby prospering their lives! Aameen.

13 Rabee'ul Aakhir 1431

29 March 2010

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CHAPTER 1

General Provisions

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- Introduction and Title**
1.
 - a. The Regulation was compiled by the Civil Service Commission with the powers conferred under Article 18 (f) of the Maldives Civil Service Act, to perform the duties and responsibilities of the Civil Service Commission stipulated in the Constitution of the Republic of Maldives, to enact Law No. 5/2007 (Maldives Civil Service Act), to elaborate on the General Provisions of the Act, and to specify the principles, standards and guidelines required to administer the Maldives Civil Service in a manner which would achieve the objectives of the Act.
 - b. The Regulation shall be cited as the “Maldives Civil Service Regulations”.
 - c. The Regulation shall come into effect on 1 May 2010.
- Implementing the Regulation**
2.
 - a. The Regulation will govern the employees of the Maldives Civil Service, responsible agencies of the Government and offices of the Civil Service administered under these agencies. All the employees and agencies of the Maldives Civil Service shall abide by the requisites of the Regulation. Employees and agencies of the Civil Service shall also conform to the amendments brought to the Regulation when such an amendment has been made.
 - b. Any action taken against an employee, or a decision made in this respect or a right granted

under the erstwhile Regulation Governing the Employees of the Public Service Division and by the Civil Service Commission under the Maldives Civil Service Regulations, shall not be void when this Regulation comes into effect, unless otherwise specified in the Regulation. And a right granted for a specified period under a previous regulation, shall continue under this Regulation to the completion of the period. And all the privileges and financial benefits correlating to the right shall be provided as according to the previous regulation until the end of the period.

- c. In a manner which does not contravene the Maldives Civil Service Act, this Regulation, and the Code of Conduct, the Regulation does not obstruct the formulation and execution of rules and procedures required by an office for the rendering of its services.

Experiencing a situation not provided for in the regulation

3. If a situation arises from a matter that has not been addressed in the Regulation or in the event of conflicting views or a misapprehension regarding the interpretation of the Regulation, a decision on the matter shall be taken by the Civil Service Commission.

Exceptions to the Situation

- 4. In the event of an issue relating to the promotion of employees of the Civil Service, or in exceptional situations concerning the interest of all the employees of the Civil Service, which warrant the absolute protection of the rights of employees,

		the Civil Service Commission has the power to reach a decision or take an action which may contradict this Regulation. However, such a decision or action shall not be in breach of the Maldives Civil Service Act or any statute being enacted in the Maldives.
Definitions	5.	In this Regulation, unless the context otherwise conveys to the contrary;
	a.	“Commission” refers to the Civil Service Commission.
	b.	“Employees” refer to the employees of the Maldives Civil Service.
	c.	“Agencies” refer to the responsible offices and other places under these offices where employees of the Civil Service work.
Composition of the Maldives Civil Service	6.	The Maldives Civil Service is comprised of Senior Responsible Officers of the main offices of the Government and employees of the Civil Service.
Parties who are not in the Maldives Civil Service	7.	Among state employees, the following positions are not included in the Maldives Civil Service.
	a.	The President, Vice President and officials appointed by the President under Article 115 (f) of the Constitution of the Republic of Maldives, to facilitate for the proper functioning of the duties of his office.
	b.	The Speaker of the People’s Majlis and Members of the People’s Majlis.
	c.	The Chief Justice and Judges.
	d.	The Maldives army and police.

- e. Employees of limited liability companies formed under the Company Act of Maldives and subsidiary companies formed by these companies.
- f. Employees of companies where the Government has the controlling share and employees of subsidiary companies formed by such companies.
- g. Employees of profit motivated or commercially driven establishments formed under a law whether a legal entity or not.
- h. Persons who are assigned to do a special work required by an office, but who are not employed in a position of the Civil Service, and who will not be paid from the salary code.
- i. Persons who are assigned temporary work during an emergency or a huge national undertaking.
- j. Positions excluded from the Civil Service by the Constitution or by any other Law.

The Role of Employees of the Maldives Civil Service

8. The duty of the employees of the Maldives Civil Service is to assist the Government in implementing its policies and programs, with sincerity, honesty and impartiality. As such, employees of the Civil Service shall with sincerity and honesty, assist the Government in power in formulating and executing the policies, while remaining free from all spheres of political influence, and being accountable to the powers of the state and the people.

Rules of Service

9. Employees of the Maldives Civil Service shall serve the Government as stipulated below.

- a. Every employee shall be answerable to the immediate superiors at the office where the employee works, the senior most official at the office and the senior most representative of the Maldives Civil Service in the office.
- b. Every employee shall, in performing the duties and responsibilities assigned to that person, respect the Constitution, Laws and Regulations of the Republic of Maldives, and the International Conventions, Treaties and Agreements to which the Maldives is a party.
- c. Every member shall respect the Code of Conduct and Regulations of the Maldives Civil Service.
- d. Every employee shall, in performing the duties:
 - 1. Observe the professional standards of the employee's area of work.
 - 2. Neither engage in any personal work that would create a conflict of interest with the employee's job, nor be employed with any party in any kind of work which creates a conflict of interest with the employee's job.
 - 3. Be prohibited from engaging in personal work during office hours, and utilizing office resources for personal needs.

Reporting

10. a. Where an employee of the Civil Service is suspected of having breached or in the act of breaching the Law, the Regulation and the Code of Conduct of the Maldives Civil Service, the

matter shall be brought to the notice of the Permanent Secretary or the Responsible Officer of the office. The Permanent Secretaries shall, in accordance with the Civil Service Act and its Regulation, establish a system in the office to report such cases or complaints and a mechanism to investigate and take disciplinary action, and communicate this in writing to all the employees.

- b. The Regulation does not obstruct breaches of other Laws of the Maldives being reported to the relevant authorities.

Appealing

- 11. a. Every employee has the right to submit an appeal to the Civil Service Commission if the employee has reason to believe that in implementing the Maldives Civil Service Act and Regulation, the Commission or the office of the employee or the Responsible Officer at the office had breached the Maldives Civil Service Act and Regulation or the employee had been subjected to unfair treatment.
b. Complaints submitted under Section 11 (a) will be determined and action taken as per Chapter 28 of this Regulation.

Filing a Case to the Employment Tribunal

- 12. Every employee of the Maldives Civil Service has the right to file a case to the Employment Tribunal or a court of law, if the employee is dissatisfied with the decision of the Commission taken as per Section 11 of this Regulation.

Administering Affairs of the Employees

- 13. a. In a main office of the Government, the Senior

Responsible Officer is responsible for implementing the regulations governing the employees of the Maldives Civil Service. In subordinate offices which function under a main office, the responsibility falls on the Responsible Officer. Administering employees' affairs include the following.

- b.** Inform employees about the regulations relating to employees of the Maldives Civil Service, formulated by the Civil Service Commission and implement these regulations.
- c.** Formulate employment agreements and job descriptions for various positions at the office, assign work to each employee clearly indicating the employee's responsibilities, and maintain these records and related documents.
- d.** Facilitate a system to pay the salary and benefits of the employees of the Maldives Civil Service, and provide any other service as decided.
- e.** Provide work space and resources for employees in the best possible capacity of the time.
- f.** Monitor the work of the employees, provide encouragement to employees who perform well, assist those employees who need assistance in performing their tasks, work for the professional development of the employees, and enforce reform measures on negligent employees.
- g.** Foster peace, amicability and harmony among the employees of the Maldives Civil Service.

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| Opening and Closing the Office | <p>14.</p> <ul style="list-style-type: none"> h. Cultivate and strengthen an ethical work environment where employees make effective utilization of time in performing their daily work, and where employees are diligent and sincere in their approach towards work. i. As per the rules of procedure, facilitate to provide accommodation, vehicles and mobile phones to those employees of the Civil Service who have been granted such facilities within the principle guidelines. <p>15.</p> <ul style="list-style-type: none"> a. For an office to be opened or to remain open, a staff equal or higher to that of the level of an Officer or a staff who has been given permission for the purpose has to be present at the time. Such a staff shall be present at all times during official working hours as well as when the office has to be opened for service after hours. b. In the absence of a staff equal or higher to that of the level of an Officer, and if the situation necessitates another staff to be given permission to open the office, the Permanent Secretary or the Responsible Officer or a person appointed by either one may give the permission. In Male', the relevant government authority (the authority responsible for the safety and security of state institutions) shall be notified before acting on the permission. |
| Utilizing Office Resources | <p>15.</p> <p>It is expressly prohibited for an employee of the Maldives Civil Service to use state resources for</p> |

- the employee's personal gain, or for a business where the employee has a vested interest, or for any other purpose whatsoever, whether the employee derives a personal benefit from it or not.
- Health standards to be maintained and safety measures to be taken in the work environment**
16. a. It is the responsibility of the office to ensure that adequate safety measures are taken as per Article 73 of the Maldives Employment Act, to protect employees from accidents and disasters at work.
- b. Employees must be given safety tools and equipment to be used while at work, depending on the type of work carried out at the office.
- c. In the event of an accident at work where an employee sustained an injury, the officer who assigned the work to the employee shall promptly report the matter to the relevant superior at the office and provide treatment to the employee without a delay. If an employee requires medical treatment for any kind of harm to his person or damage to health sustained while at work, it is the duty of the office to provide the treatment.
- Doing Personal Work During Official Working Hours**
17. a. An employee of the Maldives Civil Service shall not during the employee's official working hours engage in any activity relating to the employee's personal business, or any work that may or may not be of any financial benefit to the employee.
- b. An employee of the Maldives Civil Service shall not during office working hours, use another employee in any activity relating to the

		employee's personal business or in any work that may or may not be of financial benefit to the employee.
Using State Vehicles	18.	a. An employee of the Maldives Civil Service is prohibited from using a vehicle given to the employee to carry out the work related to the employee's job as a means to earn any other income. b. An employee of the Maldives Civil Service is prohibited from using an office vehicle on personal trips in order to save personal expenses.
Using Employees' Living Quarters	19.	a. An employee of the Maldives Civil Service may, according to the office instructions, keep members of the employee's family in an accommodation provided to the employee by the office. b. An employee of the Maldives Civil Service is prohibited to rent or lease out the accommodation provided to the employee by the office, or use it for any financial gains.
Mobile Phone Expenses	20.	An employee of the Maldives Civil Service who has been provided a mobile phone from his office will be given a monthly allocated amount for call charges. Any additional expenses incurred shall be borne by the employee.
Using Internet in the Office	21.	Internet facilities will be provided in the office for those employees who require the use of internet due to the type or nature of work of the done by the employee. In this manner, it is advisable to

provide internet facilities within established limits, to those employees who require the service, for the purpose of enhancing the quality of work and making the employee more resourceful. However, since internet is a service which can be easily misused and which allows for idle time wasting, the service shall be provided with the responsibility of the employee and the responsible officer. The following principles shall be adhered to when providing internet facilities for employees in offices and in using internet facilities.

- a. Using the internet for the purpose of gathering information needed for researches and studies related to work and for the employee's professional development and knowledge.
- b. Using the internet in a manner which would not interfere with work and time during official working hours and during overtime.
- c. Refrain from logging into sites that maybe in contravention to Islamic values and the laws of the Maldives.
- d. Be careful when downloading files as they may have computer viruses, and take all available precautionary measures to prevent such viruses from getting into the computer.
- e. In addition to the above, conform to Cyber Laws and any other laws on the use of internet when such a law is introduced.

CHAPTER 2

Code of Conduct

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Introduction	22.	The main objective of the Code of Conduct is to make all employees of the Maldives Civil Service an exemplary workforce with strong ethics and moral conduct both at work and in their interpersonal relations, in order to ensure that they deliver quality services to the people.
Compliance and Disciplinary Measures	23.	All employees of the Maldives Civil Service shall comply with this Code of Conduct. Disciplinary action shall be taken, as per the Civil Service Regulation, against any employee who does not conform to the Code of Conduct.
Conviction	24.	Every employee of the Maldives Civil Service must work with the conviction of a partner who strives to achieve the objectives and goals of the person's place of employment through greater competency and professional development and with a strong resolve to build a bright future for the nation by making the Maldives Civil Service a well revered and commendable service.
Relationship Between the Legislature and the Government	25.	<p>Employees of the Maldives Civil Service shall:</p> <ul style="list-style-type: none"> a. In performing their daily duties and responsibilities, respect the Constitution of the Republic of Maldives, the Laws, and Regulations. b. In performing their daily duties and at all times, put duties of the nation and interest and welfare of the people, above all else. c. In performing their daily duties and responsibilities, implement the policies of the

government of the day, with honesty and sincerity.

- d. Do their best to acclimatize themselves with the laws and regulations relating to the duties and responsibilities of their area of work.
- e. In performing their duties and responsibilities, provide support and cooperation to all the institutions formed under the Constitution and the laws.

Relations with the general Public

26.

Every employee of the Maldives Civil Service :

- a. In performing the duties and responsibilities of the employee, strive to promote unity and harmony among the Maldivian people.
- b. Win the confidence and trust of the people and be impartial in providing service.
- c. Be accessible to the people and courteous, humble and respectful in dealing with the people.
- d. In dealing with people, always hold the view that people deserve the best service.
- e. In performing the duties and responsibilities of the employee and in making decisions that affect the people, reflect on their various circumstances and concerns and make considerations where necessary.
- f. In performing the duties and responsibilities of the employee, be determined to work towards the growth and development of the people.
- g. In performing the duties and responsibilities of the employee, no one shall be discriminated

against in any manner based on colour, gender, race, language, social status or position, mental or physical disability, or political views.

- h. An employee shall not use his position to promote the interest of or work for the benefit of any political part or an association with political affiliations.
 - i. In performing the duties and responsibilities of the employee, every citizen's dignity, honor and constitutional rights must be respected.
 - j. Unless information is protected as classified under a law or regulation, a customer of civil service is entitled to any information that would increase the availability of service. Such information must be widely communicated in order to facilitate accessibility of service. Rights of others must be protected in communicating such information.

Relations Between Employees

- 27.** An employee of the Maldives Civil Service:

 - a.** Must cooperate with each other for the benefit of the people and in promoting public interest.
 - b.** Must carry out the instructions of those who have been assigned to direct and guide the employee in performing his/her duties and responsibilities, unless such an instruction is in breach of the Constitution, the laws and regulations.
 - c.** Must not carry out work and conduct activities in a manner which facilitate anything for the employee's relatives and friends, when performing the duties and responsibilities of the

Concerning Duties and Responsibilities

28.

job.

- d. Must not take advantage of the employee's position at work or exploit other employees in performing the duties and responsibilities of the employee. Must not allow to be taken advantage of by another employee either.
- e. If any discontentment arises while performing the duties and responsibilities within the area of work of the employee, the issue must be resolved as stipulated by the Regulation. Such a discontentment must also be expressed within the established principles.
- f. Must work with the determination to further the progress of those who work under the employee, foster the spirit of work amongst them, and establish a strong environment of friendship and harmony.
- g. Must deal with other employees fairly, non-discriminately and professionally, irrespective of the employee's colour, gender, race, social status or position, language, disability, political opinion or affiliation.
- h. Must remain free from political activities when performing the job. Must not conduct any political activity in the employee's place of work.

Every employee of the Maldives Civil Service:

- a. In achieving the objectives and goals of the employee's office of employment, must strive hard to economize, be progressive, and work for

the benefit of the people.

- b. In performing the duties and responsibilities, must employ creative and productive thinking, be innovative in solving problems and always try to be result oriented.
 - c. Must complete the assigned work on time.
 - d. Must be diligent and professional in carrying out assigned tasks.
 - e. In performing the duties and responsibilities, must not do anything which creates conflict of interest, be inclined towards self-interest or protect the interest of another person.
 - f. Refrain from carrying out any tasks at work or be involved in any decision making process that might give the employee an unfair advantage, and if such a situation arises where the employee can reap unfair benefits, or where there is a conflict of interest, the matter must be reported and revealed to relevant authorities without concealment.
 - g. Must seek opportunities for professional development and knowledge and skills development that are required to excel at work.
 - h. Must be trustworthy and accountable in dealing with Government assets and state finances, and in using other resources of the state.
 - i. State assets, finances and other resources must be used as determined and authorized.
 - j. In performing the employee's duties and

Personal Matters and Conduct

responsibilities as work, must persevere on the principles of productivity, transparency and accountability.

- k.** Must report to the relevant authorities, acts of corruption, fraud, treachery, nepotism, incidents of administrative mismanagement and other unlawful acts that have been identified in discharging the duties and responsibilities of the employee.
- l.** If superiors at work or any other office requests for the employee's consultation and advice, such assistance must be provided honestly and impartially and all information must be disclosed without any attempt at concealment.
- m.** Must maintain confidentiality of information of state secrets; or anything that can be considered a state secret, such documents and conversations held in meetings.
- n.** Information regarding the work being done at the office must not be disclosed unless as according to rules established by the office.
- o.** If professional standards have been set up, in the field of work, the employee must adhere to such standards.

29. Every employee of the Maldives Civil Service:

- a.** Must uphold the eminence, status, honor and dignity of the Maldives Civil Service in the employee's attire, conduct and relations, while performing official work related to the job.

- b.** Must not use the employee's position for personal gains or to obtain gifts and the like from various parties. And must not acquire or accept gifts or any other benefits from anyone, in relation to the employee's duties and responsibilities at work.
 - c.** Must not disclose any official information in order to obtain a personal benefit or to obtain an undue benefit to any other person.
 - d.** Must not use office resources in doing personal work and personal purposes.

Every employee of the Maldives Civil Service:

 - a.** Must be responsible to the Government and the people in relation to the employee's job at the Maldives Civil Service.
 - b.** Must be aware of the type and nature of work assigned when taking on such work, and must have the skills required to do the work or a means to acquire the skills.
 - c.** Work assigned and accepted by the employee in this regard must be of the required quality and completed by the established deadline.

Being Responsible to the Government and the People

30.

Every employee of the Maldives Civil Service:

- a. Must be responsible to the Government and the people in relation to the employee's job at the Maldives Civil Service.
 - b. Must be aware of the type and nature of work assigned when taking on such work, and must have the skills required to do the work or a means to acquire the skills.
 - c. Work assigned and accepted by the employee in this regard must be of the required quality and completed by the established deadline.

CHAPTER 3

Job Classification of Employees

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- Introduction**
- Determining the levels**
- Titling Posts According to the Duties**
- Including Positions in the Classification Framework**
31. As prescribed in Article 42 (a) of the Maldives Civil Service Act, the Commission shall establish the classification of jobs at the Maldives Civil Service.
32. a. The following standards will be applied in determining the levels of jobs at the Maldives Civil Service.
1. The title of the level of each position.
 2. Duties and responsibilities of employees in every job at every level.
 3. Qualifications and experience a person is required to have when being employed at a job in any of the levels.
- b. Every job at the Civil Service must be included in the job classification system specified under Section (a.) of this Article.
33. When formulating the budget, in matters of salaries, and in employee forms, the designation of a level or the abbreviated form of a level or the code of a level if such a code has been given, must be used in relation to all the posts classified under the level. Although the same designation or the same code has been allocated to be used in matters relating to employees, the Commission may decide to give different designations to different jobs in the same level as the official designation to be used in the work place.
34. a. Prior to appointing anyone to a post at the Civil Service, the position must be incorporated into the job classification framework of the Civil

- Service.
- b. The Commission must insist on categorizing into the same level, jobs that require work of the same nature, have the same duties and responsibilities, and more or less the same workload. And the same principles must be applied equally and fairly, in selecting people for posts that have been categorized into the same level, and in determining salaries for the same.
- Changing a level**
35. If the level of a post needs to be changed due to a change in the office administration, or following the necessity to create a new job, or because an employee's duties and responsibilities have to be changed, the matter must be submitted to the Commission. Whether the level needs to be changed or not will be decided by the Commission.
- Revising a level**
36. If an employee in the Permanent Classification of the Civil Service believes that an amendment has to be brought to the Job Classification Framework of the Civil Service, or if the employee feels that the employee's post has not been classified into the most appropriate level, or if a major change has been brought to the duties and responsibilities of a person's job, every employee has the right to submit the issue to the Commission. Employees on probation, and employees included in the Temporary Classification of the Civil Service do not have the

Establishing a classification framework and Requisites

37.

right to appeal to the Commission on matters relating to their job level.

In consultation with the main offices, the Civil Service Commission must establish and publicize the classification framework and requisites of the posts of employees of the Civil Service.

CHAPTER 4

Formulating the Administrative Structure of Offices, and Creating and Dissolution of Posts

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| Introduction | 38. | To render the services that the State has to provide to the public, the Commission shall formulate the administrative structure of offices, create jobs required by the offices, and dissolve the posts that have become redundant due to the discontinuation of a service, or a change in the way the service is provided. |
| Formulating the Administrative Structure | 39. | <ul style="list-style-type: none">a. Administrative structures of main offices and the offices which function under the main offices will be formulated according to the mandates given by the Government, and in the case of an office which functions under a statutory power, as according to the mandate stipulated by law.b. The structure must be formulated by responsible offices in accordance with Section (a) of this Article and the principles specified in this Regulation.c. Even though structures proposed by the main offices have been shaped to suit policy making, implementing and regulatory mechanisms or a service providing agency, the principles of this regulation must be considered as the underlying standards in designing Administrative Structures.d. When formulating Administrative Structures, the scale of the main work of the organisation has to be taken into consideration and the departments, divisions, sections and units must be created to facilitate the efficacy and productivity of work, |

**Submitting the
Administrative Structure for
Approval**

40.

and each of these levels must be assigned with specific tasks and given posts.

- e. Office structures must be planned with a maximum of 4 (four) levels in the structure. The number of levels in a structure must be determined according to the scale of work assigned to the office.

Main offices will submit the Administrative Structures of the offices for the Commission's endorsement, along with the following documents.

- a. Responsibilities of every level (department, division, section, and unit) included in the office structure: details of responsibilities and tasks assigned to every level (department, division, section and unit) of the office structure, pertaining to the mandate given by the President's Office will be listed here. In this manner, the responsibilities and tasks assigned to every department, division, section and unit must be given separately and in detail.
- b. Organization chart illustrating the workflow of the levels included in the office structure: the organization chart of the office drawn up according to the standards set by the Commission must be included here.
- c. Categorization of employees to the levels of the office structure (Organogram): This would include how the office plans to designate employees to

the posts required for the execution of work assigned to the office as according to the Organization Charts stated in Section (b) of this Article.

- d. It should be specified whether the expenses of the posts comprising the structure of the office, have been included in the budget. If the expenditure has not been included in the budget, the proposed means of funding for the expenses must be stated.
- e. Job descriptions of the posts included in the Organization Chart: job descriptions of the posts required to carry out the work assigned to the office must be included here. Copies of the job descriptions of all posts included in the structure must be included.

Reviewing the Structures of Offices

- 41. a. If the structure of an office needs to be changed in order to strengthen the administration of the office, the main office must submit to the Commission, the proposed review of the Administrative Structure of the office and subsequent changes to be brought to the structure, as stipulated in Article 39 and 40 of this Regulation.
- b. If an office has discontinued a work, or a part of the work done by the office has been removed, the main office must submit to the Commission, the proposed review of the Administrative Structure of the office and subsequent changes to

be brought to the structure, as stipulated in Article 39 and 40 of this Regulation.

- c. A review of the office structure would neither allow for the dissolution of posts of the employees of the office, nor the dismissal of employees. Once the Commission endorses the reviewed structure, employees must be reassigned to a post equivalent to that which was held by the employee. If two or more employees have to contend for the same post because the revised structure has fewer positions, selection will be made based on merit.
- d. In addition to the information specified in Article 40 of this Regulation, the following information must be provided to the Commission when submitting the revised structure for the Commission's endorsement.
 - 1. Delegation of work to employees during the structure review process, and the appointment of employees to the posts in the revised structure.
 - 2. Reason for the dissolution of certain posts as a result of the review and if new posts have to be created, reasons for doing the same.
 - 3. Reserving suitable posts in the structure, for those employees on a government service bond and who will be joining the civil service after doing specialized

courses allocated to jobs at the Maldives Civil Service.

Creating Posts

42. a. Posts at the Civil Service will be created by the Commission. The posts will be created by a document issued by the Commission.
- b. If an office requires the creation of a new post, the request must be made to the Commission through the main office.
- c. The request to create a post must be made only if creating such a post is deemed necessary because the office has been delegated new work or if the office has taken up additional work.
- d. When submitting a request to create a post, job description of the post and the reason for the need to create the job must be written in detail. The following information must be included when submitting a request for additional posts.
1. The Administrative Structure of the office
(The post requested to be created must be included and identified)
 2. Whether the requested post has been included in the office budget, if not the proposed financing for that.

Dissolution of Posts

43. a. Posts will be dissolved by the Civil Service Commission. Posts will be dissolved by a document issued by the Commission.
- b. The Commission has the discretion to dissolve a post, if the post has been vacant for 6 (six) months. If a post needs to be filled after the

dissolution of the post, a request to create the post must be submitted to the Commission as stipulated in Article 42 of the Regulation and the post created before appointing anyone to the post.

- c. When submitting a request to the Commission to create a post to replace the one that has been dissolved, the manner in which the responsibilities of the post was carried out during the time when it was left vacant, must be given to the Commission.
- d. If an office wishes to dissolve a post, the office must submit the request through the main office, to the Civil Service Commission.
- e. If an office discontinues a certain work, or if part of the work carried out by the office has been omitted, a proportional downsizing of the posts in relation to the discontinued or diminished workload must be made. When part of the work is omitted in this manner, and if two or more posts have been created to perform the tasks relating to the work, the post that will remain in the structure will be decided based on the importance of the post. If two or more persons were involved in carrying out a work In such a circumstance where part of the work of the office has been omitted, the person or persons who will remain in the job will be decided based on merit as stipulated in Section (a) and (b) of Article 84 of the

Regulation.

- f. Employees who are dismissed as a result of downsizing of posts as specified in Section (e) of this Article may be given notice and dismissed in accordance with Article 112 of the regulation.

CHAPTER 5

Salary

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Introduction	44.	It is the discretion of the Commission to determine and change the salary structure for jobs in all the levels of the Civil Service. Under this discretion, a structure shall remain whereby remuneration for the jobs in all the levels of the Civil Service has been pre-determined. The salary structure must be linked and standardized to the job classification framework for all levels of the Civil Service, formulated by the Commission.
Calculating Salary Per Hour	45.	Remuneration for Civil Service is apportioned for 8 hours per day, of 7 days a week. Salary per day of an employee of the Civil Service can be calculated by dividing the employee's salary by 30. Salary per hour of the employee can be calculated by dividing the amount per day by 8. The Commission has the discretion to change the number of working hours.
Determining salaries	46.	<p>As stipulated under Article 6 and Article 43 of the Maldives Civil Service Act, the Commission, in consultation with the Minister of Finance and Treasury, will determine the remuneration for employees of the Civil Service. In establishing the salary structure of the Civil Service, the Commission must consider the following.</p> <ul style="list-style-type: none"> a. Remuneration for various levels of Civil Service structure. b. Duties and responsibilities of the jobs. c. Academic and technical aptitude and experience

**Study on Changing
Remuneration**

- required for the jobs.
- d. Availability and unavailability of people for certain jobs.
 - e. Remuneration for Private Sector in the Maldives, and remuneration for state employees not included in the Civil Service.
 - f. Cost of living in the Maldives.
 - g. Fiscal policy of the Government of the Maldives and economic situation.
47. The Commission shall conduct a study on the factors which affect salary levels, before the formulation of the annual budget every year. Based on the findings of the report, if the Commission deemed it necessary to revise the salary structure of employees of the employees of the Civil Service, the Commission may endorse the amendment and as prescribed by the law submit the matter to the Minister of Finance and Treasury for consultation.
- a. Every employee of the Civil Service reserves the right to submit to the Commission, if the employee believes that an amendment needs to be made to the Salary Structure of the employees of Maldives Civil Service.
 - b. Such a proposition submitted under Section (a) of this Article must validate the amendment. The employee must forward a copy of the document to the Permanent Secretary or the Responsible Officer at the employee's office.

- Determining Remuneration** 48.
- a. Before employing a person to the post of the Maldives civil Service, the employee's salary must be determined by the Commission. A salary determined thus, must be in par with the salary that the Commission has decided in the salary structure, for the grade in which the post has been classified into.
 - b. Every employee's employment chit, must state the salary of the employee. If an employee is being transferred to another job, the transfer chit must state the salary of the employee.
 - c. If the salary of an employee has been changed, a salary modification chit must be sent to the employee.
- Date of Paying Remuneration** 49.
- a. Salary will begin from the date indicated on the employment chit or transfer chit issued by the Commission. In the case of an employee's salary change, the modified salary must be given to the employee, from the date indicated in the salary modification chit.
 - b. If an employee's salary is modified because the employee's job has been changed to a different grade in the salary structure or for any other reason, up to the date of modification the employee will be given the previous salary. The new modified salary will be given from the date of modification.
- Remuneration based on job levels** 50.
- When an employee is promoted to a job in a rank other than the rank of the job held by the

employee, if the rank the employee is being promoted to have a higher salary than the rank of the employee's previous job, the employee's salary must be raised as according to the salary structure of the rank. If the job the employee is being promoted to has the same salary as that of the rank of his previous job, the employee's salary will remain the same.

Salary of Employees Demoted to a Lower Level

51. a. As a disciplinary action, if an employee is demoted, temporarily or permanently, to a job of a rank lower than that of his previous job, the employee must be given the salary of the rank of the job the employee has been demoted to.

- b. An employee can be transferred on request, to a job that is equal in rank or salary, or to a job that is lower in rank, if such a transfer is deemed to have a valid reason. If the transfer is proposed to the Civil Service Commission from the employee's office, the proposed move must be validated giving clear reasons. If an employee has a valid reason and wishes to be changed to a lower job, and if the employee has no objection whatsoever to the change in salary resulting from the change, the employee's job maybe changed when the request is made in writing.

Salary of Employees Reinstated to a post

52. When an employee who is dismissed from the job in relation to an issue, or suspended temporarily as a disciplinary action, or changed to a different post, needs to be reinstated to the

post, or brought back to work, after being cleared of any blames made against the employee, the salary of the employee at the time of reinstating or being called back to work must be determined on the supposition that the employee had continued uninterrupted in the job.

Granting a Salary Raise

53. An employee maybe granted an raise in salary not more than once in a Gregorian calendar year. In this manner when an employee is given a salary raise, the difference in increase must not exceed the highest level of the biggest salary increase amongst the various steps determining salary increases for the level.

Giving Salary

54. a. Giving salary to an employee of Civil Service is a responsibility of the respective office of the employee. Salary is to be given on any of the last two days of the month in the Gregorian calendar. If the day coincides with a public holiday, salary should be given on one of the two days before the holiday.

b. For an employee who has been transferred from another office, salary up to the date of the transfer will be given by the office where the employee previously worked. Salary from the date of transfer will be given by the office where the employee has been transferred to. For an employee who is transferred on the last day of the month, salary for the day will be given by the

**Salaries of Employees who
are Detained**

55.

- office where the employee previously worked.
- c. Salary for an employee who resigns from work, will be given up to the date of release stated in the job dismissal chit issued by the Civil Service Commission. Due to any reason if the dismissal chit was not handed to the employee on the date of dismissal stated in the chit, and consequently if the employee had reported to work after that, salary will be given to the employee up to the date when the employee last signed in for work.
- If an employee is arrested, the employee's salary for the days between the date of arrest and the date of dismissal, and if the employee is not dismissed from the job, salary for the days between the date of arrest and the date of release will be decided as follows.
- a. If the employee was convicted in a court of law, not to give salary for the days of detention.
 - b. If the employee was acquitted in a court of law, or the issue was resolved by the concerned party without sending the case to court, to give salary for the days of detention.
 - c. If an employee of Civil Service who was convicted by a court and later appealed to the High Court and acquitted, to give salary for the days when the employee remained in detention. Similarly, a convicted case is appealed to and acquitted by the Supreme Court, to give salary for the days the person remained in detention.

Handing the Salary to the Employee

56. An employee's salary must be given to the employee in person or to a person assigned by the employee in writing. Depositing the salary in a bank account of an employee, on the written request of the employee, will be considered the same as handing the salary personally to the employee. When giving salaries to employees, a document with the following information must be provided to each employee, by the employee's office.

- a. Total salary of the employee for the duration of pay.
- b. If any amount has been deducted from total salary, the amount deducted and reason for deduction.
- c. The actual amount given as salary to the employee for the duration of pay.
- d. The amount given as overtime and other allowances.
- e. If the salary is going to be deposited in a bank account, date of deposit, name of the bank, name of the branch, name of the account holder, and the account number.

Deducting from Remuneration

57. a. If an employ did not report to work, salary will be deducted for the duration or time of absence. However, apart from the amount deducted from salary for the time of absence, the employee must not be exerted with an additional fine for not having reported to work.

b. As according to Section (a) of this Article when an employee failed to report to work, and the amount calculated for the missed working hours, must be deducted from the salary as follows.

- 1.** If the employee failed to report to work without the consent of the office in accordance with the Regulation or in a manner which is not provided for in the Regulation, salary for each day of absence will be deducted at the rate of the employee's salary per day.
- 2.** If the employee did not report to work for a certain time during the employee's working hours, the amount will be deducted as a penalty for late attendance from the employee.
- 3.** The amount to be deducted for reporting late will be calculated by dividing the amount per day of the employee's salary, by 480($480 = 60 \times 8$) and taking the result as the amount per minute, and multiplying this amount by the total amount of time that the employee did not report to work.

Deducting from Salary to Compensate for Material Losses

58.

In order to compensate the office for the loss incurred by an employee in relation to damages to the property of the office or a property assigned to the employee in relation to their job, with intent or through negligence or by not

performing a task, the cost of this loss suffered shall be assessed and the cost of the loss shall be paid by the employee in accordance with how finances can be taken from an employee as prescribed in Chapter 27 of this regulation.

CHAPTER 6

Overtime, Allowances and Other Benefits

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Introduction

59. **(a)** As according to Article 6 and Article 43 of the Civil Service Act and Article 37 of the Employment Act, the Civil Service Commission shall decide on the allowances and benefits to be given to the civil servants. The allowances determined by the Commission for the eligible parties shall be communicated to the offices responsible for the relevant parties. Also information regarding such allowances shall be made public.

(b) Providing the relevant allowances and benefits determined by the Civil Service Commission to the employee is the responsibility of the office under which they are employed.

(c) The general allowances and other benefits for civil servants shall be reviewed and the need to bring changes shall be assessed by the Commission minimum once a year.

Overtime Pay

60. Civil Servants can be made to work overtime. Work carried out during overtime shall be tasks which cannot be completed by working solely during official hours. Overtime work can only be carried out after obtaining permission from the Permanent Secretary or the Responsible Officer of the office in accordance with the guidelines set by them. In addition to official hours in the event that civil servants are made to work during unofficial hours, they shall be paid overtime as following.

(a) If a civil servant is made to work longer than 8 hours in a day, overtime payment shall be made to that person for the work period exceeding the 8 hours. During Ramadan if a civil servant is made to work longer than 4.5 hours in a day, overtime payment shall be made to that person for the work period exceeding the 4.5 hours.

- (b)** In all months with the exception of the month of Ramadan if a civil servant is made to work for more than 40 hours in a week, overtime payment shall be provided to the person for the period that exceeds the 40 hours. In the month of Ramadan if a civil servant is made to work for longer than 22.5 hours a week, that person shall be provided overtime for the period exceeding the 22.5 hours.
- (c)** In all months with the exception of the month of Ramadan, overtime shall be paid in accordance with Section (b) of this Article; the monthly salary of a person shall be divided by 30, the result of which shall be divided by 8, of which the result is the entitlement of the person for one hour of overtime.
- (d)** In the month of Ramadan, overtime shall be given in accordance with Section (c) of this Article, the monthly salary of a person shall be divided by 30, the result of which shall be divided by 4 $\frac{1}{2}$ of which the result is the entitlement of the person for an hour of overtime.
- (e)** If an employee has been made to work overtime, based on their salary the hourly entitlement or an amount not less than 1 $\frac{1}{4}$, of that and if the overtime work has been carried out on a Friday or a public holiday, the person is entitled to overtime payment of not less than 1 $\frac{1}{2}$ of the hourly rate. If an employee is made to work on a public holiday in the usual manner of a working day, based on their salary the employee is entitled to a minimum amount equal to half of his daily rate, this shall be included in the person's salary in addition to the overtime payment.
- (f)** Overtime payment shall be given on a monthly basis as a collective payment. In this manner overtime payment shall be given with the salary of the present

month and the overtime payment shall be calculated from the 16th of the previous month to the 15th of the present month.

Providing Overtime Pay to

Exempted Parties

61. (a) If employees performing tasks stated in Article 34 of the Employment Act are made to work overtime they shall be provided overtime payment in accordance with Article 60 of this Regulation. The relevant office shall determine such working hours and inform the employees.

(b) In addition to the trip allowance, overtime payment shall be given to employees who work more than 8 hours a day while on official trips, to the Atolls, from the Atolls to Male', from one Atoll to the other and from one island to the another island. In this manner payment shall be made for hours worked after the employee reaches the destination. These overtime working hours shall be in accordance with Article 60, where permission has been granted by the Permanent Secretary or the Responsible Officer in accordance with the guidelines set by them.

(c) Overtime payment shall be provided to employees who work more than 8 hours a day in loading and unloading goods to sea vessels and performing the task of providing other services required by these vessels and also to persons employed in seafaring vessels. The relevant office shall determine the allocated working hours in the vessel and inform the employees.

Food Allowance

62. Employees who get food allowance shall not be provided meal and snack expenses. However when

employees are assigned to carry out special Government work which needs to be carried out by the relevant Government offices, meals and snacks can be provided. In this manner meals and snacks can be provided as per the written guidelines determined and publicized by the Ministry of Finance and Treasury.

Food, Accommodation and Trip Allowance

while on Government Trips

63. While on office trips within the country or out of the country, the trip allowance, food and accommodation expenses shall be provided by the Ministry of Finance and Treasury as per its determined guidelines which are written and publicized.

Special Allowance on the Occasion

of Ramadan

64. (a) All Civil Servants are entitled to a Special Allowance on the month of Ramadan every year, as per the Employment Act.

(b) The money for the special Ramadan allowance shall be given on a date determined by the Ministry of Finance and Treasury.

(c) Temporary employees of the Civil Service and workers employed to carry out the responsibility of a Maldives Civil Service position shall also be provided with the special Ramadan Allowance.

Health Insurance

65. Permanent and Temporary employees of the Civil Service shall be provided with Health Insurance services as determined by the Civil Service Commission. Also a worker

assigned to carry out a responsibility of a Civil Service position is entitled to health insurance services as specified in their contract.

Uniform and Attire

66. (a) The Commission shall determine, the Employees who shall be given uniforms, the design of the uniform and number of uniforms which shall be provided annually and the amount to be given for stitching of the uniform.

(b) In the event that uniforms need to be introduced to the employees of an office or a segment of employees in an office, the Commission shall be informed of the reasons why a uniform is required, the cost of such uniforms, the pattern and design of the uniform either through a colour drawing or through a photograph.

(c) As a rule any form of writing on a uniform shall be in Dhivehi. Due to the nature of the work carried out by the uniformed employee, if there is a necessity to have any writing on the uniform in any other language it shall be done in both Dhivehi and that language.

(d) Employees who are required to wear a uniform shall do so in accordance with the standards set by that office for wearing the uniform.

(e) If an employee who is provided uniforms resign, the following shall be observed in regards to their uniform.

1. If the uniform provided holds any significant emblem/mark, confiscate that uniform when the employee resigns and dispose of it.

2. If the uniform does not hold any significant emblem/mark, allow the employ to have it.

Medical Assistance on Office Expense

67. (a) If an employee suffers from any physical or health problem in the cause of carrying out the tasks and responsibilities of their job and if the health insurance scheme does not cover the expenses for the damage, the office shall cover the medical expenses for that damage. Or if the health insurance scheme provides only partial coverage for that damage, the office shall arrange to cover the remaining cost.

(b) In the event of an incident described in Section (a) of this Article, if a person on their own will stops medical treatment before they recover, that person will not be entitled to medical assistance from the office for that damage thereafter.

Special Financial Assistance

68. (a) If an employee, during the cause of carrying out the responsibilities of the work assigned to them or during the cause of gaining a special skill out of office, needed for their work, suffers physical damage or damage to their health to a degree whereby they cannot perform the duties of the Civil Service job, in addition to providing that person with medical treatment, provide them with special monthly financial assistance equivalent to that of half the pay of the person at the time until that person is capable of working and earning or in the case whereby the person is unable to ever work again, provide them with this monthly financial assistance for as long as the person is alive. If an employee suffers physical damage or damage to health to an extent whereby they cannot perform a Civil Service job, the person shall be provided retirement benefit according to set standards by the Commission till the allowances under the Pension Act is made available.

(b) The Special Allowance stated in Section (a) of this Article will be provided by the Civil Service Commission, after the Responsible office where the person who suffered was employed submits the case with the details of the incident and after the Commission asses the case. In the event such an incident occurs the employee can also personally submit the incident and its details to the Commission.

(c) The responsible office shall write to the Commission for the dismissal and arrangement of the special financial allowance for people who have come across an incident as prescribed in Section (a) of this Article.

CHAPTER 7

Senior Responsible Officer and Responsible Officer

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Introduction

69. **(a)** Each main office of the Government shall have a Responsible Senior Most Officer to carry out the responsibilities of implementing the Civil Service Laws, Code of Conduct, and to carry out the tasks under this regulation. For all the main offices, including the President’s office, each Ministry and the Attorney General’s Office, the Responsible Senior Most Officer is the Permanent Secretary.

(b) A Responsible Officer shall be assigned for each office functioning as a separate administration under a main office in order to execute all affairs related to Civil Service employees, under the advice of the Permanent Secretary. The “Responsible Officer” hence assigned by the Commission is not a position. In principle it is the responsibility of the highest ranking Civil Service employee of such a Civil Service office.

Permanent Secretary

70. **(a)** Permanent Secretary is responsible for carrying out the policies and principles laid down by the senior most official (Minister or Attorney General) in administering the main office and the sector and providing all the support and assistance needed by the senior most official and in accordance with their advice manage and oversee this work as the Responsible Officer.

(b) The position of Permanent Secretary is a Deputy Minister level position, with similar salary and allowances.

Responsibilities and Duties of the Permanent Secretary

71. **(a)** The Permanent Secretary responsible for a particular sector assisting the Senior Most Official in formulating and implementing policies and projects based on the official structure of the Government and

its mandate, in this manner:

1. Formulate policies and organize projects related to the responsible main office and sector, provide the necessary information, advice and opinion at anytime the senior official may require and manage and oversee the projects under the direct advice of the senior official;
2. Identify the projects and programs which needs reviewing and bring the necessary changes;
3. For long, medium and short term development of the sector, formulate developmental projects, strategic plans, business plans, and action plans for the various activities required for those times, also implement, monitor and oversee these;
4. Organize and formulate how the policies related to the sector will be implemented, and formulate guidelines for the implementation of these policies and execute them;

(b) Assist the senior official during those times and situations when they have to be answerable. In this manner:

1. Provide full assistance at the time when the senior official is made answerable to the Parliament in regards to the sector;
2. Provide assistance to the senior official and give prior information related to questions from the public and media on matters related to the work of the sector and the issues related to the services provided by the sector, and

provide full assistance to the Senior Official to be answerable;

(c) Administer and oversee the main office and sector for which the Permanent Secretary is responsible under the guidance of the Senior Official, in this manner:

1. Discuss, assist, and advice the Senior Official in organizing and executing the work related to the main office and sector;
2. In order to facilitate for speedy and smooth implementation and greater target achievement for work related to the main office and sector, utilize the needed staff and other facilities and organize for the execution of the tasks;
3. Create and sustain a conducive environment for staff of different professions and levels working in the main office and sector to work together;
4. For people providing and receiving services related to the sector, introduce and facilitate for speedy, simple, easy and less expensive means and further develop and sustain these ways; also formulate guidelines, procedures and rules which would facilitate to develop and sustain these methods and publicize them and monitor the workings and seek and develop methods of making the work simple;
5. Identify the laws which need to be formulated and laws which needs amending and bring this to the attention of the Senior Official;

- With advice from the Senior Official, formulate regulations and amend regulations related to the sector continuously;

(d) For the responsible main office and sector, create an atmosphere of motivation and leadership among the employees, in this manner:

1. Foster healthy relations between the heads of the main office and sector and familiarize them with the work and methods of how the mandate of the sector will be carried forward;
 2. Seek new methods of providing services by the main office and the sector and generate interest in the changes in the method of providing services;
 3. Work towards developing the sector on a national, regional and international level and show the way for other employees in this respect.

(e) Monitor and check if the finances, property and other facilities of the sector are being utilized rightfully as according to Laws and Regulations, in this manner:

1. In accordance with the regulations and rules set by the relevant Government authority on handling Government finances and property, organize the work of the main office and the offices functioning under the main office and execute the work in accordance with the relevant laws, regulations and rules;
 2. With the responsibility and guidance of the relevant employees, organize and modify the use of Government finances, property and

facilities in the most rightful way;

(f) Obtain the human resources needed for the sector, develop and utilize them in the best possible way, in this manner:

- 1.** Draw up the Organizational chart of the sector, (showing the amount of employees and the qualifications needed) acquire employees, and oversee all aspects of their employment;
- 2.** In implementing the Civil Service Act, Regulation and Code of Conduct, make all employees in the main office and sector offices adhere to these in a compulsory manner and make them accountable for it;
- 3.** Identify the trainings needed for the employees and based on this, secure opportunities for training and the development of skills;
- 4.** Pave ways for job advancement for employees and assist the Commission to carry out a career based system for employees;
- 5.** In accordance with the regulation always work towards developing and the development of the employees to the highest level possible, and establish and technically implement ways to evaluate the standard of labor;
- 6.** Protect the rights of the employees;
- 7.** Solve the problems that arise between employees and maintain justice.

(g) Bring positive advancement to the work and services provided by paying attention to the development of employees in the areas of leadership

qualities, innovations, best practices, new technology and acquiring skills, in this manner:

- 1.** Researching on new methods, observing the practices carried out in other arenas, identify and introduce the best methods for the Maldives;
- 2.** Keep an eye for technology that would make work simple, speedy and less costly and introduce such technology;
- 3.** Network with work related outside parties, share knowledge and foster good relations;
- 4.** Cultivate interest in new findings, magazines and educational researches related to the sector and gather such knowledge.

(h) As a member of the Civil Service Advisory Board advice the Commission on administering the Civil Service and work together, in this manner:

- 1.** Offer advice on the implementation of the Maldives Civil Service Law, and offer advice on the formulation and implementation of the Civil Service Regulation, Code of Conduct and other such regulations, standards and principles related to the Civil Service;
- 2.** Work together on the implementation of the Maldives Civil Service Law, and the formulation and implementation of the Civil Service Regulation, Code of Conduct and other such regulations, standards and principles related to the Civil Service;
- 3.** Offer advice and work jointly with the Civil

Service Commission on the organization and implementation of training in order to provide speedy, quality services with better outcome from the services provided to the public by the Civil Service, also offer advice and work jointly on this;

4. Share and exchange information related to the Maldives Civil Service with the Civil Service Commission and sectors related to the civil service in accordance with the laws and regulations.

(i) An annual report shall be presented to the senior official to be submitted to the Parliament. The report shall be compiled in accordance with the Parliament regulations, by the end of every Gregorian calendar year with information about the activities carried out that year by the main office and the sector.

(j) Carry out all task prescribed in the Maldives Civil Service Act and Regulation as the responsibility of the Responsible Officer with complete diligence.

**Qualifications for the Position
of Permanent Secretary**

72. (a) For any applicant to the position of Permanent Secretary, their educational qualifications, leadership qualities, honesty, trustworthiness, administrative experience, and ability to meet targets will be assessed, in this manner listed below are the areas which would be verified.

1. Should possess an advance certificate or a higher qualification which is accepted by the Maldives Accreditation Board, or shall have vocational or professional training in the related field and should have secured a certificate, and;

2. Must have worked in the Government, and a public, private, national, or international level association or organization and should possess experience in senior management level, and prove so in the interview conducted by the panel chosen by the Civil Service Commission, and;
3. In the senior management tasks carried out with the shareholders or stakeholders of the sector, should have set targets and should have achieved those targets and this should be proved to the interview panel chosen by the Civil Service Commission, and;
4. Prove to the interview panel chosen by the Civil Service Commission that the applicant has a good understanding of the regulations on handling Government finances and property;
5. Prove to the Interview panel chosen by the Civil Service Commission, the ability and experience of having met targets by working with employees from different levels (from administrative and technical professions) and in addition to that prove the ability to work and lead a group of professionals and technical employees from the sector where the person has applied to the position of Permanent Secretary, and;
6. Prove to the interview panel chosen by the Civil Service Commission that the person has the ability to give advice regarding issues related to the sector they have applied to the position of Permanent Secretary, and has the ability to represent the sector in national and

international forums.

(b) Shall meet the eligibility criteria listed in the Maldives Civil Service Act for persons wishing to be employed by the Maldives Civil Service, in this manner the following criteria shall be met:

- 1.** Be a Maldivian citizen.
- 2.** Be a person below the age stated in the Civil Service Act as the age of discretionary retirement by the Commission, if the person is not already employed by the Maldives Civil Service during the time of the job application.
- 3.** Must not have during the past 5 years been convicted of an offence for which a *hadd* is prescribed in Islam or an offence of theft or tax evasion or fraud or been convicted of a crime of such magnitude.
- 4.** The office where the person is applying for a job shall not have as an employee, their mother, father, children, siblings, half sisters or brothers, wife or a husband, or obtain a letter stating that if the person is selected for the job in the office, any persons mentioned above working in that office shall either get a job transfer or be willing to resign.

Appointing Permanent Secretaries

73. (a) The Civil Service Commission shall appoint Permanent Secretaries to the main offices.

(b) Permanent Secretaries shall be appointed for a term of 5 years.

(c) Any Permanent Secretary who is not dismissed under Article 57 of the Maldives Civil Service Act can

be reappointed for an additional 5 year term. And a Permanent Secretary who is appointed in this manner can be appointed for a number of 5 year terms.

Dismissal of Permanent Secretaries

74. (a) Permanent Secretaries can be dismissed from their positions by the Commission in accordance with the laws and regulations.

(b) If a Permanent Secretary is being dismissed from their position, the reason or reasons for the dismissal from the position shall be provided in writing to the Permanent Secretary.

(c) The following are reasons for the dismissal of a Permanent Secretary from their position.

1. Failing a compulsory training program required to fulfill the duties of the position or the incompletion of such a training program.

2. The Commission getting proof of flouting the Maldives Civil Service Act, the Maldives Civil Service Regulation and the Code of Conduct.

3. If the Civil Service gains proof from its investigation that the Permanent Secretary is appointed to the position in contravention to the Civil Service Law and this regulation.

4. Death.

5. If there is the intention by any employee of the Maldives Civil Service to contest for a position in any general election prescribed in the Constitution of the Maldives, that employee shall resign from their position 6 months prior to the date of election in the Gregorian calendar. If the person contests in the election without resigning that person shall be

dismissed from their position.

(d) The Commission has the discretion to dismiss a Permanent Secretary who under any other law of the Maldives is in a situation whereby the person is not able to be in a Civil Service job.

(e) Prior to the dismissal of the Permanent Secretary from their position, the Senior Official of that sector shall be informed of the intention and reasons for the dismissal of the Permanent Secretary.

Assigning Temporary Permanent Secretaries

75. The Commission can assign a person to act as a temporary Permanent Secretary under the following circumstances

(a) Vacancy of the position of Permanent Secretary.

(b) In a situation where the Permanent Secretary is obstructed from performing the duties of the job.

Dismissal of the Permanent Secretary from the Position when the Main Office is Dissolved

76. The position of Permanent Secretary will be dissolved in the event that the main office where the Permanent Secretary is appointed is dissolved by the President in accordance with Article 54 Section (b) and Article 64 Section (a) Sub Section (1) of the Maldives Civil Service Act. And in accordance with this regulation, the Permanent Secretary will be dismissed from the position.

Responsible Officer

77. The senior most employee of the Civil Service employed in an administratively separate office functioning under a main office shall be appointed the Responsible Officer to work under the advice of the Permanent Secretary in administering and handling all

affairs of the Civil Service employees of that office.

Responsibilities of the Responsible Officer

- 78.** The responsibilities of the Responsible Officer is to pave the way to carry out the responsible duties of the Permanent Secretary in that office, and as according to the advice of the Permanent Secretary administer the affairs of the employees. In this manner Responsible Officers shall perform the following tasks.
- (a)** In accordance with the Constitution of the Maldives, the Maldives Employment Act, the Maldives Civil Service Act, Regulation and the Code of Conduct, and in order to achieve the targets set by the Senior Official in charge of the office, and in accordance with the advice of the Permanent Secretary of the sector establish a mechanism for the employees of the office to carry out the tasks and strengthen and administer this mechanism.
- (b)** Establish a system in the office to administer and monitor the tasks and arrangements made by the Permanent Secretary of the sector to determine that all employees of the Maldives Civil Service are made responsible and ensure that they comply with the Constitution of the Republic of Maldives, the Employment Act, the Maldives Civil Service Act, Regulation and Code of Conduct.
- (c)** In accordance with the Regulations of this Commission and under a system established by the Permanent Secretary with advice from the Commission, cater for the employment, dismissal and transfer of Civil Service employees to the other offices, organize and monitor issues related to the relevant salary and allowances to be given to the employees, and organize for the suspension of employees with or without pay.

Appointing the Responsible Officer, Assigning Responsibilities and the Dismissal of those Responsibilities

(d) In the event the Commission requests to employ, dismiss, transfer or suspend a Civil Service employee with or without pay, take steps to expedite the process and through the Permanent Secretary provide all necessary details which needs to be submitted to the Commission.

- 79.** **(a)** Responsible Officers will be appointed by the Civil Service Commission in consultation with the Permanent Secretary of the relative sector. Also Civil Service Commission shall dismiss Responsible Officers of their responsibilities.
- (b)** Even though the employee in the senior most Civil Service position in a Civil Service office is primarily responsible for implementing the Civil Service Law in that office, the Civil Service Commission shall assign and inform in writing to that employee of the duties of the “Responsible Officer”.
- (c)** As a general rule, the Civil Service employee in the senior most position in a Civil Service Office is the main official responsible for representing the Civil Service in that office, in accordance with the law it is the responsibility of that employee to be in charge of implementing and overseeing the affairs of all other Civil Service employees in that office, hence it is not mandatory for the Civil Service to provide a separate pay or allowance for carrying out the duties of the “Responsible Officer.”
- (d)** The following are the factors to be taken into consideration when deciding on the Responsible Officer.
1. Be the Civil Service Employee who is in the senior most position in that office.

2. If there is more than one employee in the senior most position in the office, check for the employee who had been in the current position and the previous position for the longest period.
3. If the employee who had been selected to be the Responsible Officer is not the senior most employee in the office, the main office shall provide the justification for doing so to the Commission and the Commission shall decide to select that person.
4. Have the ability to carry out the duties and responsibilities of the “Responsible Officer” and the Responsible Officer of the main office shall prove this to the Commission.

(e) The following is the role of the main office in deciding on the Responsible Officer, giving them work and relieving them of their responsibilities.

1. In accordance with the principles of selecting a Responsible Officer, decide on the responsibilities and duties that employee has to perform as the Responsible Officer, and based on the qualifications for a Responsible Officer, decide on the most qualified party to carry out the responsibilities, and then the main office shall make a submission to the Commission using the form in schedule 1 on requesting for the appointment of a Responsible Officer.
2. In accordance with the set standards establish a mechanism to monitor the level of work, the leave record, and personal file of the employee appointed as the Responsible Officer.

Network of the Senior Responsible Officer

3. If the Permanent Secretary is certain that the employee appointed as Responsible Officer is unable to carry out the required duties and responsibilities, submit with detailed documents, and proof to the Commission, for their dismissal.

80. (a) As according to Article 18 of the Maldives Civil Service Act, it is the Civil Service Commission's mandate to provide employment to all employees of the Maldives Civil Service, dismiss, determine the salary and allowances relative to the position of the employee, create positions, dissolve positions, (monitor job performance, carry out appraisal) and all other tasks related to this. In addition to carrying out this work, the Commission shall perform all other tasks assigned to it by a law to be carried out in all sectors of the Government and implement the Maldives Civil Service regulation in all these areas in accordance with the authority vested in the Commission as provided for in Article 9 Section (f) and Article 18 Section (d) of the Maldives Civil Service Act, by assigning this task to all Senior Responsible Officers of the main office or any employee temporarily assigned with that task. In addition and in accordance with the authority of the Commission as prescribed in Article 9 Section (f) and Article 18 Section (d) of the Maldives Civil Service Act, the Senior Responsible Officer shall have an established network in that sector to assist the Senior Responsible Officer.

(c) In regards to the administratively separate offices which functions under a main office, and the senior official who is appointed to represent the Civil Service in that office and oversee all affairs of the Civil Service employees in that office under the advice of the

Permanent Secretary, the Permanent Secretary of that sector shall determine who will supervise and who these senior officials shall report to.

Composition of the Senior Responsible Officers Network

81. In all sectors of the Government where Civil Service employees have to work, a Senior Responsible Officer's network shall be established. The Network of the Senior Responsible Officer comprise of the following.

(a) Senior Responsible Officer.

(b) Responsible Officers.

(c) Civil Service employees.

Civil Service Employees

82. As defined in Article 77 of the Maldives Civil Service Act, Civil Service employees are Senior Responsible Officers, Civil Service employees who work under them and employees who work abroad in Maldivian High Commissions, foreign missions other such offices. Even on matters made independent from the Maldives Civil Service Act, employees of the Civil Service shall seek advice from the Commission or a party who represents the Commission such as the party carrying out the responsibilities of the Senior Responsible Officer or the party representing the Senior Responsible Officer such as the party carrying the responsibilities of the Responsible Officer.

CHAPTER 8

Employment, Transfer, Promotion and Dismissal

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Introduction

83. **(a)** As stated in Article 18 Section (a) and Article 37 of the Maldives Civil Service Act, the absolute authority to seek employees, hire, carry out job transfers, give promotions, and dismissal shall be carried out by the Civil Service Commission.

(b) In accordance with the Civil Service Act, the process of seeking employees, hiring, job transfers, job promotions and dismissal shall be carried out in accordance with the principles set in the Civil Service Act and this Regulation.

Basic Principles

84. **(a)** The process of seeking an employee, appointing, job transfers and job promotions in the Civil Service shall be carried out based on merit as the basic standard and in all fairness and without prejudice, especially without any political influence. In this manner when creating or dissolving a position or the dismissal of an employee from a position shall be done without any influence and in all fairness and without prejudice, especially without any political influence and in accordance with this regulation.

(b) In hiring, giving job promotions and job transfers, the following has to be met in order for these processes to have been carried out utilizing merit as the basic standard.

- 1.** The person who was appointed, given a job transfer or promotion is a person who meets all the criteria for the job.
- 2.** The person who was appointed, given a job transfer or promotion is a person who was appointed, given a job transfer or promotion based on their level of

education, job skills and job experience.

3. Based on equal principles, the Commission shall guarantee that all Maldivian citizens shall have the opportunity to secure Civil Service jobs and the hiring of employees will be carried out in a fair and just manner.
4. In providing employment, carry out the process in a manner where the employee or the office where the person is employed does not face an added burden, and in a manner where state funds will not be wasted, and also deliberate on speeding up the workload of the office and simplifying the work of the administration.

Job Description

85. (a) When a person is employed in an office, the Responsible Officer of the office or any other employee assigned by the Responsible Officer shall explain the job description of the employee to them and one month from the day the person is employed, the employee shall be made to sign the job description.

(b) The main office and all offices functioning under the main office shall review job descriptions once every six months and compare the work of the employees of that office with their job descriptions and if there is any position where there is a change in tasks, the job description of that position shall be written down again and the employee shall be made to sign it.

(c) Job Descriptions shall be made based on the areas given in the sample “Job Description” provided in Schedule 2 of this regulation.

Job Classification

86. Civil Service Employees shall be hired based on one of the following classifications.

(a) Permanent Employees.

(b) Temporary Employees.

Hiring

87. The Maldives Civil Service Commission shall appoint employees to the Civil Service. Sector offices shall write to the main office for employment. From the main office the Permanent Secretary or an employee appointed instead shall write to the Civil Service Commission.

(a) If a person needs to be hired for a Civil Service position, selected the person most eligible for the job and the main office shall submit to the Commission using the “Request for Employment Chit” in Schedule 5 of this regulation, to appoint the person for the job.

(b) Once a person is hired, the Civil Service Commission shall send a chit to the main office informing of it. A copy of this chit shall be sent to the office where the position is.

(c) Once a person is hired by the Civil Service, they shall be assigned with an Employment Record Card Number.

(d) Once the Civil Service Commission informs the main office of the appointment of a person for a job, the Senior Responsible Officer shall inform the person in writing of the appointment.

Appointing to the Job

88. (a) Person appointed for permanent jobs at the Maldives Civil Service shall fulfill the qualifications required for the job and the following.

- 1.** Be a Maldivian Citizen.
- 2.** Be a literate person capable of reading and writing in the level of basic education.
- 3.** When applying for a Civil Service position, be a person below the discretionary age of retirement by the Commission (55years) as prescribed in Article 49 Section (a) of the Maldives Civil Service Act.
- 4.** Must not be a person who have, during the past 5 years been convicted of an offence for which a *hadd* is prescribed in Islam or an offence of theft, tax evasion, treachery, fraud or been convicted of a crime of such magnitude. The criminal record form for persons applying for Civil Service post is provided in the Schedule 3 of this regulation.
- 5.** Is not a member of a group declared illegal by a court of law.
- 6.** The Senior Responsible Officer of the Office where the person has to work, is not the father, mother, child, sister, brother, husband, wife, half sister, or half brother of that person.
- 7.** Not be a person who is working in an elected position under the Constitution of the Maldives.
- 8.** Not be a person who is in a position appointed by the President in accordance with Article 115 Section (f) of the Constitution of Maldives.

9. Not be a person who has been retired from any position of the state.

10. Not be a person who is already fulfilling another Civil Service position.

(b) Prior to appointing a person for the position, the following shall be checked, and if the Commission is of the opinion that the person will be unable to satisfactorily perform the job, the Commission has full discretion to not appoint the person to the job.

1. A person who is not medically fit to carry out the job.

2. A person who does not meet the criteria relating to the code of conduct and national security standards.

Employing Children who have not Attained the Age of 18 years in the Gregorian Calendar

89. In employing children who have not attained the age of 18 years in the Gregorian calendar for Civil Service positions, it shall be carried out as following. A child below 18years is defined in accordance with Law 9/91 (Law on Protection of Child Rights).

(a) A child below 18years can be employed after obtaining a written permit from their legal guardian.

(b) The party employing the child shall not assign the child any task which could affect the child's health, hinder their education or have a negative effect on their conduct.

(c) A child who is below 18years shall not be made to work after 11pm.

Jobs Where Children who have not Attained 18 years in the Gregorian Calendar Cannot be Employed

(d) The salary determined for the position shall be given even though a child under 18years is employed in that position.

(e) If children below 18years are employed in a Civil Service office, a registry with their name, address and date of birth shall be maintained by that office.

90. Children who have not Attained 18 years in the Gregorian Calendar shall not be employed even temporarily in the following jobs. And no submission shall be made to the Commission to make permanent such jobs.

(a) Jobs which involves handling dangerous chemicals or working with garbage or requires working in such an environment.

(b) A job which required driving or riding a motor vehicle.

(c) A job which deals with handling documents and visuals inappropriate for a child below the age of 18years.

(d) Any construction job other than an administrative post.

(e) Any carpentry job other than an administrative post.

(f) Welding jobs.

(g) Jobs which require one to climb high places.

(h) Security guard and watchmen jobs.

(i) Jobs which require handling heavy machinery.

**Keeping Children Below 18 years
Without Pay**

91. Article 89 Section (a),(b) and (c) and Article 90 of this regulation shall not be contravened when keeping children below 18 years employed without pay in jobs for the purpose of gaining work experience.

Employment Agreement

92. Any person being given a Civil Service position shall sign a written employment agreement. An agreement signed in this manner shall include the qualifications and articles, provided in the sample "Employment Agreement" in Schedule 4 of this regulation.

(a) In the employment agreement signed between the Civil Service and the employee, the party assigned to sign on behalf of the Civil Service is the Senior Responsible Officer of the main office where the person is employed, or the Responsible Officer or any other Civil Service employee working under them and assigned by them to sign the agreement.

(b) After both parties have signed the employment agreement, a copy of it shall be stored into the employee's record file. And also a copy of the agreement shall be given to the employee.

**Omission of any Part in the
Employment Agreement that
Obstruct Laws and Regulations**

93. A power that is bestowed on the Civil Service Commission or the Senior Responsible Officer or a Civil Service office by the Civil Service Act or this regulation shall not be constricted in a civil service employment agreement unless the discretion has been expressly specified in a law or regulation. And no section shall be included in a manner whereby it creates a barrier to formulating and

implementing a general regulation of the Civil Service. If such a section is included in the employment agreement the section shall be null and void.

Circumstances where Employment is Not Possible

94. A person, who had once been employed by the Civil Service, shall not be employed again under the following circumstances.

(a) A person who has been dismissed from their Civil Service position with the instruction that they cannot apply for a Civil Service position in a specified period in accordance with the regulation. A person applying for a job during such a period.

(b) The reason for dismissal from the previous job is a reason valid enough to deny employment again.

(c) If the resignation from the previous job was due to medical reasons, until evidence of considerable recovery using a substantial medical certificate is produced.

(d) Have reached the Civil Service discretionary retirement age of 55 years as prescribed in the Maldives Civil Service Act.

Job Transfer

95. (a) The Civil Service Commission shall transfer Civil Service Employees from one job to the other. The main office shall submit the "Request for Job Transfer Chit" in Schedule 6 of this regulation, in the event that a job transfer is required.

(b) In accordance with Article 95 of this regulation, in the circumstance other than, if an employee requests or agrees to be transferred to a job which is lower than the job that the

employee was performing, an employee can only be transferred to a lower job under the following circumstances.

1. As a measure of reform taken in accordance with Article 208 of this regulation.
2. The employee losses a fundamental qualification which is required to perform the level of job that the person is employed at.
3. The employee being unable to perform at the level and standard required for the job that the person is employed at.
4. Due to a mental or physical disability the person being unable to carry out the responsibilities and duties of a job at that level.
5. In the incident of any other situation specified by the laws or regulations being enforced in the Maldives.

Transferring Employees From One Office to Another Office

96. (a) If an employ who had agreed to work in a certain Civil Service office for a specified period of time wishes to transfer to another Civil Service office, it can be done so in accordance with this regulation and if the Permanent Secretary of that sector does not object to it.
- (b) If the Commission is of the opinion that the administration of an office can be strengthened and positive changes can be brought with the transfer of an employee, the Commission can do so in accordance with Article 67 of the Maldives

Civil Service Act.

(c) If the Permanent Secretary wishes to transfer an employee between sector offices, it can be done so, by providing a document of no objection from the employee regarding the transfer and also a document of no objection regarding the transfer, from the office where the employee is working.

Job Promotions

97. As stated in Article 39 of the Maldives Civil Service Act, promotions for Civil Service Employees shall be given, as appreciation or in order to assign a greater responsibility for employees who can prove that the responsibilities of their job has been carried out properly, their level of job performance was good, and the employee has good work ethics. Under no circumstance shall there be a request made for the promotion of an employee who has not performed the responsibilities of their job, whose level of job performance is bad and who has bad work ethics. In this manner no request for any kind of promotion shall be submitted in the name of an employee under a disciplinary action in accordance with Chapter 24 of this regulation until that employee proves absolute reform.

(a) If a position in an office where Civil Service employees work, falls vacant, an announcement shall be made for that position.

(b) Even if an employee working in the office, meets the classification criteria for the next position and have worked for the required period of time in the classification, job promotion shall only be provided if there is a vacant position and when the position is announced and by securing

the position while competing with the other applicants for the job.

(c) For employees who complete courses with personal funds, even though they fulfill the educational criteria for a higher classification job, they shall only be provided with a job promotion, if there is such a vacant position and once the position is announced and by securing the post in competition with the other applicants for the job.

Factors to be taken into Consideration in Giving Job Promotions

- 98.** In giving job promotions the following shall be taken into consideration.
- (a)** How capable the employee is in carrying out the responsibilities of the job.
 - (b)** Quality of work and the adherence to work and the attendance record.
 - (c)** The employee's, educational qualifications and experience.
 - (d)** Duration the employee has been employed in the sector.
 - (e)** The role of the employee in meeting the target of the office.
 - (f)** Level and quality of work by the employee in carrying out the responsibilities of their job.
 - (g)** If the service structure of the job states job promotion after completion of a certain duration in a position and if that duration has been completed, and if the quality of service provided by that employee inclines towards it.
 - (h)** If a disciplinary action was taken and if taken,

the type of reason why the disciplinary action was taken and the level of disciplinary action taken.

Seeking Employees for Positions

99. (a) Seeking employees for the positions and selecting them shall be carried out by the Civil Service offices which have the positions. Seeking an employee for a post shall only be done if there is a vacant position. Or if the employee who is in a position requests to resign from that position.
- (b) In seeking people for Civil Service positions, the offices shall carry out the following.
1. Publicly advertise that position.
 2. Select the most eligible person for the position.
 3. Write to the Civil Service Commission to assign the person to the post.

Information to be Included in the Job Advertisement

100. Advertisements made for Civil Service jobs shall have the following information.
- (a) Title of the position and the office where the position is.
- (b) Place and island where the job has to be carried out.
- (c) Rank and Classification of the job.
- (d) Qualifications for the job.
- (e) Main responsibilities of the job.
- (f) Salary, allowances and additional pay related to the job.

(g) Duration for replying to the advertisement.

Carrying out the Work of Seeking Employees

- 101.** If a Civil Service employee requests to resign from a position and if the employee is not one who has a bond which requires them to work for a specified period of time, the office which has that position can start the work of seeking a candidate to replace that employee even if the post is not vacant. And if the Civil Service Commission decides to transfer an employee and informs the office of it, even if the position is not vacant the work of seeking a candidate to replace that employee for that position can be carried out.

(a) All activities carried out related to seeking an employee shall be documented and looked after by the office.

Applying for a Job

- 102. (a)** The job application to the relevant office shall be submitted using the “Civil Service Employment Request Form” in Schedule 7 of this regulation. Even if the person is already employed, and wishes to apply for another Civil Service position, this form shall be completed and submitted by that person.

Accreditation and Attesting

- 103. (a)** When applying for a job, the educational certificate or certificates listed in the form shall be accredited by the Maldives Accreditation Board and submitted as an attested copy of the original or a copy attested as a “copy of the original”.

(b) When applying for a job, all documents listed in the form other than the Bio data, shall be attested by a Government office or the office of a lawyer validating it as a copy similar to the

original.

Selecting people for Positions

- 104.** In selecting a person from among the people who have applied for the job, the office shall act as following.
- (a) In verifying the information provided in the employment form, for a position which requires a certificate, letter of recommendation or any other document, verify that the certificate is there or verify if it is a copy of the original.
- (b) When submitting to the Commission to appoint the person selected for the position, verify if the “Criminal Record Form” in Schedule 7 of this regulation which is provided to the person has been completed.
- (c) Conduct individual interviews with the people who have applied for the job in order to seek the most suitable candidate for the position. These interviews shall be conducted once when the deadline given to complete and submit the Civil Service “Request for Employment” form has passed.
- (d) If a large number of people have applied for the position and it is difficult to conduct interviews with all the applicants, in consultation with the Human Resource Management and Development committee of the office, draw up the criteria to short list candidates to be interviewed. Nevertheless, such a criteria shall be based on the level of education.

Constituting the Interview Panel

- 105.** The interview panel shall be constituted in consultation with the Human Resource Management and Development Committee, to

select candidates for positions, this panel shall be constituted as following with a minimum of 3 members.

(a) The Senior Responsible Officer of the sector or another Civil Service employee who has been appointed so, this employee assigned to the panel shall be one who is in a higher position than the position for which the interview is being conducted.

(b) Senior employee overseeing the affairs of the employees in the office.

(c) If the position for which the interview is being conducted is a technical position, assign a person who has education and experience in that field.

Parties Who Shall Not be Included in the Interview Panel

106. (a) Relation to the interviewee (Mother, father, child, wife, husband, half brothers and half sisters) shall not be included in the interview panel.

(b) The interview panel shall not include any person who is in a political position or any person actively involved in politics.

Decision of the Interview Panel

107. (a) In the interviews conducted by the interview panel to select the most eligible candidate for the position, each panelist shall complete the form for each interviewee on "Form to award Points in Selecting Candidates for a Position" (example) in Schedule 8 of this regulation.

(b) Once the interviewing is completed, the form "Information on Job Applicants" (example) provided in Schedule 9 of this regulation shall be completed and submitted to the Commission in order for the selected candidate to be assigned to

the position. Information of all job applicants shall be included in this form.

Informing the Parties Who Did Not Secure the Job

- 108.** Job Applicants who weren't selected for the job shall be informed about it by the relevant authority or office, giving reasons as to why they were not selected for the job. "Document Informing of not having been selected for the Job" is provided in Schedule 10 of this regulation.

Probation (Temporary Duration)

- 109.** **(a)** The person selected for a Civil Service position can be kept on probation (temporary duration) for a period of maximum 3 months to check on the person's ability to perform the responsibilities of the job. And within that period if the employee is seen to be a capable person for the job it shall be communicated to the employee in writing. After deciding on this if the employee is to be dismissed, it shall be done in accordance with the dismissal of Civil Service employees as per this regulation. The "Document Informing the Commencement of Employment on Probation" is in Schedule 11 of this regulation.
- (b)** During the probation period if the employee is found to be incompetent for the job, or if the employee does not want the job and requests to resign, the office can submit to the Commission for the dismissal of the employee before the end of the probation period.

How to Treat the Employee on Probation

- 110.** Towards any employee on probation the Senior Responsible Officer or the Responsible Officer of the office shall act as following.
- (a)** When the duration of the probation is

completed and in order to become a permanent employee, the employee shall be informed of all things that have to be completed by them as soon as they begin employment.

(b) If an employee is suppose to be given any training during probation, provide them with the training.

(c) During the probation period, keep record of the employee's level of service, and share the information with the employee on how they are performing their work.

(d) During the period of probation, if the employee needs to rectify areas related to their work ethics or service performance, inform the employee of the areas that needs to be rectified and keep record of it.

(e) In accordance with Section (d) of this Article, if the employee does not rectify the area or tasks that they have been informed to rectify, in accordance with Article 114 of this regulation, without any further notice, the office shall submit to the Commission for the dismissal of the employee. Also with this submission the above mentioned documents shall be submitted.

Dismissal and Resignation from the Job

111. Any Maldives Civil Service employee can be dismissed or can resign from their posts as following. Any employee of the Maldives Civil Service can only be dismissed by the Civil Service Commission. In the event that an employee needs to be dismissed, the main office shall submit to the Commission the "Request for the Dismissal of an Employee Chit" (sample) provided in Schedule 12 of this regulation.

(a) An employee who does not have a service agreement (bond) shall be given in writing a minimum 1 month notice, whereby the employee has the right to resign. Under this if an employee submits their resignation; the employee shall be dismissed from their job within 1 month of the submission of their resignation letter. During the period of notice, the employee shall keep reporting to work until the dismissal from their job.

(b) If a Maldives Civil Service employee takes part in an election for a position stated in the Constitution of the Maldives, that employee shall be dismissed from their Civil Service job. If a Civil Service employee wishes to contest as a member in an election stated in the Constitution of the Maldives, that employee shall resign from their Civil Service post, 6 Gregorian months prior to that election. If it is an election where a date has not been determined, or the duration of 6 months does not exist between the date of announcement and the elections, the employee shall submit the resignation from their Civil Service post within 3 days, from the day of the announcement. If they do not resign during this period they would be dismissed from their Civil Service position.

(c) If an employee dies, from that moment their Civil Service job is terminated. If an employee dies, the office where the person was employed shall inform the Commission about it within a maximum of 15 days.

(d) In the event any of the following happens, that employee shall be dismissed from their Civil Service job.

1. Due to a mental or physical disability, the

employee is unable to perform the duties and responsibilities of their job satisfactorily.

2. The occurrence of such a situation which is prescribed in the laws and regulations of the Maldives, whereby the employee cannot perform their job.
3. Incompletion or failure to complete a training program which is mandatory for the performance of the duties of the job.
4. If the Civil Service Commission has proof that an employee has flouted the Maldives Civil Service Act, Regulation, or Code of Conduct, the measure taken based on the magnitude of the wrong doing.
5. In an investigation conducted by the Civil Service, if it is found that the employee has been given the job, contrary to the principles of the Maldives Civil Service Act and this regulation on how a person shall be employed.
6. If the Commission decides to dismiss an employee as a result of a disciplinary measure taken related to Article 24 of this regulation.
7. In accordance with Article 49 of the Maldives Civil Service Act, if an employee is retired from a Civil Service position.
8. The loss of a qualification listed in Article 41 Section (a) of the Maldives Civil Service Act from an employee.

- Giving Notice Before Dismissal from the Job**
- 9. If an employee has been found guilty of a crime in a court of law and if the punishment is house arrest, imprisonment or banishment.
 - 10. Temporary employees of the Civil Service shall be dismissed similar to the dismissal of permanent employees of the Civil Service, as according to the principles set in this regulation. For an employee who is working under a separate agreement, that employee will be dismissed from their job as according to how it is stated in that agreement.
 - 112. In accordance with Article 25 of the Employment Act, prior to the dismissal of a Civil Service employee from their job, as according to the following, notice shall be given to them and during the period of the notice the employee is entitled to their salary and allowances related to the salary.
 - (a) For an employee who has worked for longer than six months and lesser than one year, notice of one month shall be given.
 - (b) For an employee who has worked for longer than one year and shorter than 5 years, notice of 2 months shall be given.
 - (c) For an employee who has worked for longer than 5 years, notice of 3 months shall be given.
 - 113. (a) In accordance with Article 25 of the employment Act, instead of giving notice for job dismissal, the Commission can provide the employee with the salary and other allowances

that the employee would earn from the starting day of the notice period to the end date of the notice period and dismiss the employee from the job.

(b) For an employee who is dismissed as according to section (a) of this Article, the employee can only be dismissed after paying all allowances which the employee is entitled to during the period of the notice.

Dismissal from the Job Without Giving Notice

114. (a) If the work ethics of the employee is unsatisfactory and if the Commission is of the opinion that keeping the employee in the job is not appropriate, the Commission has the authority to dismiss the employee without giving prior notice in accordance with Article 23 of the Employment Act.

(b) In accordance with Article 114 of the regulation the work ethics of an employee would seen to be in appropriate in the following situations.

1. When perceived that keeping the employ in the job would cause a loss to the office or the place of employment, the Permanent Secretary writing to the Commission specifying the probable loss.
2. For having committed treachery.

CHAPTER 9

Making Civil Service Employees Redundant

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3.	Conditions for making an employee redundant	96
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Introduction	115.	An employee maybe made redundant from a Civil Service job, in accordance with this Regulation. In this manner, conditions for making employees redundant must be clearly specified and the benefits due to employees relieved under these circumstances must be provided to the employee at the time of dismissal.
Employees Who May Be Made Redundant from Civil Service Jobs	116.	<p>a. Making an employee redundant from a job at the Civil Service refers to the dismissal from job of a permanent employee of the Maldives Civil Service, under circumstances specified in Article 117 of this Regulation.</p> <p>b. The following employees may not be included among those who may be made redundant from their Civil Service jobs. The dismissal of such an employee from job will be done in accordance with the General Provisions governing the Civil Service Regulation.</p> <ol style="list-style-type: none"> 1. Employees who are on job probation; 2. Temporary employees; 3. Those who work in the Civil Service carrying out the responsibilities of a Civil Service job, but who do not meet the requisites of a Civil Service Employee; 4. Those who work for the Maldives Civil Service, on a contractual basis.
Conditions for Making an Employee Redundant	117.	A permanent employee of the Maldives Civil Service may be made redundant from a Civil Service job, in any of the following circumstances.

- a. Redundancy of an employee due to the dissolution of a post: The inevitable dismissal of an employee following the dissolution of a post, due to a change in the structure or work of an office, or the discontinuation of a particular work, and when the Permanent Secretary of the sector after having made reasonable attempts, fails to find a suitable job as an alternative from the employee's office or from any other sector of the Civil Service.
- b. Redundancy of an employee following the dissolution of the employee's office: The inevitable dismissal of an employee following the dissolution of jobs at an office, due to a change in the governing system of the country or because of a law that has been enacted by the People's Majlis, and when the Permanent Secretary of the sector after having made reasonable attempts, fails to find a suitable job as an alternative from the employee's office or from any other sector of the Civil Service.
- c. Redundancy of an employee because the number of employees exceed the required amount: The inevitable dismissal of an employee because of the dissolution of jobs at an office, due to the restructuring of jobs following a Job Analysis, or dissolution of certain jobs on the grounds that the number of jobs in the office far exceeded the

number required, in a case where a main office decides to use modern technology to change the way a certain work was being carried out and informs the Commission of this decision and when the Permanent Secretary of the sector after having made reasonable attempts, fails to find a suitable job as an alternative from the employee's office or from any other sector of the Civil Service.

d. Redundancy of employee due to incompetency:

The dismissal of an employee because the technology or means of carrying out a job changed and the employee after being given the opportunity of training to be in par with the technological advancement failed to achieve the required result; or the dismissal of an employee because of the lack of ability required to perform the job.

e. Redundancy of an employee who is unable to continue going to work because of the relocation of the employee's office to another island or place: The dismissal of an employee because of the employee's inability to continue reporting to work following the relocation of the employee's office to another island or place due to a change in the structure of the Government and when the Permanent Secretary of the sector after having made reasonable attempts, fails to find as an alternative, a corresponding job within

the Civil Service from the island.

- f. Redundancy of an employee who wished to remain in Civil Service but could not be transferred to another job at the Civil Service, when the employee's office or part of the office where the employ worked is privatized: The dismissal of an employee who wished to remain in the Civil Service but who could not be transferred to any other job in the Civil Service, when the employee's office or part of the office where the employee worked is privatized under the powers bestowed on the President by a law or when the Government decides to change the system in which the service is being delivered.
- g. Redundancy of employee due to the outsourcing of the employee's work: The dismissal of an employee due to the dissolution of the employee's job which has been outsourced, and when the Permanent Secretary of the sector after having made reasonable attempts, fails to find a suitable job as an alternative from the employee's office or from any other sector of the Civil Service.
- h. Redundancy of excessive employees when the work or part of the work being carried out by an office gets transferred to another office: The dismissal of employees in surplus when the work or part of the work of an office is transferred to another office along with the employees who

carried out the work, and if the Permanent Secretary of the Sector after having made reasonable attempts, fails to find a suitable job as an alternative from the employee's office or from any other sector of the Civil Service.

Benefits Given to Employees 118.

Who are Made Redundant

from Civil Service Jobs

Permanent employees of the Civil Service will be given redundancy benefits as follows.

- a. Benefits given to employees who are being made redundant from their jobs at the Civil Service and who have attained the age of 55.
- b. Benefits given to employees who are being made redundant from their jobs at the Civil Service and who have not attained the age of 55.
- c. Redundancy benefits given to employees stated in subsection (a) and (b) will be specified in Schedule 13.

Procedures to be followed 119.

when making Employees

Redundant

If employees have to be made redundant from a sector of the Civil Service, the following must be confirmed and the matter submitted to the Commission along with relevant documents.

- a. If a work at an office is being discontinued, to make a public announcement and to state the posts that are being dissolved.
- b. In the event that the workforce of the office has to be downsized, conduct a job analysis, announce the result of the analysis stating the posts that are going to be made redundant, and make an announcement providing the opportunity for employees who want to resign

from their jobs to submit resignation.

- c. If an employee has to be made redundant because the employee did not make use of the training opportunity given to the employee to adapt to a change in the technology and means of carrying out a job, or if the employee could not perform to the expected level despite the training, the employee should be informed about the decision to be made redundant expressly stating the area where the employee lacks the required skill.
- d. If an expatriate or a person who is working on a contractual basis or a temporary employee is in a permanent post equal to that of the level of the post of the employee who is going to be made redundant, the employment agreement of such a person must be terminated and the employee who was going to be made redundant must be assigned to the job.
- e. If the work or part of the work of the office is transferred to another office, to transfer along with the work, all the employees who were involved in doing the work. And if the transfer involve more employees than required by the office in terms of the scale of work and the number of employees at the office, make the additional employees redundant. However, if additional employees are going to be made redundant, those who are going to be transferred

must be decided based on “merit”.

- f. When a service provided by an office is privatized, and if a job which is equal in post is available from the sector or from another sector for those employees who wish to remain in Civil Service, to give the opportunity for such a transfer. However, if employee wishes to remain in job at the privatized place, such a document stating the request must be obtained from the employee and submitted to the Commission for the employee to be taken out of Civil Service.
- g. When the Government relocates an office to a different place or island, and if some employees have a reservation to go to work in that island or place, inform such employees that they would be dismissed from Civil Service, and give them the opportunity to transfer if a post that is of the same level which is available in the sector or in another sector. Employees, who are not given the opportunity to transfer to a vacant post however, must be submitted to the Commission for dismissal, along with a document stating the employee’s objection to report to work.

CHAPTER 10

Retirement and Pension

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4.	Retiring Employees at the Age of 55 at the Discretion of the Commission	104
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- Introduction**
- 120.** Employees of the Maldives Civil Service have to retire as stipulated in Article 49 of the Maldives Civil Service Act. In this regard, employees of the Maldives Civil Service shall be retired upon reaching 65 years. When employees reach the age of 55, they may be encouraged to resign and the Commission has the discretion to retire them. Retirement benefits will be provided in accordance with the subsequent sections, when employees are retired in any of these two ways.
- Retirement Upon Reaching 65**
- 121.**
- a. Employees of the Civil Service shall be retired upon reaching the age of 65.
 - b. Retirement benefits for employees who are retired from Civil Service at the age of 65 will be specified in Schedule 14 of this Regulation.
- Voluntary Retirement at the Age of 55**
- 122.**
- a. When an employee of the Civil Service attains the age of 55, and if the employee wishes to retire from Civil Service, a request must be made through the main office of the sector and submitted to the Civil Service Commission.
 - b. When retiring an employee of the Civil Service at the age of 55, and if the employee has a service bond at the Civil Service, the matter will be taken into consideration.
 - c. Retirement benefits for employees, who retire voluntarily at the age of 55, will be specified in Schedule 15 of this Regulation.
- Retiring Employees at the**
- 123.**
- a. If an employee of the Maldives Civil Service who

Age of 55 at the Discretion of the Commission

has reached the age of 55 has to be retired on the grounds of ill health or a physical or psychological inability, the main office must, when submitting the request to the Commission, include a Medical Certificate issued by a health worker registered at the Ministry of Health and Family, confirming the employee's incapacitation.

- b. If the scope of work of an office is constricted due to a Government restructuring or a change in the office administration creating a surplus workforce and if the redundancy created thus include an employee who has reached the age of 55 and if such an employee needs to be retired from their job, the main office of the sector where the employee works must submit to the Commission to use its discretion to retire the employee.
- c. If an employee who has reached the age of 55 lacks the necessary training and skills required to carry out the duties and responsibilities of his job, and is unable to perform satisfactorily, and if the employee does not make use of the opportunity provided by the office to acquire the skills or receive the training, or if the employee shows no progress despite the opportunity, the main office must submit to the Commission to use its discretion to retire the employee.

- d. When submitting to the Commission to retire an employee who has attained the age of 55 on its discretion, the matter must be consulted with the Human Resource Management Committee of the office, and the conclusion of the committee submitted in writing to the Commission.
 - e. Retirement benefits for employees, who the Commission retires on its discretion at the age of 55, will be specified in Schedule 15 of this Regulation.
- Pension**
- 124.** a. Employees of the Civil Service will be granted pension when the Maldives Pension Act (Act No. 8/2009) is enacted and in accordance with the subsequent regulation. Until the Pension Act comes into effect, employees of the Maldives Civil Service will be granted $\frac{1}{2}$ of the employee's salary as pension, in accordance with the pension procedures practiced now. And if an employee attains 40 years of service, the employee will be granted full salary as pension.

CHAPTER 11

Temporary Employees

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- Introduction**
125. a. As stipulated in Article 40 of the Maldives Civil Service Act, temporary employees are persons who are employed by the Civil Service to fulfill the immediate needs of the Government or to carry out a project for a specific period, or to complete a particular work.
- b. Temporary employees of the Civil Service are Category 2 employees of the Civil Service. Number of days of service of temporary employees will be taken into account in determining the service period of temporary employees, as in the case of permanent employees.
- Seeking and hiring temporary employees**
126. a. The same rules and principles applied in seeking, selecting and hiring persons to permanent positions of the Civil Service, will be applied when seeking, selecting and hiring persons to temporary positions of the Civil Service.
- b. A temporary employee of the Civil Service will be dismissed from job, upon completion of the work or project assigned to the temporary employee, or at the end of the term of contract.
- Annual leave of temporary employees**
127. Like permanent employees, temporary employees of will of the Civil Service will be given annual leave. In this manner, a temporary employee is entitled to an annual leave of 30 (thirty) days on completion of one year of service, in accordance with this Regulation.

Leave of Absence of Temporary Employees	128.	Temporary employees will be granted sick leave under the same rules applied in granting sick leave to permanent employees, specified in this Regulation.
Leave Granted to Temporary Employees in Relation to Family Responsibilities	129.	Temporary employees will be granted leave in relation to family responsibilities, under the same rules applied in granting the leave to permanent employees, specified in this Regulation.
Other Leave of Temporary Employees	130.	Even though temporary employees are persons who are employed by the Civil Service to fulfill the immediate needs of the Government or to carry out a project for a specific period, or to complete a particular work, temporary employees will be granted any other leave that employees are entitled to under the Employment Act.
Remuneration and Benefits of Temporary Employees	131.	Temporary employees will be given the salary allocated to the job rank in the structure where person is employed, and other allowances. Overtime allowance must also be given as per overtime rules of employees.
Health Insurance of Temporary Employees	132.	Like permanent employees, temporary employees will also be provided health care within the national health insurance scheme during their tenure of service.
Other benefits, concessions given to temporary employees	133.	In addition to the remuneration and benefits given to temporary employees under the employment agreement, this Regulation does

obstruct additional benefits and concessions being provided to the employee in a manner which would not impede the office work.

CHAPTER 12

Employing persons to discharge the responsibilities of a post at the Civil Service

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Introduction	134. Article 41 (a) of Act No. 2/2007 (Maldives Civil Service Act) prescribes persons who are being employed at the Maldives Civil Service, to meet the established requisites. However, it is difficult to get the required number of eligible and competent persons for certain types of work and posts at the Maldives Civil Service. In such a circumstance, and to provide for this, the following guidelines must be adhered to when keeping a person at a post at the Maldives Civil Service to carry out the responsibilities of the post, when assigning work to such a person and when dismissing the person from work
Keeping persons who are not in the Civil Service as employees, to carry out the responsibilities of posts at the Civil Service	<p>135.</p> <ul style="list-style-type: none"> a. If a qualified and competent person could not be found to a post at the Maldives Civil Service, the Senior Responsible Officer at the main office of the sector may, outside the boundaries of the Civil Service, employ persons to fulfill the responsibilities of the post, and dismiss them in accordance with this Regulation. The Senior Responsible Officer must keep daily records of such employments. b. A person, who is not in the Maldives Civil Service, can be employed to fulfill the responsibilities of a post at the Civil Service as follows. <p style="padding-left: 20px;">1. After establishing changes to job requisites, the general procedures of</p>

seeking, employing and appointing permanent employees to the Civil Service must be followed when seeking, appointing and employing persons outside the Civil Service, to fulfill the responsibilities of a post at the Civil Service. Persons must be employed in this manner, only if qualified persons could not be found to a post.

2. A person employed as according to Section (a) of this Article is not an employee of the Maldives Civil Service.
3. A foreigner, or person who has surpassed the age of discretionary retirement by the Commission, may be employed outside Civil Service, in order to fulfill the responsibilities of a post of Civil Service in accordance with this Section.
4. Persons hired under this section must be kept for a period not exceeding 1 (one) year, after an established agreement is signed between the parties who assign the work and the parties who take on the responsibilities of the job.

Procedures of Keeping Non-Civil Service Employees to Fulfill the Responsibilities of a Civil Service Post, and their Fees 136.

Non-Civil Service employees who are employed to fulfill the responsibilities of a Civil Service post shall be paid as follows.

- a. A person employed thus must be paid a fee not exceeding the salary and allowances provided to

the post at Civil Service, the work of which is being undertaken by the person.

- b. In a situation where a change has to be brought to a fee provided thus, such a change must be provided for in the agreement signed with the person.
- c. A person employed in a permanent or temporary post at the Civil Service, shall not assign on contractual basis, the responsibilities of another civil service post, during the employee's official working hours. Such an employee must also refrain from taking such a work.
- d. that a person who is employed to discharge the responsibilities of a Civil Service post, must respect the Civil Service Act, Regulation and the Code of Conduct, has to be expressly stated in the agreement.
- e. Before the term of an agreement signed with a person who is not in the Civil Service to carry out the responsibilities of a Civil Service post expires, and while there is considerable time left before the date, a public announcement must be made to find an eligible employee for the Civil Service post.
- f. If a qualified person could not be found after the announcement is made for the post at Civil Service, the responsibilities of which is being carried out by a non-employee of Civil Service, an announcement must be made to find a

person to fulfill the responsibilities of the post.

- g. An application must be made to the Civil Service Commission requesting permission to employ the following year, persons to discharge the responsibilities of an established number of posts at the Civil Service, based on the employment records and the needs of a particular sector.
- h. Information regarding persons employed to take on the responsibilities of a post at the Civil Service, must be filled in the form provided in Schedule 16, and submitted by the main office to the Civil Service Commission, within 7 (seven) from the date of assigning the work.
- i. If a person is going to be employed to fulfill the responsibilities of a Civil Service post, information about the person must be recorded at the registry reserved for the purpose at the main office. If a person is employed to carry out the responsibilities of a Civil Service post at a sector office which functions under the main office, such a registry must be kept there, and in addition the information must be recorded in the registry held at the main office.
- j. A person employed to carry out the responsibilities of a Civil Service post must be notified in writing upon commencement of work, and Employment Agreement signed in accordance with the Civil Service Regulation. The

agreement must state the fees and benefits given to persons employed to fulfill the responsibilities of a Civil Service Post.

- k. In the case of a sector office which functions under a main office, the notice given in writing to inform a person employed to undertake the responsibilities of a Civil Service post, of the commencement of work, must be prepared by the office, in consultation with the Senior Responsible Officer. The original document along with two copies of the document must be submitted to the main office to be signed by an official authorized by the Senior Responsible Officer, to sign the document. One of the two copies will be filed at the main office, and the other at the sector office. The original of the document will be given to the employee, by the office where the employee works.
 - l. If a person is employed to carry out the responsibilities of a post at the Civil Service, the person's fact file must be prepared as according to Article 194 of this Regulation and maintained by the person's office of employment.
 - m. If a disciplinary action has to be taken against a person who has been employed to assume the responsibilities of a Civil Service post, the action will be taken in accordance with Chapter 24 of this Regulation. The fact must be stated in the Employment Agreement.

- n. It must be stated in the agreement that persons who are employed to carry out the responsibilities of a Civil Service post, must comply with the Maldives Civil Service Act, the Regulation and the Code of Conduct, unless otherwise stated in the Regulation. If an exception has to be made due to the nature of work, or part of the Regulation altered for the benefit of a person or persons, this must be specified in the agreement in consultation with the Civil Service Commission.
- o. If foreigners are employed to undertake the responsibilities of a Civil Service post, all the statutes and regulations of the Maldives regarding the employment of foreigners must be complied with.

**Dismissing persons who are 137.
not included in the Civil
Service, but who have been
employed to carry out the
responsibilities of posts at
the Civil Service, from their
work**

- a. A person employed to fulfill the responsibilities of a Civil Service post may be dismissed as according to the Employment Agreement.
- b. If a post in which a non-civil service employee has been employed to carry out the responsibilities of the post, is dissolved or the work related to the post becomes non-operational, the contract signed with the person will be terminated as according to the contract. A clause stating thus must be included in the contract.
- c. If a person employed to carry out the responsibilities of a Civil Service post is relieved

from the job, the office where the person was employed must notify this fact in writing to the person.

- d. If the Employment Agreement of a person who is assigned to carry out the responsibilities of a Civil Service post expires or gets terminated, the main office of the sector must complete the form in Schedule 16 and inform the Commission within 7 days from the date of termination or expiration of the Agreement.
- e. When dismissing an employee from the responsibilities of a post of Civil Service from a main office of the sector or an office which functions under the main office, the Senior Responsible Officer must write the date and reason for the employee's dismissal in the registry.
- f. If a person who has been employed to carry out the responsibilities of a Civil Service post is arrested or sentenced under the law, the person will be paid the due amount of the fee and dismissed from the job. The fact must be stated in the Agreement.

CHAPTER 13

Obtaining the Service of a Volunteer, to Execute the Responsibilities of a Civil Service Post

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Introduction

138. Volunteers are not employees of the Maldives Civil Service. However, as according to this rule, the Civil Service may seek the help of volunteers to deliver a service. Volunteers who are performing the responsibilities of a Civil Service post must comply with the Employment Act, subsequent regulations formulated under the Act, the Civil Service Act, and the Code of Conduct, Regulations, Rules, and notices formulated under the Act.

Obtaining the Service of Volunteers

- 139.**
- a.** In accordance with this Regulation, an office can employ the services of a volunteer, to carry out the responsibilities of a Civil Service post in the office if a qualified person did not apply for the post. If all the positions in an office are occupied, a volunteer's assistance cannot be enlisted to render the services of that post.
 - b.** When all the positions in an office are occupied, and in a situation where the employees need additional advice and guidance, the services of a volunteer may be enlisted.
 - c.** Offices which enlist the services of volunteers must sign an agreement with the volunteers, to protect the confidentiality of state secrets, to perform in a manner which would not contravene the Civil Service Act, the Regulation, the Code of Conduct and the Employment Act, and to exempt from charging a fee for the work or the services provided.
 - d.** A senior official at the office or a senior official

of the Civil Service at the office must ensure that persons, who are enlisted for volunteer services, act in accordance with the terms of the agreement while complying with the Civil Service Regulation and the Code of Conduct.

- e. A volunteer's work must be supervised and monitored and work record must be maintained by the office where the volunteer works.
- f. In a work environment, volunteers must be treated equally with Civil Service employees.
- g. A person who is providing volunteer service must not be assigned as the head of a group of civil service employees providing a civil service. However, this does not include consultation and advice given in team work.
- h. If a question or a controversy arises regarding any issue addressed in this section, the Commission must be consulted in resolving the issue.

Selecting persons for volunteer service

140.

The following guidelines may be applied when appointing persons to work as volunteers.

- a. In an office where Civil Service employees work, persons for volunteer service must be chosen from amongst respondents to a public announcement. If the number of people who applied exceeds the number required, selection will be based on merit.
- b. In the case of an emergency situation publicly announced or declared by the Government, if

the Senior Responsible Officer believes that a public announcement as mentioned above could delay the delivery of prompt services, volunteers may be chosen without a public announcement.

- c. The agreement signed with the person selected for volunteer services must include the clauses on obtaining volunteers and the termination of volunteer service as per this rule.

Discontinue receiving the service of volunteers

141.
 - a. If a volunteer is found to have breached the agreement signed between the volunteer and the office where Civil Service employees work, or if the volunteer acts or have been found to have acted in a manner which impedes the services being rendered by the Civil Service office, the agreement must be terminated and the volunteer's services promptly discontinued.. The fact must be expressly stated in the agreement.
 - b. Should the office wish to discontinue the service of a volunteer during the period of enlisted service, the person must be notified after which the agreement must be terminated and services discontinued. The fact must be expressly stated in the agreement.
 - c. If the volunteer in delivering services promotes a religion other than Islam or if the volunteer is found to be from an organization involved in

**Factors to be considered 142.
especially when receiving the
service of volunteers**

such activities, the volunteer must be relieved from the responsibilities at the office and the person's volunteer service discontinued.

Special attention must be given to the following when Civil Service Offices seek the services of volunteers.

- a. Ensure that a person working as a volunteer in a Civil Service post is not someone who promotes a religion other than Islam. Furthermore, ensure that the organization that sent such a volunteer is also not involved in such activities.
- b. Not to consider, any expenses provided to the volunteer as an expense made towards the employees of the Civil Service.
- c. Not to make intimidation and coercion of employees of the Civil Service, the purpose for seeking the services of a volunteer to carry out the responsibilities of a Civil Service post.
- d. Not to act under a policy in which Civil Service employees are dismissed from their jobs or a Civil Service post is dissolved in order to cut expenses or for any other reason simply because the services of a volunteer is readily available.
- e. Not to remove a part of the work that has been included in the job description of a Civil Service employee, to employ the services of a volunteer to do the work.

CHAPTER 14

Appointing Persons Convicted by a Court of Law, to Maldives Civil Service Jobs

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Introduction**143.**

Whilst Article 41 Section (a)(4) of the Maldives Civil Service Act stipulates that a person appointed to the Maldives Civil Service, must not have during the past 5 (five) years been convicted of an offense for which a *Hadd'* is prescribed in Islam or an offence of theft or fraud or misappropriation or treason; and whilst it is clear that besides the offenses for which a *Hadd'* has been prescribed in Islam and offenses such as theft, fraud, misappropriation or treason, the law recognizes more offenses of equal gravity; this Chapter identifies those offenses which have not been established by law, provides a guideline to be followed when making a decision on appointing a person who has been convicted of such an offense, and a procedure to verify whether the appointee meets the code of ethics of employment and the required codes of national security.

Offences which makes a person ineligible for Maldives Civil Service posts and the duration of ineligibility

- a. A person who has during the past 5 (five) years, been convicted of an offense for which a *Hadd'* is prescribed in Islam or an offence of theft or fraud or misappropriation or treason shall not be appointed to the Maldives Civil Service.
- b. A person who has during the past 5 (five) years, been convicted of an offense for which a *Hadd'* is prescribed in Islam, or an offence of theft or fraud or misappropriation or treason or any

other considered as serious criminal offences shall not be appointed to the Maldives Civil Service.

- c. An offense for which, as a punishment for a criminal offence as prescribed by law, warrants a sentence exceeding the term of 1 (one) year 6 (six) months of imprisonment, banishment or house arrest, will be considered a serious offense.

Offenses for which a *Hadd'* is 145.

Prescribed in Islam

Offenses for which a Hadd is prescribed in Islam include, those offenses for which a punishment has been determined in the Noble Quran, or in the Hadith of Prophet Mohammad (P.B.U.H)

- a. Offense of Apostasy
- b. Offense of Theft
- c. Offense of Adultery
- d. Offense of Defamation
- e. Offense of Consuming Alcohol
- f. Offense of Armed Robbery

Serious Criminal Offenses

146.

Serious criminal offenses are those criminal offenses when regarded by the type and nature of crime, cause severe losses physically, financially and socially, and those crimes for which severe punishments have been prescribed in the Penal Code and other laws. Serious criminal offenses as considered by this Regulation are as follows.

- a. Murder and aiding and abetting a murder
- b. Drug trafficking, trading, and abusing

- c. Serious offenses of assault (Every assault committed, using a sharp weapon and in a manner which inflict serious bodily harm on a person and any involvement in an act of violence using a sharp weapon as specified in Article (127) (128) and (129) of the Penal Code will be considered as serious offenses of assault. Furthermore, any act of violence declared by the Courts of Law as a serious offence of assault will be considered as a serious offense of assault.)
- d. Deception and fraud.
- e. Misappropriation.
- f. Mugging
- g. Giving and accepting bribes.
- h. Terrorism.
- i. An offense of taking part in an unlawful gathering.
- j. Counterfeiting.
- k. Forgery.
- l. Production, possession, trade or distribution of pornography.
- m. Giving birth out of wedlock.
- n. Offense of engaging in acts of homosexuality.
- o. Sexual offenses committed against children (these include sexual acts with children who have not attained the age of 18)
- p. Sexual molestation, assault and rape.
- q. Serious sexual offenses
- r. Offenses for which a punishment has been

prescribed under the Law on the Import of Prohibited Goods to the Maldives.

- s. Offenses involving the misuse of Government seal and stamp.
- t. Offenses of unlawful oath and testimony and other offenses in defiance of the law and shari'ah for which a punishment is prescribed.
- u. Acts of sedition and incitement against the state?

**Assessing of offenses when 147.
hiring for Civil Service jobs**

- a. Even in appointing a person who has been convicted of a criminal offense other than those for which a Hadd' is prescribed in Islam or outside the category of serious criminal offenses, the extent to which the crime committed by the person associates to the job in question, will be considered.
- b. Following are the jobs, due to the nature of the convicted criminal offense, will be barred permanently or for a period exceeding 5 years, in view of the relation between the type of job and the crime committed.
 1. A person convicted by a court of law of offenses of sexual assault or rape or sexual offenses against children or homosexuality or drug abuse will not be appointed to jobs in the education and health sector and places which provide social protection services.
 2. A person convicted by a court of law of

offenses of counterfeiting notes and coins or forgery or theft or embezzlement or fraud or treason or acts of bribery will not be given a job involving state budget, finances and assets.

3. A person convicted by a court of law of having committed an act of taking unlawful oaths, giving unlawful testimony, and other acts in defiance of the law and Shari'ah for which a punishment is prescribed, will not be given employment in a field of law.
4. A person convicted of drug and substance abuse will not be employed in pharmacies, drug storage warehouses, rehabilitation centres, health centres and places such as jails and prisons.
5. A person convicted of drug trafficking and trade will not be given employment in offices where goods being imported to the Maldives is checked and screened, pharmacies, drug storage warehouses, rehabilitation centres, health centres, places such as jails and prisons, and jobs in sea faring vessels and aircrafts.
6. A person convicted of an act in breach of national security will not be employed in any area of the Civil Service which

involves national security.

- c. If the sentence for an offense stated in Article 215 (b) of this Regulation exceeds five years, and a person has served 5 years of the full sentence, the person shall not be employed in the Civil Service, while part of the sentence remains unexecuted.
- d. Although a person serving a sentence for an offense stated in Article 215 (b) of this Regulation was given clemency as according to law, if 5 years have not elapsed since the person was convicted, for the purpose of Section (a) (4) of Article 41 of the Maldives Civil Service Act, it will be regarded that 5 years have not passed since the person has been convicted.
- e. On issues regarding the terms of sentences for the offenses specified in this Regulation, the duration or years will be counted or calculated from the Gregorian calendar.

CHAPTER 15

Working Hours of the Civil Service

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Introduction

148. **(a)** Civil Service is established to provide the public with services that are provided by the Government. Related to this the working hours of the Civil Service will be based on how the Government wants to provide that service. In this manner, the Civil Service Commission has the authority to change the working hours or working duration of the Civil Service related to the changes which are brought or changes which occur to the working hours or working duration of the entire Civil Service or a Civil Service office.

(b) A full time employee of the Civil Service is a person who is given a job for 7 days of the week for 24 hours. The office which provides the employee with the position has the discretion to call the employee during any day and at any time of the day to perform a job related task; this shall be carried out without contravening the law and this regulation.

Working Week

149. **(a)** In general the working week of Civil Service employees are from Sunday to Thursday (5 days of the week)

(b) Some services provided by the Civil Service are continuous services which have to be provided everyday of the week; places providing such services shall work every day of the week. Even in such places, employees shall work on a scheduled duty basis for not more than 6 days a week.

(c) For employees who have to work for 6 days of the week and who are in offices other than places providing continuous service on all days of the week, the working hours of such an employee is

the time decided by that office as working hours of the employee.

(d) Where the working week of an employee is arranged as 6 days a week, their duty shall be structured in such a way that no employee shall be made to work for continuous 24 hours without providing time for leisure. And no employee shall be made to work for a continuous period of 5 hours without providing them with a 30 minute break.

Working Hours

150. **(a)** In general, official working hours of offices are 8 hours. Official working hours are from 8.00am in the morning to 4.00pm in the evening. In all months with the exception of the month of Ramadan, a break of one hour shall be given between, noon 12.00pm to 1.00pm. Employees can leave the office during the one hour break between 12.00pm to 1.00pm; in a manner whereby the basic services provided to the public is not disrupted. The employees who are kept in the office to provide basic services to the public during the break hour from 12.00pm to 1.00pm shall be given break time from 1.00pm to 2.00pm.

(b) Official hours during the month of Ramadan from 9.00am to 1.30pm.

(c) Official hours for employees who work on duty basis is the allotted time of their duty. For every 4 hours of continuous work, an employee is entitled for a break of 15 minutes and 15 minutes shall be provided to perform prayers. Also 30 minutes of break time for meals shall be provided for 5 hours of work. The office shall decide on the moment for this break time.

(d) Employees shall be brought to work on

overtime in addition to official hours only to perform work which is absolutely necessary. In this manner an employee can be brought to work on overtime as according to how with the decision of the office to finish an important work by the employee which has to be completed that day, or to finish a special work of the office.

(e) The employee assigned with opening the office shall open the office 10 minutes prior to the start of the official working hour. In all months with the exception of the month of Ramadan, offices shall be opened by latest at 7.50am in the morning and during the month of Ramadan the office shall be open by latest at 8.50am in the morning.

(f) All Civil Service employees shall report to work on time on all days they are assigned to work. If an employee has a valid reason for not being able to report to work, that employee must for this reason, take leave as per the regulation. If the employee does not report to work, does not take leave and does not inform the office of their leave, that day shall be noted as a day of nonattendance by the employee.

(g) If the employee is unwell and decides to take sick leave, the employee shall inform about it within the first official working hour of the first day of sick leave, to their supervisor or to the employ assigned from that office. In this manner if the employee does not inform within the first hour, the day shall be noted as a day of absence by the employee. And in accordance with this regulation, disciplinary action shall be taken against that employee. If an employee is on sick leave for more than 2 continuous days, a medical certificate from a registered medical practitioner stating the type

and duration of sickness whereby the employee could not report to work, shall be provided on the day the employee returns to work.

Reporting to Work on Time and Giving Special Respect to Being Engaged in Work.

- 151.** Every Civil Service employee is one who is employed to provide service to the public. Related to this every employee is given a duty or duties. The sole reason for a job to exist is so that the duties related to that job are being executed in the allocated time. And in order to fulfill the duties of the job the employee has to be present in the place and at the time required and shall remain in performing the work, this is a right of the office. In this manner it is mandatory for all Civil Service Employees to carry out the duties assigned to them without disruptions and report to work on time and be present and remain in performing their duties.

Being Absent from Work Without Providing a Reason

- 152.** A Civil Service employee can remain without reporting to work, if one of the circumstances provided for in this regulation has been arranged in prior. If it is a type of leave, a request for the leave should have been made and it should have been secured in accordance with this regulation. No Civil Service employee can remain in their job, if they don't report to work and if they don't inform of the reasons as to why they are not reporting to work. Even one such day would be construed as one where the employee has been negligent of their job and duties. And the incident shall be noted and shall be judged upon when the job appraisal of the employee is carried out. If an employee remains for 15 days without informing of the reasons for their absence, that employee can be dismissed without giving any further notice. Related to this the main office shall submit to the Commission to dismiss the employee.

Going out of the Office and Out of the Island

153. (a) As a rule, during official office hours no employee shall leave the office for any personal reason. An employee shall leave the office for a personal reason during official working hours, if it is absolutely necessary and after informing of the importance of the reason for leaving and after getting permission from a head of the office. And the reason for employees to be out of office during office hours shall be recorded with their reasons.

(b) Employees assigned with administering Departments, Divisions, Sections, and Units shall only travel out of the island or to distant places where they may not be able to attend to a sudden issue on official working days, during a holiday and while not on leave, after informing their heads to whom they have to report to. Exempted from this is travel on one island, islands connected by land, and islands which have a minimum hourly ferry service between that island and the island where the employee works.

Reporting to Work Late

154. (a) Any Civil Service employee who reports to work later than the time they are required to report to work shall be noted as late attendance.

(b) As a general rule, all months with the exception of the month of Ramadan, Civil Service employees shall report to work on official working days by 8.00am, any employee who reports later than that will be noted as late attendance. In the month of Ramadan the reporting time to work is 9.00am, any employ reporting to work after that shall be noted as late attendance.

(c) The employee who is assigned with the task of opening the office during official working hours in all months other than the month of Ramadan shall report to work at 7.50am, during the month of Ramadan the reporting time is 8.50am, the employee reporting to work later than this shall be noted as late attendance.

(d) An employee who works on duty basis will be considered late for work, if they report to work after the time they are expected to report to their duty.

(e) In accordance with the guidelines set by that office, record of attendance shall be kept for employees in a manner whereby the time of reporting to work for employees can be noted. If an employee has not noted down their time of reporting to work in the attendance record used, even though that employee has reported to work before the reporting time, it shall still be noted as a late attendance. Reporting time shall commence from the time of reporting to work noted in the attendance record.

(f) If by an instruction from the office and to carry out work of the office an employee was away from the office during the time of reporting to work and hence could not note down the reporting time in the attendance record, that employ shall finish the work assigned to them outside of the office and return to office, inform the employee handling the attendance record of the matter and then record their time of reporting to work. And the reason shall be recorded. Such a situation shall not be noted as a late attendance.

(g) If the employee assigned to open the office is not present or if the office is not opened for any other reason at the time for reporting to work, one of the senior employees from the employees present shall note down the reporting time of the employees. And once when the office is opened the attendance shall be record.

(h) If an employee does not report to work at the time they are required to report to work, in accordance with Article 20 of the Employment Act, their pay will be deducted relative to the time lost due to late attendance.

(i) In deducting from the pay for late attendance, time will be counted in minutes. The amount for a minute will be calculated by dividing the monthly pay from 30, the result of which shall be divided by the time assigned as official Civil Service working hours for a day, and the result of which shall be divided by 60. This is only for months other than the month of Ramadan, where the pay is divided by 30, divided by 8, divided by 60. For the month of Ramadan it is pay divided by 30, divided by 4.5, divided by 60.

(j) If employees have been informed by the office or in accordance to a roster employees have been informed to report to work at a certain time after official hours and if the employee fails to report to this work on time, it shall be noted as late attendance. And if an employee is late in reporting to work, disciplinary action shall be taken against that employee in accordance with this regulation.

(k) The maximum that can be deducted from the pay of an employee for late attendance is the amount that the employee earns in a day based on

their salary.

- (I)** If an employee repeatedly reports to work late, the office shall take disciplinary action against that employee.

CHAPTER 16

Dress Code

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Introduction

155. Civil Service employees shall report to work in appropriate attire and maintain cleanliness, keep hair and beards well maintained and be within the moral standards accepted by society, during official and unofficial working hours and shall be dressed in a manner where the status of the employee and office is maintained in front of the public who are there to receive a service. And the attire worn by the employee shall not be an attire which poses difficulty for the employee to provide the services that they are assigned to provide.

Dress Code During Work

156. Employees shall keep to the following dress code while working during official hours.

(a) The dress code for male employees is long trousers, long sleeved or short sleeved shirt and tie. Or long trousers and bush shirts. When dressed in this attire, employees shall be wearing office boots or boots appropriate to be worn in an official environment.

(b) The dress code for women is the approved national dress, Pakistan dress (Salwar and Kameez or Kurta and “Dhu’patta”) or pants and tops or an attire befitting societal values and footwear acceptable to be worn in an official environment.

(c) The dress code for male employees in the support service category who are not provided with a uniform is long trousers, shirts and bush shirts. These employees shall be wearing appropriate footwear during working hours. Dress code for female employees in this category is an attire which would not hinder their work and one befitting societal values, they should also be

wearing appropriate footwear.

(d) Employees who have been assigned with uniforms shall be dressed in their uniforms during their duty hours. When dressed in their uniforms they must use the full ensemble of the uniform.

(e) Since all services of the Civil Service is one which has to be accountable, and in a situation where an employee has to be recognized and identified related to being accountable, employees of the Civil Service shall be dressed to a level where they can be identified and recognized by another, during working hours.

Dress Code for Various Functions

157. Civil Service employees who are participating in important functions held by Government authorities shall be dressed in attire appropriate for such a function or in an attire which has been decided for that function.

Dress Code in Accordance with the Occasion

158. (a) For the purpose of participating in a slogan held at the national, sector or community level, or for the sake of providing support and encouragement in the spirit of national interest, an employee of the Civil Service may without deviating from the standards set forth in the dress code for work as stipulated in this regulation, use badges, colours, emblems and labels in their attire at work.

(b) As a general rule, appropriate attire other than office attire can be worn in carrying out Civil Service work for the duration of various discussions and special work which is carried out.

CHAPTER 17

Holidays and Leave Granted to Employees

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Introduction

159. Holiday and leave for Civil Service employees shall be arranged as following. Leave related issues of an employee shall be administered in accordance with the Employment Act and this regulation by the office where the employee is working.

Holidays

160. The following are holidays.

- (a) National Day
- (b) Independence Day
- (c) Republic day
- (d) First day of the year in the Hijree calendar.
- (e) First day of the year in the Gregorian calendar.
- (f) First day of the month of Ramadan
- (g) Day of Fithr Eid
- (h) Hajj day
- (i) Day of Al'ha Eid
- (j) Victory Day
- (k) Prophet Mohammed's birth anniversary
- (l) Day the Maldives embraced Islam
- (m) Friday and Saturday of every week.
- (n) Any day declared a holiday by the highest authority in the Country.

Holiday Benefits

161. If an employee has to report to work on a day declared as a holiday, that employee is entitled to and shall be given holiday allowance in accordance with Article 38 of the Employment Act and this regulation.

Annual Leave

162. (a) In providing annual leave for employees who are employed by the Government before 1 May 1984, the year will be counted starting from 1 May to 30 April. In providing annual leave for employees who are employed by the Government after 1 May 1984, the year will be counted beginning from the date they are employed. Permanent and temporary employees of the Civil Service shall be provided annual leave in accordance with this regulation.

(b) When an employee completes one year in service, in accordance with Article 39 of the Employment Act for every year they shall be provided with paid leave of 30 days as annual leave. These days will be counted excluding the days listed in Article 160 of this regulation.

(c) When an employee is on annual leave, if under normal circumstances, a day which the employee has to report to work has been declared a holiday, in exchange of that day a day shall be added to the employee's annual leave.

(d) While an employee is on annual leave, the employee shall not be made to do any office work. And in this manner they shall not even be permitted to carry out any work.

(e) Every employee can begin their annual leave

within 12 months of being eligible for annual leave, as arranged by that office.

(f) At the start of each Gregorian year the employee in charge of administering the affairs of employees shall draw up a schedule after discussing with the employees on how leave shall be provided in the cause of that year in a manner where the work of the employee on leave can be substituted by another and whereby work of the office is not disrupted.

(g) When an employee begins annual leave they shall not be made to report to work before the completion of their annual leave.

(h) If an employee does not take annual leave which is rightfully theirs, that leave will get cancelled. And money shall not be provided in exchange for days of leave cancelled in this manner.

(i) When an employee is being dismissed from their job, and if they are eligible for annual leave, in exchange for each outstanding day of leave they shall be paid the daily wage based on their salary. No money shall be paid for any leave which has been cancelled.

(j) Regarding annual leave an employee shall be paid the latest, by the last working day prior to them going on annual leave, and they shall be paid from their salary the due amount based on their days of leave.

(k) Request for annual leave shall be made in fulfilling the requirements in this regulation and through the guidelines set by the office where

the employee is working.

- (I) An employee shall be given annual leave through the “Permission for Leave” chit in Schedule 17 of this regulation.

Annual Leave for Employees who Join after a Discontinuation in their Service

163. When an employee joins service after a discontinuation of their employment, their annual leave shall be based on linking the new date that they began service and days from the previous year of service, the dates of the new year that is composed so shall be the one used for administrative and leave purposes of the employee.

Maternity and Paternity Leave

164. When the maternity leave given to mothers following their delivery comes to an end, starting from that day and in accordance with Article 46 of the Employment Act the mother or father is entitled to a no pay leave to look after the baby, this leave can be given within a period of 1 year.

(a) If this leave is needed, the request for this leave shall be made to the office 15 days prior to the ending of the maternity leave provided to the mother for the delivery.

(b) When granting maternity and paternity leave to Civil Service employees if both parents of the infant are employees of the Civil Service, they may share this duration of leave in a manner which suit their preference.

(c) This leave can be provided for a maximum of 1 year. The duration of this leave shall be from the day this leave was given to the day this leave

rightfully ends.

Leave Related to Pregnancy and Delivery

165. If an employee gets pregnant and delivers a baby after 27 weeks (even if the baby is alive or dead) in accordance with Article 43 of the Employment Act the employee is entitled to leave and benefits as following.
- (a) When the employee submits the due date of delivery stated in a medical certificate provided by a registered medical practitioner, that employee is entitled to 60 days of leave inclusive of holidays with full pay, starting from the date specified in the medical certificate
- (b) If a pregnant employee is unable to report to work close to her speculated date of delivery due to a pregnancy related complication or due to sickness, the employee can request to take 30 days of leave prior to delivery from the 60 days of leave which she is entitled to after delivery.
- (c) If a pregnant employee is unable to report to work due to a pregnancy related sickness and if a medical certificate from a party given permission to provide medical certificates by the relevant authority of the Health Ministry is submitted, 28 days of no pay leave can be obtained inclusive of holidays prior to delivery, these 28 days will not be deducted from the 60 days of leave provided to the employee after the delivery.
- (d) In addition to the 60 days of leave provided following delivery, if the employee or the baby is sick, and if a medical certificate from a party

given permission to provide medical certificates by the relevant authority of the Health Ministry is submitted, the employee can take 28 days of no pay leave inclusive of holidays during the 40 days following the delivery, this leave shall not be deducted from the 60 days of leave provided after delivery.

Benefits Related to Delivery

166. When an employee delivers a baby, as according to Article 44 of the Employment Act, the following benefits shall be provided.

(a) From the day an employee reports to work after completing their leave related to delivery, until the baby is 12 months, the employee has to be given a break of 30 minutes, twice daily from every 8 working hours with no deductions from the salary so that the employee could go and attend to the needs of the baby. And if the employee needs these twice daily 30 minute breaks can be taken as a combined one hour break. The break cannot be given during the start of working hours and the end of working hours.

(b) Without disruptions to the work, the office shall try to assign lighter tasks to female employees who have a baby of below 12 months. In places where work is in shift duties, effort shall be made to assign easier shifts to such employees.

(c) In work such as which required an employee to stand for long hours and work which requires an employee to do heavy work, if a female employee in such work gets pregnant and are suffering from the discomforts related to

pregnancy, their tasks shall be organized in a manner whereby it would provide relief to the pregnancy related discomforts as much as possible.

(d) During the time an employee is on delivery related leave, the employee is still entitled to the rights provided in the job agreement, benefits, and a promotion related to appraisal if there is any. In this manner there shall be no deficiency in providing all the rights provided for in their job agreement, job promotions and on counting the days of employment. And it shall not be regarded as a discontinuation or interruption or reduction of the service period of the employee. An employee has the right to return to work after completing the delivery related leave if not for the following.

1. Due to a technical or organizational reason the position does not exist in the office anymore.
2. The employee being unable to perform the job.

(e) If an employee who is lesser than 16 weeks pregnant suffers a miscarriage or an incident similar in nature, if a doctors statement highlighting the incident is submitted, a leave of 10 days inclusive of holidays and with pay can be arranged. Such an incident shall not be interpreted as delivery prescribed in this regulation.

(f) If an employee gives birth to a live baby between 16 and 27 weeks, the birth shall be treated in accordance with the treatment for

delivery prescribed in this regulation. If the baby was still born during this term, a medical certificate stating the incident from a registered medical practitioner shall be submitted, a paid leave of 28 days inclusive of holidays can be arranged related to this.

Leave Granted upon Wife's Delivery

167. From the day an employee's wife gives birth to his child, the employee is entitled to paid leave of 3 days inclusive of holidays in accordance with Article 48 of the Employment Act.

Leave Granted When a Child is Circumcised

168. In accordance with Article 49 of the Employment Act, from the day a child of an employee is circumcised, the employee is entitled to paid leave of 5 days inclusive of holidays. The mother and father of the child are entitled to leave related to the circumcision.

Leave Granted for Hajj

169. Civil Service employees who wish to perform the Hajj shall be granted paid leave as following.

(a) Persons working in Male' and who is leaving Maldives in a chartered flight, for the duration between the day the person leaves Male' to the day they return to Male'.

(b) For persons travelling in a manner other than Section (a) of this Article, a leave of 30 days excluding holidays starting from the day they leave Male'

(c) For people working in the Atolls, 15 days of leave in addition to the duration provided in Section (a) and (b) of this Article.

(d) In accordance with this Article, leave granted for Hajj shall only be provided with full pay if it is the first Hajj of the person.

(e) If employees taking Hajj leave require additional days, they can request for their annual leave which can be arranged for those days.

(f) Apart from being on annual leave if a person is going to perform Hajj or Umra other than for the first time, the person can only go on the basis of no pay leave for that duration and only after getting permission from the office. After performing their first Hajj and Umra if a person wishes to annually or frequently go for Hajj or Umra, even on the basis of no pay leave and if it poses disruptions, delay or difficulty to the mandatory services which have to be provided by that employee to the community, that employee must consider the negligence to the duties of their work. In this manner the duration given for Hajj and Umra will be counted in accordance with Section (a), (b) and (c) of this regulation.

Leave Granted in Relation to Family Responsibility

170. (a) As according to Article 47 of the Employment Act, within a year an employee can be given maximum 10 days of paid leave excluding holidays, related to a family member being sick or if the employee is faced with taking a significant responsibility. Family members will include wife, husband, children, mother, father and parties which are under the legal guardianship of the employee.

(b) In granting leave related to family responsibility, the annual year will be counted similar to how it is counted in granting annual leave. However this leave can be granted prior to the employee completing one year of service.

Leave of Absence

171. Leave of absence can be given in accordance with Article 42 of the Employment Act and in accordance with this regulation. An employee shall request for leave of absence and while on leave of absence shall conduct themselves as following.

(a) If an employee falls ill during their official working hour and cannot report to work for this reason, within the first hour of their official working hour they shall inform their supervisor or follow the procedure set by the office in informing and the employee shall update on the important tasks assigned to them which needs to be completed that day and then they could be provided with leave of absence. In this manner if the employee did not inform the office during the first hour of their absence, that day will be listed as a day of nonattendance from work for the employee.

(b) If the employee is someone who has been assigned a specific task, the employee shall inform their supervisor or follow the procedure set by the office in informing, in good time so that the task can be handed over and carried out by another party. And provide the necessary information to the office in relation to carrying out those tasks without disruptions and provide full support in this manner. As stated, if an employee is not in a condition to inform within

the specified period due to a physical, medical or such an emergency, as soon as the person is in a state to inform they should inform the office to arrange for the leave of absence.

(c) An employee who does not inform due to a common cold shall not be seen as one who is in such a condition. If an employee does such a thing, the office has the choice to construe this as negligence by the employee towards their job.

(d) An employee shall only request for leave of absence when that employee is ill and cannot report to work as a result. It is not the right of an employee to request for leave of absence while they are not ill, for the reason that they just needed a day of leave. Hence if the person is well, leave of absence cannot be arranged for them. And nonattendance related to such an incident shall be noted as being absent from work.

(e) In accordance with Section (a) of this Article, the employee shall inform of the leave during the first 2 days of leave of absence.

(f) For every year of service by the employee, a maximum 30 days of leave of absence shall be provided with pay.

(g) If the monthly pay day arrives while an employee is on leave of absence, the employee shall provide the certificate on that day, if not the employee shall be paid with necessary deductions to their salary and allowance relative to the days of absenteeism that month. If the medical certificate is provided on the first day

the employee reports back to work, the amount deducted from salary and pay related to the leave of absence shall be reimbursed with the salary of the following month.

(h) For leave of absence the annual year will be counted similar to how the year is counted in providing annual leave.

(i) When an employee reports back to work after a leave of absence, similar to how they should submit a medical certificate, they should also submit a written statement explaining the reasons for the leave of absence. This statement shall be filed and maintained in the personal file of the employee.

(j) If an employee falls ill while at work to an extent where they cannot work and have to leave, and if the employee had worked for more than half the working day, it can be considered as a day where the employee had reported to work. If the employee had worked for less than half the working day, the day shall be treated as a day with leave of absence and the employee shall be provided with a leave of absence for that day.

Providing Medical Certificate

172. In accordance with Article 42, Section (b) of the Employment Act, if an employee remains on leave of absence for more than 2 consecutive days, on the day they report back to work they shall provide a medical certificate from a registered medical practitioner at the Ministry of Health and Family, stating the type of illness and the number of days of the leave of absence due to the illness. If it is an island where medical

practitioners approved by the Ministry of Health reside, employees shall submit a certificate from such parties. If it is an island where there is no such party the employee shall obtain a certificate from the island office. Even though the employee informs the office of their leave of absence, if the employee does not submit the certificate on the first day they report back to work, the days of leave shall be noted as days not in attendance to work.

(a) An employee can remain on leave of absence for 2 consecutive days without providing a medical certificate.

(b) An employee can take leave of absence in advance if they submit to the office a certificate as prescribed in this Article, stating the type of illness, and the duration that the employee will remain away from work due to the illness.

Leave of Absence in Conjunction with Holiday

173. If an employee on a regular basis takes leave of absence in conjunction with the weekend holidays or the like and since the likelihood of someone getting ill regularly after a holiday is not believable, the office where the employee is working have the choice of marking this behavior of the employee as being negligent towards their job. If an employee needs to take such leave related to the weekend holidays in order to have a prolonged leave, they shall take it rightfully from their annual leave in a manner which would not disrupt the work of the office.

Providing Annual Leave to Coincide with a Specific Time

174. Relative to the work, where some employees can only be provided annual leave at a specific

time of the year, the following shall be observed.

(a) Sectors like the education sector where important services have to be provided relative to a specific time of the year, it is difficult to provide some employees with leave during that time of the year, and such employees shall be provided leave during the period where that service is discontinued.

(b) When an employee who is in such a field of work where annual leave can only be provided at a specific time of the year, if such an employee is on leave related to pregnancy, coinciding with the period where the employee is entitled to annual leave, that employee can only utilize their annual leave after the period of leave related to pregnancy and delivery. After the completion of the pregnancy and delivery related leave the employ can take annual leave if there are days remaining within the entitled leave period in the annual service year of the employee.

CHAPTER 18

Releasing Civil Service Employees

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2.	Releasing Employees	159

Introduction

175. If the services of a Civil Service employee is needed temporarily in a task being carried out by another Civil Service office, in accordance with what is agreed between the Senior Responsible Officer of the office where the employee is working and the office where the employee is temporarily needed, the employee can be released for that work for a temporary period agreed. Related to this the Senior Responsible Officers of both the offices shall discuss minimizing disruptions to their work or ways of minimizing disruptions to the work of both offices.

Releasing Employees

176. (a) If the service of a Civil Service employee is needed temporarily in a task being carried out by another Civil Service office. The responsibility of arranging for the release of an employee shall be carried out by the office which seeks the service of an employee from another office and shall send a request to the main office where the employee is working, for the release of the employee, and then that office shall organize for the release and send a reply in writing stating the release of the employee. The office which requests for the release of an employee shall state clearly the reason and the duration for which the employee shall be released.

(b) In accordance with Article 175 of this regulation an employee can be released for a period of 1 month. If the services of the released employee is needed for a period exceeding one month, the Senior Responsible officers of both the offices shall discuss and decide on the matter in writing. Even as such the maximum period an

employee from one office can be released to work in another office is 3 months.

(c) If the services of a Civil Service employee is needed temporarily in a special task being carried out by a state institution which is not in the Civil Service, that institution shall submit in writing to the main office where the employee is working and in accordance with what is agreed between both parties, the Senior responsible Officer can release that employee. The office which requests for the temporary release of a civil service employee shall state clearly in the letter the reason and the duration for which the employee shall be released. Related to this an employee can be released for a maximum period of 1 month.

(d) An employee can be released to work in another office if it is absolutely necessary and after checking on the magnitude of the task, the number of workers available for that task in that place and the deadline of the task. When releasing an employee the tasks that the employee is already allocated by their office and the responsibilities of the employee shall be taken into account. And for the duration of the employee's release, substitutions shall be arranged for the tasks originally allocated for that employee.

(e) A Civil Service employee who has been released shall report to work and sign in the office where they have been released to. If the pay day falls at a time when an employee is on release, the attendance report of the employee up to that day shall be send to the employee's original office where they have the position.

(f) The salary and service allowance of an employee who has been released shall be paid by the original office where the employee has their job, unless otherwise informed by the Commission. Other benefits to the employee shall be provided by the office which the employee has been providing their services.

(g) When the release period of an employee has been completed that employee shall report back to work to his original office where the employee has their position. The office which the employee was released to shall submit the attendance report and another report to the original office of the employee, stating the quality and level of work provided by the employee

CHAPTER 19

Releasing Employees Without Pay

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Introduction

177. In the duration of service by a Civil Servant, if they are faced with a special situation upon which they request to stay away from their work without pay for a lengthy period, such an employee can be released without pay.

Releasing an Employee Without Pay

178. (a) In accordance with this regulation, the Senior Responsible Officer of the main office can release a civil service employee without pay. However the employee shall be provided with release without pay once when an alternative has been set up by the office to carry out the tasks assigned to the employee for the duration the employee is being provided with release without pay.

(b) An employee can be provided with release without pay, when the employee agrees to adhere to this regulation and when the employee submits a request to the office where the employee is working, stating the reasons for requesting release without pay.

(c) For the duration an employee is on release without pay, the employee shall be temporarily dismissed from their job. And the salary and allowances for the employee's job shall not be provided during the time when the employee is on release without pay. And that duration shall not be counted as a duration of service by the employee.

(d) When an employee has been released without pay, the main office shall inform the Commission of the date and reason for the release and request for the temporary dismissal of the employee. The

Commission shall dismiss employees temporarily.

(e) When the employee who was temporarily dismissed related to release without pay, completes the time of release without pay and requests the office to return to work, the main office shall write to the Commission requesting to reinstate the employee to the position they had when they were given release without pay.

(f) When an employee who was temporarily dismissed related to release without pay, wishes to commence their job before the completion of the time of release without pay; they shall submit a request with their intention, 3 months in advance. When such a submission is made, and if an employee is temporarily employed in that position, that employee shall be given notice and dismissed, and the office shall write to the Commission to reinstate the employee who has been given release without pay and who was temporarily dismissed to his job.

(g) If the office find it difficult to manage without filling the position of the employee who is on release without pay and who is temporarily dismissed, and if there is absolute need to fill the post, that office can temporarily employ someone to fill the position for the duration of the no pay release of the other employee. Employees who are hired in this manner shall be treated in accordance with Chapter 11 of this regulation.

(h) If the position of an employee who is on release without pay and on temporary dismissal is dissolved due to changes being brought to the structure of the office or for any other purpose, that employee shall be informed of the

unavailability of the job, minimum 1 month before the completion of the duration of their release without pay. If the employee is unaware of this, and reports back to work after completing the period of release without pay, it is not mandatory under this regulation to provide such an employee with the job.

(i) The main office shall inform an employee of their release without pay by providing them with a document in accordance with the sample in Schedule 18 of this regulation.

The Situations in which an Employee can be Released Without Pay

179. A Civil Service employee can be released without pay related to one of the following. And in this manner an employee can be released for a minimum 3 months.

(a) Need for release without pay for the purpose of personally sponsored education.

1. If an employee requires release without pay for the purpose of personally sponsored education, it can be provided if the training is included in the training requirement of the office or if the training is related to the duties of the current position of the employee.

2. In this manner an employee shall be given release without pay after discussion with the Human Resource Management and Development Committee of the office.

3. An employee shall be provided with release without pay for personally sponsored education if that person has an

acceptance letter from the education or training centre.

4. An employee can be given release without pay for a maximum of 1 year for the purpose of personally sponsored education.
5. If an employee is going to study abroad while on release without pay they can be given an additional one month in relation to travel to the educational centre and their return.
6. Employees who are provided a job for a specific duration, temporary employees and persons assigned with responsibilities of a Civil Service job cannot be provided release without pay for the purpose of studying on personally sponsored education.

(b) Need for release without pay for the purpose of personal medical treatment or for the medical treatment of someone who is a dependent of the person or someone in the care of the person.

1. In such a situation if the person who requires medical treatment is the employee, they shall submit a request for release without pay, describing the type of illness and the duration for which release without pay is required with a medical certificate from an approved medical practitioner in accordance with this regulation.
2. If the person who requires medical

treatment is someone who is in the care or who is a dependent of the employee, a request for release without pay, describing the type of their illness and the duration for which release without pay is required shall be submitted to the office with a medical certificate from an approved medical practitioner in accordance with this regulation and the employee shall submit to their office stating the absolute necessity for the employee to be with the person.

Releasing an Employee Without Pay Under Special Circumstances

180. In relation to a special circumstance an employee can request the office for release without pay stating the circumstance, and then the Human Resource Management and Development Committee of the office shall discuss the matter and allocate the duties of the employee to another party and decide to give the employee release without pay for a period not exceeding 15 days. An employee shall be released in this manner only if the employee does not have any remaining days of annual leave. Anyhow in such a circumstance an employee cannot be temporarily dismissed from their position. And no other person shall be employed as a substitute in the position of that employee. And that duration shall be counted as duration of service by the employee.

Releasing an Employee who has a

181. (a) An employee who has a service bond to the

**Service Bond to the Government,
without Pay**

Government can be released without pay when they request to shift the duration of service to a later date and in accordance with Article 178 of this regulation, they request the main office for release without pay and the main office shall submit it to the Commission and after getting the permission from the Commission.

(b) An employee who has an outstanding payment which is due to the Government in relation to a course completed, can only get release without pay to study for another course once when they appoint a party who would be responsible for their payment, and notify the relevant authority of this and once when that authority sends an acceptance statement to the main office of the sector where the employee is working, through which it has to be submitted to the Commission. Or if a statement from the relevant authority is submitted notifying that the total amount due has been paid.

(c) If an employee who has a bond to serve the Government for a specified period of time is given release without pay, their service duration will be counted minus the time they are on release without pay.

(d) If an employee who has a bond to serve the Government is given release without pay, their job shall be treated in accordance with Article 178 of this regulation.

**Utilizing the Duration of the
Release without Pay and Reporting
Back to Work**

182. (a) The period of release without pay shall be utilized for the purpose of the release without pay. During this period no work shall be carried out without fulfilling the purpose for which the

release without pay was taken. If the employee has acted otherwise, the release without pay can be cancelled and the employee shall be requested to report back to work, if the employee refrains from reporting back to work, the main office shall submit to the Commission to permanently dismiss the employee from the Civil Service starting from the day the employee was given release without pay.

(b) If an employee on release without pay, wishes to change the purpose for their release without pay, shall write to their office in accordance with this regulation requesting to change the purpose for their release without pay.

(c) After the completion of the release without pay period, if an employee does not request to report back to work or does not inform on what has transpired for 15 days, the employee shall be informed of the temporary dismissal of them from their job being made a permanent dismissal and even then if the employee does not report back to work, the main office shall submit the request to the Commission to make the dismissal permanent.

(d) If an employee who is bonded to serve the Government is not acting upon the purpose for which the release without pay was given and is engaged in other things, or after the completion of the release without pay period, if the employee does not request to report back to work or does not inform on what has transpired for 15 days, instead of submitting a request to the Commission for permanent dismissal of the employee, legal action shall be taken against the employee and the Commission shall be informed of it.

CHAPTER 20

Training of Employees

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- Introduction** **183.** Every sector of the Maldives Civil Service must strive to make the employees of the Civil Service a law abiding, proficient and competent workforce equipped with enterprising and leadership skills at work. Every employee must be imparted with the information and skills required at work through training provided by the office where the employee works. This include programs conducted as training to enhance the knowledge and skills required for the jobs and induction and orientation programs designed to acclimatize employees to their work.
- Assessing the Training Requirements of the Office** **184.**
- a. Responsible offices must assess the training requirements to develop the human resource potential of the sector and prepare a plan to train the staff.
 - b. Training requirement of the offices of the sector for that year must be formulated by the end of February every year and submitted to the Commission by the responsible offices.
- Training of Employees** **185.**
- a. Every office must provide the required training to improve the aptitude of employees.
 - b. Any of the following options for training may be adopted, based on the number of employees in need of training, the type of training required and the costs involved.
 - 1. On the job training given by

professional experts in the field, to equip employees with the knowledge and skills required to do their jobs.

2. Enhance the skills of employees through courses targeted for specific areas, seminars, workshops, study tours and similar training programs.

3. Build the professional capacity needed for different areas of the sector through courses of certificate level 1 (one) and above.

c. If the required training is available in the Maldives, the training will be given in the Maldives. Employees will be sent abroad for training if the required training is not available in the Maldives or if the training available in the Maldives does not meet the level expected for the required field of training.

d. Guidelines for selecting candidates for the technical training abroad as specified in Article 185 (c) as follows.

1. Candidates for the courses must be found through public announcements. When selecting candidates priority must be given to Civil Service employees, especially those who have acquired considerable experience in the required field of training.

2. Courses for which all the expenses are

included in the office budget must be announced in the office. If there are no eligible candidates among the employees of the office, a general announcement to the public must be made.

3. Candidates for the courses will be selected as per the guidelines of the Government's department responsible for training and capacity building, and based on the employee's educational qualifications, the employee's record at the Civil Service, work ethics, duration of employment, and experience in the required field of training.
 4. When candidates for the courses have been decided upon, the respective offices will be responsible for carrying out the necessary procedures to send them off on their training.
- e. A public announcement to seek candidates need not be made when dispatching employees on special training programs to provide them with further training required in their field of work.
 - f. When sending employees on short term courses, training, seminars, workshops and study tours, for which external sources of funding or assistance is available, the following must be considered, and the office will do the necessary to facilitate employees' participation in such

programs.

1. The training must be relevant and required for the development of the office.
 2. The employee who is participating in the training has the aptitude to undertake such a program.
 3. The employee must not be a person who has to attend another training program which coincides with the one in question.
 4. If the employee has attended a previous training through the office, the extent to which the employee contributed to the office work in the area of training.
- g. In the case of an employee who has participated in a training program before, the duration of the previous program must be considered and the following rules must be followed when dispatching the employee on another training program.
1. If the employee has participated in a training program which lasted for more than a year, then 1 (one) year should have elapsed since the employee returned after completing the previous training.
 2. If the employee has participated in a training the duration of which was between 6 (six) months and 1(one) year,

then 6 (six) months should have elapsed since the employee returned after completing the training.

3. If the employee had participated in a training program the duration of which was less than 6 (six) months, 3 (three) months should have elapsed since the employee returned after completing the training.
 4. The duration stated in Section (g) (1), (2), (3) of this Article will be counted from the date of completion of the previous training program and the date of commencement of the next training program.
- h. The employee should have served for at least 1 (one) year in the Civil Service job related to the training. However those employed in posts in which the required overseas training has already been decided on due to the type of work, may be dispatched on training even though the person has not served in the post for 1 (one) year.
- i. If an employee of the Civil Service, must not be a person against whom repeated disciplinary action has been taken during the past 2 years regarding the person's conduct at work or who has been given a warning as a disciplinary action.
 - j. All expenses related to the training except for the expenses allocated locally in relation to all

trainings overseas (allowance given by the office to prepare for the trip, airport transport expenses, and expenses like pocket money for the trip) must have been agreed to be provided by the party funding the training program.

- k. Expenses that need to be provided locally for persons attending training programs abroad must be available from the office budget. If the expenses cannot be made from the office budget, the person being sent on the training program may be allowed to bear the expenses providing the person agrees to do so.
 - I. To facilitate for as many employees as possible to get the training opportunities instead of one particular employee or group of employees perpetually getting the benefit of such opportunities.
 - m. The Human Resource Management and Development Committee of the office will decide on the persons to be sent on short term training programs, trainings, seminars, workshops, study tours and the like, when the need for such trainings arise.
 - n. If an employee has to be sent on a short term course, training program, seminar, workshop or study tour where all expenses are not guaranteed by external parties, such an expense must be made only if the budget allocated for the office allows for the expense.

- Signing the Service Bond 186.**
- Agreement with Employees who are being trained**
- Employees must be trained under an agreement which conforms to the Contract Law, made between both parties, whereby the employee agrees to serve the Civil Service or serve the office which funded the training or serve the office to which the training was allocated. A sample of the agreement is provided in Schedule 19 of this Regulation.
- Completing Courses in the Maldives or Abroad**
- 187.**
- a. If an office is sending an employee on a course the duration of which is less than 3 (months) the employee will participate in the course without being dismissed from the job, during the course of which the employee will also be paid the regular salary. In this case, the period between the date of commencement of the course and the date in which the employee reports back to work after completing the course, will be counted in the service period.
 - b. If an office is sending an employee on a course in a manner which is not specified in Section (f) of this Article and for a period exceeding 3 (months) the office must submit to the Civil Service Commission, along with information regarding the course, a request to dismiss the employee from the job.
 - c. The service period of an employee who is dismissed from a Civil Service job under Section (b) of this Article because the employee was away on a course the duration of which

exceeded 3 (three) months, it will be counted by linking the period of service before the employee had to be dismissed for the duration of the course, and the date on which the employee reported back to work after completing the course. The period between the date on which the employee joined the course and the date on which the employee reported back to work after returning from the course will not be counted in the service period.

- d. An employee may while in job, participate in a course being conducted in the Maldives with a duration of more than 3 (three) months, providing that the course hours do not coincide with the official working hours of the Government or the duty hours of the employee, and in a manner which would not obstruct the duties and responsibilities of the employee's job. In this regard, although the employee completed a course, or achieved the qualifications required for a higher position due to the training, the employee's job will not be changed.
- e. Opportunities must be given for employees to participate in courses that are in the training requirement of the office, through self funding. Opportunities to participate in courses through self-funding must be given to employees as follows.

- 1. Make an announcement in the office

opening the opportunity for employees to self fund for courses that are in the training requirement of the office and from among those who express interest select employees as per the guidelines set in this Regulation.

2. In accordance with the established rules, submit to the Commission a request to reserve in the structure of the office, the posts that the employees would be eligible to be employed in, on their return from the course.
 3. Since the posts that the employees would be returning to will be reserved in the office structure for those employees who fund for their own training programs, sign a service bond agreement with the employees for the duration of the course before the employees are released for the course.
- f. An employee, while on the job, may be allowed to participate in a course funded by the office and conducted by a training centre recognized by the Government for a period exceeding 3 (three) months, in a manner which would not obstruct the employee's work at the office. However, an employee must be allowed to attend a course in this manner, while taking the following factors into consideration and as per the decision taken

by the Human Resources Management and Development Committee of the office.

1. Course hours do not coincide with the official working hours of the Government or the employee's established working hours.
2. The course is in the training requirement of the office.
3. The budget allocated for the year provides for such an expense.
4. The selection of employees who will participate in the course will be made through a criteria from among the respondents to the announcement made in the office.
5. The employee has agreed to a service bond to the Government if such a bond is obligated for participating in the course.
6. The employee has pledged in writing to the office, that the employee's participation in the course would not in any way hamper the performance of the duties and responsibilities of the employee's job at the office, be it during official or unofficial working hours.
7. The employee who takes part in the course has the qualification and aptitude to complete the course.
8. The employee takes leave in accordance

with the regulation if the employee is unable to report to work due to practical work of the course, assignments or exams.

9. That the employee participating in the course is a keen and dedicated worker who would contribute immensely to the progress of the office through such training.
- g. An employee who participates in a course through the office and who has a service bond for undertaking the course must complete the course. If the employee is being trained abroad, the employee must return to the Maldives within 30 (days) of completing the course and inform this to the office.
- h. The office must reserve eligible posts in its structure, for those who are being sent on a course designated for a Civil Service post and with a service bond.
- i. Information about the posts being reserved for those who are sent on a course designated for a Civil Service post with a service bond, must be completed as per the sample form provided in Schedule 20 of this Regulation, and submitted to the Commission within 7 (seven) days of signing the Government service bond, along with the relevant documents.
- j. If the office faces difficulties because the post

reserved for a person who is sent on a course with a service bond has been left vacant, the office may assign a person temporarily to the post.

- k. The certificate of the course must be produced on return after completing the course. If the certificate was not available by the time of return, a transcription or a document validating the completion of the course must be obtained from the training centre or the organizers of the course and produced on return. The document must confirm the employee's successful completion of all the components of the course.
 - l. The employee who returned after completing the course will be assigned to the reserved post when an accredited certificate of the course is produced. If the certificate cannot be accredited to the level of the reserved post, the person will not be assigned to the post.
 - m. Within 7 (seven) days of producing the document validating the completion of all the components of the course, the person who completed the course must be allowed to report to work to the post reserved for the person. However the person must be brought to work under a job agreement signed between the person and the office. It must be stated expressly in the agreement that once the certificate is accredited to the level of the reserved post, the

job will be made permanent from the date the person reported to work, and if the certificate fails to be accredited to the expected level, the agreement would be annulled and the person dismissed from the job.

- n. An employee who has been trained to take on the duties and responsibilities of a particular job, and is bound by a Civil Service bond, will not be assigned the post reserved to the employee if the employee fails to produce the document validating the successful completion of the course or if the employee did not manage to pass the course or leaves without completing the course.
- o. If a person who has been sent by the Government to be trained abroad, in breach of the rules established by the Civil Service, returns home without completing the training, the office responsible for sending the person, must submit the issue to the relevant government authority. When the relevant Government authority informs the office of the course of action to be taken in such matters, the office must take the action against the employee.
- p. The office must maintain a record of information regarding the types of training facilitated by the Government in the Maldives and abroad, and the persons who are being trained thus.

Serving the Civil Service after 188.

- a. Students of government schools, students

Completing training In the Maldives or Abroad

enrolled in private schools subsidized by the Government, those who participate in the training courses conducted by the Civil Service and those who are sent on fellowships, scholarships and training courses by the Civil Service must serve the Civil Service in accordance with the law.

- b.** A person who is on a Civil Service bond, although the person funds for the course on his own or by any other means, must first serve the Civil Service bond on return.
- c.** Persons who are sent abroad on training programs or who are being educated abroad by the Government or by the person's office, in relation to their period of training or education, must serve the Civil Service as follows.
 - 1.** If the duration of the course is 3 (three) months or less, for a period of 1 (one) year.
 - 2.** If the duration of the course is 6 (six) months or between 3 (three) months and 6 (six) months, for a period of 2 (two) years.
 - 3.** If the duration of the course is 1 (one) year or between 6 (six) months and 1 (one) year, for a period of 3 (three) years.
 - 4.** If the duration of the course is 2 (two) years or between 1 (one) year and 2 (two) years, for a period of 4 (four) years.

5. If the duration of the course is 4 (four) years or between 2 (two) years and 4(four) years, for a period of 5 (five) years.
 6. If the duration of the course is more than 5 (five) years, for a period of 7 (seven) years.
- d. Prior to the completion of the term of an ongoing service period, if an employee's service period changes for having participated in a course or for any other reason; between the days remaining from the previous service period and the new one, the person has to serve the longer term.
- e. If an employee is not removed from the post due to the employee's participation in a training course, the service bond will begin from date of the end of the course. If the case of an employee who is removed from post following the employee's participation, the employee's service bond will be counted from the day the employee reported back to work after completing the course.
- f. If an employee of the Civil Service, during the period of the employee's service bond is incriminated by law and detained, the period of detention will not be deducted from the employee's service bond. The remaining period of the employee's service bond will begin

counting from the day the employee is reinstated to the Civil Service post.

g. Service bond period for those who participate in training courses held in the Maldives by the Government as follows.

1. If the duration of the course is 30 (thirty) days or between 30 (thirty) days to 6 (six) months, for a period of 1 (one) year.
2. If the duration of the course is 12 (twelve) months or between 6 (six) to 12 (twelve) months, for a period of 2 (two) years.
3. If the duration of the course is 18 (eighteen) months or between 12 (twelve) to 18 (eighteen) months, for a period of 3 (three) years.
4. If the duration of the course exceeds 18 (eighteen) months, for a period of 4 (four) years.

Actions to be taken against 189. employees who do not serve the Civil Service bond

a) An Employee who has an obligatory service bond to the Civil Service, but declines to serve the bond period or is negligent or demonstrates other inappropriate conduct will be taken action against as follows.

1. The office advises the employee on redemption.
2. If an employee fails to reform after being advised as per Section (a) of this Article the office will caution the employee of

the prospects of legal action.

3. If the actions taken against the employee under Section (a) and (b) of this Article fails to redeem the employee, under Contract Law, submit the case to the court, and inform the Civil Service of this action.

b) An employee who has an obligatory bond to the Civil Service, may be released from the Civil Service bond under circumstances which necessitates such a release, under an agreement signed between the employee and the employee's office whereby the employee agrees to reimburse the amount spent on the employee's training, as decided by the Civil Service Commission.

Maintaining records of 190. persons trained by the Civil Service

- a) Records of all employees being facilitated training or education by the Civil Service must be maintained in the Employees' Record File in accordance with this Regulation.
- b) As according to the law, service records of employees sent on courses by the office will be maintained by the employee's office.
- c) Monitoring the performance of an employee who is on a course abroad is the responsibility of the office where the course has been designated to.
- d) If an employee, who is doing a course abroad under the agreement of a service bond, fails the

course, the office must inform this to the relevant authority. A change to the duration of the course or any other changes in relation to the course must be made after obtaining permission from the office which sent the employee on the course and the relevant government authority.

CHAPTER 21

Employees' Performance Appraisal

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- Introduction**
- 191.** The aim of doing a job performance appraisal of an employee is to evaluate the performance of an employee in terms of quality, quantity and time in carrying out the assigned jobs. It is also a judgment on the personal strengths, character and value of the employee. In addition it also aims to create a competent workforce capable of delivering prompt and productive services. In future an employee's eligibility for promotions and salary increases will be based on the quality of work produced by the employee. The Commission must create and establish a process to conduct Job Performance Appraisal of Employees, the application of which must be revealed in detail.
- Main Principles**
- 192.**
- a. In addition to ensure that employees' perform their jobs towards achieving the objectives of the office, the Employee Performance Appraisal System must also be utilized to encourage employees to raise the quality and productivity of their work.
 - b. Competent and productive employees must be rewarded with promotions, salary increases and other benefits in recognition of their work. Job Performance Appraisal System must also be mechanism which paves the way for those employees who fail to perform to the expected level to rectify their ways.
 - c. Job Performance Appraisal must be done on all

the employees of the Maldives Civil Service at least once a year.

- d. The Employee Performance Appraisal System must be organized in a fair and transparent manner which will not be an administrative burden to the office.
- e. The following must be established in writing when conducting a performance appraisal.
 - 1. The duration of job appraisal.
 - 2. The Supervisor designated with the responsibility of doing the employee's job appraisal.
- f. The responsibilities of a Supervisor assigned with the task of conducting an employee's performance appraisal, include the following.
 - 1. Set the targets at the beginning of the working year.
 - 2. Do a mid-year assessment of the employee's work and bring about the necessary changes.
 - 3. At the end of the working year, award marks for the employee's work and appraise the work.
- g. A copy of the results of the employee's job performance appraisal must be given to the employee. And if the quality of the employee's service fails to meet the expected level, action must be taken as per the established rules.
- h. Every employee reserves the right to appeal to

the Permanent Secretary or Responsible Officer of the sector, giving reasons, if the employee is not satisfied with the results of the job performance appraisal.

- i. The employee shall not reveal the results of the employee's performance appraisal to anyone in the office save for the staff who are involved in the process.
- j. Job Performance Appraisal of Civil Service Employees must be conducted in accordance with the guidelines set forth in the Job Performance Appraisal Handbook of Civil Service Employees, through a system of awarding marks and by using the forms provided in Schedule 21.

CHAPTER 22

Maintaining Records of Civil Service Employees

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- Introduction**
- 193.** While the Commission maintains records of all Civil Service Employees, an office must maintain the records of all its employees and the responsible office must keep the records of the employees of the sector.
- Maintaining the Registry**
- 194.** a. Every office of the Civil Service must keep a registry of the posts at the office and a registry of the employees. Mainly the office will be keeping the types of registries mentioned below. The registries may be maintained through a computer program created for the purpose or in books.
1. Registry of posts.
 2. Permanent Employees' Registry
 3. Temporary Employees' Registry
 4. Registry of persons who are employed to perform the responsibilities of a Civil Service post, but who are not employees of the Civil Service.
- b. Registries may be maintained in any of the formats stated in Section (a) of this Article; however information must be arranged as per the samples provided in this Regulation.
- c. Information must be entered into the registries mentioned in Section (a) of this Article with the supposition that a document received by the office in relation to an employee's job is the original and as according to that document. An alteration made in the registry without such a document will not be valid.

- Registry of Posts**
195. a. Registry of posts include; the posts at the office at present, previous posts at the office, changes in posts and information regarding the posts.
- b. The following information must be included in the Registry of posts.
1. Name of post.
 2. Number assigned to post.
 3. Number of posts added.
 4. Number of the posts reduced.
 5. The total number of posts remaining after the increase or decrease.
 6. The chit/letter number and the date of creation of the post.
 7. The chit/letter number and the date of dissolution of the post.
 8. Salary allocated to the post.
 9. Allowances and other benefits given to the post.
 10. The chit/letter number allocating remuneration of the post and the date.
- Permanent Employees' Registry**
196. a. The Permanent Registry of Civil Service Employees will comprise information about the employees who are in various posts of the office at the time and employees who served in the past.
- b. The following information must be included in the Permanent Employees' Registry.
1. Name of the post.
 2. Name and permanent address of the

employee.

3. The National Identification Card number of the employee.
 4. The service record number of the employee.
 5. The section in which the post is established.
 6. Remuneration of the post.
 7. Classification of the post.
 8. Rank of the post.
 9. Service category.
 10. Salary of the employee.
 11. Allowances and benefits given in addition to the salary
 12. The date of commencement of service of the employee.
 13. The date and chit number which confirmed the designation of a job to the employee or transfer of post or dismissal from post.
- c. When an employee of the Civil Service leaves a job or gets transferred, the registry must indicate the date in which the employee left service or was transferred.

Registry of Temporary Employees 197.

- a. Every responsible office must have a registry of the temporary employees of the sector. Every office which functions under the responsible office must also maintain a registry of the temporary employees of the office.

- b.** The Registry of Temporary Employees must comprise the following information.
- 1.** Name and address.
 - 2.** National Identification Card Number.
 - 3.** Date of birth.
 - 4.** Office of employment.
 - 5.** Section to which the post has been designated to.
 - 6.** Name of the post.
 - 7.** Number assigned to the post.
 - 8.** Rank of the post.
 - 9.** Classification of post.
 - 10.** Remuneration of post.
 - 11.** Other benefits allocated to the post.
 - 12.** Date in which the person was assigned work.
 - 13.** Date in which the person was dismissed from work.
 - 14.** Reason for dismissal.

Registry of Persons Who are Employed to Perform the Responsibilities of a Civil Service Post, But Who Are Not Employees of the Civil Service **198.**

- a.** If persons who are not employees of the Civil Service are hired to perform the responsibilities of a Civil Service post, a registry of such persons must be kept at the responsible office. Furthermore every office which functions under the responsible office must keep a registry of persons who work there on a contractual basis.
- b.** Persons who work in the Civil Service to perform the responsibilities of a Civil Service post but who are not employees of the Civil Service are those

who have been hired for a specific term on contractual basis. Such persons are not employees of the Civil Service.

c. The registry of persons who work in the Civil Service but who are not employees of the Civil Service must comprise the following information.

1. Full name and permanent address.
2. Identity card number, in the case of a foreigner passport number.
3. Nationality.
4. Date of birth.
5. Office of employment.
6. Section of work.
7. Post for which a person is employed on contract.
8. Classification of the post.
9. Remuneration of post.
10. Salary and benefits given to the person.
11. Date of hire.
12. Date of dismissal.
13. Reasons for dismissal.

**Maintaining information of 199.
Civil Service Employees**

Every office of the Civil Service, must keep an information file on each employee of the Civil Service employed in that office (permanent, temporary) as specified below.

a. When an employee reports to work after being assigned a Civil Service job, the office where the employee works, must prepare an information file of the employee, giving the file a number. The

number given to this file will be Service Record Card number given to the employee by the Civil Service Commission. On compilation of the file, the number must be put on every document written about the employee.

- b.** Information files must also be kept of persons who work on contractual basis by the office where the person works.
- c.** The information file of an employee must at least consist of the following information.
 - 1.** Letter or form submitted in applying for the job.
 - 2.** Attested copies of certificates and other related documents.
 - 3.** References from previous employers if any.
 - 4.** The criminal record form of persons applying for Civil Service jobs.
 - 5.** Employment chit (or a copy of the chit)
 - 6.** The original of Employment Agreement.
 - 7.** Copy of the document informing the person of his/her employment, transfer, or dismissal.
 - 8.** Copy of the job description of the employee.
 - 9.** Copies of documents exchanged in relation to the employee.
 - 10.** Letters applying for sick leave, annual leave, and doctors' certificates.

- 11.** Letter granting leave (or a copy of the document)
 - 12.** If a training course was completed during the course of employment, information about the course. (including copies of the certificates)
 - 13.** Disciplinary records.
 - 14.** Since being assigned to a Civil Service job, if a person has been detained or sentenced by law, records of such cases.
 - 15.** If the employee has represented the employee's office (or Civil Service) in an event held by another office or an event held at the national or international level, information regarding this.
 - 16.** If special tasks are assigned temporarily, information about these assignments.
 - 17.** Job transfer chit (or a copy of the chit)
 - 18.** Job Evaluation Form.
 - 19.** Salary increment chit (or a copy of the chit)
 - 20.** Dismissal chit (or a copy of the chit)
 - 21.** Copy of Job Reference
- d.** The following information about persons who are educated or trained through the Civil Service must be filed in this file.
 - 1.** Record forms of persons who are on obligatory service as according to the law.
 - 2.** Application forms of those who request

scholarships through the Maldives Government.

3. Agreement between the employee who received a course and the office.
 4. Certificates received on completion of the course.
 5. Document received for attaining a special place in the course.
- e. In the information files of the employees, systematically file all the documents that needs to be filed about the employees. Number the documents filed in this manner, in order of the dates in the documents.
 - f. The work of maintaining employees' information files must be assigned to a specific employee, and the files must be kept safely.
 - g. The documents kept in the information files of Civil Service employees are confidential information. The files must not be accessed by employees other than a person who has to retrieve information in relation to work.
 - h. If an employee wishes to access the employee's personal file, the employee must be allowed to access the documents in the file under the supervision of the employee who maintains the files.
 - i. If a Civil Service employee is transferred to another office, the employee's personal file must be sent to the office. If an employee of an office

leaves the Civil Service job or passes away, the person's information file must be sent to the Civil Service Commission within 30 (thirty) days.

Changing Information of Civil Service Employees 200.

- a. If the information on the National Identification Card of an employee changes, the matter must be submitted by the employee to the employee's office, within 7 (seven) days of making the changes.
- b. If the information on an employee's National Identification Card kept in the records of the Civil Service Commission; the office which maintains the Central Registry of Civil Service employees changes, the office where the employee works, must within 15 (fifteen) days of receiving the updated information, submit through the responsible office of the sector to the Civil Service Commission, a request to update the information. The request must be submitted along with a copy of the National Identification card. The Commission must within 7 (seven) days, make the required amendments and inform the responsible office.
- c. The office must amend the information on the employee's job records, Within 7 (seven) days of submitting the updated information to the Commission.

Job Reference

201.

- a. When a Civil Service employee transfers to another office, or leaves the Civil Service job, a

job reference must be provided to the employee, should the employee makes such a request, within 6 (six) months from the date of transfer or the date on which the employee left the job, with the following information.

- 1.** Name of the former employee and address.
 - 2.** Type of work carried out at the office.
 - 3.** The duration of continuous employment of the employee at the office.
 - 4.** Place of employment, section or unit.
 - 5.** Post held by the employee at the time of leaving the job.
 - 6.** Salary and other financial benefits received by the employee at the time of leaving the job.
- b.** The reason why the employee left or transferred from the job and the employer's review on the performance of the employee at the job (whether satisfactory or unsatisfactory) must not be included in the reference letter unless requested by the employee.

CHAPTER 23

Disclosing Personal Information of Employees

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Introduction	202.	Every person has the right to respect for his private and family life, his home, and his private communications. Every person must respect these rights with respect to others. Personal information of the employees of the Maldives Civil Service shall be protected as stipulated in Article 69 of the Maldives Civil Service Act. Personal information of the employees of the Maldives Civil Service shall be disclosed as per the Laws and Regulations formulated for the purpose.
Definition of Personal Information	203.	<p>a. “Personal Information” as referred to in this Section is defined as:</p> <ol style="list-style-type: none"> 1. Information relating to an employee’s age and marital status. 2. Information regarding the employee’s educational qualifications, health, capability at work and criminal and employment history. 3. Job classification, salary range, duties and responsibilities of job. 4. Address, finger print and signature. <p>b. The personal information of an employee specified in this Section may be disclosed or published only with the consent of the employ, with the exception of the circumstances stipulated in this Regulation.</p>
Secure Maintenance of Information	204.	In accordance with this Regulation, personal information of the employees of the Maldives

	Civil Service must be maintained safely and reliably by the Commission and the office in which the employee works.
Circumstances in which 205.	Main office and the Commission may divulge personal information of employees of the Maldives Civil Service without the consent of the employee, in accordance with this Article.
Personal Information May Be Disclosed.	<ul style="list-style-type: none"> a. For a reason specified by a law enacted by the People's Majlis or under a regulation formulated under such a law. b. On a court order or a writ. c. To be used in cases prosecuted by the Attorney General in the name of the state or cases being prosecuted against the state. d. To be used in an investigation by an authority with the jurisdiction to investigate. e. For the purposes of audit, by the Auditor General or persons in the sector appointed by the Auditor General. f. For the purposes of performing the duties and responsibilities of the Prosecutor General by the Prosecutor General or persons from the sector appointed by him. g. On requirement of Independent Institutions and other authorities empowered by the People's Majlis or a Presidential Decree.
Taking Actions Against the 203.	<ul style="list-style-type: none"> a. The Civil Service Commission has the discretion to take disciplinary action in accordance with this Regulation, if proven that an employee or an

office where Civil Service employees work divulged personal information of a Civil Service employee.

- b.** If an employee's reputation, dignity and integrity is believed to have been compromised due to the disclosure of personal information, the employee retains the right to sue in a court of law, or file a case at the relevant authority.

CHAPTER 24

Code of Conduct at Work and Disciplinary Measures

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Introduction

207. **(a)** All employees of the Civil Service shall be persons who abide by the laws and regulations, work to the best of their ability in carrying out tasks assigned to them, work in accordance with complete adherence to the code of conduct at work, up keep professional standards, and be a person of good conduct as made mandatory by the law. In this manner the Commission aspires to make each employee such a person. Disciplinary measures against a Civil Service employee can be taken in accordance with Article 19 of the Employment Act and Article 34 of the Civil Service Commission Act.

(b) The aim of taking disciplinary measures is to make sure that all tasks assigned to the employee is being carried out, to abolish barriers which exist in providing services to the public by the Civil Service offices in accordance with laws and regulations on a professional level with good conduct, and to keep working with disciplined employees. And to protect the Civil Service from people who do not perform their duties or upkeep the standards.

Disciplinary Measures

208. If a Civil Service employee is found to be negligent towards their work, does not perform their duties, with deterioration in code of conduct at work, and as stated in this regulation have done something which requires disciplinary action being taken against them, then in accordance with the laws and regulation disciplinary action shall be taken against them. Disciplinary action shall be taken as according to the following principles.

(a) Taking disciplinary measures is, if a Civil

Service employee is negligent towards work, does not carry out their duties, deteriorate in their conduct at work, and found to have gone against the Civil Service Act, regulation and Code of Conduct, weigh the action committed or not committed by the person and take measures to rectify it.

(b) Disciplinary measure shall be taken by the human resource management section of that office. However in the event that a disciplinary measure has to be taken against an employee, the information needed shall be provided by the supervisor or the head of the human resource management section. If a disciplinary measure has been taken against an employee information related to it shall be stored in the employee's personal file.

(c) Determining the magnitude of the offence and grading of offenses is provided in Article 209 of this regulation.

(d) Disciplinary measures are said to be,

- 1.** Giving advice
- 2.** Giving written caution
- 3.** Changing the assigned tasks
- 4.** Suspension from work for a specified period of time
- 5.** Demotion from the position
- 6.** Dismissal from the job

Giving Advice

209. (a) Providing verbal advice:

Verbal advice is advice given by the Senior Responsible Officer or another employee assigned by the Senior Responsible Officer to take disciplinary measures talks to the employee in relation to disciplinary measures, and advice the employee to refrain from conducting themselves as such, and inform the employee of it. A verbal advice given to an employee shall be written down and the records maintained by the head to the employee or the Senior Responsible Officer. And that information shall be sent to the human resource management section. Verbal advice can be given maximum 2 times. After the second time advice shall be given in writing. Schedule 22 provides a sample of how verbal advice shall be.

(b) Giving written advice:

1. Written advice is advice given by the Senior Responsible Officer or another employee assigned by the Senior Responsible Officer to take disciplinary measures and officially informs the employee in writing, and advice the employee to refrain from conducting themselves as such, in writing. Record of a written advice given to an employee shall be filed and maintained by the head to the employee or the Senior Responsible Officer. And that information shall be sent to the human resource management section. Schedule 23 provides a sample of how written advice shall be.

2. The purpose for giving advice in this

manner is to rectify general and minor issues. In this manner the initial measure taken for offences which falls in the grade 1 category shall be this.

3. Written advice can be given to an employee a maximum of 2 times. Related to an advice given so, if the employee does not commit an offence for the following 2 years they could be given verbal advice again for 2 consecutive times. For example taking into consideration the verbal advice given on 3 May 2008, a stronger measure shall be taken if the next offence was committed within the following 2 year period.
4. For an employee who has been subject to any measure prescribed in Section (b) of this Article, job promotion and salary increment shall only be given if they have redeemed their ways and by the elapsing of 2 years without them committing a further offence.
5. If an employee has been given written advice 2 times, and their ways have not been rectified they shall be given a written notice of caution next.

Giving Cautionary Notice in Writing

210. (a) Giving cautionary notice in writing is when the Senior Responsible Officer or an employee assigned by the Senior Responsible Officer with the task of taking disciplinary measures, in the event that an employee has not redeemed their ways after having been advised or had committed an offence which falls into the

category of a grade 2 or 3 offence and in order to deter the repetition of the offence and if repeated, it is a notice which is given in writing describing the measures that would be taken. In this manner make known that measures which could be taken is to change the tasks allocated to the employee, job demotion and the dismissal from the job. Schedule 24 provides a sample of how written cautionary notice shall be.

(b) An employee shall be given a written cautionary notice once. Related to such a notice issued, if in the following 3 years no offence is committed, it could be decided that no action shall be taken on that written cautionary notice.

(c) Job promotion and salary increment shall only be given to an employee who has been served a written cautionary notice if they have redeemed their ways and by the elapsing of 3 years without them committing a further offence.

Changing of Allocated Tasks

211. (a) Changing of allocated tasks is when an offence is committed by an employee, and relevant to the circumstances of that time, their job related duties and responsibilities being taken away temporarily or permanently, and in relation to the work of the employee provide them with other relevant duties from the tasks that have to be carried out in the office.

(b) An employee's work can be permanently changed if there are such permanent responsibilities or if there is an opportunity to substitute the employee to do the work of

another employee. In this manner if there is no opportunity to change the work permanently, a job demotion shall be carried out.

(c) If it was a temporary measure to change the allocated work of the employee, they shall be restored back to their original work, when they complete the period of the temporary measure or if they have redeemed their ways, as such they should be assigned the tasks and responsibilities of their original job maximum within 3 months.

(d) Job promotion and salary increment for an employee who has been served a measure described in this Article shall only be given, if they have redeemed their ways and by the elapsing of 3 years without them committing a further offence.

Suspension from Work for a Specified Period of Time

212. (a) Suspension from work for a specified period of time is when an employee has committed an offence in the category of grade 2 or 3 and after weighing the magnitude of the offence if it is seen that the employee reporting to work could have unfavorable effects on other employees and the work of the office, then the employee could be suspended from work with or without pay or the employee is held back from performing the duties of their job and the employee is informed so. This disciplinary measure is one which is of a higher degree than the measures previously stated.

(b) The measure stated in Section (a) of this Article can be taken against any Civil Service employee after getting permission from the Civil

Service Commission or in accordance with a regulation made for the purpose by the Commission and through the discretion provided by the Commission. However related to an offence committed in the category of grade 2 or 3 and in relation if the employee is asked to leave the office immediately, it would not be seen as a measure taken under this number.

(c) As a disciplinary measure, an employee can be suspended from work for a period not longer than 14 days inclusive of holidays.

(d) After taking this measure the chit provided informing of the measure as provided in Schedule 25 “Suspension from Work Chit” shall be filed permanently in the personal file of the employee.

(e) Job promotion and salary increment shall only be given to an employee who has been served a measure described in this Article, if they have redeemed their ways and by the elapsing of 3 years without them committing a further offence.

Demoting the Job Grading of the Employee

213. Demotion of job grading of an employee can be done as following.

(a) Demoting the job grading of an employee is a measure carried out when a grade 3 level offence is committed and after weighing the magnitude of the offence the employee is demoted from their present job grade to a lower one. When the job grading of an employee is given a demotion, that employee will be entitled to job advancement starting from the level of their demoted job grading, in accordance with this

regulation. In this manner demotion related to job grading can be given if there is a position. If there is no position available for a job grade demotion, than a request for dismissal from the job can be submitted.

(b) Demoting the job grading of the employee can be carried out to one rank below their existing job in the job structure.

(c) Job promotion and salary increment shall only be given to an employee who has been served a measure described in this Article, if they have redeemed their ways and by the elapsing of 4 years without them committing a further offence.

(d) Such a measure can be taken against a Civil Service employee after writing to the Civil Service Commission and as a measure which is taken by the Commission. If an employee is not redeemed after such a disciplinary measure, a request can be submitted for the dismissal of the employee.

Dismissal from the Job

214. (a) Job dismissal of an employee is a measure carried out when a grade 3 level offence is committed and after weighing the magnitude of the offence if it is seen that keeping the employee in the job is not feasible.

(b) In accordance with this regulation if repeated disciplinary measures have been taken against an employee and even then the employee has not rectified their conduct, a request shall be submitted for their dismissal. Or due to the nature of the offence committed it is seen that keeping the employee in the job is damaging for

the job, other employees or the work environment, a request shall be submitted for their dismissal.

(c) When submitting a request for the dismissal of an employee to the Civil Service Commission, details of the offence committed, the disciplinary measures taken, and the duration given to rectify their conduct shall be submitted.

(d) The employee for whom a request for dismissal has been submitted shall be treated in accordance with the provision of dismissal of an employee in this regulation.

(e) In taking any disciplinary measure against a Civil Service employee other than giving advice, giving a written cautionary notice, or levying a fine, a request shall be submitted to the Civil Service Commission. A related disciplinary measure shall be carried out by the Senior Responsible Officer or an employee assigned to carry out this work by the Senior Responsible Officer, in accordance with the decision of the Civil Service Commission. Any such measure shall be executed in writing.

Grades of Offences at Work

215. (a) Offences at work, grade 1:

Such offences are where an employee shall be given advice and other such relative measures shall be taken in order to provide the employee with the opportunity to rectify themselves.

1. Negligence towards the work assigned and decline from carrying out the responsibilities of the job. Unable to carry out the work efficiently and in a timely

and responsible manner.

2. Being late to official work or the office and the tasks assigned or the work of the office being disrupted as a result of this or have a negative impact on the work environment and work ethics of other employees.
3. Not providing the support needed in the work environment and show lack of respect to directives and notices issued.
4. During official hours being outside of the designated work environment without permission, doing private work during the designated working hours, spending time on private matters and wasting of time.
5. Taking leave of absence without an illness, being on leave of absence while sick without informing the office, being deceptive in taking other forms of leave, deception, utilizing leave and allowances inappropriately or trying to carry out any of these activities.
6. Doing things below the level of socially accepted norms and in communicating and conversing use of abusive and foul language.
7. Negligence in carrying out the work.
8. Harassment (in accordance with the Chapter on harassment, check the magnitude of the harassment and see if it is a grade 1 offence.)

9. Convicted for breaching the regulation when driving or using a Government vehicle or vessel. (If the punishment for the offence decided by the Court is lower than a jail term, banishment or house arrest)

10. The actions being one which could create problems between other employees.

(b) Offences at work, grade 2:

Such offences are where opportunities have been given to redeem one self and if it repeats, a request can be made for dismissal from the job.

1. For deliberately violating the Maldives Civil Service Act, Regulation, Code of Conduct, circulars issued by the Commission, notices, announcements, regulations formulated by the employee's office and policies which are not in contravention to this regulation, or the breach of any of these Acts or regulations or policies through negligence or carelessness.

2. Refusal to carrying out the directives issued in accordance with the laws and regulations by the head that is senior to the employee.

3. Leaving the work place during the designated working hours without permission.

4. As agreed, in addition to the official working hours, refusal to carry out work

assigned to be done during over time.

5. If an employee does not report to work and does not inform of it or does not inform of it to the necessary party as required by this regulation.
6. Refraining from carrying out necessary group work and work with other employees.
7. Utilizing Government property, funds, and other office facilities dishonestly.
8. Harassment (in accordance with the Chapter on harassment, check the magnitude of the harassment and see if it is a grade 2 offence.)
9. In contravention to this regulation, if a political activity is carried out or if one takes part in a political activity.
10. If negligent in maintaining the standards for physical safety required for a particular work even in a field of work which does not pose any physical threat.
11. Sleeping during working hours.
12. If an employee deliberately withholds knowledge and information that has to be revealed in relation to work.
13. Causing violence or act in a manner which could cause harm to another employees.
14. If offences in the grade level 1 are not

redeemed and keeps repeating.

(c) Offences at work, grade 3:

These offenses are ones even if committed for the first time; the request for dismissal from the job could be submitted.

- 1.** As required in this regulation, if an employee does not inform the office of their reasons for absence from work or from the office for more than 7 days or after completing leave, an employee remain without reporting to work for a period longer than 7 days.
- 2.** Changing of any original Government or office document. Included in this are any document handled by the employee related to their work, documents related to an issued being submitted to the office, attendance report, voucher, record of leave, and such documents as the overtime attendance report.
- 3.** Facilitating the way, assisting or taking part in revealing, releasing, making copies, recording of state classified information in contravention to the laws and regulations.
- 4.** Utilizing Government property, funds, and office facilities adversely or be negligent, or utilizing them for personal benefit or cause damage to any of it, or act in a way which could damage any of it.
- 5.** Taking bribes or getting any such gifts, or get something or a paid service without

paying for it.

- 6.** Deliberately utilizing or trying to utilize the discretion of one's position advantageously for themselves or for the benefit of someone unrelated.
- 7.** Committing an act which would humiliate the State, Government, or the office. However it should not be the outcome of an act carried out truthfully in good faith for the purpose of the job.
- 8.** If a court of law serves a sentence to an employee whereby they cannot perform the duties of their job or their job classification.
- 9.** Getting proof that wrong information was provided in order to secure the job.
- 10.** In contravention to this regulation organize or take part in political activity.
- 11.** In accordance with the Law on Drugs (Act number 17/77) if there is strong evidence gathered by the relevant legal authority assigned in checking such issues or another institution or the Civil Service Commission proving that the employee had abused drugs or deal drugs.
- 12.** Harassment (in accordance with the Chapter on harassment, check the magnitude of the harassment and see if it is a grade 3 offence.)
- 13.** Causing violence or act in a manner which could cause harm to another employees.

- 14.** Convicted by a court of law as having committed a crime for which a *hadd* is prescribed in Islam, or theft, deception, treachery, fraud or have committed a crime of such magnitude.
 - 15.** Being negligent or careless in using the security measures which should be followed in the line of dangerous work which could cause grievous bodily harm.
 - 16.** Disseminating or obtaining information against the laws and regulations.
 - 17.** Repetitively committing a grade 2 level offence without any redemption.
- 216.** In taking disciplinary measures against an employee as prescribed in this regulation the following principles shall be observed.
- (a)** It is the responsibility of the Senior Responsible Officer or the employee assigned by the Senior Responsible Officer, to carry out the disciplinary measures against an employee on a timely manner without delay. If such an employee does not carry out their responsibility or is negligent, that employee has committed an offence.
 - (b)** It is the Civil Service Commission who would take disciplinary measures in relation to the suspension of an employee from work, job grade demotion of an employee or the dismissal from their job. Prior to the Civil Service Commission taking such a measure against an employee the Commission shall give notice to the employee. The notice shall include the following information

and also provide the employee with the following opportunities.

1. Disciplinary measure to be taken by the Commission.
2. Date on which the measure would come into effect.
3. Reality of how the incident happened and the reasons why such a measure has to be taken: In describing the reality and the reasons, it shall be done in a clear manner whereby the employee can provide answers.
4. Opportunity to check all documents upon which is based the disciplinary action.
5. Opportunity to defend verbally or in writing.
6. In the notice giving information on the disciplinary measure to be taken, give reasonable duration to provide an answer to the notice: A duration given so shall not exceed 7 days.
7. Provide the opportunity to seek and obtain the assistance of a lawyer.
8. The opportunity to appeal in accordance with this regulation.

Circumstances where Immediate Action can be Taken

217. An employee can be dismissed from work without a prior notice if they are known to be negligent towards their work, not taking the responsibilities of the job, recurrent missing of deadlines at work, or by the deterioration of

work ethics to a low level and the Commission is of the belief that keeping that employee at work is not something which can be done according to the general rules. However in such situations the action of the employee shall be seen as sufficient to take the disciplinary measure in line with the following.

- (a)** Not being able to get any service from the employee ever or the fear of having to suffer a huge loss due to the employee not carrying out their duties.
- (b)** If it is seen that keeping the employee in the job any further may result in damages to the employer or the employee or the work environment.
- (c)** Carrying out a dangerous or unsettling activity at the work environment or if a warning has been given so.
- (d)** Being in possession of a dangerous weapon as stated by law, while reporting to work.
- (e)** In the work environment sexually harassing another employee.
- (f)** Theft from Government property.
- (g)** If the employee is a danger onto themselves, to other employees or to the work place.
- (h)** Committing an offence of such magnitude by which the harmony between other employees of the office is lost, or by committing such an offence which creates a barrier for other employees to perform their jobs.

(i) If a court of law finds the employee guilty of a crime and passes a sentence.

(j) Having committed treachery.

**Informing the Employee the Reason
for Suspension from Work**

218. In accordance with this Chapter, if an employee is suspended from work or have been dismissed from their job they shall be informed of it in writing giving the reasons for their suspension or dismissal.

CHAPTER 25

Harassment of Employees

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Introduction

- 219.** **(a)** Harassment at the work place is when an employee or a number of employees through various means and by their actions puts forth a negative situation for another employee. The Maldives Civil Service shall strive to establish a work environment providing job satisfaction and protection for all its employees. Hence all employees of the Civil Service shall strive to achieve this goal.
- (b)** The opportunity to work with dignity and self respect shall be provided in all fields of work both for men and women.
- (c)** No Civil Service employee shall carry out harassment in any form towards another employee.
- (d)** If any employee is found to have carried out or been a part of any activity of harassing another employee, disciplinary measures shall be taken against them in accordance with Chapter 24 of this regulation by the office they work. And if such a case is submitted to the Commission the Commission shall look into the matter and take measures without further delay.

Types of Harassment

- 220.** If an employee or a number of employees carry out any of the following actions against an employee or to a group of employees or carry out such actions repeatedly it can be construed as harassment.
- (a)** Taunt, heckle or ridicule an employee with the intention of Provoking, demeaning, or degrading them.

(b) Carrying out or trying to carry out an action believed to be harassment by majority of the people. (even if by that action the employee is not angered, saddened, unsettled or degraded it would be seen as harassment)

(c) Damaging the self or the spirit of the employee or showing verbally or physically that such an act can be committed.

(d) Sexually harassing employees.

(e) Raising the voice at the employee in discontentment in front of other people.

(f) Talking or shouting at an employee in rude and foul language.

(g) Without a valid reason, intimidating and saying that the employee can be dismissed from work or a harsh disciplinary measure can be taken against the employee.

(h) Actions carried out to aggravate or create a barrier for an employee to carry out their duties. For example withholding or not providing the information needed by an employee to carry out work assigned to them, or giving invalid information.

Sexual Harassment

221. For the purpose of this regulation the following shall be construed as sexual harassment.

(a) In the work environment if an employee is harassed verbally or through a gesture by another with a sexual need or desire, by touching the body

of another employee, poking, pinching, caressing, or touching.

(b) In order to fulfill a sexual desire making another employee carry out or trying to make them carry out any activity in the office at work, on an official trip or the work environment.

(c) Talking inappropriately in foul language with sexual overtones, using sexual connotation to entice an employee, for this purpose express verbally or in writing, requesting to meet outside of work in a manner not agreeable to the other party, using foul words, saying dirty jokes and committing a sordid act.

(d) Showing another employee pornographic material through any means and displaying any act of sexual interest.

(e) In relation to the gender of an employee, degrade, tease, harass, heckle, humiliate, sideline or use derogatory terms.

(f) In order to gratify a sexual need, provide a service which need not be provided or not provide a service which needs to be provided, withhold a right deserved, intimidate or provide the right deserved but still intimidate.

Submitting the Issue

222. (a) Every employee who is faced with issues stated in this Chapter in relation to another employee has the right to submit the issue to the senior most Civil Service employee in their office of work, or the Responsible Officer or the Senior Responsible Officer or the Commission.

(b) The Civil Service Commission, main office or the office of work has the right to decline from accepting an issue as a related issue of harassment if submitted with a 3 months delay from the date of occurrence, for an incident under this Chapter.

(c) If an issue submitted in accordance with Section (a) of this Article requests to investigate the issue in secrecy without revealing the name of the person who submitted the issue, it shall be investigated without revealing the person who submitted the issue and due action shall be taken.

CHAPTER 26

SUSPENSION OF EMPLOYEES FROM WORK

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Introduction

223. The purpose of this Chapter is to establish the principles for suspension of employees from work with or without pay in accordance with Article (a) and (b) of the law, since if an employee is suspended with or without pay it is seen as something which could affect the reputation and dignity of the employee hence it is necessary to make sure that such an action is taken in absolute necessity and in a situation compelling so.

Suspension of Employees from Work

224. (a) In any of the following situations, during the investigation and trial period of an offence, the Commission has the discretion to suspend the employee from work for that period with or without pay.

- 1.** In a situation where an investigation is being carried out against an employee in relation to being accused of an offence related to their work and if there is the possibility of hiding or tempering of evidence related to the case.
- 2.** In a situation where, if the employee reports to work, the work place or other employees in the office or a person or people who come to get service from the office could be faced with a direct threat or problem as assed from a reasonable standards.
- 3.** In a situation where a person assigned with the task of being in charge of activities related to persons stated in Article 35 of the Constitution of the Maldives, and if the employee has been trying to violate the protection of such

persons or have been accused of violating their protection.

- (b) An employee who has been suspended from work in accordance with Section (a) of this Article, and once the issue has been investigated and completed in accordance with this regulation, or even prior to the completion of the investigation of the case, if the employee is needed back at work, as according to the decision of the Commission the employee can be recalled back to work.
- (c) If not as a disciplinary measure, if a person is suspended from work with or without pay, it shall be in accordance with Section (a) of this Article in relation to suspension from work for the duration of the investigation of a case.

Temporary Suspension from Work Related to an Exceptional Situation

225. (a) In accordance with this regulation the Senior Responsible Officer can temporarily suspend an employee with or without pay in relation to a special situation which has risen in the work place. And if an employee has been suspended from work related to such a situation, the employee shall be informed of it in writing within 24 hours. The special situation referred to in this Article is, being accused of committing a criminal offence or that a criminal offence was going to be committed in the work environment.

(b) In accordance with Section (a) of this Article, if the Senior Responsible Officer temporarily suspends an employee, the Commission shall be informed of it in writing within 24 hours. If the day following the day when the employee was given suspension is an official holiday, the

Commission shall be informed of it in writing on the next working day.

(c) In accordance with Section (b) of this Article when a submission is made to the Commission, the Commission shall check and study the matter and by latest within 48 hours of the submission, the Commission shall inform of their decision to the Senior Responsible Officer in relation to suspension of the employee with or without pay. And within 24hours of the Senior Responsible Officer receiving the Commission's decision, the employee shall be informed of the decision by the Senior Responsible Officer. And the decision of actions to be taken against the employee by the Commission shall be stated clearly in that writing.

(d) Apart from a special situation, an employee can be suspended from work (if an action in contravention to the Maldives Civil Service Act, Regulation or Code of Conduct has been carried out) after submitting the issue to the Commission and in accordance with this regulation.

(e) Chapter 28 states how the Investigation Committee shall be constituted, the guidelines for the Committee to deliberate on the case and the actions to be taken, and after the Committee completes the deliberation on the case submitting it to the Commission and the ways in which the Commission would act.

Suspension from work with or without pay during the Investigation and the Trial

226. (a) If the employee is suspended for the period of the investigation, it should be paid suspension from work. If after the completion of the investigation it is seen that the issue needs to be settled in a court of law, the additional suspension

period following that shall be a suspension without pay. If the court finds the employee guilty, the salary for the days of suspension will not be reimbursed. If the court finds the employee not guilty, the salary for the days of suspension will have to be reimbursed. And in the event that an employee had been found guilty in a court of law and the case is taken to the High Court of the Maldives which overturns the ruling and rules the employee as innocent, salary for the days of suspension shall be reimbursed. While the ruling of the lower court which was overturned by the High Court is once again overturned by the Supreme Court, the employee shall not return the salary paid to them up to that point. Once the employee has been found guilty of the offence, the decision of whether to keep the employee in the job or the dismissal of the employee shall be taken by the Commission after submission to Commission. In the event the employee is found innocent by a court of law the main office shall write to the Commission to reinstate the employee to their original position.

(b) If not stated otherwise in this regulation an employee can be suspended from work with or without pay for a maximum period of 30 days as according to this regulation.

(c) In accordance with this regulation if within the 30 days an employee on suspension is to be recalled back to work, after the necessary investigation has been carried out and the Commission has decided so, this shall be communicated in writing to the Senior Responsible Officer and the Senior Responsible Officer shall communicate it to the employee. Even though the stated duration is 30 days,

speedy work should always be carried out in relation to making a decision on the issue at hand.

(d) If an employee is found guilty of an offence and has to be suspended from work as a disciplinary measure, it shall be carried out in accordance with Chapter 23.

(e) A sample notice of suspension from work in accordance with this regulation is provided in Schedule 26.

Suspension as a Disciplinary Measure

227. An employee can be suspended as a disciplinary measure with pay for a period not more than 14 days, after assessing the magnitude of the offence committed by an employee who has been found guilty. The guilt or innocence of an employee shall be considered by a court of law if it's a case which was tried in a court of law. If not, the guilt or the innocence of an employee shall be decided by the Commission in accordance with Section (e) of Article 225 of this regulation.

CHAPTER 27

Compensation for a Material Loss Caused by an Employee

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Introduction

228. A responsibility which is assigned to an employee if deliberately, through negligence, or while transferring the employees responsibilities to another, or if the employee is unable to carry out the responsibilities and if the employee has not reported the details of this to the person to whom it should be reported, or been absent from work without informing of it or leave the work place without informing, if their work or if any property or objects of the office, or by any other means related if the office has suffered a material loss, compensation for the loss can be taken from that employee in accordance with Article 20 Section (b) of the Employment Act and this regulation.

Determining Material Loss

229. (a) The material loss suffered by the office through an employee shall be determined after the Human Resource Development Committee assesses the case, and by the Senior Responsible Officer or the Responsible Officer of the office.

(b) In deciding on the level of compensation for a case of material loss suffered through an employee, a written statement of the employee shall be sought. And the level of negligence by the employee in the matter shall be checked.

Compensation for Material Loss

230. (a) The compensation for the material loss suffered through the employee can be paid in full by the employee if they so wish. Or the Senior Responsible Officer or the Responsible Officer can decide that the compensation be paid divided into monthly payments.

(b) The compensation to be paid by an employee

related to a material loss suffered by the office shall be calculated by the Senior Responsible Officer or the Responsible Officer where it does not exceed 33% of the employee's salary. More than 33% of the salary can be taken as compensation if the employee does not object to it.

**Taking Disciplinary Action
following the Compensation for
Material Loss**

- 231.** As provided in this regulation if an employee is made to pay compensation for a material loss suffered it does not exempt from taking disciplinary measures against the employee as prescribed in this regulation.

CHAPTER 28

Assessing the Cases Submitted to the Civil Service Commission

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Introduction

232. This chapter is based on Act number 2007/5 (Maldives Civil Service Commission Act) Section (g) of Article 4 and Section (h) and (k) of Article 18 and in accordance with these assess, study and take action on the cases and reports submitted to the Commission and in accordance with the authority provided to the Commission under Section (b) of Article 9 of the law, assess, investigate and take action on the cases submitted related to the Senior Responsible Officer of the main office or other Civil Service employees who act in contravention to the Civil Service Act, Regulation or the Code of Conduct, this chapter is formulated to assess, investigate and take action on such cases.

Objective

233. The objective of the chapter is in relation to the cases submitted to the Commission to assess, investigate, make decisions and take action against parties in an equal and just manner on equal standards among all employees, and take actions that needs to be taken in accordance with the law and administrative purposes and understand the reasons for which employees act in contravention to the law, regulation and code of conduct and discipline such employees and make the employees good examples of people who upkeep good standards of work ethics and make them employees who are result oriented.

Cases Assessed by the Commission

234. The Commission shall assess the following cases.

(a) In accordance with Section (h) of Article 18 of the Maldives Civil Service Act, where the Senior Responsible Officer has decided on a case related to an employee and the employee is unhappy of the decision and wishes to appeal, such cases

which are less than 2 months old from the day of the decision.

(b) In accordance with Section (k) of Article 18 of the Maldives Civil Service Act, cases submitted with the issue of the Senior Responsible Officer of the main office acting in contravention to the Maldives Civil Service Act, Regulation or the Code of Conduct.

(c) And all other cases determined to be assessed by this regulation.

Cases which cannot be Assessed by the Commission

235. The following are cases which cannot be assessed by the Commission.

(a) Apart from cases stated in Article 234 of this regulation no other cases can be assessed.

(a) If a case stated in Article 234 of this regulation is being deliberated upon by the Employment Tribunal or a Court of law or the case has already been judged upon, such a case cannot be assessed.

(c) A case stated in Article 234 which happened prior to the date of 2 March 2008, cannot be assessed.

Submitting a Case to the Senior Responsible Officer of the Office, Prior to Submitting the Case to the Commission

236. In accordance with Section (a) of Article 234 of this regulation, if an employee of the Maldives Civil Service goes against the law, regulation or the code of conduct or when job related complaints are made by the employees it shall be first deliberated upon by the Senior Responsible Officer. Or a part assigned by the Senior Responsible Officer. In this manner after assessing

the case and deciding on the magnitude of the issue, the disciplinary measures to be taken as per this regulation shall be taken by the Senior Responsible Officer of the related main office or a party assigned to carry out this task by the Senior Responsible Officer. If the decision taken or the disciplinary measure taken is one which the employee is not happy about, it is their right to appeal the case to the Commission within 2 months from the date the decision was made or the disciplinary measure was taken.

(b) If a Civil Service employee is seen to be doing something or is suspected of planning to do something against the law or regulation it can be reported to the Senior Responsible Officer. Or it can be submitted to another relevant authority.

(c) If the Senior Responsible Officer is known or suspected of doing or planning to do something against the law, regulation or code of conduct, that issue shall be directly submitted to the Commission.

Submitting a Case

237. (a) When submitting a case to the Commission it shall be done using the form provided in this regulation or using a form similar to the sample document by the Commission for the purpose. Sample of the form for Submittance of Cases is provided in Schedule 27.

(b) With the Case Submittance form, if there is any written document about the case a copy of it shall be submitted, also all evidence and oral testimony shall be submitted with the case.

(c) In accordance with section (a) of Article 237 of

this regulation, when submitting a case to the Commission, evidence that the case has been submitted to the Senior Responsible Officer with no reasonable action being taken within a considerable duration or evidence that the action taken was unsatisfactory to the employee shall be submitted.

(d) The phrasings and wordings used when submitting a case to the Commission and the language of the supporting documents shall be to a level that is acceptable by the general moral standards of society.

Accepting a Case

238. (a) When a case is submitted to the Commission, the Commission shall decide if it is a case which can be assessed or not by the Commission and if it is a case which can be assessed the party shall be informed within 3 days time of the acceptance of the case in writing. And if it is a case which cannot be assessed by the Commission, the party shall be informed of it in writing within 3 days.

(b) in accordance with Section (a) of Article 236 of this regulation, if the case was submitted to the Senior Responsible Officer and the Senior Responsible Officer had assessed and decided on the case and if the employee is unhappy of the decision and wants to make an appeal to the Commission, it shall be done within 60 days of the Senior Responsible Officer's decision.

(c) If not stated otherwise in this regulation, an employment related case shall not be accepted by the Commission if the duration stated in Section (a) Article 234 has elapsed.

Committee to Assess Cases

239. **(a)** In accordance with this regulation the Commission shall form a permanent committee to assess the cases submitted to the Commission and suggest decisions to the Commission. This Committee shall be named “Committee to assess cases submitted to the Commission.” The committee shall be established as following.

- 1.** Senior Lawyer from the legal section of the Commission. (President)
- 2.** Lawyer assigned by the legal consultant of the Commission.
- 3.** Independent lawyer.
- 4.** Representative of the labour relations authority.
- 5.** Representative of the Human Rights Commission.

(c) In addition to the above parties, after deciding on the type and genre of the case a party or parties from within the Commission or outside who has education and experience in that field can be temporarily included in the Committee to Assess Cases, with advice from the Commission.

(d) Work of the Committee to Assess Cases as prescribed in Section (a) of this Article shall be carried out by the chairmanship of a member of the Commission appointed by the Commission. The task of the Committee is to assess the cases submitted to the Commission in accordance with this regulation and present the Commission with the possible decision on the case. It is not mandatory for the Commission to conclude the

case as per the decision provided by the Committee. However if a case is concluded against the opinion offered by the Committee, a written statement detailing the reasons why such a decision was taken shall be signed by members of the Commission.

(e) In accordance with Article 234 of this regulation the cases submitted to the Commission shall be assessed by the legal section of the Commission as a general rule. However after assessing the nature, type and enormity of the case and as decided by the legal section certain cases shall be assessed in accordance with Article 239 of this regulation by the Committee to asses cases.

(f) In accordance with this regulation, if an employee submits a case and if it is a case which is accepted and which can be assessed by the Commission and if it is a case which is decided by the legal section of the Commission to be assessed by the Committee to asses cases, the case shall be sent to the Committee to assess cases without any delay.

(g) The Committee stated in Section (a) of this Article shall be appointed by the Commission. The members appointed to the Committee shall be persons qualified to assess cases submitted to the Committee.

(h) A case can be assessed by the Committee with the minimum attendance of three members. In assessing a case the Committee shall study the administrative documents submitted and determine the cause of action for the case and send the report of the case to the Commission.

After assessing the case by the Committee the report submitted to the Commission shall include the actions taken by the Senior Responsible Officer or the Responsible Officer regarding the case and state the reasons for the validity of their decisions. Or if the actions taken by the Senior Responsible Officer or the Responsible Officer regarding the case is not right it shall be included in the report stating the reasons as to the incorrectness of the decisions. For other cases, the report shall be submitted to the Commission with the proposed cause of actions to be taken.

(i) The legal section or the Committee to assess cases has the authority to request an employee to be present for questioning in regards to clarifying an issue.

Assessing the Case

- 240.** When a case is received by the Commission and submitted to the Committee, within maximum 7 days of receiving the case from the Commission, the Committee shall hold its first meeting to assess the case. Within 60 working days from the date of the first meeting being held to assess the case, the Committee shall conclude the case and submit the report to the Commission with the suggestion for cause of action. And within 3 days from the when the legal section receives a case submitted to the Commission, a relevant employee from the section shall be assigned and begin the task of assessing the case. And by latest within 60 days the case shall be assessed and action shall be taken. Even though the durations are given here for assessing and concluding a case, the legal section and the Committee to assess cases shall give special attention to concluding cases prior to the deadlines dates provided.

Post Assessment Procedures of a Case

241. (a) When a case which is being assessed by the Committee is concluded and the researched report is submitted to the Commission and after the assessment of the case by the Commission it is found that the employee had violated laws and regulations, the Commission shall take action against the employee as according to the laws and regulations.
- (b) In accordance with Section (a) of this article after the Commission studies a case and finds that the study conducted is incomplete, the Commission shall point out the incomplete areas of the study and send it back to the Committee which assessed the case for further studying of the case. In this manner once a case has been sent for further studying, in accordance with Article 241, a hearing shall be held within 3 days to assess the case and the report shall be submitted to the Commission within a total of 5 days.
- (c) When a case which has been submitted to the Commission is concluded, and if the Commission finds out that an offence has been committed in the case submitted, how the case was concluded shall be informed in writing to the employee and the party who submitted the case.

An Employee's Dissatisfaction with the Decision of the Commission

242. In a case submitted by a Civil Service employee, if the decision of the Civil Service Commission on that case or as in accordance with Section (a) of Article 241 the action or measure that is decided to be taken is one which the employee is unhappy about, the employee has the right to submit the case to be assessed by the Maldives Employment Tribunal.