

***CHALLENGES OF
DISCIPLINARY
MANAGEMENT: A PUBLIC VS
PRIVATE SECTOR APPROACH
BY
FELIX M. MUSHABATI***

OUTLINE

- ▶ Introduction
- ▶ Legal Framework for Discipline in the Public Service
- ▶ Public Service Revised Disciplinary Code
- ▶ Public Service Unions' Position
- ▶ Need for Professionalism in HR Management
- ▶ Conclusion

Introduction

- ▶ *Discipline is Required for any Organization to Run Effectively*
- ▶ *There is need for a Set of Organizational Rules, and Structures in Place that Should be met by Everyone.*
- ▶ *It's a System of Positive and Negative Rewards.*
- ▶ *The aims/goals of discipline are to improve professionalism in the organization.*

*“Professionalism” may be defined as the competence or skill expected of a professional” –
Oxford English Dictionary, 11th Edn.*

“

*Integrity Has No
Need of Rules*

”

ALBERT CAMUS

Need for Disciplinary Codes

▶ Features of Disciplinary Codes

- ▶ *Thorough Investigation into an employees' conduct*
- ▶ *Formally charge employee*
- ▶ *Invite the employee to a disciplinary hearing*
- ▶ *Decide on the action to take*
- ▶ *Confirm outcome in writing*
- ▶ *Right to appeal*

Public Service Discipline – Legal Requirement

▶ **Article 173(1) of the Constitution**

- a) maintenance and promotion of the highest standards of professional ethics and integrity;*
- b) promotion of efficient, effective and economic use of national resources;*
- c) effective, impartial, fair and equitable provision of public services;*
- d) encouragement of people to participate in the process of policy making;*
- e) prompt, efficient and timely response to people's needs;*
- f) commitment to the implementation of public policy and programmes;*
- g) accountability for administrative acts;*
- h) proactively providing the public with timely, accessible and accurate information;*
- i) merit as the basis of appointment and promotion;*
- j) adequate and equal opportunities for appointments, training and advancement of members of both gender and members of all ethnic groups; and*
- k) representation of persons with disabilities in the composition of the public service at all levels.*

Regulatory Framework/cont

- ▶ **The Service Commission Act No. 10 of 2016, Section 3: Values and Principles of the Public Service**
 - a) responsive, prompt, effective, impartial and equitable provision of services;*
 - b) efficient, effective and economic use of national resources;*
 - c) high standard of integrity and professional ethics;*
 - d) inclusiveness in the policy-making process;*
 - e) accountability for administrative acts;*
 - f) fair competition and merit as the basis of appointments and promotions; and*
 - g) affording adequate and equal opportunities for appointment, training and advancement at all levels*

Regulatory Framework_{/cont}

▶ **Enforcement – 3 Levels**

- ▶ *Secretary to the Cabinet – Head of the Public Service, chief advisor on the management of the public service, responsible for securing efficiency and effectiveness.*
- ▶ *Permanent Secretaries, Directors and all supervisors – in charge of the day-to-day supervision of staff*
- ▶ *Individual Level*

▶ **Regulations**

- ▶ *Code of Ethics*
- ▶ *Terms and Conditions of Service*
- ▶ *Public Finance Management Regulations*
- ▶ *Disciplinary Code*
- ▶ *Grievance Handling Procedures*

Revised Code Public Service Code - Salient Provisions

▶ Procedures

- ▶ *Involvement of Human Resource Management Committees*
- ▶ *Role of Controlling Officers*

▶ Offences

- ▶ *Absenteeism / Poor Time keeping*
- ▶ *Repeated offenders*
- ▶ *Transmitting of Privileged Information without Permission*
- ▶ *Misuse of Government property*
- ▶ *Engaging in Formal Employment while serving in Government*
- ▶ *Tribalism and Hate Speech*
- ▶ *Participation in Active Politics*
- ▶ *Case hearing*
- ▶ *Appeal and Time Frames*

Public Service Unions Reaction

- ▶ They were not consulted
- ▶ Some Provisions are Illegal
- ▶ The Revised Code is too Punitive
- ▶ The Procedure has been Shortened
- ▶ The Employer should Concentrate on Improving Conditions of Service and not Punishing Members

Review of Procedures for Handling Offences in the Public Service

- ▶ The Legal and Regulatory Framework necessitated the Review
- ▶ The Public Service Disciplinary Code is a **Condition** and not a **Term**
- ▶ Constitutional Mandate of the Secretary to the Cabinet
- ▶ The Employment Act Code No 3 of 2019 – Implores Employers to ensure the existence of employment policies, procedures and codes.
 - ▶ **95.** (1) *An employer shall ensure that there exists in the undertaking an employment policy, procedure and code, including an HIV and AIDS policy, a health and wellness policy, harassment policy, performance management policy, grievance procedure and code of conduct.*

Need for Professionalism in Human Resource Matters

- ▶ Re-introduction of professional training at NIPA
- ▶ Assigning HR Duties to Qualified Professionals – Section 4 of the ZIHRM Act No. 3 of 2022
- ▶ Knowledge of Employment Laws and Industrial and Labour Relations Laws
- ▶ Court Judgements
- ▶ Challenging Certain Appointments
- ▶ Induction of Union Officials
- ▶ Revisiting Academic/Professional Curriculum

Conclusion

- ▶ Professionalism is the epitome of any institution. This standard is very high on the Government because of the role it plays in fostering national development.
- ▶ Additionally, Government is designing and implementing programmes to inculcate a positive work culture and values in the Public Service.

*YOUR HUMBLE FULLY PAID UP PROFESSIONAL OF THE
ZAMBIA INSTITUTE OF HUMAN RESOURCE
MANAGEMENT SUBMITS!!*