



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON CABINET AFFAIRS

FOR THE

SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY

APPOINTED ON THURSDAY, 21ST SEPTEMBER, 2017

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REPORT OF THE COMMITTEE ON CABINET AFFAIRS FOR THE SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY APPOINTED ON THURSDAY 21ST SEPTEMBER, 2017

Consisting of:

Dr M Imakando, MP (Chairperson); Mrs M C Chonya, MP (Vice Chairperson); Dr S Musokotwane, MP; Dr M Malama, MP; Dr S C Kopulande, MP; Mr C M Zulu, MP; Mr C L Bwalya, MP; Dr C K Kalila, MP; Ms G Katuta, MP; and Mr R Mwewa, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir,

Your Committee has the honour to present its Report for the Second Session of the Twelfth National Assembly.

Functions of the Committee

2.0 The functions of your Committee are to:

- i) study, report and make appropriate recommendations to the Government through the House on the mandate, management and operations of the Government ministries, departments and agencies under its portfolio;
- ii) carry out detailed scrutiny of certain activities being undertaken by the Government ministries, departments and agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- iii) make, if considered necessary, recommendations to the Government on the need to review certain policies and certain existing legislation;
- iv) examine annual reports of Government ministries and departments under its portfolio in the context of the autonomy and efficiency of Government ministries and departments and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders;
- v) consider any Bills that may be referred to it by the House;

- vi) consider international agreements and treaties in accordance with Article 63 of the Constitution;
- vii) consider special audit reports referred to it by the Speaker or an Order of the House;
- viii) where appropriate, hold public hearings on a matter under its consideration; and
- ix) consider any matter referred to it by the Speaker on an Order of the House.

Programme of Work and Meetings of the Committee

3.0 Your Committee carried out the activities below in line with its Programme of Work for the period under review.

- a) Consideration of topical issues
 - i) The Management and Operations of Various Departments under the Cabinet Affairs Portfolio; and
 - ii) Human Resource Management in the Zambian Civil Service.
- b) Tours
 - i) Local tour of provincial administration offices in Southern and Western Provinces and selected district administration offices in the two provinces.
- c) Consideration of the Committee's draft Report for the Second Session of the Twelfth National Assembly.

To execute its Programme of Work, your Committee held seventeen meetings.

Procedure Adopted by the Committee

4.0 Your Committee requested detailed written memoranda on the topics under consideration from relevant stakeholders. The stakeholders also appeared before your Committee and made oral submissions. During the tour, interactive meetings were held with selected provincial and district administrations.

Report of the Committee

5.0 Your Committee's Report is in two parts. Part I highlights the findings of your Committee on the Management and Operations of Various Departments under the Cabinet Affairs Portfolio. Part II presents your Committee's findings on Human Resource Management in the Zambian Civil Service based on both the long sittings and the local tour.

PART I

THE MANAGEMENT AND OPERATIONS OF VARIOUS DEPARTMENTS UNDER THE CABINET AFFAIRS PORTFOLIO

6.0 Following the promulgation of the National Assembly of Zambia Standing Orders, 2016, a new portfolio committee known as the Committee on Cabinet Affairs was established. Like any other portfolio committee, the functions of the Committee are as outlined in Standing Order 157(2).

Prior to the establishment of the Committee on Cabinet Affairs, Parliament had not been exercising direct oversight on Cabinet Office, particularly through the committee system. The establishment of the Committee on Cabinet Affairs meant that there was need to appreciate the composition, management and operations of the cabinet affairs portfolio, on which the Committee's mandate would be centred. Therefore, your Committee resolved to receive an update meant to help it understand and appreciate the management and operations of various departments under the cabinet affairs portfolio.

Your Committee requested Cabinet Office and selected divisions under it to make both written and oral submissions on the subject under consideration. Two submissions were received from the Office of the Secretary to the Cabinet and Management Development Division, whose highlights are presented below.

SUMMARY OF THE SUBMISSIONS BY CABINET OFFICE

6.1 The summary of the submissions from Cabinet Office is presented below.

The Organisation and Operations of Cabinet Office

6.1.1 Your Committee was informed that Cabinet Office was the highest administrative office in the public service, responsible for co-ordinating the effective implementation of Government policies, reforms, systems and procedures. Further, Cabinet Office monitored and evaluated the overall performance of the public service for the efficient administration of Government. Cabinet Office operated directly under the Office of the President of the Republic of Zambia.

The Legal and Policy Framework that Governs the Management and Operations of Cabinet Office in General

6.1.2 Your Committee learnt that Cabinet Office derives its mandate and functions from Article 176(1) of the *Constitution of Zambia (Amendment) Act, No. 2 of 2016*, which establishes the Office of the Secretary to the Cabinet and its functions. As an institution operating directly under the Office of the President of the Republic of Zambia, there were portfolio functions under the Office of the President that related directly to Cabinet Office, as stipulated in the Government Gazette Notice No. 836 of 2016. These portfolio functions were as follows:

- (i) Co-ordination of Government business;
- (ii) Decentralisation;
- (iii) Electronic Government (E-Government);
- (iv) Human resource management and development;
- (v) Independence celebrations;
- (vi) National Coat of Arms and Flag control;
- (vii) Provincial and district administration;
- (viii) Provincial and district boundaries;
- (ix) Public service management;
- (x) State visits; and
- (xi) Strategic and performance management services.

Composition of Cabinet Office

6.1.3 Your Committee was informed that Cabinet Office comprised two offices, five divisions and one institute as explained below.

i. Office of the Secretary to the Cabinet

The Office of the Secretary to the Cabinet was established pursuant to Article 176 (1) of the *Constitution of Zambia (Amendment) Act No. 2 of 2016*. The Article provided that there shall be a Secretary to the Cabinet who shall be the Head of the public service. The Secretary to the Cabinet was further constitutionally charged with the responsibility of securing the general efficiency and effectiveness of the public service, among other things. The Secretary to the Cabinet was also the chief advisor to the President on the administration and management of the Government.

The Secretary to the Cabinet was supported by two Deputy Secretaries to the Cabinet, one responsible for Administration and Finance and the other responsible for Economic Development.

In line with the mandate of the Secretary to the Cabinet, the Office of the Secretary to the Cabinet performed the core functions set out below.

- (a) Arranging for Cabinet meetings and recording of Cabinet proceedings, writing minutes of meetings and drafting letters conveying Cabinet decisions to line ministries for implementation.
- (b) Ensuring that Cabinet decisions were translated into Government policies and programmes so as to be effectively implemented by appropriate public service institutions.
- (c) Spearheading the strategic vision of the public service and coordinating Government ministries and institutions as well as reforms with a view to improving public services.
- (d) Monitoring and evaluating the overall performance of the public service.
- (e) Overseeing ad-hoc Commissions of Inquiry and arbitrating appeals from contending ministries and agencies as well as performing functions that were not allocated to any ministry.

ii. Office of the Former Presidents

The Office of the Former Presidents was established in 1993 through the *Benefits of the Former Presidents Emoluments Act*, Chapter 15 of the Laws of Zambia. The Act provided for the pension and other retirement benefits for former Presidents of the Republic of Zambia, and for matters connected with or incidental to the foregoing. The office was responsible for the provision of administrative and secretarial support services to former Presidents of the Republic of Zambia in order to uphold the dignity of the institution of the Presidency. There were currently two existing offices, namely the Office of the First President and the Office of the Fourth President.

iii. Administration Division

The Administration Division was responsible for the overall management of Cabinet Office by providing administrative support services to the Office of the Secretary to the Cabinet and the rest of the Divisions at Cabinet Office, in line with their respective operational requirements. Additionally, the Administration Division was responsible for facilitating the conduct of State functions and effectively managing all air travel in the public service.

Furthermore, the Administration Division managed Parliamentary business related to Cabinet Office and provided guidance to Constitutional office holders on the terms and conditions of service. The Division further provided guidance to the provincial and district administrations and the rest of the public sector on policy interpretation and implementation.

The Division was headed by a Permanent Secretary who was assisted by three directors.

iv. **Policy Analysis and Co-Ordination Division (PAC)**

The Policy Analysis and Co-ordination (PAC) Division's responsibilities included, among others, the co-ordination of formulation of national policies and programmes to ensure that they were compatible with each other and the overall policy of Government; serving as Secretariat to Cabinet; and analysing policy proposals for consideration by Cabinet in order to provide it with an independent and analytical assessment of proposals from a broader perspective.

The Policy Analysis and Co-ordination Division was headed by a Permanent Secretary who was assisted by three directors.

v. **Management Development Division (MDD)**

The Management Development Division (MDD) was responsible for providing internal management consultancy services to all Government ministries and institutions. Additionally, the Division was responsible for designing and implementing appropriate management systems for effective, efficient and accountable performance of Government responsibilities and functions. Specifically, the Management Development Division oversaw and ensured quality assurance in the development and review of strategic plans, organisational structures and staffing levels, job descriptions, organisational and individual work plans and performance appraisal systems.

Furthermore, the Division was charged with the overall responsibility of spearheading the implementation of the Public Service Reform Programme aimed at improving quality delivery, efficiency and cost-effectiveness of public services to the people of Zambia. The Management Development Division was headed by a Permanent Secretary who was assisted by four directors.

vi. **Reform Co-ordination Division**

The Reform Co-ordination Division was added to the Cabinet Office portfolio in 2015. Its main responsibility was to co-ordinate the implementation of high impact reforms and innovations in the public and private sector in order to facilitate improved public service delivery, industrialisation and creation of formal employment. The reforms and innovations were outlined in the Seventh National Development Plan (7NDP) and other key strategic documents such as the Industrialisation and Job Creation Strategy (IJCS).

The Division further benchmarked Zambia's reform programmes with similar international reform programmes using reports like the World Bank's Ease of

Doing Business Report, the Global Competitiveness Report and related benchmarking reports.

The Division was headed by a National Co-ordinator who was assisted by a director.

vii. **Remuneration Division**

The Remuneration Division was established following the recommendations of the Salaries Review Commission that had recommended the establishment of an independent permanent remuneration body. The aim of the Remuneration Division was to operationalise the Emoluments Commission established by Article 232 of the *Constitution of Zambia (Amendment) Act, No. 2 of 2016*, whose mandate was to determine emoluments of state organs and state institutions, upon the recommendation of the relevant commissions and/or institutions.

The Remuneration Division was headed by a Permanent Secretary who was assisted by a director.

viii. **Smart Zambia Institute**

The Smart Zambia Institute was responsible for the overall co-ordination and implementation of Information and Communication Technology (ICT) and E-Government in the public sector in order to contribute to sustainable socio-economic development. The core mandate of the Smart Zambia Institute was to integrate the ICT infrastructure platform for Government to Commerce (G2C), Government to Government (G2G) and Government to Business (G2B) services and to co-ordinate and standardise the deployment of ICT and E-Government services.

The Smart Zambia Institute Division was headed by a National Co-ordinator who was assisted by five directors.

Challenges affecting the Management and Operations of Cabinet Office

6.1.4 Some of the challenges identified under Cabinet Office were as outlined below.

- (i) Inadequate financial and material resources to effectively implement its programmes. In an attempt to overcome this, Cabinet Office had been requesting client institutions to fund activities. This practice led to these activities being carried out only when funds were available in the client institutions.
- (ii) The implementation of the National Decentralisation Policy had been hampered by the inconsistencies between the Policy and the

Constitution with regard to the Central Government functions that should be devolved to local authorities. Specifically, Annex C of the Constitution provided for the devolution of fewer functions than those in the Revised National Decentralisation Policy of 2013. The execution of the devolved functions had also stalled due to budgetary constraints as the implementing ministries received less than the funds budgeted for.

- (iii) Despite there being advancements in Information and Communication Technologies (ICTs) and shared ICT services in the Public Service, there had been slow uptake in the utilisation of services.

Recommendations to Overcome the Challenges Identified

6.1.5 In order to overcome the challenges, Cabinet Office proposed the measures set out below.

- (i) Cabinet Office should develop a strategy to engage the Treasury to review the budget ceiling and ensure timely releases of funds for Cabinet Office.
- (ii) Cabinet Office should develop a strategy to increase the uptake and utilisation of ICT shared services in the public service.
- (iii) The National Decentralisation Policy should be reconciled with the Republican Constitution as regards central Government functions to be devolved to local authorities.

Institutions under the Presidential and Cabinet Affairs Portfolio

6.1.6 On the extent of the cabinet affairs portfolio, your Committee was informed that in addition to Cabinet Office, the other institutions under the cabinet affairs portfolio were the:

- a) Office of the Vice-President;
- b) Public Service Management Division; and
- c) Service Commissions under the Executive, that is, Civil Service, Police Service, Correctional Service, Local Government Service and Teaching Service Commissions.

i Office of the Vice-President

The mission statement of the Office of the Vice-President was “to provide support services to the Presidency, facilitate the effective conduct of Government Business in Parliament, and implement resettlement and disaster

risk management programmes in order to enhance good governance and empowerment of vulnerable households”.

Legal and policy framework

The Office of the Vice-President was established under Article 110(1) of the *Constitution (Amendment) Act No. 2 of 2016*, which provides that there shall be a Vice President of the Republic. According to the Government Gazette Notice No. 836 of 2016, the statutory functions of the Office included Parliamentary Business, disaster and drought mitigation and resettlement.

The Office of the Vice-President comprised the departments outlined below.

a) **Department of Human Resource and Administration**

The Department of Human Resource and Administration was responsible for the management and development of human resources and provision of internal administrative support services in order to facilitate effective operations of the Office. In addition, the Department was responsible for facilitating the administration of honours and awards to deserving citizens, residents and foreign dignitaries in order to recognise their achievements and contributions to the country.

b) **Parliamentary Business Division**

The Parliamentary Business Division provided technical support to the Leader of Government Business in the conduct of Government Business in Parliament. The Division played the role of liaison between the Executive and the Legislature in order to enhance accountability of the Executive to the Legislature for the promotion of good governance.

c) **Disaster Management and Mitigation Unit**

The Disaster Management and Mitigation Unit (DMMU) was responsible for the development, co-ordination and monitoring of disaster risk management and resettlement programmes in order to protect lives, property, the environment and the economy and to promote livelihoods.

d) **Department of Resettlement**

The Department of Resettlement was responsible for the relocation of targeted citizens both on voluntary and involuntary basis in order to provide them with an alternative livelihood.

e) Department of Planning and Information

The Department of Planning and Information was responsible for planning, monitoring and evaluation of the implementation of disaster management, resettlement and Parliamentary Business. The Department was further responsible for co-ordinating the formulation and review of policies and legislation. In addition, the Department was responsible for co-ordinating the budget process to provide an appropriate operational framework where resource mobilisation could be facilitated.

Challenges Affecting the Operations of the Office of the Vice-President

The major challenges affecting the operations of the Office of the Vice-President were as outlined below.

- (i) The operations of the Office of the Vice-President had been hampered due to the incomplete implementation of the organisational structure. This was because of the resource constraints as the Ministry of Finance had not granted the Office Treasury Authority to operationalise the structure.
- (ii) The Office of the Vice-President experienced difficulties in acquiring land for resettlement, which negatively affected the resettling of targeted groups within a specified timeframe.
- (iii) The inadequate provision of infrastructure such as roads, water and sanitation, health facilities and schools in resettlement schemes adversely affected their viability.
- (iv) There were inadequate financial and material resources as well as provincial capacity to respond to emergencies. This had affected the capacity of the Office of the Vice President to quickly respond to disasters.

To overcome the challenges, Cabinet Office proposed the measures outlined below.

- (i) There was urgent need for the Ministry of Finance to increase the allocation of financial resources to the Office of the Vice-President to match its mandate in order to enhance efficiency and effectiveness in service delivery.
- (ii) In order to ensure the success of the resettlement schemes, the Government would need to embark on a multi-sectoral approach to resettlement. In this regard, responsible ministries would need to collaborate with the Office of the Vice-President to ensure that

there was adequate and appropriate land, roads, water and sanitation, health facilities and schools in resettlement schemes. Such an approach was key to the attainment of the 7NDP objectives.

- (iii) There was need to build human resource and financial capacity at provincial level to undertake first line disaster responses.

ii **Public Service Management Division**

Your Committee learnt that the mission statement of the Public Service Management Division (PSMD) was “to provide strategic policy direction and leadership in the management and development of human resources in the public service for enhanced service delivery”.

Legal and policy framework

The portfolio functions of PSMD, as stipulated in the Government Gazette Notice No. 836 of 2016 were as follows:

- (i) Public service management;
- (ii) Human resource management and development; and
- (iii) Strategic and performance management services.

In terms of its organisation, PSMD was organised under five departments as explained below.

a) Department of Recruitment and Placement

The Department was responsible for the facilitation of recruitment and placement of human resource across the public service. The Department was also responsible for processing cases of appointments, confirmations, transfers, promotions and acting appointments.

b) Department of Human Resource Development

The Department of Human Resource Development was responsible for co-ordination and implementation of human resource development activities in the public service.

c) Department of Human Resource Information and Planning

The Department was responsible for the planning of human resource requirements in the public service. Further, the Department institutionalised and co-ordinated individual Performance Management Systems in the public

service as well as the development and implementation of the Records Management Systems.

d) Technical Services

The Technical Services Department was responsible for the formulation and interpretation of terms and conditions of service for the public service. The Department was also responsible for co-ordinating negotiations for improved salaries and conditions of service with public service unions.

e) Payroll Management and Establishment Control

The Department was responsible for the management and control of the payroll and establishment for the Civil Service.

Challenges Facing the Public Service Management Division

The major challenges facing the PSMD were as outlined below.

- (i) Inadequate budgetary allocation and insufficient releases.
- (ii) Lack of harmony between the Terms and Conditions of Service that applied to officers serving under the Executive, Legislature and Judiciary. The Division was unable to address this problem as there was no legal provision to facilitate such action. This led to a lack of equity between public service workers in the three Arms of Government.
- (iii) Implementation of the Individual Performance Management System in the public service had been inconsistent. This could be attributed to the general negative attitude of public service employees towards performance accountability.

In order to overcome the challenges, the measures outlined below were proposed.

- (i) There was urgent need for the Ministry of Finance to increase the allocation of financial resources to the Division in order to enhance efficiency and effectiveness in its operations.
- (ii) There was need to expedite the operationalisation of the Emoluments Commission and develop enabling legislation and regulations to facilitate the harmonisation of conditions of service across the three Arms of Government.

- (iii) There was need to ensure that ministries and Government institutions effected the recommendations of Annual Performance Appraisals in order to build confidence in the system amongst public service employees.

iii **Service Commissions**

Your Committee was informed that service commissions under the Executive were Constitutional and statutory bodies mandated to oversee the human resource function of their respective services. The service commissions that were provided for by the Constitution and that fell under the Executive arm of Government were the:

- (i) Civil Service Commission;
- (ii) Police Service Commission;
- (iii) Correctional Service Commission;
- (iv) Local Government Service Commission; and
- (v) Teaching Service Commission.

Legal and policy framework

The service commissions were established under Part XVIII of the Constitution of Zambia. The functions of the commissions as provided for under the *Service Commissions Act, No. 10 of 2016* are to:

- (i) second, re-grade, transfer and separate employees;
- (ii) facilitate the transfer of employees across the service commissions;
- (iii) authorise the withholding, reduction, deferment or suspension of salary of employees;
- (iv) hear and determine complaints and appeals from employees whose cases had been determined by Government institutions;
- (v) set and promote a code of ethics and human resource management principles and values;
- (vi) establish standards and guidelines on human resource management;
- (vii) monitor and evaluate compliance with the code of ethics, human resource management principles and values and any other standards and guidelines on human resource management; and
- (viii) impose appropriate sanctions, including withdrawal of delegated human resource management functions, on erring Government institutions.

Your Committee learnt that each service commission comprised the Commission and the Secretariat. The Commission referred to a body comprising the chairperson, vice-chairperson and members. It was the decision-making body of the institution, which provided strategic oversight.

The Secretariat was responsible for the day to day administration of the institution in order to ensure efficient and effective service delivery. It also provided secretariat services to the Commission and facilitated its sittings.

Challenges Facing the Service Commissions and the Way Forward

Your Committee heard that one of the challenges facing the service commissions was that they were inadequately funded for operations and implementation of the revised structures. In addition, the delay in the finalisation of the regulations for the *Service Commissions Act, No. 10 of 2016* had hampered the ability of the service commissions in executing their revised legal mandate.

Your Committee further heard that in order to overcome the above challenges there was need to engage the Treasury to increase budgetary allocation for operations and fund the implementation of the revised structures. In addition, there was need to expedite the finalisation of the Regulations for operationalising the *Service Commissions Act, No. 10 of 2016*.

COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

6.2 Following the interaction with Cabinet Office and Management Development Division, your Committee makes the observations and recommendations as set out below.

- i) Your Committee is concerned that Cabinet Office, the highest administrative office in the public service, has inadequate financial and material resources to effectively execute its mandate of securing an efficient and effective public service and provide effective secretariat services to Cabinet.

Your Committee, therefore, recommends that the Government should ensure that Cabinet Office is adequately capacitated both financially and materially so that its performance is not compromised.

- ii) Your Committee is concerned that Cabinet Office despite having a consultancy division (the Management Development Division) has been operating with an outdated organisational structure that is inappropriate for the proper functioning of the Office.

Your Committee, therefore, urges the Government to expeditiously review the organisational structure of Cabinet Office to bring it in line with its current functions and ensure that Cabinet Office functions effectively. Your Committee also recommends that the structure should be reviewed periodically to ensure that it stayed up to date.

- iii) Your Committee is of the view that the institutions under the cabinet affairs portfolio may not be aware of the establishment of the Parliamentary Committee on Cabinet Affairs under Standing Order No. 157(1) of the National Assembly of Zambia Standing Orders of 2016 and its oversight mandate over the cabinet affairs portfolio.

Your Committee, therefore urges the Government through Cabinet Office to sensitise the institutions under the cabinet affairs portfolio on the existence of the Parliamentary Committee on Cabinet Affairs under Standing Order No. 157(1) of the National Assembly Standing Orders, 2016. The institutions should further be sensitised on the Committee's oversight mandate over the cabinet affairs portfolio. This is meant to ensure that the oversight function of the National Assembly through the Committee system is conducted smoothly.

- iv) Your Committee bemoans the inadequate capacity by the Office of the Vice-President to effectively respond to emergencies. Your Committee is particularly concerned that the nation is ill prepared to respond to disasters such as floods and droughts. Your Committee, therefore, urges the Government to take the issue of disasters seriously and prepare for them adequately.
- v) Your Committee notes that Cabinet Office is responsible for spearheading the implementation of Public Service Reforms such as the Decentralisation Policy and the Human Resource Management Reforms that are meant to generally improve service delivery in the public service. Your Committee is however, dismayed that even at this highest level, these processes are either slow or they have stalled due to budgetary constraints. Your Committee is concerned that almost every division or institution under the Cabinet Office portfolio is inadequately funded to be able to execute their functions effectively. For instance, the regulations under the *Service Commissions Act, No. 10 of 2016* have not been developed due to inadequate funding. The situation has negatively affected the performance of the service commissions in the execution of their mandates.

Your Committee, therefore, strongly recommends that as matter of urgency, the Government, through Cabinet Office and the Ministry of Finance, should agree on what Government priorities are regarding the reforms and concentrate on funding and implementing the identified priority reforms.

PART II

HUMAN RESOURCE MANAGEMENT IN THE ZAMBIAN CIVIL SERVICE

7.0 The Civil Service was established pursuant to Article 221(1) of the *Constitution of Zambia Act No. 2 of 2016*. The Civil Service comprises civil servants and other public officers as prescribed by law. These officials are at the core of Executive functions as well as provision of public services. It is in this context that the Constitution of Zambia as provided for under Article 222 created a commission with the mandate to constitute offices in the Civil Service and appoint, confirm, promote and hear appeals from officers in the Civil Service.

However, civil service enrolments and matters incidental thereto, have suffered chronic bureaucratic inefficiencies. It is not uncommon in the Civil Service to find anomalies such as delayed inclusion of new personnel on the Government payroll, delayed issuance of letters of appointment, confirmation and promotion, as well as lack of clarity in terms of systems and procedures on how to deal with various aspects of human resource welfare and management. These anomalies had become entrenched and negatively affected the smooth running of the Government.

It is against this background that your Committee, concerned with the state of affairs in the Civil Service, resolved to undertake a study on Human Resource Management in the Zambian Civil Service with a view to making recommendations to the Government on how the situation can be improved.

In order to better understand the subject under consideration, your Committee sought the views of the institutions /stakeholders listed below who made both written and oral submissions.

- (i) Office of the Secretary to Cabinet/ Public Service Management Division;
- (ii) Ministry of Labour and Social Security;
- (iii) Civil Service Commission;
- (iv) Teaching Service Commission;
- (v) Judicial Service Commission;
- (vi) Lusaka Province Provincial Administration;
- (vii) Copperbelt Province Provincial Administration;
- (viii) Eastern Province Provincial Administration;
- (ix) Luapula Province Provincial Administration;
- (x) Central Province Provincial Administration;
- (xi) North Western Province Provincial Administration;
- (xii) Muchinga Province Provincial Administration;
- (xiii) Northern Province Provincial Administration;
- (xiv) Zambia Federation of Employers;

- (xv) Office of the Public Protector;
- (xvi) Zambia Institute of Human Resource Management;
- (xvii) Zambia Congress of Trade Unions;
- (xviii) Civil Servants and Allied Workers Union;
- (xix) Zambia National Union of Teachers;
- (xx) Secondary Schools Teachers Union;
- (xxi) Transparency International;
- (xxii) National Institute for Public Administration; and
- (xxiii) Mr E Chibiliti, Former Secretary to the Cabinet.

SUMMARY OF STAKEHOLDERS' SUBMISSIONS

7.1 The summary of the stakeholders' submissions on the various aspects pertaining to Human Resource Management in the Zambian Civil Service is presented below.

The Legal and Policy Framework which Governs Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation and Discharge in the Civil Service

7.1.1 Your Committee was informed that Article 222 of the *Constitution of Zambia (Amendment) Act, No. 2 of 2016* establishes the Civil Service Commission and confers upon it the powers to appoint, confirm, promote and hear appeals from officers in the Civil Service, and perform such other functions as prescribed. The *Service Commissions Act, No. 10 of 2016* stipulates the functions of the Civil Service Commission with regard to human resource management in the Civil Service.

The policy framework on the Commission's performance of its functions was contained in the Service Commissions Regulations and Service Commissions Policies and Procedures for Employment in the Public Service, the Terms and Conditions of Service for the Public Service and the Disiplinary Code and Procedures for handling Offences in the Public Service.

Your Committee also learnt that the circulars and Statutory Instruments that were issued through the Office of the Secretary to the Cabinet from time to time gave further guidance on the changes in human resource management in the Civil Service.

Criteria and Procedures Employed in the Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation and Discharge in the Civil Service.

7.1.2 Your Committee learnt that the human resource procedures were stipulated in the Service Commissions Policies and Procedures for Employment

in the Public Service as read with the Terms and Conditions of Service for the Public Service.

(i) **Recruitment and Placement Procedures**

Your Committee was informed that before an applicant could be appointed, the Human Resource Management and Development Unit in the recruiting Ministry, Province or Spending Agency (MPSA) was expected to adhere to the procedure below.

- a) Confirmation of the availability of a vacant and funded position from the Payroll Management and Establishment Control (PMEC) System.
- b) Informing the Responsible Officer (Permanent Secretary) of the existence of the vacancy with a copy to the Head of Department where the vacancy had occurred.
- c) Seeking authority to employ from the Public Service Management Division (PSMD) through the Responsible Officer.
- d) Where authority to employ had been granted, the Responsible Officer submitted a recommendation for appointment to the Permanent Secretary, PSMD, who in turn forwarded the recommendation to the Civil Service Commission for directives.
- e) The Civil Service Commission conveyed directives to the Permanent Secretary, PSMD, for onward conveyance to the originating institution.

Your Committee further learnt that the Civil Service Commission used the fast track and interview or aptitude test methods of recruitment to fill vacant positions in the Civil Service. Once the vacancies were identified and advertised, the Civil Service Commission constituted a Selection Board whose mandate was to shortlist, interview, select and recommend suitable candidates to fill the positions. If the fast track method was used, the Selection Board came up with the criteria in line with vacant positions, which were used to eliminate the candidates until the required number was achieved. For the aptitude tests, the candidates were subjected to a written test and the top scorers equivalent to the number of the available vacancies were considered for appointment.

(ii) **Promotions**

The stakeholders submitted that there were two types of promotions, namely direct promotion and promotion after an acting appointment. In this regard, officers could be promoted to certain positions directly without first acting for a specified period. For other positions, officers were promoted following a satisfactory acting appointment for a period of not less than six months.

Your Committee also learnt that vacant and funded positions for senior ranks with salary scale (L) and above were advertised internally or externally. The Civil Service Commission constituted a Selection Board to fill the vacancies

through an interview process. For positions with lower salary scales, the ministries identified the suitably qualified and experienced officers who were recommended for promotion through the Public Service Management Division.

(iii) **Transfers**

Your Committee also learnt that there were two types of transfers, namely permanent and temporary transfers. For a permanent transfer, an officer could be transferred from one institution to another or within the same institution at the initiation of either the Government or the officer. A temporary transfer was a transfer from one station to another for a period of less than six months.

The Civil Service Commission, which was the final authority, processed transfers that were routine in nature as well as transfers upon an officer's request provided the reasons were valid. Routine transfers involved movement of officers who had served five years or more at the same station from their current work station to another. This was aimed at enhancing efficiency in the Civil Service. The recommendations for the said transfers were raised through the Public Service Management Division. With regard to transfers upon an officer's request, a funded vacancy was identified and then the officer was offered the position by the receiving Ministry. A clearance letter from a current Ministry was issued and then the recommendation was raised to Public Service Management Division. Transfers upon an officer's request did not attract settling-in-allowance.

(iv) **Confirmations**

Stakeholders submitted that officers were appointed into the Civil Service on probation for a period of six months. Upon completion of the probation period and with satisfactory performance, an officer was recommended for confirmation and admission to the permanent and pensionable establishment through the Public Service Management Division. If the officer's performance was not satisfactory, the probation period was extended for another six months.

(v) **Discharges**

Stakeholders submitted to your Committee that officers could be discharged from the Civil Service in various ways, which included retirement, resignation and dismissal. Officers gave a year's notice for retirement and recommendations from the ministries were submitted to the Civil Service Commission through the Public Service Management Division. Retirements were currently being processed at the age of fifty-five, sixty and sixty-five in accordance with Statutory Instrument No. 24 of 2015. Once the Commission's

directives were issued, the officer was given three months' notice before they could stop work in line with the terms and conditions of service.

Stakeholders further submitted that officers in the Civil Service could also be discharged through retirement in the national and public interest and on medical grounds. An officer could retire in national interest in order to take up an appointment outside the public service or for other reasons of Government policy, or in public interest for failure to perform one's duties, incompetence or for committing an offence.

However, some stakeholders were concerned about retirement in national interest, which they argued had potential to be abused. They stated that sometimes officers were retired in national interest for being professional and holding responsible officers accountable on the use and management of public resources. Your Committee heard that union representatives in particular had suffered retirement in national interest for objectively representing the interests of their members.

A case of resignation was considered when an officer submitted a notice of resignation. The responsible Ministry forwarded the letter to the Public Service Management Division for consideration and acknowledgement. A confirmed officer could withdraw the resignation letter within three months of submission where as an officer on probation could withdraw within a maximum period of a month.

Some erring officers were discharged from the Civil Service by summary dismissal. This was in instances where an officer committed an offence that was serious in nature. The Civil Service Commission ensured that the disciplinary procedure was followed at all levels before a directive was issued. Generally, the disciplinary procedures outlined below were followed.

- (i) **Formal Charge** – when an offence was alleged to have been committed, the offender was formally charged using a prescribed form.
- (ii) **Exculpatory Statement** – the charged employee submitted an exculpatory statement to show cause as to why disciplinary action should not be taken against him or her. If the exculpatory statement was not satisfactory, the matter was referred to the Disciplinary Authority for determination.
- (iii) **Disciplinary Hearing** – the charged officer was accorded a hearing by the Disciplinary Authority. During the hearing, the accused employee was asked to answer to the charges and was permitted to make pertinent comments in defence.

- (iv) **Determination of the Case** – the Disciplinary Authority made its decision and informed the officer accordingly.
- (v) **Right of Appeal** – every employee had the right to appeal against a decision which involved an entry on his or her disciplinary record. Appeals against discharge and dismissal were only heard by the Civil Service Commission.

Challenges Which Affect the Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation and Discharge in the Civil Service

7.1.3 The stakeholders identified a number of challenges outlined below.

- (i) There were delays in processing human resource management matters from service delivery points to service commissions and vice-versa due to lengthy procedures and multiple levels for processing cases.
- (ii) There was inertia in handling human resource matters due to an inadequate sense of accountability by Responsible Officers and supervising officers at lower levels in the Civil Service. This had resulted in poor work culture and indiscipline, among other things.
- (iii) The slow recruitment processes by the Civil Service Commission had resulted in the freezing of positions, especially in rural districts.
- (iv) The Government introduced the Annual Performance Appraisal System (APAS) in 1997, which was an integral part of the Performance Management Package (PMP) reforms with the principal objective of improving the quality, efficiency and effectiveness of the public service in the performance of its functions. It was a requirement that officers underwent APAS to be confirmed or promoted to a higher position in the public service.

However, APAS had never been effectively used in appraising performance in Government ministries and other spending agencies. The Public Service Management Division had not adequately communicated to and trained the officers concerning APAS in line ministries and other spending agencies. As such, confirmations and substantive promotions in the public service had not been taking place when needed, which resulted in the Ministry of Finance freezing all positions that were not filled at the end of the year.

- (v) Some transfers had become a challenge in that they were perceived to be against the values and principles of human resource management in the public service, specifically that of impartiality and fairness in the exercise of disciplinary action. Some officers were transferred to different places as punishment for either misconduct. On the other hand, others were transferred for holding Responsible Officers accountable on the use and management of public resources. Sometimes officers were transferred to remote places for being professional in their execution of duty against the wishes of those in control.
- (vi) The Civil Service Commission had inadequate funds to conduct monitoring and evaluation of the implementation of the Commission's directives and to create various positions in ministries to pave way for devolution of some of its functions.
- (vii) Some appointments, recruitments, promotions, transfers, confirmations and discharges were perceived to be associated with political interference, tribalism and nepotism.
- (viii) As regards the provisions of Article 189 of the Constitution of Zambia, your Committee was informed by stakeholders that the provisions posed a challenge that had affected the public service negatively and was unsustainable as well. Article 189 (2) provides that:
 - 'Where a pension benefit is not paid on a person's last working day, that person shall stop work, but the person's name shall be retained on the payroll, until payment of the pension benefit based on the last salary received by that person while on the payroll.'

Your Committee learnt that any retiree that had remained on the payroll could not be replaced by either employing or promoting a serving officer. This situation contributed to the understaffing in a number of departments and the demotivation of officers that continue to act in the positions linked to retirees still on the payroll.

Recommendations to Remedy the Identified Challenges

7.1.4 The stakeholders suggested to your Committee the measures outlined below, which they believed could help remedy the situation.

- i. There was need to decentralise the human resource management function to the ministries, institutions, provinces and districts. This would make the human resource management function in the public service more efficient and effective.

- ii. There was need to devolve some of the functions of the Civil Service Commission and other service commissions to lower levels.
- iii. The Government should expedite the implementation of the human resource management reforms in order to facilitate the integration of the new ways of handling human resource matters and professionalise the functions.
- iv. There was need to provide funding for capacity building in human resource management, including the Annual Performance Appraisal System (APAS) for ministries, institutions, provinces, and districts as a way of enhancing performance in the public service.
- v. The Civil Service Commission should be adequately funded to ensure that it was able to perform the monitoring and evaluation of human resource management functions by lower levels.
- vi. There was need to depoliticise the process of appointments, recruitments, promotions, transfers, placements, confirmations and discharges in the Civil Service. Furthermore, Human Resource Management Committees in MPSAs should be constituted to help deal with the alleged nepotism, tribalism and corruption.
- vii. The stakeholders proposed that there was need to address the matter of Article 189 of the Constitution of Zambia, which entitles a person who leaves work to be retained on the payroll where a pension benefit is not paid on a person's last working day.

TOUR OF PROVINCIAL ADMINISTRATION OFFICES AND SELECTED DISTRICT ADMINISTRATION OFFICES IN SOUTHERN AND WESTERN PROVINCES

7.2 Your Committee undertook a tour of Provincial Administration Offices and selected district administration offices in Southern and Western Provinces. The purpose of the tour was to interact with the senior management and staff at these levels in order to appreciate the issues surrounding human resource management in the Zambian Civil Service, focussing specifically on:

- i. the role of the Provincial and District Administration with regard to appointments, recruitment, promotions, transfers, placements, confirmations, and discharges in the Civil Service;
- ii. the cause of indiscipline in the Civil Service;
- iii. the challenges affecting appointments, recruitments, promotions, transfers, placements, confirmations, and discharges in the Civil Service at Provincial Administration Level; and
- iv. the proposed measures to overcome the identified challenges.

In Southern Province, your Committee held meetings in Monze, Choma and Livingstone. In Western Province, your Committee held meetings in Mongu and Kalabo. The findings of your Committee are presented below.

MONZE DISTRICT ADMINISTRATION OFFICE

7.2.1 Your Committee was informed that the District Administration was headed by the District Commissioner who reported directly to the Provincial Permanent Secretary.

The Role of the District Administration With Regard to Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation, and Discharge in the Civil Service

Your Committee was informed that the role of the District Administration in the human resource functions of appointment, recruitment, promotion, transfer, placement, confirmation, and discharge was generally to make recommendations on some human resource issues such as disciplinary cases to the Provincial Administration.

Challenges Affecting Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation, and Discharge in the Civil Service at District Administration Level

The Heads of Department present at the meeting highlighted a number of challenges listed below.

- i. Inadequate staff.
- ii. Inadequate funding.
- iii. Some Classified Daily Employees (CDE) working in the District were recruited from outside the District at the expense of the locals.
- iv. Reported cases of indiscipline among civil servants such as absenteeism and reporting for work under the influence of alcohol.

Proposed Measures to Overcome the Identified Challenges

The Heads of Department proposed the measures outlined below, which they believed could help to mitigate the identified challenges.

- i. There was need to ensure that the Government departments in the District had the required number of officers as per Establishment Register.
- ii. The departments should be adequately funded and the funds released timely.
- iii. The recruitment of CDEs should be done at the district level.

- iv. The District Administration should be allowed to institute disciplinary measures against certain officers through the supervising officers instead of just making recommendations and waiting for action to be taken by the Civil Service Commission. It was further suggested that the Public Service Management Division (PSMD) should conduct sensitisation on ethical conduct and discipline in the Civil Service.

CHOMA PROVINCIAL ADMINISTRATION OFFICE

7.2.2 Your Committee was informed that the Provincial Administration comprised twenty-eight departments. These departments had their members of staff in all the districts in the Province.

The Role of the Provincial Administration With Regard to Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation and Discharge in the Civil Service

Your Committee learnt that the Provincial Administration had a Department of Human Resource Management, which acted as the secretariat for the Permanent Secretary in carrying out human resource functions in the Province. The human resource functions included appointments, recruitments, promotions, transfers, placements, confirmations and discharges.

Further, the Provincial Administration had a Disciplinary, Appointment and Placement Committee that was chaired by the Deputy Permanent Secretary. The Committee was also responsible for recommending to PSMD to fill vacant and funded Civil Service positions generated from the monthly monitoring of the payroll. The Committee further made recommendations for staff confirmations, promotions, transfers, placements and discharges.

Your Committee also learnt that the recruitment of CDEs such as office assistants, drivers and general workers was done from within the Province by the Provincial Administration.

Indiscipline in the Civil Service

The Provincial Administration attributed the indiscipline in the Civil Service to:

- i. lack of orientation of the newly employed officers on roles and responsibilities, terms and conditions of service and other Government operations due to limited resources;
- ii. some supervisors having insufficient knowledge of the disciplinary procedures; and
- iii. poor supervision of the officers by some supervisors.

Challenges Affecting Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation and Discharge in the Civil Service at Provincial Administration Level

The Provincial Administration identified the challenges listed below.

- i. The dual reporting system had created difficulties in human resource administration in the Province. This is because the departments reported both to the Provincial Permanent Secretary and their respective line ministries. The Departments mainly affected were the Education, Health, Agriculture and Fisheries and Livestock. This created a problem for PSMD and the responsible service commissions who in certain instances received different recommendations from the Province and the line ministry on the same case originating from the Province.
- ii. The appointment of non-civil servants by line ministries disadvantaged the local citizenry as these appointments were supposed to be done by the Provincial Permanent Secretary.
- iii. There was lack of consultation by PSMD on certain appointments made, especially when the appointments were contrary to the recommendations submitted by the Province.
- iv. Southern Province had a total of 1,292 frozen positions.

Proposed Measures to Overcome the Identified Challenges

The Provincial Administration proposed the measures set out below.

- i. There was need to harmonise the operations between line ministries and Provincial Administration on appointments, recruitments, promotions, transfers, placements, confirmations and discharges from the Civil Service.
- ii. The Civil Service Commission should delegate its powers to the Appointments and Placement Committees in the provinces as they had enough qualified personnel to perform the tasks on behalf of the Civil Service Commission.
- iii. The Provincial Administration must be consulted on all vacant positions before appointments could be made.
- iv. There was need for the Province to be proactive and the Civil Service Commission to promptly respond to the recommendations to fill vacant positions once identified.
- v. The newly employed staff should be sensitised on their roles and responsibilities and the terms and conditions of service in the Civil Service.

LIVINGSTONE DISTRICT ADMINISTRATION OFFICE

7.2.3 Your Committee was informed that the District Administration was headed by the District Commissioner who reported directly to the Provincial Permanent Secretary.

The Role of the District Administration with regard to Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation, and Discharge in the Civil Service

Your Committee was informed that the role of the District Administration in the human resource functions was generally to make recommendations. For instance, the District Administration made recommendations for confirmation and promotion of eligible officers who had met the requirements. With regard to discharges such as retirement, the District Administration made recommendations to the Provincial Office.

Indiscipline in the Civil Service

Your Committee was informed that the cases of indiscipline in the Civil Service included absenteeism, reporting for work under the influence of alcohol and reporting for work late and leaving early.

The District Administration identified the causes of indiscipline in the Civil Service as:

- i. lack of orientation and induction of newly appointed officers on the terms and conditions of service;
- ii. poor supervision; and
- iii. inadequate vetting during recruitment and placement.

The District Administration, therefore, suggested that newly appointed officers should be sensitised on the terms and conditions of service.

Challenges Affecting Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation, and Discharge in the Civil Service at the Provincial Administration Level

The District Administration identified the challenges listed below.

- i. There was a tendency to recruit unsuitable candidates on behalf of the District Administration.

- ii. There was misplacement of officers at district level, for example, a security guard would be working as an office orderly due to frozen positions.
- iii. Some departments did not have the District Establishment Register.
- iv. The Provincial Office delayed or gave no feedback on the recommendations sent by the departments to the Provincial Administration.
- v. There was delayed payment of staff personal emoluments such as settling in allowance.
- vi. There was delayed replacement of discharged officers resulting in the positions being frozen.

Proposed Measures to Overcome the Identified Challenges

The District Administration made the proposals outlined below.

- i. The recruitment for Division III officers should be done at district level.
- ii. Division I and II vacancies should be availed to districts to invite applications.
- iii. Heads of Department should be given powers to ensure that there was correct placement of officers at provincial level.
- iv. There was need to ensure that the departmental establishment registers were updated annually.
- v. Couples should be considered for transfer where vacancies were available.
- vi. Settling in allowance should be paid to eligible officers through the payroll upon an officer being transferred and separation packages should be paid on the last day of duty.
- vii. Human resource functions should be decentralised to the district level in order to speed up decisions on various issues and ensure effective public service delivery.

KALABO DISTRICT ADMINISTRATION OFFICE

7.2.4 Your Committee was informed that the District Administration was headed by the District Commissioner who reported directly to the Provincial Permanent Secretary

The Role of the District Administration with regard to Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation, and Discharge in the Civil Service

Your Committee was informed that the role of the District Administration with regard to the human resource functions was mainly to make recommendations on some human resource issues such as disciplinary cases to the Provincial Administration.

Indiscipline in the Civil Service

The District Administration submitted that each department in the District had its own Disciplinary Committee, which ensured that civil servants read the Code of Ethics for the Public Service and acknowledged doing so. However, the District had recorded a number of disciplinary cases in the District Education Board Secretary's office and the Department of Health. Your Committee was informed that there was need to undertake sensitisation of civil servants on the Code of Ethics for the Public Service.

Challenges Affecting Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation and Discharge in the Civil Service at District Administration Level

The District Administration identified the challenges below.

- i. A number of Government departments in Kalabo District did not have the adequate number of staff. Among the most affected were the Departments of Health, Agriculture and Fisheries and Livestock, which had fifty-three, twenty-three and twenty-seven frozen positions, respectively.
- ii. The District had 360 frozen positions.
- iii. A number of departments were inadequately funded and the release of the grants to the departments was irregular.
- iv. There was delayed payment of staff personal emoluments such as settling in allowance and leave benefits.

Proposed Measures to Overcome the Identified Challenges

The District Administration proposed the measures outlined below.

- i. The departments should have adequate staff in order to improve service delivery.
- ii. The National Assembly of Zambia should lobby the Executive to unfreeze the frozen positions so as to improve the staffing levels in various departments in the District.
- iii. There was need to fund all the Government departments adequately and ensure that the funds were released timely.
- iv. The civil servants' personal emoluments such as settling in allowance must be paid as soon as they were due in order to motivate the officers.

MONGU PROVINCIAL ADMINISTRATION OFFICE

7.2.5 Your Committee held a meeting with the Provincial Administration and the findings of your Committee are presented below.

The Role of the Provincial Administration With Regard to Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation and Discharge in the Civil Service

The Provincial Administration in Western Province informed your Committee that they played specific roles in relation to specific human resource functions as explained below.

a) Appointment, Recruitment and Placement

Your Committee learnt that the Provincial Administration was responsible for the:

- i. identification of vacant posts;
- ii. advertising and shortlisting;
- iii. conducting interviews; and
- iv. recommending for appointment to Public Service Management Division.

The Provincial Administration stated that the power to recruit and appoint officers was vested in the Civil Service Commission. The Provincial Administration could only appoint CDEs.

b) Promotion

Your Committee learnt that the Provincial Administration was responsible for:

- i. the identification of vacant posts;
- ii. the identification of suitable and qualified officers; and
- iii. making recommendations to PSMD on the promotion of officers.

c) Transfer

Your Committee was informed that the Provincial Administration made recommendations for transfer based on recommendations from departmental heads and on requests from individual officers who wished to be transferred on swapping basis.

d) Confirmation

On confirmation, the role of the Provincial Administration was to appraise officers on acting appointment, who were due for confirmation after six months.

e) Discharge

With regard to discharge, your Committee learnt that the role of the Provincial Administration was restricted to establishing evidence on disciplinary cases and recommending to PSMD for further action.

Indiscipline in the Civil Service

The Provincial Administration informed your Committee that the Province had a Provincial Disciplinary Committee whose role was, among others, to ensure that disciplinary procedures were followed at that level and to make recommendations to PSMD on cases involving civil servants. Cases involving CDEs were concluded at the Provincial level. The Provincial Administration identified the following causes of indiscipline in the civil service:

- i. poor work culture;
- ii. lack of compliance to laid down terms and conditions of service;
- iii. lack of orientation and workshops;
- iv. weak management styles;
- v. lack of ambitiousness; and
- vi. personalising of Government programmes by supervisors. This frustrated some officers who resorted to indiscipline.

The Provincial Administration stated that the officers and their supervisors and the human resource practitioners were to blame for the indiscipline in the Civil Service.

Challenges Affecting Appointment, Recruitment, Promotion, Transfer, Placement, Confirmation and Discharge in the Civil Service at District Administration Level

The District Administration identified the challenges listed below.

- i. There was no coordination of appointments between Provincial Administration and line ministries. This resulted in conflicting appointments.
- ii. Sometimes, appointment of officers by PSMD was not in line with recommendations from line ministries and Provincial Administration.
- iii. In some cases, there were delayed responses from PSMD on recommendations leading to officers losing confidence in their supervisors.
- iv. There were above 400 frozen critical and technical positions.
- v. There was delayed clearance from other service commissions when transfers were from one commission to another.

- vi. There was delayed provincial payroll transfers relating to transfers of staff from one province to another.
- vii. There was lack of matching resources to facilitate transfers.

Proposed Measures to Overcome the Identified Challenges

The District Administration made the proposals set out below.

- i. There was need to devolve some powers to appoint, promote, confirm, transfer, place, recruit and discharge to the Provincial Administration.
- ii. There was need to prioritise the budgeting and funding of the unfreezing of frozen critical positions in phases to enhance efficiency in service delivery.
- iii. There was need to quicken and coordinate the payroll transfers between provinces.
- iv. The movement of transferred officers from one district or province to another must be facilitated by controlling officers and resources made available. Transfers between commissions must also be expedited.
- v. Priority must be given to the recommendations from the point of service delivery when appointing officers to the Civil Service.

COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

7.3 Based on its interactions with stakeholders, both during the sittings at Parliament and the tour of the Provincial Administration Offices and selected district administration offices in Southern and Western Provinces, your Committee's observations and recommendations are as set out below.

- i) Your Committee observes that the documents making up the policy framework such as the Service Commission Regulations, Service Commission Policies and Procedures for Employment in the Public Service, Terms and Conditions of Service for the Public Service and the Disciplinary Code and Procedures for handling offences in the Public Service were issued in 2003 and have not been reviewed since then. This is despite some of them having been developed under Section 21 of the *Service Commissions Act*, Chapter 259 of the Laws of Zambia, which has since been repealed.

Your Committee is of the view that the policy documents are outdated and therefore, recommends that they should be reviewed without delay to ensure conformity with emerging trends in human resource management in the Civil Service and in harmony with the *Service Commissions Act, No. 10 of 2016*.

- ii) Your Committee observes with concern that there are a lot of vacant frozen positions in the Civil Service, a situation that has impacted negatively on service delivery. For example, your Committee learnt that

Southern Province alone has 1, 292 frozen positions. Your Committee, therefore, urges the Government to ensure that Controlling Officers, PSMD and the Service Commissions guard against the freezing of vacant positions by filling them promptly as they occur, in line with treasury regulations. As a short term solution, your Committee recommends that Cabinet Office should engage the Treasury on the possibility of providing funding for the unfreezing of essential positions countrywide in the 2019 national budget.

- iii) Your Committee notes that the Government is implementing human resource management reforms that seek to, among other things, promote timely processing of appointments and promotions to all public service positions based on merit and progression. Your Committee is, however, concerned over the slow pace of the reform process. It notes that from inception in 2012, the reforms were only given the legal effect through the *Service Commissions Act, No. 10 of 2016*. The slow pace of the reforms has delayed a number of planned activities such as the delegation of human resource management functions and powers from service commissions to lower levels, which is meant to decentralise the human resource management system.

Your Committee, therefore, urges the Government to expedite the reform process and implement the reforms fully.

- iv) Your Committee is concerned that the human resource management decision-making system is highly centralised, resulting in delays in making decisions on issues such as discipline and appointments. This situation has impacted negatively on human resource management as in some situations, officers with disciplinary cases have ended up being promoted while the disciplinary process was still active. On the other hand, some officers have waited for their confirmation for years without any feedback.

Your Committee, therefore, reiterates the need for the Government to expedite the implementation of the human resources management reforms, which, once fully implemented, will empower Ministries, Provinces or Spending Agencies (MPSAs) to make timely decisions on human resource matters. Your Committee also urges the Government to cut down on some bureaucratic procedures associated with the Public Service Management Division. For instance, MPSAs should be allowed to seek authority for recruitment directly from the Civil Service Commission (CSC) and submit all the paperwork directly to the CSC. PSMD should only play the role of formalising once the CSC has recruited.

- v) Your Committee notes with great concern that the National Decentralisation process continues to be implemented at a slow pace

than anticipated thereby negatively affecting the effectiveness and efficiency of the Civil Service in the delivery of public services. Your Committee recommends that the Government should regularly track the progress made in the Decentralisation process and ensure that Decentralisation is implemented expeditiously.

- vi) Your Committee bemoans the poor working culture and indiscipline in the Civil Service and agrees with some stakeholders that this is due to inertia in handling human resource matters by Responsible Officers and supervising officers at lower levels. Your Committee further expresses concern at the apparent disregard and inadequate recognition of the critical role of oversight that Parliament plays by some government officials as evidenced by the behavior of some Permanent Secretaries and District Commissioners that choose to stay away from Parliamentary delegations conducting oversight work in their stations.

Your Committee recommends that the Government should urgently come up with measures to promote discipline, professionalism and boost the morale of public service employees. These measures should include strict adherence to the values and principles of human resource management in the Civil Service such as qualification, merit, competence, relevant experience and good conduct as the basis of appointment and promotion, as well as impartiality and fairness in the exercise of disciplinary action. Furthermore, the newly employed staff should be sensitised on their roles and responsibilities and the terms and conditions of service in the Civil Service. Other measures could be timely and speedy decision making on employee matters such as confirmations and promotions and timely payment of personal emoluments such as settling in allowance and leave benefits.

Your Committee also recommends that the Government through the Office of the Secretary to the Cabinet should ensure that civil servants such as Permanent Secretaries and chief executives of State Owned Enterprises stop trivialising and disregarding the oversight work of Parliament by attending to Members of Parliament during their oversight work in various parts of the country.

Your Committee further recommends that the Government through the Office of the Secretary to the Cabinet should consider revisiting Cabinet Office Circular No. 13 of 2016, which places Members of Parliament below civic leaders in the Order of Precedence. Your Committee is of the view that the Circular has contributed to the disregard for Parliamentary work as has been exhibited by some senior civil servants.

- vii) Your Committee observes that the Government has been creating new districts without providing adequate funding to cater for the recruitment

of personnel and operations. It is of the view that this creates pressure on the already inadequately funded Civil Service as resources have to be spread thinly to cater for all the districts.

In this regard, your Committee strongly recommends that the Government should only create districts that have been adequately provided for in the national budget. Further, the Government through Cabinet Office should ensure that the administrative structures are put in place as soon as districts are created to allow the civil servants to get to work and provide the much needed services in the new districts.

- viii) Your Committee notes Government plans to operationalise the National School of Government (NSG), which will help orient newly recruited civil servants and build their capacity through a deliberate programme.

Your Committee commends the Government for establishing the National School of Government (NSG) and urges the Government to expedite its operationalisation.

- ix) Your Committee notes that Article 189 of the Constitution of Zambia, which entitles a person who leaves work to be retained on the payroll where a pension benefit is not paid on a person's last working day is well meaning. However, your Committee is concerned that the provision is creating a strain on the Treasury and may not be sustainable. Further, the provision entails that posts cannot be filled until the retired person is removed from the payroll, which can take several years.

Your Committee recommends that the Government should urgently address this matter to ensure that only those who reach statutory retirement age benefit under the provisions of Article 189 of the Constitution of Zambia. The Government should further make efforts to clear outstanding pension and terminal benefits for retired persons promptly. In addition, given the huge backlog of unpaid terminal benefits, your Committee strongly recommends that the Government creates a budget line specifically to clear pension arrears while measures are instituted to pay new retirees promptly.

- x) Your Committee is concerned over the inadequate and delayed funding of MPSAs by the Treasury. It is of the view that such a situation has potential to stifle improvements in public service delivery, and therefore, recommends that the Government should ensure regular, adequate and timely funding to MPSAs.
- xi) Your Committee observes with great concern that there is interference by line ministries in the recruitment of CDEs in the provinces despite the fact that this is the responsibility of the Provincial Administration. Your Committee urges the Government to ensure that Controlling Officers in

line ministries and PSMD respect and uphold the procedures relating to the employment of CDEs and leave the recruitment of CDEs in provinces to the Provincial Administration.

- xii) Your Committee observes that there is a dual reporting system for Government departments in the provinces currently as the departments report both to the Provincial Permanent Secretary and their respective line ministries. Your Committee shares the concern of the Provincial Administration that this has potential to create difficulties in human resource administration.

Your Committee, therefore, recommends that the Government should harmonise the operations between line ministries and the Provincial Administration on appointments, recruitments, promotions, transfers, placements confirmations and discharges to avoid duplication of work and making conflicting recommendations to PSMD and the relevant service commissions.

CONCLUSION

8.0 Your Committee is grateful to you, Mr Speaker for the guidance rendered to it during the Session. Your Committee is also grateful to the office of the Clerk of the National Assembly and her staff for the support rendered to it throughout this Session. Your Committee is further indebted to all witnesses who submitted memoranda and appeared before it. Finally, your Committee remains hopeful that its observations and recommendations will be positively considered by the Executive in order to address the challenges associated with the management and operations of various departments under the cabinet affairs portfolio and human resource management in the Zambian Civil Service.

June, 2018
LUSAKA

Dr M Imakando, MP
CHAIRPERSON

APPENDIX I

List of National Assembly Officials

Ms C Musonda, Principal Clerk of Committees,
Mr F Nabulyato, Deputy Principal Clerk of Committees (SC)
Mr S Chiwota, Acting Senior Committee Clerk (SC)
Mrs A M Banda, Committee Clerk
Ms B P Zulu, Committee Clerk
Ms A Phiri, Typist
Mr M Chikome, Committee Assistant
Mr D Lupiya, Committee Assistant