

PUBLIC SERVICE (PERSONAL GRIEVANCE PROCEDURE) REGULATIONS, 1990

In exercise of the powers vested in the Public Service Commission (hereinafter referred to as "the Commission") by subsection (1) of section 9 of the Public Service Decree 1990, and with the approval of the Minister the Commission has made the following regulations:

Short title and coming into force

1. These Regulations may be cited as the Public Service (Personal Grievance Procedure) Regulations 1990 and shall come into force on the date of publication in the *Gazette*.

Interpretation

2. In these Regulations the expression:

"officer" means a person employed in the Public Service who is subject to the jurisdiction of the Commission but does not include a wage earner;

"personal grievance" means any grievance by an officer on any matter which is directly or indirectly related to his work or work environment and on which no right of redress exist elsewhere in any Act, Regulation, Order or Rule;

"Secretary" means Secretary to Government and for the Public Service.

Exclusion of certain grievances

3. Any grievance arising from or pertaining to the following are excluded from the procedures set out in these Regulations:

(a) selection procedures in regard to appointment and promotion;

(b) notwithstanding Regulation 19 of the Public Service Commission (Constitution) Regulations 1990, transfer and posting;

- (c) sideways transfer;
- (d) extension and termination of probationary appointment;
- (e) any other matter where a right of review or appeal exist under specific provisions of any Act, Regulation and General Order.

Procedures for dealing with personal grievances

4.—(1) A personal grievance shall be settled in accordance with procedure set out as follows:

- (a) An officer who considers that he has a personal grievance shall submit the grievance to his immediate superior in writing setting out:
 - (i) the nature of the grievance;
 - (ii) the facts giving rise to the grievance; and
 - (iii) the remedy sought.
- (b) the grievance shall be submitted as soon as practicable after it arose so as to enable the immediate supervisor to remedy the grievance;
- (c) the officer's immediate supervisor shall investigate the matter and provide a written response giving reasons;
- (d) if the officer on receipt of a response from his immediate supervisor is not satisfied with the response so received, he may request the immediate supervisor to forward the matter in writing on to his Section Head for consideration and thereupon that person shall consider the matter and give the officer his decision in writing with reasons within 14 days of the written report being received by him;
- (e) if the officer on receipt of a response from his Section Head is still aggrieved he may request the Section Head to forward the matter in writing on to his Permanent Secretary or Head of Department for consideration and thereupon that person shall consider the matter and give the officer his decision in writing with reasons within 14 days of it being received by him;
- (f) where it is not practicable to make a decision within the time limits specified the time limit may be extended by informing the aggrieved person of that fact;
- (g) if the officer on receipt of a decision from his Head of Department or Permanent Secretary of his Ministry is still aggrieved he may refer the matter in writing to the Secretary of the Commission who shall call for the Departmental papers on the matter and shall convey his decision to the officer in writing as soon as practicable;
- (h) if the officer is still aggrieved after a decision has been made the officer shall thereupon be at liberty to use other avenues of resolving his grievance.

(2) At each stage of the procedure the officer to whom the grievance is referred shall submit a written report setting out:

- (i) the nature of the grievance;
- (ii) the facts giving rise to the grievance;
- (iii) the reasons for his decision.

(3) In the case where an officer has a grievance arising out of the personal behaviour of his supervisor towards him in his capacity as an officer or an employee, the same procedures and requirements set out above shall apply except that the officer may lodge his grievance direct to his Head of Department or Permanent Secretary.

(4) Where an officer or employee is aggrieved by an instruction, he shall nevertheless carry out the instruction, notwithstanding the lodgement of a grievance, unless and until the instruction is countermanded by the relevant authority.

Provisions of these regulations to apply

5. Where any provision of these Regulations is inconsistent with any existing General Orders, Public Service Commission's instructions and other official directives the provisions of these Regulations shall prevail and shall be deemed to apply.

Made this 16th day of November 1990.

POSECI W. BUNE
Secretary
Public Service Commission