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GENERAL NOTICE

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DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

MINISTRY FOR PUBLIC SERVICE AND ADMINISTRATION

1. The Minister for the Public Service and Administration requested the Department of Public Service and Administration: Chief Directorate Human Resource Management to publish a GREEN PAPER on a New Employment Policy for a New Public Service.
2. This Green Paper is hereby published by the Department of Public Service and Administration in the Schedule hereto for general information, public comment and discussion with stakeholders.
3.
 - (a) All interested parties are invited to submit written comments on the Green Paper.
 - (b) Such comments should be addressed to the **Director-General: Department of Public Service and Administration, Directorate: Human Resource Policy, Private Bag X 916, Pretoria, 0001, for attention: Mr C Smit at fax number: (012) 323-2386 or on E-mail: pramnath @psc.pwv.gov.za.**
 - (c) Comments should reach the Department by not later than **31 July 1997.**
 - (d) The name, telephone number and/or fax number and address of the person who should be contacted in regard to the comments should also be stated clearly.

SCHEDULE

GREEN PAPER ON A NEW EMPLOYMENT POLICY FOR A NEW PUBLIC SERVICE

**GREEN PAPER ON A NEW EMPLOYMENT POLICY FOR A NEW
PUBLIC SERVICE**

MAY 1997

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PART I

INTRODUCTION

1. The Public Service has a major role to play in translating South Africa's transition to democracy into decisive action to fight poverty and inequality. As the executive arm of Government, it also faces the challenge of creating an environment for growth and development. To live up to these expectations, the Public Service needs to transform itself into an efficient, democratic and fully representative instrument of service delivery.
2. As part of this process of transformation, the Department of Public Service and Administration has initiated a review of the employment practices and procedures of the Public Service. Most of the employment practices and procedures presently in operation, were designed prior to the adoption of a new democratic order for South Africa and are consequently no longer relevant.
3. In the White Paper on the Transformation of the Public Service, a number of problematic practices have been identified which can be related directly or indirectly to the employment policy framework of the Public Service. The Public Service Act, 1994 and the Public Service Staff Code contain highly detailed rules and procedures relating to the employment of public servants, the management of their career incidents and performance, and the termination of their services. Not only are many of these rules and procedures outdated, they are also overprescriptive, do not focus effectively on the attainment of key human resource objectives such as the establishment of employment equity and tend to emphasise process at the expense of the achievement of strategic outcomes.
4. The adoption of the final *Constitution*, 1996 has provided further momentum to the process of reviewing the Public Service's employment policy by articulating the basic values and principles which should underlie human resource management in the Public Service.
5. The Green Paper entitled "A New Law for a New Public Service: Policy Proposals for a New Public Service Statute" has suggested the development of a new Public Service Act which will establish appropriate mechanisms and structures to create broad policies on the employment, deployment and development of human resources, and the development of a management system, in which the responsibility and capacity to make decisions are devolved to the most appropriate levels of management. It will also address a systematic approach to accountability in which indicators are developed for measuring, monitoring and evaluating the quality of performance of institutions and employees. While the Green Paper gives direction on the development of a new Public Service Act and a Code of Best Management Practices, it contains little detail about the philosophy and principles which should underpin a new employment policy. In view of the importance of effective and equitable people management, the Department of Public

Service and Administration has decided to develop this Green Paper to elicit comments and inputs from as many stakeholders as possible on the values and principles which should guide the employment practices of a transformed Public Service. Another objective of the Paper is to serve as a basis for informed comment and discussion on the elements which should be contained in a revised employment policy framework of which the details are to be incorporated in the Code of Best Management Practices referred to above.

6. This Green Paper builds on the results of a survey conducted by the Public Service Commission during 1996 relating to the desired nature of the Public Service's employment policy. This survey focused on different approaches in giving effect to the relevant provisions of the interim Constitution and the extent to which career-orientation could be balanced with other constitutional objectives such as accountability and representativity. After analysing the results of the survey, it was decided to broaden the scope of the project and to develop a Green Paper aimed at facilitating the formulation of a strategic vision on the employment practices of the Public Service, taking into account relevant provisions of the new Constitution and the contents of other acts/policy documents which have a bearing on the future employment policy of the Public Service.
7. The introduction of new employment practices will be incomplete without linking continued employment and promotion to clear performance indicators. This will require the introduction of new mechanisms to monitor and evaluate performance on the basis of results and quality of service. A project on a new Personnel Performance Management System has already been initiated and information about the project has been included in this Paper.
8. Matters relating to remuneration and conditions of service, human resource development and labour relations are specifically excluded from the scope of this Paper since they are being or have been reviewed as part of separate exercises. The Paper also excludes a discussion of appropriate affirmative action interventions, as this is the subject of a Green Paper entitled "A Conceptual Framework for Affirmative Action and the Management of Diversity in the Public Service." However, in developing the various specific policies within the envisaged new employment framework, the principles underlying the new salary grading system of the Public Service as well as that of affirmative action, will be integrated into all the processes of employment.
9. The drafting team consisted of officials from the Directorate: Human Resource Policy, Department of Public Service and Administration.

10. The Paper is divided into the following parts:

- 10.1 **Overview of Evolving Statutory Framework and Policies Governing Employment in the Public Service.** This part identifies the constitutional and statutory provisions which impact on the Public Service's employment policy and also refers to policy documents which have a bearing on employment practices.
 - 10.2 **Employment Reforms and Policies: The International Context *vis-à-vis* the South African Practice.** This part discusses the employment reforms in other countries, particularly the Commonwealth, and compares the employment practices of selected countries with those of South Africa.
 - 10.3 **Suggestions for Change.** The adoption of key employment values and principles are suggested in the final part. A mission to guide the development of new employment measures/guidelines and a framework in this respect are also proposed.
11. This Green Paper has been preceded by a consultation process involving Human Resource Practitioners and Special Programmes Officers in the Public Service, and is now being published for public comment and consultation with stakeholders both inside and outside the Public Service.

PART 2

OVERVIEW OF EVOLVING STATUTORY FRAMEWORK AND POLICIES GOVERNING EMPLOYMENT IN THE PUBLIC SERVICE

In developing an appropriate employment policy for the Public Service, the new statutory and policy framework impacting on employment practices has to be considered carefully. The following are of particular importance:

1. Constitutional provisions

1.1 The final *Constitution*, 1996, in contrast with its predecessor (the interim *Constitution*, 1993), is less specific in its provisions relating to the staffing of the Public Service. The following basic values and principles provided for in section 195 are relevant:

“(1) Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- (a)
- (b)
- (c)
- (d) Services must be provided impartially, fairly, equitably and without bias.
- (e)
- (f)
- (g)
- (h) Good human resource management and career development practices, to maximise human potential, must be cultivated.
- (i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

(2) The above principles must apply to -

- (a) the administration in every sphere of government;
- (b) organs of state; and
- (c) public enterprises.

(3) National legislation must ensure the promotion of the values and principles listed in subsection (1).

(4) The appointment in public administration of a number of persons on policy considerations is not precluded, but national legislation must regulate these appointments in the public service.

- (5) Legislation regulating public administration may differentiate between different sectors, administrations or institutions."

1.2 The values and principles above signify the ideal character of the Public Service and the manner in which its employment practices should be conducted. In addition, the Constitution entrenches in the Founding Provisions (section 1) and the Bill of Rights (section 9) the right of equality by directing *inter alia* that -

1.2.1 the RSA is a democratic state founded on the values of non-racialism and non-sexism; and

1.2.2 the State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

1.3 As regards the provision referred to in subparagraph 1.2.2 above, the Constitution provides in section 9(2) that for purposes of achieving equality, legislative and other measures designed to protect or advance persons or categories of persons who were disadvantaged by unfair discrimination, may be taken.

1.4 The Constitution further determines in section 197 that provincial governments are responsible for the recruitment, appointment, promotion, transfer and dismissal of members of the public service in their administrations within a framework of uniform norms and standards applying to the public service.

2. The Labour Relations Act, 1995

2.1 In terms of item 2 of Schedule 7 of this Act, an unfair labour practice is defined as any unfair discrimination, directly or indirectly, against an employee on the grounds of *inter alia* race, gender, colour, sex, sexual orientation, age, disability, religion, political opinion, ethnic or social origin, belief, culture, language, family responsibility or marital status or any other arbitrary ground: Provided that any distinction, exclusion or preference based on the inherent requirements of the particular position shall not constitute unfair discrimination.

2.2 An employer is not prevented from implementing policies and practices designed to achieve adequate protection and advancement of persons or groups disadvantaged by unfair discrimination in order to enable their full and equal enjoyment of all rights and freedoms.

2.3 An applicant for employment enjoys the same rights as an employee. It is therefore imperative that departments/administrations apply an objective system and criteria for the appointment of new employees.

2.4 Any form of suspected unfair discrimination will enable an official or an applicant to force an employer in terms of the mechanisms provided by the *Labour Relations Act*, to state reasons why he/she cannot be appointed.

2.5 The Act also places special emphasis on the issue of termination of service. In this respect, the Act contains a specific Chapter dealing with unfair dismissals. Important provisions in this regard are the following:

2.5.1 A dismissal of an employee is automatically unfair on the following grounds:

- (a) participation in (or support of) a protected strike or protest action;
- (b) a refusal by an employee to do the work of employees engaged in a protected strike unless that work is necessary to prevent an actual danger to life, personal safety and health;
- (c) compelling the employee to accept a demand by the employer;
- (d) the employee's pregnancy, intended pregnancy or any reason related to her pregnancy; and
- (e) unfair discrimination by the employer against an employee, directly or indirectly based on race, gender, sex, etc.

2.5.2 The Act also states that a dismissal which is otherwise not automatically unfair, may nevertheless be unfair if the employer fails to prove that the dismissal was effected in accordance with a fair procedure and it was for a fair reason -

- (a) related to the employee's conduct;
- (b) related to the employee's capacity to do the job according to certain standards; and
- (c) based on the employer's operational requirements which means requirements based on the economic, technological and structural needs of the employer. In respect of dismissals on these grounds, the Act requires (in section 189(3)) an employer to disclose the possibility of the future re-employment of the employees who are dismissed.

2.5.3 In respect of dismissals, the Act (Schedule 8) contains a Code of Good Practice pertaining *inter alia* to the following:

- (a) Reasons for dismissals.
- (b) Disciplinary procedures which should precede dismissals.
- (c) Guidelines to assess the nature of transgressions and punitive measures to be taken.
- (d) Guidelines in dealing with cases and dismissals for poor work performance other than disciplinary action.
- (e) Procedures and guidelines to deal with the incapacity of an employee due to ill-health or injury and the dismissal of an employee as a result thereof.

3. **White Paper on Reconstruction and Development**

- 3.1 The White Paper on Reconstruction and Development is aimed at ensuring a democratic future for the RSA and it represents a vision for the fundamental transformation of South Africa by *inter alia* developing strong and stable democratic institutions and practices characterised by representativeness and participation and ensuring that society becomes fully democratic, non-racial and non-sexist.
- 3.2 The Reconstruction and Development Programme aims to rebuild a Public Service which is the servant of the people, accessible, transparent, accountable, efficient, free of corruption and providing an excellent quality of service. It requires all departments to undertake reviews in order to discontinue policies, programmes or projects that act against the spirit of the Programme and the Constitution.
- 3.3 An important objective set for the Public Service by the Reconstruction and Development Programme is the establishment of pro-active and sensible programmes to remove all practices based on racism, gender, inequality and other forms of inequalities or discrimination. In the latter respect, the position of disabled persons is regarded of particular importance and the Reconstruction and Development Programme prescribes that a comprehensive programme for disabled persons be instituted to enhance their mobility in the society and remove discriminatory practices against them, especially in the workplace.

4. White Paper on the Transformation of the Public Service

4.1 The White Paper recognises that the Public Service is characterised by a number of problematic policies and practices which, if left unchanged, could seriously compromise the ability of Government to achieve its major goals of reconstruction and development, nation building, national reconciliation and community empowerment and democratic participation. The following problems and shortcomings in the Public Service are identified:

4.1.1 Poor service delivery.

4.1.2 Centralised control and top-down hierarchical management structures.

4.1.3 Lack of accountability and transparency.

4.1.4 The absence of effective management.

4.1.5 The persistence of a rule-bound, instead of a goal orientated culture.

4.2 The fundamental principles contained in the White Paper are aimed at establishing a Public Service which -

4.2.1 is representative, coherent, transparent, efficient, effective, accountable and responsive to the needs of all;

4.2.2 is committed to the provision of services of an excellent quality to all South Africans in an unbiased and impartial manner;

4.2.3 maintains fair labour practices for all public service workers irrespective of race, gender, disability or class;

4.2.4 is committed to the effective training and career development of all staff;

4.2.5 is goal and performance orientated, efficient and cost effective;

4.2.6 is integrated, co-ordinated and decentralised;

4.2.7 is open to popular participation, transparent, honest and accountable; and

4.2.8 respectful of the Rule of Law, faithful to the Constitution and loyal to the government of the day.

4.3 On issues which relate more directly to the human resource terrain, the White Paper states the following:

4.3.1 A management style based on the devolution and decentralisation of responsibilities must be developed.

4.3.2 Affirmative action programmes, to ensure that people from disadvantaged groups inside and outside the Public Service will be identified and appointed at all levels of the Public Service, must be developed. In this regard, departments/administrations are required to draw up detailed affirmative action plans focusing on the position of black people, women and disabled persons. These plans should include the introduction of new recruitment and promotion measures based on non-discriminatory criteria of competency and performance rather than on formal qualifications and traditionally valued forms of experience.

4.3.3 In so far as the position of black people, women and the disabled is concerned, the objective is that by the year 2000 all departmental establishments must be at least 50% black and at least 30% of the personnel composition at middle and senior management echelons should be women. By the year 2005 disabled persons should comprise 2% of the Public Service's personnel composition.

5. The New State Administration Model and envisaged Public Service Statute

5.1 One of the objectives set by the White Paper on the Transformation of the Public Service, is that the legislative framework governing the Public Service, be reformed. The two major phases of reform are discussed below.

5.2 The first phase entails redefining the role and functions of the Public Service Commission and the Minister for the Public Service and Administration. Amendments to the existing *Public Service Act*, 1994 and the *Public Service Commission Act*, 1984, have already been drafted and approved by Cabinet for introduction to Parliament. Since the relevant amendments could not be implemented prior to the final Constitution being enacted and implemented as they conflict with the provisions of the interim *Constitution*, 1993, they will be introduced during the 1997 parliamentary session. Interim administrative arrangements have, however, already been put into place to give effect to the Minister's and Commission's redefined roles.

- 5.3 The changes will result in the relevant entities being responsible for the following functions:

5.3.1 **Minister for the Public Service and Administration**

All functions and powers relating to personnel and public administration practices as well as conditions of service will be placed with the Minister for the Public Service and Administration. This includes the formulation of policy on employment practices, equal employment opportunity and affirmative action. The Minister will be assisted by the Department of Public Service and Administration.

5.3.2 **Public Service Commission**

The Commission will primarily be a monitoring and advisory body which will be responsible for promoting the basic public administration values and principles as set out in the Constitution. It will also provide advice and report on personnel practices in the Public Service, including those relating to career incidents.

- 5.4 Another important phase of reform concerns the development of a legal framework to transform the Public Service. A Green Paper entitled "A New Law for a New Public Service: Policy Proposals for a New Public Service Statute" was recently published for comment in the Government Gazette. Two central themes underlie the legislative changes proposed, namely the replacement of -

5.4.1 the excessive centralism of the current system of public administration with an approach that permits maximum departmental autonomy and managerial responsibility within a coherent national public service; and

5.4.2 a rule-bound culture of work with one that is goal-orientated and promotes efficiency, development and the effective delivery of services.

- 5.5 Deriving from the approach mentioned in subparagraph 5.4.1 above, all executive powers relating to the career incidents of public servants, organisational structures and the establishments of departments, will be exercised by departments/administrations and the responsible Ministers or Members of Executive Councils. The exercise of these powers will be constrained by the standards and parameters prescribed in the envisaged "Code of Best Management Practices" and the Public Service Staff Code.

6. The Basic Conditions of Employment Bill

6.1 This draft legislation, which has been prepared by the Department of Labour, is aimed at -

6.1.1 promoting equity in terms of employment;

6.1.2 setting employment standards which will create a climate for economic development by enhancing productivity and increasing investment in human resource development; and

6.1.3 protecting the workforce of the Republic at large from unsatisfactory employment conditions by setting standards in respect of issues such as leave, working hours, etc.

6.2 The following should specifically be noted:

6.2.1 The standards will be applicable to all sectors of the economy, including the Public Service, with the exception of members of the security forces and intelligence services. Provision will however be made for flexibility to address specific sectoral needs and circumstances.

6.2.2 Less favourable or disproportionate conditions of employment may not be offered to part-time employees, unless reasonably practicable to do so.

6.2.3 A right may be conferred to full-time employees to be transferred to part-time capacities if their circumstances necessitate such a change and if it is reasonably practicable for an employer to do so.

6.2.4 An employee may not be classified as casual or temporary if he/she has been employed for a period longer than six months.

6.2.5 Children below the age of 15 years may not be required or permitted to perform work or carry out duties.

6.2.6 The employment of a person must be effected in terms of a formal contract of employment and a model contract shall be provided for in the envisaged legislation.

6.2.7 Specific measures with regard to notices of termination of services will be provided. For instance, termination of service by an employer for a reason other than the employee's conduct, should be at least four weeks. During probation, a shorter period of notice, but not less than one week, will be permitted.

7. Green Paper on a new Employment and Occupational Equity Statute

7.1 This Green Paper includes proposals relating to -

7.1.1 the eradication of unfair discrimination of any kind in the hiring, promotion and retrenchment of persons;

7.1.2 measures to encourage employers to undertake organisational transformation to remove unjustified barriers to employment for all persons and to accelerate the training and promotion of individuals from historically disadvantaged groups; and

7.1.3 measures for effecting employment equity. Employers will be called upon to develop employment equity plans. Mechanisms to monitor the execution of such plans, will be instituted by the Department of Labour.

7.2 The following specific issues addressed in the Green Paper are bound to impact on employment practices:

7.2.1 Advertising mechanisms should be such that all potential candidates are reached, including persons from historically disadvantaged groups. In this regard, the Green Paper indicates that processes such as advertising through media with limited circulation should not be continued. This also applies to individual based recruitment, unless it is aimed at increasing the number of applicants. Informal head hunting for qualified applicants from historically disadvantaged groups is acceptable, but it should be done in conjunction with advertising to as wide a group as possible.

7.2.2 Selection criteria should as far as possible be defined in terms of skills rather than formal educational requirements. The value of experience in different types of situations should be duly recognised and taken into account. In instances where persons from the historically disadvantaged groups are under represented, seniority may be a discriminatory criterion. Psychometric tests should be avoided unless they accommodate diversities.

7.2.3 Language policies/requirements should not unnecessarily limit access by disadvantaged groups.

7.2.4 In regard to retrenchment practices, it should be recognised that the LIFO-principle may perpetuate past disadvantages, since women/blacks had previously legally or effectively been excluded from employment.

7.2.5 The process of screening applicants should, where possible, be conducted with assistance from representative selection committees.

8. **The Integrated National Disability Strategy of the Government of National Unity**

8.1 The Strategy, which has been published for public comment in the Government Gazette of 14 March 1996, provides a comprehensive and integrated Strategy to address the status and needs of disabled people in the RSA. It stipulates that disability is a human rights and development issue which cuts across the responsibilities of a wide range of government departments. In essence, the Strategy sets important objectives which impact on the employment policy in terms of issues such as affirmative action and human resource provisioning and utilisation (in respect of disabled persons) in the Public Service. The core issues addressed by the Strategy are the following:

8.1.1 A solid conceptual basis for the development of a realistically implementable disability strategy which is essential both to the development of sound policy and to the forging of a new vision for the disabled, is provided.

8.1.2 The Strategy calls for the development of an integrated management system for the co-ordination of disability planning, implementation and monitoring.

8.1.3 It serves as an effective vehicle for the integration of disability issues into employment policies and programmes.

8.1.4 The document calls for a radical shift from the welfarism approach which denied the disabled access to opportunities to the creation of a national machinery to promote the disabled's full and equal participation in society.

8.2 The Public Service is criticised in regard to the health requirements applied for purposes of permanent appointment. The fact that the requirements probe into a variety of disabilities, both past and present, mental and physical, regardless whether or not they relate to the requirements attaching to the relevant job or post, is regarded as unjustifiable and a mechanism which favours an approach where the assessment of a person's candidature is based on the nature/extent of his/her disability rather than his/her competency to perform particular tasks.

8.3 In addition to setting a framework for the integration of disabled persons into open and equitable employment, the Strategy also advocates the implementation of action plans which include -

8.3.1 measures to design and adapt workplace and work premises to make them accessible for disabled persons;

8.3.2 support for the provisioning and use of technology and equipment in order to facilitate disabled persons in gaining and maintaining employment; and

8.3.3 the provisioning of training and support to disabled employees such as personal assistance and interpreter services.

9. **The Open Democracy Bill, 1996**

The Bill aims to promote open and accountable administration at all levels of government. As regards employment - related issues, it -

9.1 gives, subject to certain restrictions, a right of access to information to the public and individuals;

9.2 provides for the disclosure of information that will assist the public in understanding the functions of governmental bodies (including the Public Service) and the criteria that underpin their decisions; and

9.3 regulates the collection of personal information.

10. **Draft White Paper on Financial Management and Expenditure Budget Reform**

10.1 This draft Paper, which is currently being finalised by the Department of State Expenditure, will contain proposed reforms to improve the integrity of Public Service budgeting and the translation of national priorities into spending agency strategies.

10.2 In so far as human resource management is concerned, the draft Paper contains important proposals in that performance management is regarded as a core supporting mechanism to enhance the accountability of the Public Service in regard to its expenditure. It is envisaged that a performance management system should be introduced in the Public Service which will basically require -

10.2.1 the development of work plans for officials with clearly defined tasks and objectives linked to the strategic plans of the officials' components;

10.2.2 agreement between management and officials on the results to be achieved; and

10.2.3 assessment of officials' performance against agreed-upon performance indicators.

11. **Occupational Health and Safety Act, 1993**

11.1 This Act deals substantively with matters on health, safety and the physical environment of the workplace.

- 11.2 It determines specifically that every employer shall provide and maintain, as far as reasonably practicable, a working environment that is safe and without risk to the health of its employees. Duties in this regard include *inter alia* -
- 11.2.1 the provision and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health;
 - 11.2.2 taking such steps as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective equipment;
 - 11.2.3 making arrangements for ensuring, as far as is reasonably practicable, the safety and absence of risks to health in connection with the production, processing, use, handling, storage or transport of articles or substances; and
 - 11.2.4 establishing, as far as is reasonably practicable, what hazards to the health or safety of persons are attached to any work which is performed, any article or substances which is produced, processed, used, handled, stored or transported and any plant or machinery which is used in his/her business, and he/she shall, as far as is reasonably practicable, further establish what precautionary measures should be taken with respect to such work, article, substance, plan or machinery in order to protect the health and safety of persons, and he/she shall provide the necessary means to apply such precautionary measures.
- 11.3 The Act furthermore stipulates that every employer shall, as far as is reasonably practicable, cause every employee to be made conversant with the hazards to his/her health and safety attached to any work which he/she has to perform, any article or substance which he/she has to produce, process, use, handle, store or transport and any plant or machinery which he/she is required or permitted to use, as well as with the precautionary measures which should be taken and observed with respect to those hazards.
12. Although some of the aforementioned policy documents have not yet been implemented, all of them signal a fundamental shift in thinking on employment practices. Common themes are the eradication of all forms of unfair discrimination, the establishment of employment equity, the promotion of fair labour practices, the development of human resources and the upliftment of disadvantaged groups. Transparency and just administrative action are also encouraged.

PART 3**EMPLOYMENT REFORMS AND POLICIES: THE INTERNATIONAL CONTEXT
V/S-à-V/S THE SOUTH AFRICAN PRACTICE**

1. In considering options in terms of employment policy reforms, it might be useful to analyse common themes which are emerging in other countries. This Part contains such an analysis and highlights the diversity and communality of the employment policies and practices of a number of selected countries. For purposes of easy reference, an exposition of the RSA - Public Service's employment system is also provided.
2. In discussing civil service reforms in Commonwealth Countries, Kaul (1996) mentions that most governments have introduced reforms in their civil services in order to attain greater efficiency, and more responsive and flexible services. This has been motivated by unprecedented economic crises, which led to reduced financial resources for governments and by rapid changes in political and public opinion.
3. Among the common themes which have emerged, is an increased emphasis on accountability. This includes a tighter definition of tasks, measurement of performance, devolution of resource control, strengthening of monitoring, and clarifying of incentives.
4. A growing concern for efficiency and effectiveness is also emerging. This is mirrored in a concern to achieve a civil service more orientated towards achievements and outputs than consistency of procedures.
5. Kaul also mentions that in some settings a comprehensive revision of traditional personnel policies has been embarked upon with the overall aim of developing a new culture in which quality and accountability to the public are being emphasised. Human resource management systems allow increasing managerial autonomy over departmental and agency human resources management practices. This is in line with the general movement to grant managers more control over the utilisation of their resources.
6. Open recruitment procedures, with wider recruitment for senior posts, are also being introduced. As a result the assumption of a career-based civil service with semi-automatic promotion is weakening. At senior levels, low reward, high security positions are being replaced with exactly the opposite. As the emphasis is shifting from high security careers towards shorter term employment contracts and achievement orientated promotion, a new cadre of responsive managers is emerging.

7. In identifying common directions for change, a report issued by the Commonwealth Secretariat in 1996, mentions that traditionally, the public service has assumed that uniformity, a hierarchical chain of command, and a lifetime career support the key public service values of probity and integrity, and selection by merit. Current pressures on the service have produced new values. These include accountability for results rather than process, responsiveness to policy directions and client needs, a commitment to efficiency, quality and transparency. The new values have led to some old ones being questioned.
8. The same report identifies five themes of personnel management reforms. These include -
 - 8.1 a move away from promotions by seniority towards other, more merit-based selection mechanisms;
 - 8.2 the opening and widening of career paths in order to enlarge the field of competition for positions; and
 - 8.3 a concern to make the composition of the public service more representative of social diversity, both as an end in itself and to deliver greater equity in the service's treatment of different social groups.
9. Although Australia is generally regarded as being amongst the front runners in public sector reform, the observation was made in a Discussion Paper entitled "Towards a Best Practice Australian Public Service" (November 1996) that the current Australian Public Service (APS) employment framework is a complex array of regulations which has produced a process-driven culture and an entitlement mentality. It expresses the Australian Government's intention to mainstream employment provisions largely with those that apply to the wider community. It also states that the Government will provide the APS with greater freedom to manage. This includes the development of a far more flexible employment framework and the establishment of a more direct relationship between employees and their employers rather than management through rules, regulations and third party relationships.
10. In his Opening Address to the Annual Conference of Commonwealth Regional Heads (26/27 July 1996), Dr Peter Shergold, Commissioner of the Australian Public Service and Merit Protection Commission, mentioned that one of the "future shocks" which must be expected in public services there and overseas is a far more flexible employment framework with Chief Executive Officers having full autonomy in human resource management and being held accountable through formal contracts. He also confirmed that human resource management in the APS focuses too much attention on processes and inputs and that too little time is spent on strategic people management and human resource development.

11. New Zealand is another example of a country which has introduced far-reaching public sector reforms. In his critique of the success of the key reforms which were introduced, Walker (1996) mentions that the liberation of managers from central input controls did not lead to reckless behaviour as predicted by some. Instead it has almost universally led to responsible, innovative management and a focus on the real issues facing departments. He also states that the freedom for departments to take full responsibility for hiring, firing and remuneration of staff did not result in spiralling costs and widely divergent practices.
12. In the United Kingdom one of the main initiatives in reforming the Civil Service, was to extensively delegate powers to recruit, train, promote and dismiss staff (Jenkins, 1995). Although the British Government has re-emphasised its commitment to maintaining a predominantly career Civil Service, it expects to see greater movement into and out of the Civil Service as is the case in other areas of the employment market (The Civil Service: Taking Forward Continuity and Change, 1995).
13. As the above discussion suggests, the following employment policy reforms can be found across a wide range of countries:
 - 13.1 Devolution of control over the utilisation of human resources.
 - 13.2 An emphasis on results as opposed to adherence to detailed rules.
 - 13.3 Open recruitment procedures.
 - 13.4 More flexible and less prescriptive employment frameworks.
14. In order to assess South Africa's present employment practices compared to those of leading democracies in other settings, a survey was conducted focusing on key employment provisions. The tables annexed at the back of the Paper reflect the results of that survey. The following conclusions can be drawn from the survey:
 - 14.1 Open or closed employment system (Annexure A)
 - 14.1.1 New Zealand, Victoria and Sweden are clearly examples of countries/states with completely/mainly open employment systems. Australia, Canada, the Netherlands and India are examples of countries with a combination of open and closed employment practices. Germany on the other hand, follows a much more conservative approach and can for all practical purposes be regarded as a country with a closed public service employment system.

- 14.1.2 South Africa's employment measures contain elements of both open and closed systems. A unique characteristic is the statutory preference which is given to serving officials even though open competition is prescribed at management level and outside recruitment is permissible at the other levels. The utilisation of preference lists is a remnant of traditional practices of giving preference to seniority and attaching particular weight to the results of internal merit assessments. No internal or external competition takes place when such lists are used.
- 14.2 Determining the suitability of candidates from outside the Public Service (Annexure B)
- 14.2.1 All the foreign countries surveyed appear to be relatively flexible in their choice of selection instruments. Fairness, reliability and objectivity appear to be the guiding principles. Australia is particularly sensitive to culturally biased selection instruments. India seems to be the only country surveyed to make use of examinations to determine the suitability of candidates for specific posts.
- 14.2.2 South Africa's system also allows for flexibility and recognises the need for selection instruments not to discriminate against disadvantaged groups.
- 14.3 Equating internal merit assessments and Public Service experience with outside performance appraisals and external experience (Annexure C)
- 14.3.1 Except for Germany, all the foreign countries referred to, either do not take into account the results of internal merit assessment and do not give preference to Public Service experience during open competitions or if they do, these factors do not appear to play a decisive role. Equal opportunities for internal and external candidates appear to be the rule.
- 14.3.2 In the South African context equality of opportunity is undermined by the statutory preference which is given to serving officials. In many cases inflexible educational and experience requirements are also set in Personnel Administration Standards. These requirements do not give recognition to the inequalities of South Africa's educational system nor do they take into account past racial barriers to employment opportunities.

14.4 Balancing and integration of the principles of merit and employment equity with affirmative action programmes to redress imbalances in personnel composition (if any) in terms of race, gender and persons with disabilities (Annexure D)

14.4.1 In assessing the principles applied in all the countries surveyed (with the exception of Germany), it is clear that equal employment opportunity (EEO) principles are fully integrated in appointment and promotion decisions even though it is possible that certain posts may be reserved for specific target groups.

14.4.2 In South Africa a definite distinction is made between "normal" appointments/promotions, and appointments/promotions in terms of special programmes. Principles are also not well integrated into the "normal" appointment/promotion measures which could jeopardise the actualisation of affirmative action and EEO goals.

14.5 Role of the health of a candidate during the selection/ recruitment stage (Annexure E)

14.5.1 There is clearly a move away from setting general health requirements as a condition for permanent appointment. Health declarations or medical examinations are normally only required when they can be justified based on the inherent requirements of the position.

14.5.2 South Africa's procedures do not distinguish between positions where health requirements are justified and those where they are not. The requirements are also of a very general nature and do not take into account differences between positions. Information obtained from health questionnaires or medical examinations could jeopardise a candidate's chances to be appointed even though the nature of the person's ill-health or disability might not render him/her unsuitable for the position.

14.6 Different capacities (permanent, temporary, full-time, part-time, etc) of employment and differentiation in employment practices and dispensations (Annexure F)

14.6.1 In all situations different capacities of employment are provided to provide for different needs. As mentioned in the introductory paragraphs of this Part, there is a definite move away from life-time employment to shorter term employment contracts.

14.6.2 South Africa's system also provides for different capacities of employment although the emphasis is still on permanent employment.

14.7 Authority for the employment, transfer, promotion, discharge, etc of officials (Annexure G)

14.7.1 The trend is to vest the authority to approve appointments, promotions, transfers, discharges, etc. with heads of departments, subject to certain minimum standards aimed at strengthening accountability and promoting fairness and objectivity.

14.7.2 South Africa's present system of involvement of Public and Provincial Service Commissions in these decisions, has become obsolete with the acceptance of the new state administration model and the adoption of the Constitution, 1996. The *Public Service Act*, 1994, the various acts regulating the establishment and functioning of the Public/Provincial Service Commissions as well as the Public Service Staff Code do, however, still provide for the role of these Commissions.

PART 4

SUGGESTIONS FOR CHANGE

1. From the preceding parts it should be clear that the existing employment policy of the Public Service is in need of urgent revision. In developing a new employment policy, it is imperative that interested persons and groups be given an opportunity to express themselves on the basic principles which should underpin the policy. An opportunity should also be provided for stakeholders to participate in the process of developing a conceptual framework for policy/guidelines on the employment, deployment and termination of service of public servants. The following paragraphs contain suggestions which might serve as the basis for inputs and debate.

2. Mission of a new employment policy

Taking into account the need to transform the way in which the human resources of the Public Service are managed and having regard to the statutory directives and other policies impacting on human resource issues as discussed in Part 2, the Public Service's approach towards its employment practices should be guided by the following mission statement:

The creation, through a process of thorough consultation, of an appropriate framework in the form of policies and guidelines, which provides for a flexible and development-oriented system of employment and career management. The framework will be aimed at enabling departments/ administrations to fulfil their human resource requirements in transforming their organisations and achieving their organisational goals. It will also promote the development of human potential and ability and facilitate the process of achieving a Public Service broadly representative of the South African people. Moreover, it will serve as a user-friendly guide in ensuring fair, objective and lawful human resource practices.

3. Key employment values

- 3.1 Appointments and promotions should be made on the basis of merit and equity. This includes the following:

- 3.1.1 Open competition for posts with recruitment practices aimed at attracting as many suitable candidates as possible, including candidates from historically disadvantaged groups.

3.1.2 Assessment of applicants according to their abilities, potential, skills, competence, performance and personal qualities based on the inherent requirements of the position with a view to appointing the most suitable candidate, taking into account the need to redress the imbalances of the past to achieve a public administration broadly representative of the South African people.

3.1.3 Objective and fair selection processes and techniques.

(Note: The concepts of merit and equity as well as the criteria listed in paragraph 3.1.2 above lend themselves to different interpretations. For purposes of establishing a common understanding in this regard within the context of human resource employment, the relevant terminology are elucidated in Annexure H.)

3.2 Staffing decisions should be free of any form of unfair discrimination as listed in the Constitution, 1996 and *Labour Relations Act*, 1995.

3.3 Programmes to redress the imbalances of the past and to achieve the adequate protection and advancement of persons or groups disadvantaged by unfair discrimination, should be embarked upon.

3.4 The employment, deployment and termination of service of staff members should be informed by organisational requirements and should be based on fair labour practices.

3.5 Employment practices should be aimed at providing worthwhile career opportunities to talented persons and should be aimed at actualising human potential.

3.6 Departmental autonomy should be allowed in regard to the employment, deployment and termination of service of staff members within a clear framework of accountability.

4. Nature of employment system

4.1 Taking into account the need to give historically disadvantaged groups and individuals access to the Public Service as well as to attract talented persons from the outside to the Public Service, lateral entry on the basis of open competition should be permitted at all levels. Posts should be advertised as widely as possible both internally and externally with deviations possibly being permitted in respect of the following:

4.1.1 Allowing for the redeployment of supernumerary staff.

4.1.2 The consideration of the candidature of retrenched officials.

4.1.3 Appointment to entry level posts.

4.1.4 Appointments/promotions in terms of special programmes to promote representativity.

4.2 The authority to advertise externally should vest with departments/administrations, subject to a broad policy framework determined by the Minister for Public Service and Administration aimed at ensuring the maintenance of minimum standards and giving effect to principles such as employment equity, accessibility and cost-efficiency.

4.3 The utilisation of mechanisms such as preference lists which do not allow for open competition should be outlawed.

4.4 To allow for maximum horizontal and lateral mobility, the internal advertisement of posts should as a general rule not be restricted to one department/ administration only. The vacancy circular of the Department of Public Service and Administration could be used if a department/administration does not possess the means to undertake the advertising of a vacancy within the Public Service itself.

5. Determining the suitability of candidates from outside the Public Service

5.1 In situations of open competition, the suitability of candidates from outside and inside should be assessed using the same selection techniques and criteria.

5.2 The choice of selection techniques should be left with departments/administrations subject to the techniques being reliable, fair and valid. Culturally biased selection techniques should specifically be avoided.

6. Equating internal merit assessments and Public Service experience with outside performance appraisals and external experience

6.1 Taking into account paragraph 5.1, no particular significance should be attributed to the results of internal merit assessments in situations of open competition. When evaluating the work history and performance of candidates, the results of performance appraisals of all candidates can, however, be taken into account.

6.2 When considering the candidature of internal and external candidates, no particular weight or benefit should be given to Public Service experience and seniority. The value of experience should be assessed wider and recognition should be given to experience gained in different types of situations.

6.3 The potential of candidates and their skills should take preference over the attainment of specific, formal qualifications. For this purpose, the provisions of all Personnel Administration Standards as well as recruitment and selection practices at departmental level will have to be reviewed.

7. Balancing and integration of the principles of merit and employment equity with affirmative action programmes to redress imbalances in personnel composition in terms of race, gender and persons with disabilities

7.1 All posts should be filled on the basis of merit and employment equity. Any form of unfair discrimination, be it direct or indirect, should be eradicated at both policy and operational level.

7.2 In addition to removing systemic barriers, programmes of affirmative action should be introduced at all levels and all sectors of the Public Service where a need in this regard is identified. For purposes of identifying target groups, a clear and common framework of defining these groups in terms of race, gender and disability, will have to be developed.

8. Role of the health of a candidate during the selection/recruitment stage

The possibility should be investigated not to set any general health requirements upon appointment. This includes doing away with health questionnaires. The only exception could be where physical fitness is an express requirement for the position. Factors such as the high incidence of ill-health discharges in the Public Service and the cost to the Government Employees Pension Fund should, however, be taken into account.

9. Different capacities (permanent, temporary, full-time, part-time, etc) of employment and differentiation in employment practices and dispensations

9.1 Provision should be made for a flexible policy framework in terms of which departments/administrations can decide on which basis they wish to appoint candidates.

9.2 Appointment capacities should include permanent employment, fixed-term, part-time and hourly paid. Because of considerations such as South Africa's high unemployment rate, serious consideration should be given to reserving permanent employment for South African citizens only.

9.3 Clear policy measures and/or guidelines should exist on the remuneration and conditions of service applicable to each of the categories.

10. Authority for the employment, transfer, promotion, discharge, etc of officials

- 10.1 Except for positions of head of department/administration, the final authority to fill all posts within a department/administration and to manage the career incidents of staff (transfers, promotions, secondments, discharges, etc) should rest with a head of department.
- 10.2 The head of department/administration should be able (and should in fact be encouraged) to delegate his/her authority subject to a clear framework of accountability.
- 10.3 Policy measures and guidelines determined by the Minister for Public Service and Administration should be restricted to the minimum necessary to ensure a coherent Public Service, objectivity and fairness.

11. Towards a new conceptual framework on employment in the Public Service

- 11.1 To rectify the shortcomings in the present employment framework, new policy measures which will be conducive to the mission, principles and values suggested in the preceding paragraphs, have to be developed. These policy measures will eventually, where appropriate, be incorporated in either the envisaged new Public Service Statute, the Code of Best Management Practices or the Public Service Staff Code.
- 11.2 None of the principles and values discussed above can be effective in isolation. They must consequently -
 - 11.2.1 be supported by policies and strategies aimed at preventing unjustified discrimination in employment and the achievement of a public administration broadly representative of the South African people;
 - 11.2.2 be based on the objective assessment of a person's abilities, potential, skills, competence, performance and personal qualities in line with the principles of merit and equity; and
 - 11.2.3 ensure a uniform commitment to fairness and non-discrimination with a view to maintain high standards of ethical conduct and accountability in all the relevant practices.

11.3 Considering the above and the scope of this Green Paper, the following interrelated key areas are suggested as a conceptual framework within which the new employment policy could be operationalised:

11.3.1 Human resource planning

- (a) This practice is aimed at ensuring that all departments and provincial administrations become broadly representative of the South African people and that persons with the right skills and abilities are available in sufficient quantity to meet organisational goals. Human resource planning thus entails the translation of transformation and organisational objectives into human resource needs and numbers.
- (b) In essence, human resource planning is the starting point in the employment process in that it entails the assessment of current human resources, the review of organisational objectives and the translation of the outcome of these assessments and reviews into quantitative and qualitative human resource needs.
- (c) Policy and guidelines to assist departments/administrations in undertaking effective human resource planning are a necessity to ensure the proper handling of this function throughout the Public Service. Issues which should be addressed as part of such policy and guidelines, include skills audits, human resource databases, recruitment -, career- and succession planning, and job descriptions.

11.3.2 Selection and staffing procedures

- (a) The aim will be to ensure fair and effective processes for the recruitment, selection and placement of persons. A core issue in dealing with these processes is the matching of a person's skills, abilities and career needs with available jobs and career opportunities within the Public Service.

- (b) In respect of this key area, policy and guidelines will be provided on recruitment, selection methods/ practices, appointments, promotions, horizontal mobility and secondments.

11.3.3

Performance management

- (a) Performance management stands central in endeavours to enhance the efficiency of the Public Service. A clear and practical performance management system which will provide a link between individual performance, attitudes and behaviour and the overall objectives, culture and values of the organisation, is consequently of great importance.
- (b) What should in essence be aimed at, is the fostering of productivity and efficiency by maximising and maintaining individual and team performance at all levels throughout the Public Service. Policy and guidelines should thus be provided in respect of performance measurement and appraisal, incentives and rewards, the management of underperformers (through employee-assistance programmes, etc) and dealing with grievances. The following principles should underpin such a performance management system:
 - (i) The quality of output should be emphasised.
 - (ii) Performance objectives and standards will be mutually agreed on between an official and his/her supervisor.
 - (iii) Individual developmental needs should be identified pro-actively.
 - (iv) The system must be practical, easy to understand and to apply and flexible to meet individual departmental needs.

11.3.4

Termination of services

- (a) This area relates to the various circumstances under which termination of services may take place.

- (b) For purposes of facilitating uniformity in respect of transversal issues and ensuring due compliance with especially the provisions contained in the *Labour Relations Act, 1995*, policy and guidelines should be developed in respect of employee-initiated as well as employer-initiated terminations of service. The latter should typically, in terms of the classification set by the *Labour Relations Act, 1995* address termination of service due to -
 - (i) an employee's conduct;
 - (ii) an employee's incapacity to perform according to certain standards; and
 - (iii) operational requirements based on the economical and organisational needs of the employer.
12. A comprehensive change management and capacity building programme should accompany the introduction of the suggested changes since it cannot be taken for granted that adjustments in policy will automatically be translated to behavioral and operational modifications. Such programmes should be initiated by the Department of Public Service and Administration and need to take into account different needs and stages of development at national and provincial level.

OPEN OR CLOSED EMPLOYMENT SYSTEM

ANNEXURE A

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	NEW ZEALAND	UNITED KINGDOM	SWEDEN	INDIA	SOUTH AFRICA
<p>❑ Posts of Chief Executive Officer (CEO) and Secretary are normally not advertised. Persons are appointed to these positions by the Governor-General on the recommendation of the Prime Minister and the responsible Minister.</p> <p>❑ All posts in the Senior Executive Service (SES) are advertised both internally and externally (newspapers). For the filling of posts in the SES, a recommendation from the CEO/Secretary is required whereafter the matter is submitted to the Commission for approval.</p> <p>❑ For non-SES vacancies,</p>	<p>❑ No preference is given to serving officials as far as appointments are concerned. Vacancies can either be filled by the transfer or promotion of an officer or by the appointment of someone from outside the Public Service.</p> <p>❑ Each appointment must be made on merit taking into account -</p> <p>(a) the extent to which each applicant has the skills, knowledge, aptitude and experience relevant to the requirements of the position;</p> <p>(b) diligence and good conduct; and</p>	<p>❑ Generally speaking, Canada has a career system of employment for its "indeterminate" or permanent work force. The Public Service Employment Act requires that appointments be made from within the Public Service unless it is in the best interests of the Public Service to recruit externally. In practice, hiring managers will firstly consider whether there are internal candidates for their positions before proceeding to external recruitment. For short term requirements (i.e. jobs lasting for 6 or 12 months) there is however a tendency to recruit externally.</p>	<p>❑ Germany has a highly structured career based Public Service consisting of the "Beamten Kader" which makes up the professional cadre and also the largest portion of the Public Service; "Angestellten" whose tenure is less structured and of a temporary nature and forms the so-called intermediate service; and, at the lowest end of the structure, "Arbeiter" who are appointed on a temporary basis.</p> <p>❑ In terms of their Constitution, all possible candidates who comply with the minimum entry requirements shall have equal access to the Public Service</p>	<p>❑ A career system in terms of preferred progression is not laid down by law.</p> <p>❑ Appointments are not based on the merit principle (best possible person for the job) and seniority has very little relevance when competing for higher positions. The approach is to select a "good" candidate from a special interest group.</p> <p>❑ In terms of existing policy, posts which become vacant must be filled in the following order:</p> <p>(a) Redundant or displaced officials receive first preference throughout the whole of the Civil Service.</p> <p>(b) Officials participating within a departmental management development system (programme) must then be considered.</p> <p>(c) Officials elsewhere in the Civil</p>	<p>❑ Prior to the introduction of the State Sector Act, 1988 the Public Service was a "career service", with incentives to encourage and reward long service. The appointment and promotion systems were examples of this, generally recognising seniority, as well as competence, and favouring serving officers over all but the most outstanding external applicants. With the introduction of the State Sector Act, 1988, the Public Service was opened up to all comers, with the particular object of transplanting into departments the energy, imagination and commitment evident in much of the private sector managerial corps. All vacancies, from</p>	<p>❑ Though a specific career system is not prescribed by law, such a system is very much in practice, based on convention.</p> <p>❑ Lateral entry at all levels is, however, permissible. In terms of recent initiatives adopted by government, the recruitment of "new blood" is regarded as a priority. This approach is tempered by balancing it to a greater extent with succession planning and career development which affords high performers a substantive career in the Civil Service.</p> <p>❑ Under the current system (i.e. that lateral entry is possible at all levels), a high premium is still placed on</p>	<p>❑ The government employment system is mainly open. Only some specific professions are mainly closed e.g. military officers and judges.</p> <p>❑ Lateral recruitment is allowed on all levels. Restrictions apply only to specific professions.</p>	<p>❑ Employment is based on the principles of equality of opportunity and representation, merit and efficiency.</p> <p>❑ No citizen shall thus, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for or discriminated against in respect of employment.</p>	<p>❑ The prescripts constituting the Public Service's existing employment system fall into two categories, i.e. those which represent the "normal" measures and standards to be applied in employment and those which are designed to promote the representativity of the Public Service in terms of gender, population group and disabled persons.</p> <p>❑ The "normal" measures regulating employment can be regarded as a career system. The statutory mandate for this arrangement flows</p>

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	NEW ZEALAND	UNITED KINGDOM	SWEDEN	INDIA	SOUTH AFRICA
managers may choose to restrict the applicant field to APS staff, or to advertise internally as well as externally in the press. Transferring people within or between organisations is also an option. All base grade positions must be advertised in the press and the Commonwealth Employment Service as well as internally. Base grade Administrative Services Officers and Graduate Administrative Assistants are recruited centrally. Special base grade recruitment programs are available for the recruitment of members of certain designated groups.	<p>(c) where relevant, the performance of each applicant in relation to the functions of any position, employment or occupation previously held or engaged in by the applicant.</p> <p>■ All vacancies are advertised in a Notice which is widely available both within and outside the Public Service.</p>	<p>■ The general method of recruitment from outside the Public Service is by competition. For lower level positions, the competition is usually limited to persons who reside in the immediate vicinity of the position being filled, while for more specialized or very senior positions, it would normally be open to all Canadians or those in a particular province or region.</p> <p>■ Lateral entry is permissible at any level although in practice most external recruitment is done at "entry" levels. There are some specialised occupations where recruitment may only take place at</p>	<p>at the various entry levels.</p> <p>■ Due to the high investment in recruiting and developing suitable officials, posts at promotion level are, in the rule, confined to competition from among the ranks of serving officials and such vacancies are posted throughout the Public Service.</p> <p>■ Lateral entry at promotion levels occurs very rarely and only if a suitable official is not available. The intended appointment of a candidate from outside the Public Service can only be effected on approval by the Federal Personnel Committee.</p> <p>■ The approach to selection, the setting of entry</p>	Service/within a specific ministry are then considered.	<p>the heads of departments to office clerks, are now advertised.</p> <p>■ In effecting appointments/filling posts, preference was in the past given to serving officials. This is no longer the case, although they are bound to give serving employees equal opportunities to apply for vacancies. An internal vacancy circular exists which can be utilised for this purpose.</p> <p>■ Most vacancies are advertised in daily newspapers or professional publications.</p>	<p>Civil Service experience and, as such, most posts at promotion/ senior level are filled by means of the promotion of serving officials who are, in general, better equipped to successfully compete for such posts.</p> <p>■ Vacancies below Executive Officer level are published in at least the local job centre and vacancies for middle and senior level appointments are advertised in the local, national or specialist press.</p> <p>■ In respect of senior positions, the Civil Service Commission may provide departments with a short list of suitable serving officials but these positions are sometimes also advertised to ensure equal opportunities.</p>			<p>from section 11 of the <i>Public Service Act, 1994</i> which prescribes that in the filling of any post -</p> <p>(a) no person who qualifies for the appointment, transfer or promotion concerned shall be favoured or prejudiced; and</p> <p>(b) only the qualifications, level of training, merit, efficiency and suitability of the persons who qualify for the appointment, promotion or transfer in question, and such conditions as may be determined or prescribed or as may be directed or recommended by the Public Service Commission</p>

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	NEW ZEALAND	UNITED KINGDOM	SWEDEN	INDIA	SOUTH AFRICA
<p>■ Although the Commission still has the statutory power to approve the filling of all posts, it has delegated its power except for posts in the SES.</p>		<p>the entry level because special technical training must be undertaken, e.g. meteorological technicians.</p>	<p>examinations, the prescribed in-service entry training, the relatively long probation periods (up to 3 years) and the fact that special approval has to be sought for appointments from outside the Public Service above entry levels, indicate a strong career-orientated Public Service.</p> <p>■ Candidature for entry at the various levels is invited by means of advertising in the media. At the lower two levels, advertising is normally confined to the locality where the vacancy exists. At the higher levels, advertisements are placed in the national media or specialised media for</p>						<p>for the making of the appointment or the filling of the post, shall be taken into account.</p> <p>■ The Act further provides in section 11(2) that only if a post cannot be satisfactorily filled by the transfer or promotion of an officer, may the appointment of a person who is not an officer be considered.</p> <p>■ In practice, the employment system entails that posts are to be filled in a sequence which provides that the transfer of an official who already occupies a post on the relevant level, has priority over an</p>

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	NEW ZEALAND	UNITED KINGDOM	SWEDEN	INDIA	SOUTH AFRICA
			certain professions. In certain instances employment agencies are also used.						<p>official who has to be promoted, who in turn has priority over a person who is to be appointed from outside.</p> <p>■ The procedure for the filling of posts on the various post levels is as follows:</p> <p>(a) <u>Posts in the management echelon</u> All vacant posts are advertised simultaneously within and outside the Public Service.</p> <p>b) <u>Promotion posts</u> Departments/ administrations may effect the</p>

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	NEW ZEALAND	UNITED KINGDOM	SWEDEN	INDIA	SOUTH AFRICA
									<p>filling of such posts through the promotion of an official from (a) departmental preference list(s) or through advertising within and/or outside the Public Service.</p> <p>(c) <u>Entry level posts</u></p> <p>A variety of methods may be used by departments/administrations at their own discretion such as advertising within and/or outside the Public Service, recruitment of candidates through study aid schemes, and utilisation of waiting lists.</p>

DETERMINING THE SUITABILITY OF CANDIDATES FROM OUTSIDE THE PUBLIC SERVICE

AUSTRALIA	VICTORIA	CANADA	GERMANY	UNITED KINGDOM	SWEDEN	INDIA	SOUTH AFRICA
<p>■ A variety of selection techniques are utilised. These include written applications, selection tests, interviews, assessment centres and questionnaires.</p> <p>■ Selection methods must be fair, valid and reliable.</p> <p>■ Entry level candidates are subjected to aptitude tests and they have to fill in a biographical data questionnaire.</p> <p>■ For minority groups testing arrangements are different.</p> <p>■ All applicants must provide a "statement of claims" in respect of the achievements reached during their careers, and why they regard themselves suitable for the vacancy.</p>	<p>■ Selection techniques are normally interviews and reference checking.</p> <p>■ Candidates are assessed in terms of capabilities, weighed against selection criteria.</p>	<p>■ A variety of selection techniques are utilised.</p> <p>■ The techniques for internal and external candidates are the same.</p>	<p>■ A variety of selection techniques are utilised.</p> <p>■ During assessment, school results, specific qualifications and proven work performance play an important role.</p>	<p>■ A variety of selection techniques are utilised.</p> <p>■ The requirements set in respect of qualifications, experience, abilities, aptitudes and personal qualities must be relevant to the post requirements.</p> <p>■ Potential for wider deployment or promotion is also taken into account.</p>	<p>■ Since a vacancy generally can be filled by a person from the service or outside it, the same method to assess the candidates are used.</p> <p>■ Both categories of applicants must submit an application and a CV and their competence and skills are assessed from those documents, references and interviews.</p> <p>■ Sometimes recruitment tests are also used and/or recruitment consultants are engaged.</p>	<p>■ Examinations are one of the primary methods utilised to determine the suitability of candidates for specific posts.</p> <p>■ The examinations are designed to test not only the candidate's factual knowledge or even comprehension ability, but also his/her ability to analyse and assimilate a complicated phenomenon, his/her powers of critical thinking and his/her capacity for applying knowledge to the solution of practical problems.</p> <p>■ The systems of conducting examinations forms part of recruitment in the Public Service.</p>	<p>■ A variety of selection techniques are utilised. In respect of certain occupational classes, psychometric tests, conducted by the Department of Labour, are prescribed.</p> <p>■ Selection methods must be fair, valid and reliable in dealing with underlying differences due to culture, population group and gender.</p> <p>■ Uniform and objective standards must be applied in respect of all candidates during selection.</p>

EQUATING INTERNAL MERIT ASSESSMENTS AND PUBLIC SERVICE EXPERIENCE WITH OUTSIDE PERFORMANCE APPRAISALS AND EXTERNAL EXPERIENCE

ANNEXURE C

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	UNITED KINGDOM	SWEDEN	SOUTH AFRICA
<p>■ A performance appraisal system exists for the Senior Executive Service and middle management officials and the results of these appraisals may or may not be taken into account during the selection process.</p>	<p>■ All candidates are assessed in terms of their capabilities weighed against the selection criteria. This is normally done through interviews and reference checking.</p>	<p>■ In open competitions no particular weight or benefit is given to internal experience and seniority is not a consideration in any of the selection processes.</p> <p>■ All candidates are assessed against the same Statement of Qualifications using the same range of assessment techniques.</p> <p>■ When external candidates are involved, the Statement of Qualifications is written in such a way as to allow a "level playing field" for all candidates as to not give undue advantage to candidates with Public Service experience.</p>	<p>■ Candidates from within the Public Service will be preferred over candidates from the outside.</p> <p>■ Experience is a very important criterion within their career system.</p> <p>■ In the event of recruiting at levels higher than entry level, minimum appropriate experience requirements are set.</p>	<p>■ Experience is regarded as an important factor for the filling of posts above entry level and requirements in this regard are determined by individual managers.</p> <p>■ Due to the vibrant labour market that exists and the large number of applications which are elicited through advertising, quite extensive requirements are set.</p> <p>■ Experience requirements are usually of a general nature, so as not to deliberately exclude potential candidates.</p>	<p>■ Departments/agencies have a relatively free hand with regard to the setting of experience requirements.</p> <p>■ A certain premium is placed on "suitable/ appropriate" experience, but in order to ensure equality, this is counterbalanced by aptitude or potential requirements.</p> <p>■ At certain levels appropriate Civil Service experience can qualify serving officials to compete for higher posts even though they do not comply with the prescribed educational/vocational requirements.</p>	<p>■ Only in specific areas are there systems for merit assessment and the performance of such individuals is evaluated by their superiors. The result is a base for decisions on assignment to more complicated and qualified tasks and also for setting the salary.</p> <p>■ Recruitment methods make no difference between Public Service employees and other candidates.</p>	<p>■ The candidature of serving officials has preference over that of outsiders. This implies that the suitability of candidates, which relates to the total profile of a person, is first assessed against the relevant post and person requirements and then compared to that of the other internal candidates.</p> <p>■ In cases of open competition, i.e. where a post has been advertised, the candidature of an official may not be disregarded due to the individual's lower assessment rating or seniority. In such instance, the candidature of all officials must be con-</p>

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	UNITED KINGDOM	SWEDEN	SOUTH AFRICA
							<p>sidered on an equal footing for purposes of determining their suitability. During this process, an official's assessment rating as well as his/her experience, are taken into account in so far as it is applicable to the work environment and requirements attaching to the post.</p> <p><input checked="" type="checkbox"/> Suitability must be -</p> <p>(a) based only on a person's qualifications, level of training, merit, efficiency and suitability for a specific post; and</p> <p>(b) determined on the basis of the specific requirements stated in the relevant Personnel Administration Standard and the post and person requirements attaching to the post.</p>

BALANCING AND INTEGRATION OF THE PRINCIPLES OF MERIT AND EMPLOYMENT EQUITY WITH AFFIRMATIVE ACTION PROGRAMMES TO REDRESS IMBALANCES IN PERSONNEL COMPOSITION IN TERMS OF RACE, GENDER AND DISABLED PERSONS

ANNEXURE D

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	NEW ZEALAND	UNITED KINGDOM	SWEDEN	INDIA	SOUTH AFRICA
<p>■ Merit is the basis for appointment and promotion decisions in the APS. In application, it entails adequate publicity; assessment against realistic standards; absence of unjustified discrimination, patronage and favouritism; and ranking on the basis of an assessment of suitability/efficiency. Candidates are assessed according to their abilities, skills and personal qualities. In addition, managers must take into account equal employment opportunity (EEO) principles and objectives and have regard to anti-discrimination legislation and administrative law requirements.</p> <p>■ Most posts are filled in terms of</p>	<p>■ The principles of merit and equity form an integrated unit.</p> <p>■ The concept "employment equity" entails the application of fair employment principles and non-discrimination.</p> <p>■ Two so-called "designated groups" have been identified, viz Aborigines and people with disabilities. Although no centrally determined targets or objectives have been established, departments have to show that they are making progress in terms of the advance-</p>	<p>■ Selection for appointment to and within the federal Public Service is based on merit (the selection of the best qualified) as described in the <i>Public Service Employment Act</i> (PSEA). The merit system is based on values that include fairness and equity. The new <i>Employment Equity Act</i> (EEA) protects merit as the basis for appointment in the Public Service and also reinforces it.</p> <p>■ Four broad categories of people (aboriginal peoples, persons with disabilities, members of visible minority groups and</p>	<p>■ There is no real minority problem, except for the gender issue. The Women's Promotion Act which was passed during 1994, seems to be the first real initiative to address inequalities towards women in the workplace. At present, women represent only a very small percentage (approximately 10%) of the total workforce in the Public Service.</p> <p>■ A separate law deals with the employment of disabled persons and ensures their equal treatment. Currently 1 of out of every 15 appointments made must be a disabled person. Penalties are payable in instances where</p>	<p>■ In respect of minorities, a special recruitment programme has to be implemented. It basically entails-</p> <p>(a) establishing an easily recognisable and accessible unit which all departments at national level could approach;</p> <p>(b) providing a support facility to ministries in identifying suitable candidates from minority groups; and</p> <p>(c) matching vacancies with possible candidates in a databank.</p> <p>■ Employers are compelled by law to request new candidates to indicate their origins (place of birth) but it is not mandatory for such candidates to declare this information.</p> <p>■ National targets have been set in respect of representativity in terms of ethnic</p>	<p>■ EEO has mostly been associated with increasing women's participation at all employment levels. Women are the largest group that EEO addresses, however there are also other groups that are considered. These are Maori (14% of NZ population), Pacific Islanders (4%), Dutch and other ethnic groups, consisting mainly of people from non-English speaking backgrounds (e.g. Chinese and Central Europeans) and people with disabilities. Other emerging groups include Gays and Lesbians, staff with family responsibilities and older workers.</p> <p>■ Departments set targets (not quotas) in respect of EEO</p>	<p>■ Non-discrimination and equal opportunities are two pivotal principles underlying staff provisioning policies and practices and are regulated by various laws and overseen by specific institutions such as the Commission for Racial Equality and the Equal Opportunities Commission.</p> <p>■ The Department of Labour provides a "Race Relations Employment Advisory Service" and issues various brochures and manuals to employing departments/agencies to inform them on how to act within the relevant laws as far as employment and related practices are concerned.</p>	<p>■ According to the Constitution, recruitment shall be based on objective grounds such as merit and skills.</p> <p>■ By legislation it has been decided that skills shall be judged more important than merit.</p> <p>■ Other legislation, e.g. concerning employment equity between the sexes and the promotion of employment for disabled persons, provide that the employer under circumstances defined by legislation shall take affirmative action. The employer has to apply these provisions and make his/her own decision. Individuals who consider a recruitment decision unlawful can submit the case to the court.</p>	<p>■ The employment policy aims at imparting social justice by stressing human rights.</p> <p>■ Various concessions/reservations/relaxations are given to different classes of people within India's ethnic multiplicity when it comes to employment in the Public Service.</p> <p>■ In this regard certain appointments or posts may e.g. be reserved in favour of any under represented category of citizens which, in the opinion of the State, is not adequately represented in the Public Service.</p>	<p>■ Deriving from the provision contained in section 11 of the <i>Public Service Act</i>, 1994 the employment process is based on merit (the most suitable candidate must be selected for a specific position) applied within a career (closed) system.</p> <p>■ In addition, the <i>Public Service Act</i>, 1994 mandates in section 3(5) (a)(vii) the implementation of separate measures, which could deviate from the normal employment measures, to promote the representativity of the Public Service in terms of gender, race and disabled persons.</p> <p>■ The existing special provisions in as far as employment of under-represented</p>

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<p>standard employment provisions which require that the most efficient available person be appointed. Certain posts are however identified for filling by Aborigines, especially posts which require direct liaison with these communities. Equal employment opportunity is seen as an integral part of human resource management and the target groups include:</p> <p>(a) Aboriginal and Torres Strait Islanders.</p> <p>(b) People of non-English speaking background.</p> <p>(c) Persons with disabilities.</p> <p>(d) Women.</p>	<p>ment of these groups.</p>	<p>women) have been identified as being under-represented in the Canadian labour force.</p> <p>■ The PSEA also provides the Public Service Commission with the authority to approve employment equity programs and to set aside merit as the basis for appointment. These programs are used where significant underrepresentation exists. Appointments pursuant to these programs are usually associated with other special measures such as training and accommodation.</p>	<p>this requirement is not met.</p>	<p>minorities, gender and disabled people. Each department must report its position on an annual basis.</p>	<p>objectives. These targets are based on the proportional representation (or lack) of target groups in the departments and in various pay levels. Consideration is given to the national and/or regional population profile, and to the labour market availability of the designated groups.</p>	<p>■ To ensure equality in employment, departments must implement action plans to achieve equality of opportunity for people of ethnic minority origin, for women and for disabled people. All departments must seek to employ 3% registered disabled people.</p> <p>■ Data must be kept on the composition of staff. This must be used to monitor and analyse staff composition and the effects on each group of key personnel procedures including recruitment, career development, promotion, job allocation, resignations, personal review, performance, pay and access to training and development opportunities.</p>	<p>■ In Sweden there are no legally defined separate population groups.</p>		<p>groups is concerned, provide that posts are to be identified beforehand for filling with a view to promoting representativity. Recruitment is internally focused first by means of advertisement within the Public Service. Only if no suitable candidate from the target group can be recruited, may the relevant post be advertised outside the Public Service. In all instances, the candidature of applicants from the target group receive preference.</p>

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<p><input type="checkbox"/> EEO principles require that the worth of the individual be respected, and that diversity, tolerance and flexibility be valued. Put into practice, EEO principles mean that -</p> <p>(a) judgements are genuinely based on merit and not on stereotypes or discriminatory values;</p> <p>(b) language is inclusive and not exclusive;</p> <p>(c) people skills and abilities are measured equitably and balanced with experience;</p> <p>(d) resources and assistance are provided in a way which accommodates differences between individuals and groups; and</p> <p>(e) opportunities exist for considering claims of discrimination.</p>		<p><input type="checkbox"/> The EEA requires that federally regulated employers, including the federal Public Service, set representation goals for the four designated employment equity groups. Each employer is required to have a plan with short and long term goals and containing measures to improve the level of representation and eventual attainment of the goals.</p>							

ROLE OF THE HEALTH OF A CANDIDATE DURING THE SELECTION/ RECRUITMENT STAGE

ANNEXURE E

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	UNITED KINGDOM	SWEDEN	SOUTH AFRICA
<p>❑ Candidates for posts are not required to fill in health questionnaires. They may, however, be referred for medical examinations. Should a newly appointed person suffer from ill-health and if this interferes with his/her work, his/her appointment will probably not be confirmed after the probationary period of six months.</p> <p>❑ For purposes of admission to the pension fund, appointees must fill in a questionnaire. Should there be any doubt about the health of the individual, he/she may be referred for a medical check-up.</p>	<p>❑ No mandatory health checkups exist upon appointment. A medical examination can, however, be required should physical fitness be an express requirement of the specific position. For purposes of admission to the superannuation fund, certain health requirements must, however, be met.</p>	<p>❑ A health assessment is not generally required except for certain positions (e.g. a food inspector, pilot or a ships crew member) where a medical examination must be passed before a candidate may be appointed.</p>	<p>❑ Before appointments are effected, officials ("beamten" cadre) have to undergo extensive medical examinations.</p> <p>❑ This is done by State Medical Practitioners who will only indicate whether a candidate is-</p> <p>(a) suitable; (b) limited suitable; or (c) not suitable.</p> <p>❑ Information on officials' health situation is kept on a separate file and is dealt with as strictly confidential. The setting of such general strict health requirements is presently being questioned.</p>	<p>❑ No general health requirements are set for entry to the Civil Service.</p> <p>❑ Health requirements may only be set and/or taken into account during selection if it is directly relevant to the duties to be performed. If this cannot be justified, i.e. tasks where physical strength is not essential and such requirements are still set, it would be regarded as discriminatory in terms of their laws.</p> <p>❑ Where health requirements can be justified, a suitable medical examination will be conducted during the selection process. The relevant manager responsible for selection is only informed that the candidate complies or does not comply with the requirements.</p> <p>❑ No discrimination is allowed against persons applying for positions and who are known to be suffering from Aids.</p>	<p>❑ Candidates are requested to complete a health declaration and where in doubt, employing departments can seek guidance from their Occupational Health Service as to the fitness of a potential candidate. Conditional appointments can be made where doubt exists in this regard.</p> <p>❑ In terms of the Civil Service Management Code, other than in exceptional cases, recruits must be fit to carry out the duties of the relevant post and be able to give regular and effective service for a period of 5 years or for the period of appointment if this is less. The reason for stating such a term is that many appointments are effected on a term basis.</p> <p>❑ Apparently a relatively large number of officials leave the service (are discharged) due to health reasons.</p>	<p>❑ A candidate's health is principally of no importance except where good health is necessary for security reasons.</p> <p>❑ Special requirements concerning health may be decided by law. Some examples are pilots, railways officers, military officers and policemen.</p>	<p>❑ A health questionnaire must be completed by a candidate when applying for permanent appointment. The particulars so provided, are assessed against a comprehensive set of specifications which prescribe that in respect of deviations, a medical examination by a state medical practitioner must be conducted.</p> <p>❑ Depending on the findings of the medical practitioner, a department/ administration can either accept the candidate's medical fitness as sufficient for permanent appointment or if in doubt, submit the matter to the Department of Health (national departments) or similar component (provincial administrations) for an opinion.</p> <p>❑ If a candidate's medical fitness can not be accepted, his/her appointment in a temporary</p>

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				<p>■ An interesting development in respect of managers in the Civil Service is that "stress durability" can be set as an entry requirement.</p>			<p>capacity may be effected. In such instance, a head of department may consider the person's permanent appointment, subject to certain conditions.</p>

DIFFERENT CAPACITIES (PERMANENT, TEMPORARY, FULL-TIME, PART-TIME, ETC) OF EMPLOYMENT AND DIFFERENTIATION IN EMPLOYMENT PRACTICES AND DISPENSATIONS

ANNEXURE F

AUSTRALIA	VICTORIA	CANADA	GERMANY	SWEDEN	INDIA	SOUTH AFRICA
<p>☐ Officials can be appointed in various capacities, i.e. temporary (fixed term), short-term, full-time or part-time. Persons can also be appointed on contract. Consultants are appointed in terms of common law contracts and not in terms of the Public Service Act.</p>	<p>☐ Staff are employed in various capacities, i.e. full-time, part-time, temporary and fixed term (on contract) and casual (hourly paid).</p>	<p>☐ Several capacities of employment exist. These are the following:</p> <p>(a) Indeterminate (permanent) employment. This is the most common type and such employees enjoy all the rights and benefits of Public Service employment (e.g. compensation and terms and conditions of employment as per collective agreement or compensation plan for non-union employees, all benefit and pension entitlements; eligibility for internal competitions). Indeterminate employees may only have their employment terminated "for cause" or through lay-off in the event that there is a lack of work or the discontinuance of a function. However, in the event of a lay-off, they are obliged to find another suitable position for the employee in the Public Service. Indeterminate employees</p>	<p>☐ Different levels of training are required for the various levels of employment (Beamten, Angestellten and Arbeiter) and successful passing of an entry examination is a requirement for entry into the "Beamten Kader".</p>	<p>☐ According to the provisions of the Job Security Act, which applies also to public employment, employment shall be permanent unless there are certain conditions also regulated by the Act.</p> <p>☐ Employment can be full-time or part-time. The choice is made based on the needs of the agency and is subject to the employment contract. Some legal rights for employees as well as rights under collective agreements do not apply to employees employed for less than 40% of full time.</p>	<p>☐ Staff are employed in various capacities, i.e. contract, tenure, re-employment after retirement and permanently.</p>	<p>☐ The <i>Public Service Act</i>, 1994 provides that the Public Service be composed of officers and employees. The latter category embraces persons who are employed temporarily or under contract, whether in a full-time or a part-time capacity or paid on an hourly basis (casual employees). Part-time personnel do not enjoy the same opportunities to career mobility as full-time personnel.</p> <p>☐ The Public Service Act was amended in 1996 to provide that employees must for all purposes be regarded as officers.</p>

AUSTRALIA	VICTORIA	CANADA	GERMANY	SWEDEN	INDIA	SOUTH AFRICA
		<p>may be full-time or part-time (in which case compensation and benefits are pro-rated) or seasonal (employed for a part of the year only but recurring annually).</p> <p>(b) Specified period (usually called "term") employment. Term employees may be appointed for a specified period of any duration and may be reappointed for further periods. Term employees enjoy most of the benefits of indeterminate employees and may enter internal competitions. Term employees may have their employment terminated at the end of their specified period of employment or they may be laid off earlier. In the event of lay-off, however, term employees do not have an entitlement to another position in the Public Service.</p> <p>(c) Casual employment. Casual employees may be hired for one employment period of 3 months in any given</p>				

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		<p>year with the possibility of extension for a further three months. Casual employees have only a limited range of benefits and may not enter internal competitions (although they may enter competitions which are open to external candidates). Casual employment is intended to be used for short-term needs only, such as leave replacements or to handle unexpected or peak work loads.</p>				

AUTHORITY FOR THE EMPLOYMENT, TRANSFER, PROMOTION, DISCHARGE, ETC OF OFFICIALS

ANNEXURE G

AUSTRALIA	VICTORIA	CANADA	GERMANY	NETHERLANDS	NEW ZEALAND	SWEDEN	SOUTH AFRICA
<p>❑ Decisions pertaining to the "hiring" and "firing" of public servants (except for CEO's/ Secretaries) are not vested with Ministers.</p> <p>❑ The Commission has the statutory power to approve the filling of all posts but has delegated this power, except for posts in the Senior Executive Service, to CEO's/ Secretaries of line agencies.</p>	<p>❑ Heads of departments have full control over the creation of posts, appointments, promotions etc. i.r.o. non-executive posts/ persons (below the management echelon). The Premier has the statutory authority i.r.o. these issues for executives. Save for heads of departments, the Premier has however delegated these powers to the Public Service Commissioner.</p>	<p>❑ Human resource management authorities are exercised by the administrative heads of departments (Deputy Ministers) either under direct statutory authority or as delegated from the Public Service Commission or the Treasury Board.</p> <p>❑ Political heads (Minister) have no role to play in employment, transfer, promotion, discharge etc. of public servants. The Public Service Commission, which has overall responsibility for appointments to and within the Public Service, is an independent agency which reports directly to Parliament.</p> <p>❑ The Treasury Board, which is responsible for all other human resources management authorities and for entering into collective agreements with the Public Service unions, is in fact a committee of Ministers (and in that sense it is a political body). However,</p>	<p>❑ The final authority rests with the political head.</p>	<p>❑ Personnel management in the Civil Service is performed on a decentralised basis and the various ministries/ agencies are held accountable in this regard. They undertake recruitment and selection autonomously, subject to certain conditions and guidelines prescribed by the Director-General of Management and Personnel Policy for the Civil Service at national level.</p>	<p>❑ All 38 state departments are headed by Chief Executives (CEs). They report to one or more Ministers. In terms of the State Sector Act, 1988, the CEs are responsible for the employment of public servants and for the management of their human and other resources.</p> <p>❑ The Commission plays a very limited role with regard to the terms/ conditions of service of public servants. CEs are even responsible for determining salaries and other conditions of service within their departments, albeit within broad parameters laid down by Cabinet and conveyed to them by the Commission.</p>	<p>❑ Most public service employees are employed by independent agencies who are themselves responsible for matters pertaining to the employment, transfer, promotion etc of staff. This authority is exercised by civil servants within the agency according to rules set by the Government.</p> <p>❑ The director-general of an agency and the executives directly under him/her are however appointed by the Government.</p>	<p>❑ The governance of employment in the Public Service is based on a framework set by the interim Constitution, 1993. All the national norms and standards pertaining to employment, which are binding to the entire Public Service, are determined by the Public Service Commission. In accordance with these national norms and standards, the Public Service Commission and Provincial Service Commissions are empowered to make recommendations and give directions on the personnel practices and career incidents (such as appointments, promotions, transfers, termination of service, inefficiency and misconduct) of officials employed by departments under their jurisdiction. Most of these powers can be delegated.</p> <p>❑ Besides the aforementioned arrangements, an executing authority (Minister in the case of national departments or the Premier/Member of the Executive Council in the case of provincial</p>

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		<p>the Treasury Board sets overall direction and policies which are then applied by Deputy Ministers on a day-to-day basis.</p> <p>■ The separation of partisan considerations from the administration of the Public Service is a well-entrenched principle of public administration at the Canadian federal level.</p>					<p>administrations) is in terms of section 9 of the <i>Public Service Act</i>, 1994 empowered to make appointments, promotions and transfers. This implies that subject to the recommendation of a Commission, an executing authority has the power to approve the appointment of a person or the promotion or transfer of an official. An executing authority may at his/her own discretion, also delegate this power to the department/ administration under his/her control.</p>

ANNEXURE H

ELUCIDATION OF TERMS WITHIN THE CONTEXT OF HUMAN RESOURCE EMPLOYMENT**1. Equity**

Equity entails that all persons, whether in the employment of the Public Service or not, are treated fairly, equally and without patronage or favouritism. Put into practice equity means that -

- 1.1 the need for flexibility towards individual and group diversity be recognised;
- 1.2 judgements are genuinely based on merit and not on stereo types or discriminatory values;
- 1.3 competition amongst individuals takes place on the basis of equality and equal opportunities; and
- 1.4 sufficient opportunities exist for the adjudication of claims of discrimination.

2. Merit

Merit refers to the relative suitability of a person to perform the tasks and duties attaching to a specific position. The application of this concept entails adequate publicity to employment in a specific position and the assessment against realistic and objective standards of the abilities, potential, skills, competence, performance and personal qualities of candidates. In broad terms, it implies that the most suitable person is selected for appointment, translation or promotion.

3. Ability

Ability is manifested by the extent to which a person is able to cope/deal with the totality of the requirements attaching to a post.

4. Potential

Potential relates to the inherent ability of a person to deal/cope with tasks and responsibilities of a more complex and/or different nature. The most common factors which underlie this concept are learning potential, adaptability, problem solving abilities, leadership qualities, etc.

5. Skills

Skills relate to the ability of a person to apply required knowledge and expertise to deal with the tasks and responsibilities attaching to a post.

6. Competence

Competence relates to that blend of knowledge, skills and attitudes which a person possesses and is capable of applying in the work environment. As a concept it is both ability - and situational orientated in that it is indicative of a person's ability to deal effectively with the requirements attaching to a post.

7. Performance

Performance relates to a person's demonstrated ability to utilise his/her acquired skills, knowledge and attitudes to perform the tasks and deal with the responsibilities attaching to a post.

8. Personal qualities

Personal qualities encompass the totality of a person's physical abilities, psychological characteristics and traits such as his/her assertiveness, maturity, sense of duty, initiative, tact and self-confidence.

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