

HEARINGS

- ▶ Hearings must be objective and abide by the tenets of natural justice.
- ▶ The member to be heard must be given adequate notice, that is, at least 7 days before the actual hearing date.
- ▶ Member is allowed to be accompanied by a legal practitioner during a hearing.
- ▶ Once the proceedings have been concluded, the Committee submits its findings and recommendations to the appointing Disciplinary Authority for determination.

Imposition of Penalty, Appeals and Request for reviews

A Disciplinary Authority imposes a penalty based on the seriousness of the misconduct.

Aggrieved members have the latitude to appeal to the Labour Court or request for a review to the Commission.



PSC Head Office. Address:
6th Floor Social Security Centre
Cnr Julius Nyerere Way and Sam Nujoma,
Harare.

Tel: +263 242 700881 / 242 791 457
Email: feedback@psc.gov.zw
www.psc.gov.zw



Behavioral alignment is based on both proactive and reactive approaches.



The Public Service Commission has an overall role of exercising disciplinary powers over members in line Ministries and departments who violate rules and regulations outlined in part VIII of Statutory Instrument 1 of 2000, as amended.

In exercising the disciplinary powers, there is a disciplinary procedure to be followed explained in the Statutory Instrument. The First Schedule of the Statutory Instrument provides a list of acts of misconduct that may be committed by members. The Public Service Commission delegated authority to handle misconduct cases to Heads of Ministries, Heads of Departments and Heads of Offices in line Ministries. Members of the Civil Service are categorized into three groups, i.e. senior, middle and junior grades. The misconduct cases are then handled at various levels depending on the grade of the one who would have committed an act of misconduct. For purposes of discipline, Senior grade refers to the level of Director or its equivalent. Middle grade refers to those members who make up middle management, professionals and skilled personnel while junior grade refers to all members who are semi-skilled.

Disciplinary Authorities

- Head of Office – investigates cases, prefers misconduct charges, suspends (if necessary) members in the Junior grade
- Head of Department – investigates cases, suspends (if necessary), prefers misconduct charges, appoints Disciplinary Committees and determine cases for Junior grade members
- Head of Ministry – investigates, suspends (if necessary), prefers misconduct charges, appoints Disciplinary Committees and determines cases for Middle grade members.
- Public Service Commission – investigates, suspends (if necessary), prefers misconduct charges, appoints Disciplinary Committees and determines cases for members in the Senior grade

NB: The Commission can be the Disciplinary Authority

for any member of the public service despite the grade.

- Investigation
- Suspension (if necessary)
- Misconduct charge
- Response to the charge
- Hearing
- Determination

Member's Rights before and during the hearing

- Invitation by the Chairperson of the Disciplinary Committee to a misconduct hearing at least 7 days before the date of hearing.
- Member should also be advised of the right to be legally represented.

Disciplinary Committee submits report to the Disciplinary Authority for determination.

Penalties and Appeals/Request for Reviews



- Imposition of penalty by Disciplinary Authority
- Appeals to Labour Court and Reviews by the Public Service Commission (if member is aggrieved by the determination and penalty)

- Appeals to Labour Court from decision of Commission.

Summary Discharge

Member is discharged summarily on the grounds of:-

- Absence from duty for a period in excess of 30 continuous days
- Imprisonment for effective term of 3 months
- Deportation from Zimbabwe
- Restriction from attending place of work for more than 3 months

Grievance Procedures



- Classified in two categories, that is, one for junior grades and the other for senior grades.
- Concerned member seeks for interview with immediate supervisor.
- If the supervisor is directly involved, the concerned member will go to the next higher level but copy the immediate supervisor for transparency.
- If the member is not satisfied with the outcome of the efforts to address the problem, he/she should approach higher offices in hierarchical order up to the Head of Ministry.
- The member has the right to appeal to the Public Service Commission through the Head of Ministry.