

ACT NO. 2 OF 2011

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I ASSENT

**{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL**

1 July, 2011

**AN ACT TO PROVIDE FOR THE STRUCTURES,
OPERATION AND MANAGEMENT OF THE
ZANZIBAR PUBLIC SERVICE AND MATTERS
RELATED THERETO**

ENACTED by the House of Representatives of
Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

1. This Act may be cited as the Public Service Act, 2011 and shall come into operation immediately after being assented to by the President.

Short title
and
Commencement

2. Unless the context otherwise requires, this Act shall apply directly to the management of public service and shall be the controlling law in the structure, operation

Application
of the Act.

and management of all public institutions notwithstanding that such other institutions are specifically managed under other applicable laws.

Interpretation. **3.** In this Act, unless the context requires otherwise:-

“appointing authority” means any person or authority exercising powers of making appointment to any public service office;

“Cabinet Secretariat” means the Office under the Chief Secretary responsible for managing the affairs relating to the Zanzibar Revolutionary Council as provided for under section 14(5) of this Act;

“Central Office” means the Central Office for Public Service Management established under section 46 of this Act;

“Chairman” means the Chairman of the Public Service Commission appointed in accordance with section 116(2) of the Constitution;

“Chief Secretary” means the public servant referred to in section 14 of this Act appointed to hold that office;

“Commission” means the Public Service Commission established by section 116 (1) of the Constitution;

“Constitution” means the Constitution of Zanzibar, 1984;

“Department” means a Unit under the Ministry, Independent Institution or Agency established in that designation and normally headed by the Director or an Officer of similar rank in whatever title;

“disciplinary authority” means any person or authority vested with powers under the Constitution, this Act or any other law to take disciplinary action against any public servant appointed by or subordinate to him;

“employee” means a person employed in the Public Service on a permanent basis;

“employment decision” means decision relating to recruitment procedure and selection criteria, for appointment or engagement of people as employees or promotion transfer or redeployment of employees or training and staff development for employees or terms and conditions of service and separation of employees or disciplinary measure or any other matter relating to the employment of employees;

“Head of Department” means an Officer appointed to manage Department and it includes a person acting in that behalf;

“Head of Institution” means a Chief Executive Officer of a Public Institution having responsibility over the management and performance of the same;

“Institution” means as independent or autonomous entity or office in the Public Service;

“Minister” means the Minister responsible for Public Service;

“Ministry” means a Ministry established in the manner provided for under section 51 of this Act;

“misconduct” means:-

- (a) inappropriate or improper conduct in an official capacity;
- (b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service; or
- (c) any other act defined as misconduct under this Act or under the rules and regulations made under this Act or adopted directly or indirectly by this Act;

“responsible person for a direction”, means a person with authority to give the direction, whether the authority derives from this Act or otherwise;

“Public Servant” for the purpose of this Act means a person holding or acting in a Public Service Office;

“Public Service Institution” means an institution of a Public Service Office.

“Public Service Office” means any service under direct control of Civil Service Commission,

Judicial Service Commission, House of Representatives Service Commission, Special Department Service Commission or any other Service Commission and shall include services in the agencies, public institutions and offices not expressly excluded under this Act and where the circumstances or context so require shall include service in public corporations the majority of its shares or stake is owned by the government;

“Public Service Officer” means an employee in the public service holding a rank or position recognized under the relevant scheme of service, senior executive service or by any law;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council;

“Presidential Appointees” mean Presidential Appointees in the Public Service who shall not include political appointees;

“Professional Body” means a statutory, non statutory, governmental or non governmental body formed to regulate or to oversee common professional interest of a particular profession or trade having among its functions to monitor professional ethics or conduct of such a profession or trade and exercising such function within Zanzibar over members of such profession or trade;

“Professional Code of Conduct” means a code of conduct adopted or recognised and enforced

by a professional body over its members and in the absence of a professional body shall include professional code of conduct recognised under the provisions of this Act.

PART II BASIC PUBLIC SERVICE PRINCIPLES AND VALUES

Basic principles.

4.-(1) The Zanzibar Public Service shall abide by the mandatory principles and every officer responsible for any public service office shall ensure strict compliance of the following principles:-

- (a) be results oriented;
- (b) be client focus;
- (c) participation orientation;
- (d) value for money oriented;
- (e) decentralization and pluralism;
- (f) obligation to serve the organ of the State.

(2) Wilful breach of any of the principles provided under subsection (1) of this section shall amount into misconduct and any breach by reason ignore or negligence that shall amount into incompetence on the part of the responsible officer.

Core values.

5.-(1) The public service shall be governed by the inherent values in the relevant duties or such values specifically developed and applicable to such duties.

(2) In addition to such values, the service shall be bound by the following common public service values:-

- (a) employment decisions in Zanzibar public service is made without patronage, favouritism or political influence;
- (b) appointments and promotions in Zanzibar public service offices are made on the basis of merit;
- (c) the composition of the Zanzibar public service reflects as closely as possible the diversity of Zanzibar population;
- (d) efficient and effective public service
- (e) pursuit of excellence in service;
- (f) allegiance to the government is maintained;
- (g) diligence to duty is observed;
- (h) discipline and ethical conduct with high degree of integrity;
- (i) courtesy to all is properly observed;
- (j) respect for the law;
- (k) proper use of official information;
- (l) promotion and maintenance of a high standard of professional ethics;
- (m) promotion of efficient and effective use of resources;
- (n) provision of services must be impartial, fair, equitable and without bias;

- (o) people's needs must be responded to, and the public must be encouraged to participate in policy making;
- (p) public service must adhere to principle of accountability;
- (q) transparency must be fostered by providing the public with timely, accessible and accurate information;
- (r) good human resource management and career development practices, to maximise human potential, must be cultivated.

Relationship
with a
Political
Service.

6.-(1) The public service shall be streamlined with political service in terms of code of conduct and pay policy.

(2) For the purpose of streamlining the public service and the political service as provided under sub section (1) of this section, there shall be enacted a law on administration of political service and that law shall provide the standard desirable for efficient and credible political service;

Public
Service
Code of
Conduct.

7.-(1) Every employee in the public service shall be bound to observe the general public service code of conduct and the professional or trade code of conduct made specifically for a particular profession or trade.

(2) A public service employee shall:-

- (a) be honestly and with integrity;
- (b) act with care and diligence;
- (c) in the course of public service employment; treat everyone with respect and courtesy, and without harassment;
- (d) comply with any lawful and reasonable direction given by the person assigned by the employee's Agency who has authority to give that direction;
- (e) maintain appropriate confidentiality about official dealings that the employee has with any Minister or Ministry's member of staff;
- (f) disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with his public service employment;
- (g) not provide false or misleading information in response to a request for information that is made for official purposes in connection with the Public Service employment;
- (h) not make improper use of:-
 - (i) inside information; or
 - (ii) the employee's duties, status, power or authority; in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person;

- (iii) his office to commit sexual harassment against fellow employee, whether junior or senior in rank or against any person seeking employment or service rendered by a public service office.
- (i) at all times behave in a way that upholds the public service values, the integrity and good reputation of the public service;
- (j) comply with any other conduct requirement that is prescribed by the regulations.

Professional
Code of
Conduct.

8.-(1) Each profession or trade within the Zanzibar public service shall adopt or develop and observe professional code of conduct which shall form part of Zanzibar Public Service Code of Conduct.

(2) Where Professional Code of Conduct has not been adopted in respect of a particular profession or trade, the Chief Secretary shall advice responsible authority of the profession to develop and adopt code of conduct in respect of such trade or profession and where there is no responsible authority to develop and adopt professional code of conduct for a particular trade or profession, the Chief Secretary may direct relevant Ministry to do so and such Professional Code of conduct shall become in force upon being approved by the Commission.

(3) Where there is no code of conduct has been adopted or developed in respect of a particular profession

the general accepted code of conduct recognised and applied by private practitioners in Zanzibar in the same profession or within the United Republic of Tanzania or within the Commonwealth jurisdiction shall be deemed to be the code of conduct applicable in the said profession.

9.-(1) A breach of code of conduct by a public officer shall constitute a disciplinary offence for which disciplinary proceedings shall be initiated and executed in accordance with the provision of this Act.

Enforcement
of Code of
Conduct.

(2) Any inquiry or proceedings in relation to breach of Professional Code of Conduct by a professional body or relevant authority shall be deemed to be disciplinary proceedings and the findings of such body or authority and the sentence imposed by such body or authority shall be binding to the disciplinary authority.

(3) Where inquiry or proceedings in relation to a breach of Professional Code of Conduct has been initiated, the disciplinary authority may suspend the accused employee pending determination of the matter by such professional body or authority.

(4) The Minister shall make Regulations for better carrying out the provisions and purpose of this Part of the Act.

PART III

ADMINISTRATION OF PUBLIC SERVICE

10.-(1) Zanzibar Public Service shall be composed of the following services:-

Scope of
Public
Service.

- (a) Civil Service managed by the Civil Service Commission;
- (b) Judicial Service managed by the Judicial Service Commission;
- (c) House of Representatives Service managed by the House of Representatives Service Commission;
- (d) Special Departments Service managed by the Special Departments Service Commission;
- (e) Service in Agencies and Independent Institutions established by the government to undertake any function for public benefit whose cost for emolument and administration is charged from the government revenue whether wholly or partially;
- (f) where the context and circumstances so require, service in the public corporations, whether commercial or non commercial whose majority shares or stake is owned by the government and where the context further requires, shall include Corporations beneficially owned by the government although the shares or capital is owned by a third party on behalf of the government.

(2) The President may by order published in the Official Gazette establish any other Service in public service and may in the same order establish a Service Board to manage such service.

(3) The provisions shall not apply to holders of Political Offices, holders of Temporary Offices, Boards of Directors, Governing Boards or Committees or any other office, post or service exempted by order of the Minister published in the Official Gazette.

(4) The service of public officials exempted from the application of this Act shall be governed in accordance with Presidential Orders made for that purpose from time to time.

(5) Notwithstanding any provision in this Act or any other law, this Act shall be the controlling law and all matters relating to the establishment, operation and conduct of any office established in the Zanzibar public service whether such office or service is covered or exempted from the application of this Act shall comply and shall not be inconsistent with the basic features on establishment, structure, conduct and operation of such office or service.

11.-(1) The President shall be the general superintendent of the public service and every person holding a public service office, except a judicial office or where the Constitution provides the manner of accountability of such public service office, shall be accountable to the President in providing honest, diligent, efficient and effective service expected of such office.

General supervision and overall leadership.

(2) The President in consultation with Minister and Commission shall have absolute authority to determine the size and quality of public service.

(3) In exercising his powers under subsection (1) of this section, the President may terminate on public interest the service of any public service employee whose tenure is not secured by the Constitution.

(4) The President may remove any public servant from the Zanzibar Public Service if the President considers it in the public interest so to do, except for all officers mentioned under sub section (1) of this section, the procedure for the exercise of these powers shall be provided for in the Regulations.

(5) Nothing in subsection (1) of this section shall be construed as restricting:-

- (a) the compulsory retirement of any person under the provisions of the Public Service Retirement Benefits Act;
- (b) the termination, except by dismissal, of the service of any public servant other than the substantive holder of a pensionable office, in accordance with the terms of employment or the dismissal of any person from any office on the personal or domestic staff of the President or any person holding an office the emoluments of which are payable at an hourly or daily rates.

Appointing
Authority.

12.(1) Except where the President determines otherwise, the President shall appoint:-

- (a) Chief Executive Officer in respect of each Ministry, Constitutional Offices, Agencies, Special Department, Ministerial Department, Region or Local Government Authority, who shall be known as the Principal Secretary for that Ministry, by the designation of the Head of that Constitutional Office, Agency, Special Department, Director of ministerial department or Regional or District Administrative Officer for the Region or District or the Director of the Local Government Authority respectively, as the case may be;
- (b) Deputy Principal Secretaries;
- (c) Regional and District Commissioners;
- (d) in the case of the office of the House of Representatives, the person appointed to be the Clerk to the House of Representatives shall also be the Chief Executive Officer;

(2) (a) The President may appoint such number of other public service executives known by such titles as may, from time to time, be determined or provided for by any other written law;

- (b) except for posts which are provided in the Constitution, this Act shall be the controlling law on the manner of appointments by the President.

(3) The President may revoke any appointment before the person appointed to hold such office is sworn whether such office is, upon swearing in, protected by the security of tenure or not and may terminate the appointment immediately or any time after swearing except where such office is protected by the security of tenure for which the procedure provided in the Constitution shall be followed before termination of appointment is made.

Exercise of
functions.

13. The President may, by notice published in the Official Gazette order to the exercise any of the following function to the Chief Secretary, Commission, Service Commission, Board of Directors, Governing Council or the Minister as he may think appropriate:-

- (a) appointment of officers other than those mentioned in the Constitution;
- (b) appointment of officers to act during the absence of officer who holds presidential appointment posts;
- (c) granting of annual, emergency and other leave of absence to presidential appointees;
- (d) disciplinary measures against presidential appointees appointed directly by the President or under delegated authority;
- (e) general supervision or administration of any aspect of public service;
- (f) any other function or power over public service required to be executed or

exercised by the President except a function or power expressly reserved to the President by the Constitution.

14.(1) There shall be Secretary to the Revolutionary Council who shall also be the Chief Secretary who shall be appointed by the President in the manner provided under the Constitution.

Appointment and functions of the Chief Secretary.

(2) The Chief Secretary shall be the Head of Public Service and assistant to the President in the management of public service.

(3) The Chief Secretary shall be appointed from among Principal Secretaries or Senior Public Service Officials of equivalent or higher rank.

(4) The Chief Secretary shall, as head of the Public Service, in consultation with the Minister and Commission, provide leadership and direction and uphold the image of the Public Service and shall:-

- (a) ensure that public servants in the service are trained, motivated, efficient and effectively performing, and the service is free of corruption and other unethical tendencies;
- (b) improve accountability in public service by directing focus on basic principles of public service as provided under section 4(1) of this Act;
- (c) be a disciplinary authority in respect of public servants appointed by the President;

- (d) monitor compliance with public service basic principles, Values and Code of Conduct;
- (e) issue directives and guidelines to ensure improvement of Zanzibar Public Service;
- (f) issue guidelines for coordination between Zanzibar Public Service institutions;
- (g) issue guidelines on various aspects of functions, powers, roles, remuneration and entitlements of Principal Secretaries and Presidential appointees office holders;
- (h) issue guidelines relating to handling of public documents and information;
- (i) issue guidelines on security of information, operation, personnel, public properties and premises;
- (j) provide for matters relating to the functions of the Cabinet Secretary and the manner in which the Cabinet Secretariat shall work;
- (h) issue guidelines on any matter in the management or operation of Public Service be deems appropriate to provide for.

(5) In addition to functions specified by the provisions of subsection (4) of this section, the Chief Secretary shall be the highest ranking disciplinary

authority in the service and may, in that capacity, in relation to any public service employee to exercise all or any of the powers delegated to a disciplinary authority.

(6) The Chief Secretary shall hold office at the pleasure of the President but in the event of his removal, unless his removal was by reason of misconduct of which he had opportunity to know the allegation and present his defence, he shall:-

- (a) not be appointed to hold position junior to the rank of Principal Secretary;
- (b) be paid salary not lower than the equivalent to the salary of an incumbent Chief Secretary;
- (c) upon retirement be entitled to special terminal benefits which an incumbent Chief Secretary is entitled upon retirement.

15.(1) Not later than four months from the end of each financial year, the Chief Secretary shall forward to the President and to the Minister a report on the performance of the public service during the previous year, and for this purpose each head of institution or department through his Principal Secretary and each Principal Secretary shall give the Chief Secretary such information as the Chief Secretary may require.

Annual
Report of
Chief
Secretary.

(2) The report referred to in subsection (1) shall:-

- (a) review the performance of the public service during the year under review;

- (b) identify measures taken or that are required to be taken to address issues in relation to such performance;
- (c) register the progress on the measures identified in the report for the previous year;
- (d) include such recommendations as the Chief Secretary may deem appropriate for the better performance of the public service and of public officers; and
- (e) include any other information as the President or the Minister may require.

Cabinet
Secretariat.

16.(1) There shall be a Cabinet Secretariat under the Office of the Chief Secretary composed of such officers and supporting staff as shall be determined by the Chief Secretary.

(2) Subject to the provision of this Act, the Cabinet Secretarial shall undertake the following functions:-

- (a) to facilitate the responsibility of the Chief Secretary in organising, the meetings of the Revolutionary Council and in keeping minutes, and records of the said meetings.
- (b) to facilitate the scrutiny of papers and documents to be presented before the Revolutionary Council.
- (c) to facilitate the communication of decision and directives of the Revolutionary

Council to the respective public service institutions.

- (d) to provide research assistance to the Revolutionary Council on matters pending or anticipated by it.
- (e) to undertake such other functions as the Chief Secretary shall deem appropriate.

17.-(1) There shall be a Public Service Commission as established under the section 116 of the Constitution.

Establishment of the Public Service Commission.

(2) The Commission shall be independent and autonomous in terms of execution of functions holding assets and liabilities, budget, recruitment of staff and operation.

18. The Commission shall be composed of a Chairman appointed by the President and six members appointed by the President upon the recommendation of two members each by the Minister, Speaker of the House of Representatives and the Chief Justice.

Composition of the Commission.

19.-(1) A person shall be qualified to be the Chairman of the Commission if he is:-

- (a) qualified to be appointed as a High Court Judge; or
- (b) a graduate from a recognised University with sufficient knowledge and experience of not less than twenty years in public administration;

Qualifications of Chairman and Members of the Commissions.

- (c) of a high integrity;
- (d) not employed in the public service; and
- (e) a Zanzibari;

(2) A person shall qualify to be appointed a member of the Commission if he is:-

- (a) of a high integrity.
- (b) a graduate from recognised University with at least twenty years professional work experience in public administration;
- (c) not employed in the public service; and
- (d) a Zanzibari.

Tenure,
Removal
and
Disqualification
of
Chairman
or
Members.

20.-(1) Chairman or member of the Commission shall serve for a period of three years and may be re-appointed for not more than two terms.

(2) Subject to the provision of section 14 of this Act, the office of a Chairman or member of the Public Service Commission shall become vacant:-

- (a) at the expiration of three years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed; or
- (b) if any circumstances arise that, if he would not be a member of the Commission, would disqualify him for such appointment.

(3) Chairman or member of the Public Service Commission may be removed from office by the President, acting in accordance with the provisions of the Constitution for removal of a High Court judge.

(4) Without prejudice to the provision of section 12 of this Act, a person shall not be qualified to hold office as a member of the Public Service Commission if he is:-

- (a) a Minister;
- (b) a Deputy Minister;
- (c) a Member of Parliament of the United Republic of Tanzania; or
- (d) a Member of the House of Representatives;
- (e) a public servant.

21.-(1) Allegation on misconduct against a member of the Commission shall be addressed to the Chief Secretary.

Inquiry against conduct of Chairman and Members of the Commission.

(2) Upon received allegation, the Chief Secretary in consultation with the Minister being satisfied that the allegation is of serious nature to warrant inquiry, the Minister shall advise the President on formation of an inquiry committee in accordance with section 95(5) of the Constitution.

22.-(1) The President shall appoint a senior public service officer to be a Secretary to the Commission and for the purpose of remuneration and other entitlements the Secretary to the Commission shall be equivalent of a Principal Secretary.

Appointment and functions of the Secretary.

(2) A person shall not qualify to be appointed a Secretary to the Commission unless he holds a degree from a recognised university relating to public service or law or human resources and has working experience in the public service of not less than ten years.

(3) The Secretary shall be the Chief Executive Officer of the Commission and shall attend all meetings of the Commission but shall not vote at such meetings.

(4) There shall be the Secretariat of the Commission headed by the Secretary which shall be responsible for a day to day management of the affairs of the Commission.

Departments
of the
Commission

23. There shall be such Departments and Units of the Public Service Commission as the Commission may determine.

Meetings
of the
Commission.

24. The Commission shall meet at least four times a year, provided that the Commission may meet as frequently as it is necessary to discharge its functions.

Functions
of the
Commission.

25. The functions of the Commission shall be:-

- (a) to advise the President in relation to such matters relating to the Public Service as the President may require;
- (b) to advise and make recommendations to the President in the making of the appointment of specified public officers on its own motion or at the request of the President;

- (c) to advise the President on remuneration of public service;
- (d) to oversee Service Commissions and other Public Service Executives Agencies and Board of Directors in so far as it relates to matters applicable to those authorities under this Act;
- (e) to facilitate, monitor and evaluate performance by officials in the service to secure results oriented management;
- (f) to call upon all executives in the service to account for their performance should the Commission be seized with evidence or complaints indicating mismanagement or non-performance of mission;
- (g) to recommend measures to be taken against any executive who fails to take action concerning public servants under him in accordance with requirements of the law for the service;
- (h) to promulgate rules as provided under this Act or any other law;
- (i) to conduct regular inspection and auditing of Human Resource Management;
- (j) to receive and act on appeals from relevant disciplinary authorities;
- (k) to ensure disciplinary action is fair, prompt and effective;

- (l) to keep public service structures, operations, management, relationship and delivery under regular review and recommend to the President measures necessary to rectify;
- (m) to review management practices in public service institutions and issue directives on compliance of public service laws, regulations, labour standards and public service best practices in any area;
- (n) to issue and review Public Service Staff Manual from time to time;
- (o) to approve schemes of service, institutional structures and salary structures recommended by Service Commissions or any other authority charged with that function either on permanent or ad hoc basis;
- (p) to exercise such other functions as may be conferred upon the commission by or under any other written laws;
- (q) to undertake such other function as may be necessary or incidental to its main function.

Powers
of the
Commission.

26.-(1) For the purposes of its functions under this Act the Commission may:-

- (a) carry out such inspections and investigations as it may deem necessary;

- (b) summon any person to appear before it and give evidence;
- (c) direct in writing the production of such information, document or file in the custody of any public officer for the purpose of examining the same or making copies thereof;
- (d) enter the premises of any department subject to compliance with any legal requirements in accordance with the Police rules;
- (e) make specific public service guidelines and issue circulars and other matters within its mandate.

(2) The Commission may require any employing authority in the public service to provide information which the Commission may need for carrying out its functions.

(3) Where any employing authority fails to provide information as required by the Commission, the Commission shall report the failure to the Chief Secretary who shall take appropriate action.

(4) In performing its functions the Commission shall observe regulations made under this Act or any other written law relating to the Public Service.

27.-(1) The Commission shall prepare report after every investigation made under this Act, and where it finds that an employment decision under this Act has been made contrary to the provisions of this Act it shall:-

Accountability
and
Transparency.

- (a) annul the decision in question;
- (b) give such directives as it may consider necessary to redress the situation;
- (c) recommend the taking of any disciplinary or criminal action as it may consider appropriate in the circumstances.

(2) The Commission shall also make such recommendations as it may deem appropriate to the Chief Secretary in connection with any directive or guideline concerning employment matters that may have been issued by him.

(3) Without prejudice to any disciplinary or criminal action that may be taken in accordance with the provisions of paragraph (c) of sub section (1) of this section, where a public officer has made an employment decision which is not in conformity with the provisions of this Act the following provisions shall apply:

- (a) in the case of a senior public officer, he may be removed from his position or grade in the Senior Executive Service and where he is so removed, he shall not be eligible to be appointed in a position in the Senior Executive Service for a period of five years;
- (b) in the case of any other officer, he shall not be eligible to be appointed in a position in the Senior Executive Service for a period of five years.

28.-(1) The Commission shall on each financial year prepare and submit to the Chief Secretary an annual report dealing generally with its activities and operations during the previous year, as well as explaining on its financial affairs.

Annual Report.

(2) The Chief Secretary shall, as soon as practicable after the report is submitted take appropriate measures to implement the recommendations of the Commission in order to improve its performance.

29.-(1) The Commission shall not later than three months after the end of each financial year prepare and submit to the President and copied to the Minister an annual report on condition and efficiency of the Public Service.

Annual Report on the Status of Public Service.

(2) The report shall among other things contain matters specified under section 15(2) of this Act.

(3) The Minister shall, as soon as practicable after the report is submitted to the President, lay the Report before the House of Representatives.

30. The Commission shall ensure that no public officer is victimised for making any report to his superior or to the relevant authority on any breach of the code of conduct or of any provision under this law by a public officer, and where it finds that a public officer has been so victimised, it shall make a report to the President recommending such measures to redress the situation as it considers appropriate.

Protection of whistle the blowers.

31.(1) The Minister shall exercise supervisory powers over the public service.

Public Service Minister.

(2) The Minister shall exercise the following functions:-

- (a) to promote the overall effectiveness and efficiency of the public service;
- (b) to initiate or promote policies intended to improve the performance, effectiveness and efficiency of public service;
- (c) to assess the appropriateness, effectiveness and efficiency of public service management, and in particular Ministries, departments, units, sections, agencies or any other public service institutions;
- (d) to authorise reviews of activities or functions of public service offices;
- (e) to refer to the Commission, for review, matters relating to the effectiveness or efficiency of public service offices;
- (f) to monitor the performance of the Commission's functions.

Accountability
of the
Minister on
Public
Service
Affairs.

32.(1) The Minister shall, at the end of each financial year present the report concerning Public Service performance prepared by the Commission under this Act together with his own observations and undertakings on matters mentioned on the report to the Revolutionary Council and to the House of Representatives.

(2) The report shall in particular address the following areas:

- (a) the size of the public service in proportion to the actual demand;

- (b) structures of public service and their effectiveness and efficiency;
- (c) level of delivery and adherence to delivery best practices;
- (d) level of compliance with labour standards, health and safety and labour relations in the public service;
- (e) any other matter which the Minister may find necessary.

33.-(1) There is hereby established the following Establishment of Service Commission.
Service Commissions :

- (a) Civil Service Commission;
- (b) Judiciary Service Commission;
- (c) House of Representatives Service Commission; and
- (d) Special Departments Service Commission.

(2) The President may establish any other Service Commission in respect of service he may specify in the establishment order.

(3) Subject to the authority and powers of the Public Service Commission in regulating public service, Service Commissions shall be independent in execution of their functions and exercise of their powers, and subject only to the aforesaid authority of the Commission, they shall not be subject to the direction or order of any institution or person.

(4) Service Commissions shall observe public service values and observe impartiality and fairness in exercise of their powers and in execution of their functions.

(5) Any decision of a Service Commission which is not of administrative nature shall be subject to appeal to the Commission.

Composition
and
Qualification
of
Members.

34.(1) Civil Service Commissions shall compose of a Chairman and not more than six other members appointed by the Minister responsible for public service.

(2) Judicial Service Commission shall compose of a Chairman who is a High Court Judge or a person qualified to be a High Court Judge appointed by the Chief Justice, a representative of the Attorney General, a representative from the Zanzibar Law Society and not more than three other members appointed by the Chief Justice.

(3) The House of Representatives Service Commission shall compose of a Chairman appointed by Speaker and not more than six other members appointed by the Speaker.

(4) The Special Department Service Commission shall compose of a Chairman appointed by the President, one representative appointed by the Chief of each Special Department and not more than three other members appointed by the Minister responsible for Special Departments.

(5) Every Service Commission shall appoint a Secretary to the Commission from among qualified staff within the service of its jurisdiction who shall serve on such terms and condition as the Commission shall determine.

(6) No person shall be appointed to the Service Commission, if he is likely to have conflict of interest or he is in active service in an institution which is under the jurisdiction of the respective Service Commission; except where he is expressly mentioned under this section as ex officio member.

(7) In appointing a Chairman and members, the appointing authority shall take into consideration sufficient experience in the relevant area and integrity of the appointee.

35.(1) The Chairman and members of a Service Commission, except the ex officio members, shall hold office for a period of three years but shall be eligible for reappointment. Tenure of office.

(2) The Chairman or member shall not be removed from office before the expiry of his tenure except by reason of misconduct, illness or failure to discharge his duty as member or for a reason which if he were not such a Chairman or member would have been disqualified to be appointed as Chairman or member.

(3) Where the position of a Chairman or member of a Service Commission falls vacant, a person appointed as a replacement shall hold office for the remainder of the period of tenure and shall be eligible for reappointment.

36.(1) Service Commissions shall be responsible for approval of qualification, number of persons to be employed in a respective institution falling under its jurisdiction, selection process and relevant affirmative action in the recruitment in accordance with general guidelines issued by the Commission and in executing this function the Service Commission shall have power to nullify any recruitment process or employment which is made in contravention of the approved guidelines or procedures.

(2) Service Commissions shall be responsible to recommend to the Commission the approval of scheme of service for institutions under its jurisdiction and where no scheme of service exists it shall direct relevant authority to develop such scheme.

(3) Service Commissions shall have power to approve promotion of employees in accordance with the scheme of service and to recommend promotion of such employees for promotion or appointment to senior position where such promotion or appointment is not within the mandate of the Principal Secretary or the Service Commission.

(4) Service Commissions shall be responsible to ensure that public service basic principles, values and codes of conduct are observed and in executing this function, shall have power to direct any Principal Secretary, Head of institution under its jurisdiction to observe such principles, values and code of conduct which the Service Commission is of the opinion that it is not observed by such authority.

(5) A Service Commission shall deal with any matter within its jurisdiction referred to it by the Minister, the Chief Secretary or the Head of institution for determination or direction.

(6) A Service Commission shall have authority to approve extended service up to two years and to recommend to the Chief Secretary any extended service exceeding two years.

(7) Service Commissions shall undertake and exercise to such function and powers such other functions as provided in the respective legislation providing for their operation.

37.(1) A Service Commission shall conduct its affairs in accordance with this Act or any Regulations made by the Minister or Head of Institution responsible for the respective Service Commission.

Operation
and other
matters.

(2) Notwithstanding anything under subsection (1) of this section a Service Commission shall formulate its own procedure of conducting its meetings including their proceedings.

(3) Chairman and Members of a Service Commission shall be paid such allowances and entitlement as prescribed by the Minister from time to time.

(4) The Minister shall generally make Regulations for the better carrying out the purpose of this Act.

(5) The Commission may from time to time issue guidelines and directives to Service Commissions on matters within its jurisdiction.

Mandate of
Ministers in
Public
Service.

38. Each Minister shall have supervise the management, departments and agencies falling under his portfolio, and in particular shall :-

- (a) provide policy and strategic direction on the role and functions of the Ministry, Departments and Agencies;
- (b) ensure that the policies, strategies, programmes and projects of the Ministry, Departments and Agencies are consistent with National Policies, as prescribed by the government and decisions and directives of the Revolutionary Council; and
- (c) supervise the performance of the Principal Secretary and Chief Executives of the Departments and Agencies falling under his portfolio.

Establish-
ment of the
Intermini-
sterial
Committee
of
Principal
Secretaries.

39.(1) There shall be an Inter Ministerial Committee constituted of the Chief Secretary as the Chairman and all Principal Secretaries as members of the Committee.

(2) The Deputy Attorney General shall be a member of the Committee by virtue of his post.

(3) The Cabinet Secretariat shall serve as the secretariat of the Committee.

(4) The Inter Ministerial Committee may invite any person to attend its deliberation.

(5) The meetings of the Committee shall be presided by the Chief Secretary or in his absence by a Senior Principal Secretary assigned to do so by the Chief Secretary.

(6) The Inter Ministerial Committee shall be the technical organ of the Revolutionary Council and in executing this role the Committee shall undertake the following functions:

- (a) to review all proposals relating to any proposed policy, bill for any law, development strategies, programs, budget proposal or any other document relating to government operations before is submitted to the Revolutionary Council except where the President directs to exempt such document from the scrutiny or review by the Committee;
- (b) generally to review regular operations of the government and advise the responsible Ministry or the government on measures to be taken to address any situation or matter deliberated by the Committee;
- (c) to serve as a focal point for dissemination of information on government directives, operation, direction and preparedness on any current or impending issue;
- (d) to advise the Chief Secretary and the government in general on any challenge

facing the administration of public service and of government operation in general.

(7) In exercising the foregoing powers and functions the Committee shall be collectively responsible for the advise rendered.

Establishment of the Principal Secretary's or Head of Institution.

40.(1) There shall be a Principal Secretary in respect of a Ministry or Office as the President may determine, his appointment shall be made in accordance with the Constitution.

(2) Where any Minister has been charged with responsibility for any Ministry, he shall provide general direction and supervision over that Ministry; or subject to such direction and control, the executive functions and administration of the Ministry shall be under the responsibility of a Principal Secretary.

(3) Heads of constitutional offices, Agencies and other independent institutions shall exercise executive functions similar to that of the Principal Secretary in their respective institutions except that on matters of general policy of the government pertaining to their institutions of which the Minister is accountable to the Revolutionary Council and the House of Representatives, Heads of such offices, agencies and institutions shall be under the general superintendence of the Principal Secretary for the purpose of facilitating the Minister to execute his responsibility to the Revolutionary Council and the House of Representatives.

(4) Power to appoint public officers to hold or act in the office of Principal Secretary and to remove from

office persons holding or acting in such office shall vest in the President.

(5) Heads of government departments other than those whose manner of appointment is specifically provided for in this Act or any other law shall be appointed from amongst senior public officers by the President.

(6) A Principal Secretary or Head of Institution or Department shall hold office for such period as the President shall determine, provided that, the Commission in consultation with Chief Secretary may provide for special entitlement to be paid to the Principal Secretary or Head of Institution who has served for such period as the Chief Secretary may determine as appreciation of service rendered in such a post by special circular.

41.(1) It shall be the duty of a Principal Secretary or Head of Institution:-

Duties of
Principal
Secretary or
Head of
Institution.

- (a) to monitor the operations of the departments under his supervision to ensure that the objectives set out for such departments are consonant with policy objectives set out by the government;
- (b) to monitor compliance by the departments falling under his supervision of directives and guidelines given by his Minister or Chief Secretary;
- (c) in agreement with his Minister, to set annual performance targets for the

departments under his supervision and review the performance of such departments at least annually;

- (d) to advise his Minister on all matters pertaining to the departments falling under his supervision;
- (e) to uphold and promote public service values and to supervise the application of the Code of Conduct in the departments falling under his supervision;
- (f) to provide his Minister with information which the Minister may require relating to the functions, operations and management of the departments falling under his supervision and to collect, collate and analyse such information;
- (g) to manage his office economically, efficiently and effectively; and
- (h) to coordinate the accountability of departments falling under his Ministry to the House of Representatives in matter relating to the oversight functions of the House over the Government Institutions;
- (i) to perform any other function that may be delegated or assigned to him by or under this Act or any other law.

(2) Without prejudice to the generality of the provisions of sub-section (1) of this section, and subject to Public Finance Management Act, a Principal Secretary shall also monitor the proper financial management and control of the departments falling under his supervisory responsibility.

(3) A Principal Secretary shall, in relation to his staff and have the same authority and duties as a head of department.

42. In executing the functions of his office, the Principal Secretary or Head of Institution shall have the following powers:

Powers of the Principal Secretary or Head of Institution.

- (a) to exercise powers conferred under this Act or any other law;
- (b) to take disciplinary measures within his jurisdiction against any employee in accordance with the provisions regulating disciplinary measures;
- (c) to demand information and reports from any head of department, unit or section who is directly under his supervision for any appropriate purpose;
- (d) to direct any Head of Department or Institution under his Ministry to take measures necessary to implement or comply with any government policy, directive or law which in the opinion of the Principal Secretary is not being implemented or observed or it is

otherwise being breached by such department or institution;

- (e) to report to the appropriate authority on any breach of public service values, basic principles, code of conduct or regulations made by any head of institution under his Ministry;
- (f) to take any other measure necessary or appropriate in ensuring efficient, effective and smooth running of public service and of the government operations in general within his Ministry.

Functions
of Head of
Departments.

43.(1) The Heads of Department shall execute the following functions:-

- (a) to provide operational and supervisory functions to their Departments;
- (b) to exercise such operational and public service powers to enable them maintain delivery and discipline within their departments and maintain the ethics, image and reputation of public service in general;
- (c) to initiate policies, programs and reforms within their jurisdictions and in so doing, they are expected to be innovative and ingenious in their performance;
- (d) to be enforcement agencies of laws, rules and regulations applicable or relevant to their departments;

(2) Heads of Department who are not holding Constitutional Offices or Independent Offices, shall be answerable and accountable to the respective Principal Secretary.

44.(1) A Principal Secretary shall carry out a review of any business of Government falling within the functions of any department falling under his supervision when so directed by his Minister or by the Chief Secretary or whenever he deems it necessary to do so.

Review of
Functions
and
Business.

(2) On completion of a review as provided under sub section (1) of this section, Principal Secretary shall submit a copy of the report to his Minister and to the Chief Secretary.

45. (1) Within three months from the end of each financial year a Principal Secretary shall make a report to his Minister on the performance of the departments falling under his supervision during the previous year and shall transmit a copy of any such report to the Chief Secretary.

Performance
Report.

(2) The report shall:-

- (a) review the performance of the departments during the respective year;
- (b) identify measures taken or that require to be taken to address issues in relation to that performance;
- (c) register the progress made on the measures identified in the report for the previous year; and

- (d) include any other information that may be required by the Minister or the Chief Secretary.

Discipline
Management
and
Accountability.

46.(1) Principal Secretary shall be required to abide to the Chief Executives Service Regulations issued by the Chief Secretary.

(2) The provisions of subsection (1) of this section shall apply to Heads of Institution whose term of service is not subject to constitutional protection or not regulated by any other law.

(3) Each Principal Secretary shall be individually responsible to provide leadership to the Ministry and to be the supervisor of laws and procedures pertaining to institutional and operational management of public service.

(4) Each Principal Secretary shall be individually responsible for decisions, operation and performance within his mandate and shall also be responsible for the advise he gives to the Minister and to the government in general on anything which he has given such advise and which falls within the operation of public service.

Establish-
ment of
Central
Office for
Public
Service.

47.(1) There is hereby established an Office which shall be known as the Central Office for Public Service Management which shall be under the Principal Secretary's Office.

(2) The Office shall be implementing and facilitating agency in the execution and exercise of the Principal Secretary role and powers.

48.(1) There shall be supporting Departments and Units of the Central Office in the execution and performance in its function as determined by the Principal Secretary in consultation with the Minister. Departments of the Office.

(2) The Pricipal Secretary may in consultation with the Minister restructure the office from time to time as he deems appropriate.

49. The Central Office shall be a coordinating and monitoring agency of public service management which shall have the following responsibilities:- Functions.

- (a) to provide strategic direction in the management and operations of public service including proposing introduction, application and adaptation of new management and operation practices in any sector of public service;
- (b) to scrutinize human resource capacity and identify human resource capacity requirement of the Zanzibar Public Service;
- (c) to initiate and overseeing reforms to the Public Service in general or of particular sector, institution, Ministry or operation;
- (d) to develop central public service management policy and to facilitate implementation for Zanzibar Public Service;

- (e) to provide administrative and technical service to Zanzibar Public Service institutions;
- (f) to regulate and issue directives, guidelines and circulars providing for accommodation, transport, travel on duty, subsistence allowance and other entitlements for public service employees and for other non public service officers whose entitlements are regulated by the government;
- (g) to be principal collector, processor and custodian of public service data, information and statistics in all aspects of public service management and operation;
- (h) to deal with all other matters relating to human resource management within the Public Service.

PART IV

ESTABLISHMENT OF INSTITUTIONS

Role of the Commission in the Establishment of Institutions.

50.-(1) The Commission shall have general duty to advise the President on the status of public service institutions and the desirable structure and restructuring of institutions and operations.

(2) In exercising the advisory function under subsection (1), of this section, the Commission shall take into consideration:

- (a) the economic and social benefit;
- (b) efficiency and effectiveness of public service; and
- (c) the size and outreach of public service in delivering service.

51.-(1) Subject to the provisions of the Constitution, the establishment, number and structure of Ministries shall be the discretion of the President who may seek advice from the Public Service Commission or any other person or authority on the establishment, abolition, amalgamation or restructuring of Ministries.

Establishment of Ministries.

(2) The President shall exercise power provided under subsection (1) of this section in accordance with the following procedure:

- (a) the establishment order to provide for the scope, functions and mandate of the Ministry with the commencement date shall be issued and signed by the President;
- (b) the establishment order shall constitute the equivalent operation of an entity;
- (c) where the Ministry does not change, a continuation order shall be issued to state that the previous establishment order shall continue to have effect.

52.-(1) In exercising power of abolition and reorganisation of a Ministry, the President may:-

Abolition and Reorganisation of Ministries.

- (a) abolish any Ministry;
- (b) amalgamate two or more Ministries into one;
- (c) reorganise the Ministry in a manner he deems appropriate.

(2) The reorganised or amalgamated Ministry shall be deemed to be a new Ministry and accordingly the establishment order shall be issued in that respect.

(3) Where a Ministry is abolished and no new Ministry is established all servants in the departments who are not assigned or transferred to other Ministries, shall be deemed to be under direct responsibility of the Chief Secretary.

(4) The Chief Secretary shall choose to transfer the staff together with assets to other departments or may choose to terminate their service in accordance with the Employment Act and this Act.

(5) Residual assets and liabilities shall be transferred by the Chief Secretary to the Ministry responsible for management of public assets and settlements of public debts, respectively.

(6) Conveyance of immovable assets between Ministries established, reorganised or amalgamated shall be deemed valid and sufficient through letter signed by either the Chief Secretary or the Principal Secretary of Ministry responsible for such asset without any further formal conveyance.

(7) Transfer or vest of any movable asset including interest in any asset or right in the manner aforesaid shall be sufficient to create valid title and ownership over such asset or interest to the transferee institution.

(8) No part or portion of any asset or liability shall cease to exist by mere reason that the institution or Ministry is abolished, reorganised or amalgamated, in any case such liability, asset or interest shall be inferred to belong to the succeeding institution or where it is not reasonable to do so, to the Chief Secretary.

(9) The Minister shall make regulation for better carrying out of the provisions of this part.

53.(1) Offices and agencies whose core functions, powers, mandate and the manner of appointment of their heads have been prescribed by the Constitution and those agencies whose core functions have been prescribed by the Constitution shall be known as Constitutional Offices.

Structure
of
Institution,
Constitutional
Offices and
Agencies.

(2) The Heads of Constitutional Offices shall be answerable to the Minister in matters relating to implementation of policies and general administration and shall be accountable to the Chief Secretary and Principal Secretary of the respective ministry in all matters relating to the efficiency and effectiveness of their administration, enforcement of public service values and code of conduct and generally their accountability as managers of public service offices.

(3) The Chief Secretary may issues circular to clarify or to prescribe anything relating to the administration, answerability and accountability of Constitutional offices and their heads.

Departments. **54.**-(1) Establishment of Departments shall be on the discretion of the President.

(2) A Department may be established under any Ministry, Independent offices, Constitutional Offices or appropriate institution as the President may deem appropriate.

(3) A department may be established by administration order issued and signed by the President or by statute.

(4) Where a Minister intends to propose the establishment of a new Department he shall follow the procedure laid down under this Act:-

- (a) proposal for establishment shall be submitted to the Commission for consideration in terms of section 25 of this Act;
- (b) proposal shall indicate the need for such institutional framework, functions, administrative structure, human resource requirements and budget implication for the first five years, infrastructure and expected benefit and revenue if any;

- (c) the Commission shall submit its recommendations to the Chief Secretary who shall submit the recommendations to the President and the decision of the President shall be communicated to the Minister responsible;
- (d) where the proposal is approved under paragraph (c) of this subsection:
 - (i) the Chief Secretary shall ensure that the establishment order of the Department is accordingly prepared and signed by the President where such department is to be established by administrative order; or
 - (ii) a Bill for the legislation shall be accordingly prepared where the establishment of the Department is by statute,
- (e) proposal for reorganisation, amalgamation and abolition of departments shall follow the same procedure.

(5) Any proposal for appointment of Heads of Department shall, except where the President directs otherwise, follow the following procedure:-

- (a) Heads of Departments shall be appointed on merit;

- (b) Chief Secretary shall inform the Central Office on vacancy and qualification required for the post;
- (c) Central Office in collaboration with the Ministry concerned shall prepare the list of the names and particulars of candidates for such appointment and submit the same to the Chief Secretary who upon being satisfied with the appropriateness of the list of the name shall submit the same to the President;

(6) The President shall not be bound by the recommendation made under the provision of this section.

Executive
and
Agencies.

55.-(1) Agent's Office shall only be established to undertake non commercial functions of the government where the service rendered by the institution demands autonomy, independent or a specialised management or scheme.

(2) For the purpose of this section, charging of fees in whatever form for service rendered by the Agent's Office shall not be deemed to be a commercial undertaking.

(3) The President may, by notice published in the Official Gazette, establish an Executive office to undertake such functions as shall be prescribed in the notice.

(4) The President may designate any existing institution or department to be an Executive Office with or without modification of its structure and name.

(5) The Office may be established by a separate legislation which shall provide for its functions, powers and management.

(6) In any case, the procedure for establishment of government department shall also be followed in the establishment of an Executive Office.

(7) Where there is a Board of Directors or Governing Board for the Agency, the Chief Executive Officer shall be answerable to the Board and shall also be accountable to the responsible Minister on the operation and management of the Office.

(8) The Chief Executive Officer and other employees of the Office shall be public service employees and shall be bound by principles, values, code of conduct, practises and directives issued for public service unless it is expressly exempted from any of the foregoing rules.

(9) Notwithstanding anything in this section or this Act, and subject to the approval of the Chief Secretary, employees of the Office shall be paid such remuneration in accordance with the pay structure approved by their respective authorities and in this respect, may be excluded from the pay structure of public service.

(10) Appointment of Chief Executive Officer of an Office shall be made by the President on merit after an open and transparent selection process is made by the Central Office under the supervision of the Chief Secretary.

(11) The President may exempt any Office from merit requirement by order published in Official Gazette either temporarily or until such time the order is revoked.

(12) The Minister may make regulations for better carrying out of the provisions of this Act.

PART V

HUMAN RESOURCE MANAGEMENT

Human
Resource
Planning.

56.-(1) Every institution in the public service including Agency shall prepare a five year human resource plan and present the same to the Central Office.

(2) That plan shall provide for such particulars and requirements in such a format as prescribed by the Central Office.

(3) The human resource plan shall, upon satisfaction of compliance and appropriateness, be approved by the Central Office and a copy be submitted to the respective Service Commissions, Commission, the Chief Secretary and the institution concerned.

(4) Each public service institution shall not later than four months before the expiry of current financial year prepare annual human resource plan for the

following financial year consistent with its five year plan and submit the same to the Central Office for approval.

(5) A copy of the approved annual human resource plan shall be submitted to the respective Service Commissions, the Commission, the Chief Secretary, the Ministry of Finance and the concerned institution and shall be the basis and authority for recruitment in the respective financial year.

(6) The five year plan and annual plan shall not be varied or modified without approval of the Chief Secretary and any officer, who varies, modifies any officer who gives information either knowingly or by negligence on any of the plan which causes anything relating to the recruitment, promotion or budgeting to be made in accordance with such information shall be guilty of gross indiscipline and the Chief Secretary shall direct action to be taken against such officer.

(7) The Minister may make regulations for better carrying out of the provisions of this section.

57.-(1) Every public service institution may appoint such number of staff in any particular financial year in accordance with approved annual human resource plan upon the recruitment made by a respective Service Commission.

Recruitment
and
Appointment.

(2) Notwithstanding the approval of annual human resource plan the President through the Chief Secretary may direct Service Commissions to withhold recruitment approvals general or of specific category or for a specific institution or of specific person for reason he shall disclose to a Service Commission.

(3) No recruitment shall be made unless:

- (a) the post is advertised in the public media, except where exempted by the Chief Secretary;
- (b) appropriate, transparent and fair selection processes are observed;
- (c) proper background check or vetting as appropriate is made to the selected applicants.

(4) The Service Commission shall submit a list of selected applicants to the institution for appointment.

(5) A Service Commission may delegate recruitment function either generally or specific to any institution.

(6) The Commission may within not later than three months from the recruitment, investigate or order investigation of any selection process or recruitment on its own motion or upon complaints being lodged to the Commission and upon completion of investigation the Commission may give any directive it may deem appropriate.

(7) Recruitment and appointment shall be made in accordance with this Act, Public Service Staff Regulations and where applicable, Staff Regulations of a respective institution.

(8) The Minister may make regulations for better carrying out of the provisions of this section.

58.-(1) Selection and recruitment of persons in the public service, unless exempted by the Chief Secretary, shall be based on merit only.

(2) For the purpose of this section merit shall take into account the following:-

- (a) the extent to which the person has abilities, aptitude, skills, qualifications, knowledge, experience and personal quality relevant to the carrying out of the duties in question;
- (b) if relevant;
 - (i) the manner in which that person carried out previous employment or occupational duties; and
 - (ii) the extent to which the person has potential for development.

(3) The Chief Secretary may waive generally or specifically merit requirement in any selection and recruitment for the purpose of accommodating gender, disadvantaged group, people with physically challenged condition, residents of a particular locality or such other consideration as the Minister may by notice in the Official Gazette prescribe.

(4) The Commission shall be the overall meritocracy enforcement authority and as such it may issue guidelines and take any action necessary to enforce merit principles and in doing so it may investigate any allegation of breach and nullify any selection and give any such order it may deem necessary or appropriate for enforcement.

Restriction
of Entry
into Public
Service.

59.(1) Employment into public service on pensionable terms shall only be open to Zanzibaris.

(2) Any citizen of the United Republic of Tanzania may be employed on non pensionable terms.

(3) Employment of foreign citizens in the public service shall be subject to the prior approval of the Chief Secretary.

(4) Age restriction to employment in the public service shall be in accordance with the provisions of the Employment Act.

(5) The Minister may by notice in the Official Gazette impose such other employment restrictions either generally or for specific category of employment to the public service as he deems appropriate.

(6) Without prejudice to the generality of subsection (5) of this section the Minister may impose restrictions relating to the following matters:-

- (a) security and character clearance;
- (b) formal qualification; and
- (c) health clearance;

Categories
of
Employment
Contracts

60.-(1) Employment in the public service shall be on any of the following category of contract of service:

- (a) permanent contract of service which may be terminated upon the employee attaining the age of voluntary retirement, provided that, a permanent contract of

service shall, unless an extended period of service is granted under subsection (2) of this section is granted, extinguish upon the employee attaining the age of compulsory retirement whether formally terminated or not.

- (b) temporary or fixed term of service which shall be for a renewable period of between six months and three years shall be contracted upon prior sanction of the Chief Secretary and approval of respective Service Commission, and in any case, a public service employee who has attained a compulsory age of retirement while in the public service shall not be employed on temporary or fixed term contract in the same position or type of employment but may be granted an extended service.
- (c) part time contract of service shall be entered for category of services specified by respective Service Commissions and shall be for such number of hours or days. and in any case no part time contract of service shall be extended for a cumulative period exceeding five years except in institutions or where specifically authorised by a respective Service Commission.

(2) Where a public service employee has attained the age of compulsory retirement and the employing institutions is of the opinion that such employee is

required for a further term, such institution with the consent of the employee, may apply to the respective Service Commission for an extension of service and the Service Commission may approve such extension for a period not exceeding two years.

(3) Where upon the expiry of extended service further extension is required, the institution may apply to the Chief Secretary who may grant an extension of service for a further period not exceeding one year.

(4) Where the employee is on extended service, he shall not be entitled to terminal benefits which shall be paid upon expiry of extended service and in any case where the employee is dismissed during the extended term, his terminal benefit for a qualifying period shall not be affected by reason of such dismissal.

Terms and
Conditions
of
Employment.

61.(1) In addition to the conditions of employment provided under this Act and any other relevant laws and regulations, specific terms and conditions of employment in the public service shall be determined by the respective Service Commissions depending on the scheme of service of the employee and grade contained in the contract.

(2) The Employment contract to be signed by the employee and a representative of the institution shall form the main terms and conditions.

(3) In addition to the Employment contract, additional terms of employment may be introduced by the public service at any stage or time of employment and such terms or conditions, shall, notwithstanding any

other law to the contrary, constitute and form part of the employment contract as if the terms were contained in the employment contract when it was first signed.

(4) Employer shall for the service rendered by the employee compensate by way of salary or allowance or any other benefits as indicated in the employment contract or any other laws applicable in Zanzibar dealing with employees compensation.

(5) Without prejudice to the generality of subsection (3) of this section the new terms may include terms relating to:-

- (a) safety of work place;
- (b) occupational safety and health;
- (c) code of conduct and ethics;
- (d) training and capacity improvement;
- (e) orientation into new technology or business method;
- (f) risk mitigation and management.

(6) The terms specified in the Staff Regulation shall be applied to the employment contract by inference.

62.(1) The Chief Secretary shall from time to time issue Public Service Seniority List in the public service.

Schemes of
Service
and
Seniority
List.

(2) The Public Service Seniority List shall cover the Chief Executive Officers in the public service.

(3) The Central Office shall prepare for Schemes of Service for each category or professional cadre in a

particular service scheme and tender for approval by a respective Service Commission and the Commission.

(4) A Schemes of service shall be the basis of promotion and institutional structures.

Classification
of the post.

63.(1) The Minister may, after consultation with respective Service Commissions and the Commission, by notice in the Official Gazette, make regulation on classification of public service employees as required and in accordance with labour standards applicable to classification of employees.

(2) Principal Secretary or Head of Department shall not reduce or move employees in grade without the approval of a Service Commission except where it is by an award or order of any disciplinary panel, tribunal or court of law.

Promotions.

64.(1) Subject to the availability of vacancies, promotion of employees to senior grades shall be made in accordance with the scheme of service upon the approval of a respective Service Commission.

(2) Promotion of employees to appointment position shall be made in accordance with the rules governing such appointments.

(3) Demotions to lower grades may be made as a result of disciplinary action or where the promotion was obtained or made unlawfully.

(4) Service Commissions shall issue guidelines on promotions of employees and the Commission may

review such guidelines to ensure that they are fair and meet the best practices.

65.(1) Deployment of staff to any assignment, department, unit or station within the institution on temporary basis or for specific assignment shall be made by a Principal Secretary or Head of Institution. Deployment of Employees.

(2) For the purpose of this section, any deployment exceeding one year shall be treated as a transfer for which all benefits and entitlement shall accrue.

(3) Deployment of public service staff from one Ministry or agency to another within the public service shall be upon the agreement of chief executives of the institutions involved in the deployment.

(4) Where it is necessary to deploy staff from one Ministry or institution to another and there is no agreement between the executives of the respective institutions, the deployment may be made on the order of the Chief Secretary on such terms and for such period he may direct.

(5) Deployment of public service staff outside the public service institutions or operations shall be made upon the approval of the Chief Secretary.

(6) Deployment of non public service staff to the public service institution shall be made upon the approval of the Chief Secretary.

Right of
Return of
Election
Candidates.

66.(1) Subject to the provision of any law regulating participation of public service employees in politics, where any employee resigned as public service employee in order to contest election prescribed by the applicable law and the said person failed to be elected he will, subject to the procedure for re-employment and subject to the human resource plan within the public service, be entitled to be re-employed.

(2) The Commission shall issue guidelines on the procedure for re-employment which shall address matters relating to medical check up, probation, classification, grading and aggregating employment previous employment.

Staff
Develop-
ment and
training.

67.-(1) The Institute of Public Administration shall, subject to its establishment Act, and in collaboration with public service institutions be the centre of excellence in developing, designing and conducting trainings for the Zanzibar Public Service.

(2) The Central Office may from time to time recommend courses and training to be provided to public service employees, whether the training programme are structured for specific purpose or open to the public in general.

(3) The Chief Secretary may direct a section, category or cadre of public service employees to attend a particular compulsory course or training and in such a manner he may prescribe.

(4) The Commission may set rules and guidelines for accreditation of training programme that warrant

award of public service training credits and professional continuing education for the purpose of career advancement and promotion.

(5) For the purpose of this section, training shall include seminars, workshops, symposiums and research.

(6) The Minister may by rules published in the Official Gazette establish public service resource centre for the purpose of public service career development and sharing of knowledge.

68.-(1) Employment contract in the public service shall be discharged on any of the following circumstances;

Discharge
of
Employment
Contracts.

- (a) death of public service employee;
- (b) upon attaining compulsory retirement age without extended service being granted;
- (c) upon termination by reason of:
 - (i) attaining voluntary age of retirement;
 - (ii) accepting early retirement;
 - (iii) retirement on public interest;
 - (iv) order or award by any judicial tribunal;
 - (v) duly served notice of termination by employee
 - (vi) disciplinary penalty;
- (d) dismissal of employee.

(2) Where a contract of public service employment is discharged under subsection (1) of this section, such

employee shall, within not later than thirty days from the discharge, return all the properties, documents in whatever manner stored and everything which was given to him or was by whatsoever reason in his custody, possession or responsibility including all information relevant or connected or came to his disposal by reason of his employment in the public service.

(3) For avoidance of doubt, it is expressly provided that the item or information to be returned under subsection (2) of this section must be reasonably useful or important to the government.

(4) Any person who wilfully contravenes or abets in contravening the provisions of subsection (2) of this section, shall commit an offence and upon conviction shall be liable to a fine of not less than one million shillings (1,000,000/-) or to imprisonment for a term not exceeding six months or both, such fine and imprisonment.

Establishment
of Senior
Executive
Service.

69.-(1) There shall be Senior Executive Service whose structure, management and operation shall be in accordance with the provisions of this Act.

(2) A respective Service Commission may on the recommendation of the Ministry concerned recommend to the Commission to designate a public service employee to a Senior Executive Service.

(3) Upon such approval, the Service Commission shall designate the employee to be in Senior Executive Service category.

(4) An employee may be promoted to Senior Executive Service if he meets the criteria and qualification prescribed under section 70 of this Act.

70. The Public Officers may be designated or promoted to Senior Executive Service if : Qualifications.

- (a) has professional or technical knowledge obtained from a recognised institution;
- (b) has served in the public service for a period of not less than fifteen years;
- (c) has not been convicted in a criminal court or disciplinary proceedings of an offence or charge involving dishonesty, breach of trust or abuse of office; or
- (d) had held a presidential appointment;
- (e) has reached a level of principal or its equivalent in the cadre;
- (f) holds such other qualification as the Commission may from time to time prescribe for that purpose.

71.-(1)The Senior Executive Service shall be developed and retained for the purpose of identification, promotion and retention of relevant skills and experience within the public service by way of recognition and rewarding employee with such skills and experience. Purpose and Development of Senior Executive Service.

(2) Appointment in the senior executive service is to be directed towards ensuring Senior Executives Service:-

- (a) develop a public service wide perspective;
- (b) develop their executive profession; and
- (c) develop their skills through deployment within and outside the public service.

(3) The purposes under subsections (1) and (2) of this section shall be achieved by attracting, developing and retaining in the public service a core of mobile, highly skilled Senior Executive Service.

Role and
Functions.

72.-(1) The Role of the Senior Executive Service shall be:-

- (a) to impart and disseminate knowledge and skills in the public service to junior or new employees in the public service;
- (b) to promote co-operation between departments, Agencies and other government entities in developing policies and delivering quality services efficiently, economically and effectively;
- (c) to promote the public service values, comply with the Code of Conduct and uphold the basic principles;
- (d) to provide leadership of the highest quality; and
- (e) to demonstrate operation skills of the highest standard.

(2) The principal functions relating to a Senior Executive Officer shall be as follows:-

- (a) policy development;
- (b) professional expertise;
- (c) strategic management and planning;
- (d) result and performance management;
- (e) change management;
- (f) the provision of professional advice.
- (g) general management;

73. The President through Chief Secretary shall issue directions in writing on employment matters relating to Senior Executive Service employees, including engagement, promotion, redeployment, mobility and termination.

Directions
of the Chief
Secretary.

74.-(1) Save for the President, no authority shall terminate the employment of an employee in the Senior Executive Service unless the Chief Secretary has issued a certificate stating that:-

Termination
of Senior
Executive
Service
Employment.

- (a) all relevant requirements of President's directions under section 73 of this Act have been satisfied in respect of the proposed termination; and
- (b) the Chief Secretary is of the opinion that the termination is in the public interest.

(2) Where a Senior Executive Officer breaches a Code of Conduct or made an employment decision which is not in conformity with the provisions of this Act he shall be removed from his position or grade in the Senior Executive Service and he shall not be eligible to be

appointed in a position in the Senior Executive Service for a period of five years.

Special remuneration and incentives.

75.-(1) Employees in the Senior Executive Service may be paid special remuneration as a Senior Executive Service Officer or may be paid such remuneration and incentive package in addition to their regular pay under their respective scheme of service.

(2) Notwithstanding anything in this Act, the Chief Secretary shall prepare a special scheme of service for Senior Executive Service for approval by the Commission.

(3) It shall be the duty of the Chief Secretary to ensure that payment of such incentive package is fair and equitable throughout the Senior Executive Service.

Incentive to retire.

76.-(1) The Head of respective public service institution may, upon prior approval of the respective Service Commission, give a notice in writing to a Senior Executive employee in the Institution or Agency, stating that the employee will become entitled to a payment of a specified amount if the employee retires within a period specified in the notice.

(2) If the employee, by notice in writing, accept to retire within the period specified in the notice:-

- (a) he shall be entitled to be paid the specified amount; and
- (b) the employee shall, for the purposes of re-employment in the public service, be

deemed to have been compulsorily retired from the Public Service.

- (c) apart from the amount payable under paragraph (a), payment of other terminal benefits shall be made in accordance with the relevant law applicable to the employee.

PART VI

EMPLOYMENT STANDARDS AND LABOUR RELATIONS

77.-(1) The Chief Secretary, every Principal Secretary and every Head of Department or Institution shall take such measure as are necessary to ensure that the work environment is secured, conducive and does not endanger the safety and health of public service employee in accordance with the Occupational Health and Safety Act.

Work environment and security.

(2) The Commission shall provide for the manner in which inspection of safety and health shall be conducted in the public service and the manner of reporting and accountability.

78.-(1) There shall be Government Security Office whose structure, management, accountability, and its functions shall be provided by the Minister by Regulations.

Government Security Office.

(2) The Government Security Office shall conduct regular security inspection in the public service and the Security inspection shall include the following:-

- (a) security of premises against encroachment, breaking, flow of visitors and general trespass;
- (b) handling of registry and documents;
- (c) handling of cash, accountable documents and stores;
- (d) vetting of applicant for public service employment or public service employee at the request of the Service Commission or public service institution;
- (e) any other safety and security aspect in relation to public service.

(3) The reports of the Government Security Office shall be submitted to the Chief Secretary and respective heads of institution reported in the inspection.

(4) It shall be the duty of every head of institution subject to the inspection to implement security recommendations and report the same to the Chief Secretary and to the Government Security Office.

(5) Appropriate action shall be taken by the relevant disciplinary authority against any officer who fails to implement security recommendations or take such measures against any act or omission which is of security concern.

79.(1) Minimum labour standards provided under the relevant employment law shall be enforced in the public service and no condition of employment shall be made which breach the said labour standards.

(2) The Public Service Staff Regulations made by the Minister shall provide for the mechanism of enforcement of such labour standards.

(3) Without prejudice to the generality of the labour standards, the Public Service Staff Regulations shall provide for the enforcement of:-

- (a) length of working day and week;
- (b) special Friday break;
- (c) manner of undertaking and compensation for overtime work;
- (d) regulation of working time and overtime rate;
- (e) restriction on number of work days;
- (f) extra pay for night work;
- (g) annual leave for public holidays;
- (h) temporary and emergency leave;
- (i) compassionate leave;
- (j) sick leave;
- (k) maternity leave;
- (l) leave without pay and action to be taken by employer when leave without pay expires;

- (m) provision of transport and accommodation in deserving circumstances;
- (n) identification of public service occupation eligible for meal allowance and other special allowances;
- (o) provision for the manner in which medical care and treatment shall be provided to public service employee;
- (p) obligation to provide safety and protective gear to employees in deserving occupation;
- (q) allowances for travelling on duty;
- (r) obligation of public service institutions upon death of employee;
- (s) certificate of service upon eligible termination or retirement;
- (t) repatriation of employees to place of first appointment;
- (u) sanction for breach of employment standards.

(4) The Staff Regulations shall also provide employment standards for special categories of employees as follows:-

- (a) protection of pregnant and nursing employees;

- (b) engagement of female employees at night;
- (c) exemption of female employees from certain categories of night work;
- (d) additional conditions for female employees;
- (e) equal rights of employment for people with disability.

(5) The Chief Secretary, Principal Secretaries and Heads of Institutions shall be responsible and enforcement agents of labour standards and shall take all necessary measures within their mandate to ensure compliance with labour standards.

(6) The Commission shall conduct or cause to be conducted regular inspection to ascertain compliance with labour standards and in executing the inspection functions the Commission may authorise labour inspectors to conduct such inspection generally or in specific public service institutions.

(7) The Minister may, in consultation with the Minister responsible for labour, review Public Service Staff Regulations to improve compliance with labour standards whenever it appears necessary to do so.

80.(1) The Minister shall make special Public Service Labour Relations Rules, which subject to the Labour Relations Act, make provisions on the manner in which management of grievances, collective bargaining and other matters relating to labour relations between public service institutions as employer and public service employees shall be handled.

Labour
Relations.

(2) Without prejudice to the generality of subsection (1) of this section, the Public Service Labour Relations Rules shall among other things provide for the following:-

- (a) the manner in which employees or trade union shall present their employment grievances in a work place;
- (b) the manner in which a Principal Secretary or Head of Institution shall handle the matter within his competence;
- (c) the manner in which grievances shall be forwarded to the Chief Secretary and to the Minister;
- (d) collective bargaining mechanism within the public service;
- (e) the manner in which collective agreements shall be enforced within the public service.

PART VII

MANAGEMENT OF DISCIPLINE

Disciplinary
Committee.

81. Each Service Commission shall form a Disciplinary Committee in accordance with the provisions of this Act and consistent with the Public Service Disciplinary Proceedings Regulations made by the Minister under this Act.

82.(1) For the purpose of administering discipline in the public service the following shall be the disciplinary authorities:-

- (a) Heads of Department for disciplinary offences prescribed in the First Schedule committed within the Department;
- (b) Principal Secretary and Head of Institution or Agency for offences prescribed in the Second Schedule committed within the Institution or Agency;
- (c) Disciplinary Committee for offences prescribed in the Third Schedule committed by a public service employee over whom the disciplinary committee has jurisdiction;
- (d) Chief Secretary for offences committed by Presidential Appointees as provided in the Disciplinary Rules made for that purpose and who are not subject to special enquiry or special disciplinary arrangements;
- (e) President for offences committed by public service officials who by any law the President is the disciplinary authority.

(2) Disciplinary authorities shall impose such penalties and sanctions prescribed under the provision of this Act or those prescribed in the respective schedules.

(3) Except where it is impracticable to do so owing to the incapacity, absence of a person accused to have committed disciplinary offence or any justifiable reason, right of being heard and fairness shall be compulsory and no penalty or sanction shall be valid where the right of being heard has not been observed or manifest unfairness have been occasioned.

Grounds
for
disciplinary
action.

83.-(1) A disciplinary authority may take a disciplinary action against a public service employee within his jurisdiction if it is reasonably satisfied the employee has:-

- (a) performed duties negligently, carelessly or inefficiently; or
- (b) been guilty of misconduct; or
- (c) been absent from duty without approved leave and without reasonable excuse; or
- (d) contravened, without reasonable excuse, a direction given to the officer as a public service officer by a responsible person; or
- (e) used, without reasonable excuse, a substance to an extent that has adversely affected the competent performance of the officer's duties; or
- (f) contravened, without reasonable excuse, a provision of this Act or an obligation imposed on the person under Public Service Code of Conduct, Public Service Principles, Values or any other code of conduct which fall under Zanzibar Public Service; or

- (g) committed any disciplinary offences mentioned in the Schedule of the Employment Act No.11 of 2005; or
- (h) committed any disciplinary offence which is prescribed by regulations made by the Minister either generally or for specific occupation, profession, trade or cadre.

(2) For the purpose of this section, the general Public Service Code of Conduct, Professional Code of Conduct together with the provisions of this Act and of any other Law or Regulations relating to employment discipline, work and operational procedures, safety standards at particular work place shall constitute a code of work discipline the Public Service staff is required to observe.

(3) The Minister may make regulations to prescribe further grounds of disciplinary action either generally or specific occupation, profession, trade or cadre and may vary or add the existing grounds for disciplinary action.

84.-(1) The Principal Secretary or Head of Institution may suspend from duty a public service employee who is under disciplinary inquiry or criminal investigation which relates or reflects on the public service duty of the employee if he reasonably believes it is in the interest of justice, fairness or transparency to do so.

Suspension
of Public
Service
Officer
under
inquiry.

(2) The suspension may be cancelled at any time upon completion of investigation or inquiry or where the disciplinary authority deems it appropriate.

(3) Suspension on disciplinary inquiry shall not be for more than six months and the employee shall be entitled to a half pay for the duration of suspension.

(4) Where upon the completion of disciplinary inquiry and the disciplinary authority intends to proceed with disciplinary proceedings and find it expedient to further suspend the employee pending determination of the disciplinary action such employee may be further suspended for not more than six months on half pay.

(5) Upon expiry of six months the employee shall be entitled to be reinstated or be paid full salary pending determination of the disciplinary proceedings.

(6) Where upon the determination of the disciplinary proceedings the employee is found not liable of the disciplinary offence, he shall be immediately reinstated and be paid the balance of the half pay which remained unpaid during suspension.

(7) For the purpose of this section determination shall include final determination of appellate proceedings where appeal is preferred by either party.

(8) Where an employee is suspended by reason of criminal inquiry he shall be paid half salary for a period not exceeding twelve months, upon the expiry of such period he shall cease to be entitled to such half salary and the period he continue to be on suspension shall be deemed to be a leave without pay for such period he shall be entitled to seek alternative employment until such time the matter is disposed of.

(9) Where upon the completion of criminal investigation and the prosecution authority decides not to prefer a charge against the employee, the authority shall inform the respective public service institution of its decision not to take the matter against the accused employee to court and such information shall be sufficient to warrant the institution to reinstate the employee.

(10) Where upon the determination of the criminal trial, including appeal, if any, the accused employee is acquitted, the said accused employee shall be entitled to be reinstated.

(11) Where at any stage of trial the accused employee is discharged by the court or the charge is withdrawn by the prosecution, the accused employee shall only be reinstated when the Director of Public Prosecutions shall, in writing, state his intention not to proceed further with the case.

(12) Employee discharged or acquitted in any criminal proceedings may be charged of disciplinary offence before a competent disciplinary authority where the employer has evidence he deems sufficient to prove the case against the employee.

85.-(1) Disciplinary proceedings before any disciplinary authority, except before the President when acting as disciplinary authority, shall be conducted in a manner provided in the Public Service Disciplinary Proceedings Rules made by the Minister.

Procedure
for conduct
of
disciplinary
proceedings.

(2) Without prejudice to the generality of subsection (1) the Rules shall among other things provide for the following:-

- (a) notification of disciplinary offence to the accused employee;
- (b) manner and period within which parties to the proceedings may present their reply in writing;
- (c) manner of presentation of securing necessary documents as evidence which are in the custody or control of the other party;
- (d) manner of presentation of evidence;
- (e) securing the attendance of witnesses;
- (f) service of summons generally;
- (g) temporary orders and their enforcement;
- (h) awards, rulings and orders of the disciplinary authority;
- (i) period of limitation for filing and notification;
- (j) any other matter necessary for orderly conduct of the proceedings and quick disposal of the matter.

86.-(1) Decisions of the disciplinary authority shall, unless no appeal lies against it, shall be executed upon expiry of the appeal period.

Decisions
of
Disciplinary
Authority.

(2) The appellate authority may order execution of orders made by the disciplinary authority if it is satisfied that execution of such order shall not prejudice the hearing of the appeal or render the appeal inconsequential.

87.-(1) Subject to the jurisdiction of the disciplinary authority and limitation provided by this Act or Regulations on imposition of disciplinary penalties, a disciplinary authority may impose any of the following penalties:

Available
Disciplinary
Penalty.

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- (a) verbal warning, written warning, reprimand and severe reprimand;
- (b) deduction of salary except that in any case:
 - (i) the deduction shall not exceed half of the employee salary; or
 - (ii) the deduction shall not be more than one third for an employee receiving a salary and not exceeding two times of the minimum salary.
- (c) demotion or defferement of promotion ;
- (d) termination of employment;
- (e) dismissal;
- (f) any other penalty the Minister may by notice in the Official Gazette prescribe.

(2) The Minister may make regulation to prescribe for the manner in which such penalties shall be enforced.

Appeals
and
Reviews.

88.(1) A party aggrieved by the decision of the disciplinary authority may appeal to a respective appellate authority within such period and in accordance with the appeal procedure rules made under this Act.

(2) Appellate authorities and their hierarchy shall be in the manner provided in the Fourth Schedule of this Act.

(3) The appellate authority may call for the records of the disciplinary authority on its own motion or upon application and review the finding and decision of the disciplinary authority, save that review shall only be invoked where there is manifest error in the conduct of the disciplinary proceedings which has occasioned injustice or manifest distortion of the law or regulation.

Decisions
against
which
appeals
may be
made.

89. An appeal may be made to the Commission against the following decisions:-

- (a) a decision to take, or not to take, action under a directive;
- (b) a decision under a disciplinary law to discipline a person (other than by termination of employment), including the action taken in disciplining the person;
- (c) a decision to promote a public service officer (a promotion decision);

- (d) a decision to transfer a public service officer (a transfer decision);
- (e) a decision about anything else against which another Act allows a person to appeal to the Commission.

90.(1) A person cannot appeal to the Commission against any of the following decisions:-

Decisions against which appeals cannot be made.

- (a) a decision of the President;
- (b) a decision about workers' compensation;
- (c) a decision about probation;
- (d) a decision to terminate the employment of a public service officer employed on probation;
- (e) a decision about the classification level of employment, unless the decision is declared under a directive of the Commission to be a decision against which an appeal may be made;
- (f) a decision to promote, transfer, redeploy or to get another post as a chief executive, senior executive or senior officer.

(2) A person cannot appeal against, or in an appeal call in question in any way, a decision that decides the policy, strategy, nature, scope, resourcing or direction of the public service or a department.

(3) A person cannot appeal against a promotion decision if:-

- (a) the relevant public service officer had been redeployed within one year before the promotion; and
- (b) the promotion is to a classification level that is not higher than the officer's classification level immediately before the redeployment.

Appeal
Procedure.

91.-(1) The Minister shall make Public Service Appeals Procedure Rules to provide for the manner in which appeal proceedings under this Act shall be conducted.

(2) In the event of any gap in the Appeal Procedure Rules, the provisions of the Civil Procedure Rules shall be applicable with such modification and adaptation to suit the circumstances of the appeal.

(3) Except for matters relating to appeals expressly provided under this Act, the Appeals Procedure Rules shall provide for all matters necessary to be provided in relation to appeals.

Stay of
operation
of
decisions
etc.

92.-(1) The Appellate Authority may stay the execution of a decision appealed against to secure the effectiveness of the appeal.

(2) A stay:-

- (a) may be given on conditions;
- (b) operates for the period fixed by the appellate authority; and

(c) may be revoked or amended by the appellate authority;

(3) The period of a stay must not extend the time that the Appellate Authority handle the appeal.

(4) The starting of an appeal against a decision shall not affect the decision, or the carrying out of the decision, except where the decision is stayed.

PART VIII PAY IN THE PUBLIC SERVICE

93.-(1) The Commission shall regulate pay and related Formulation. benefits systems for all public service organisations.

(2) The Commission shall ensure transparency, fairness and equity of compensation across public service organisations and it shall also ensure equality in compensation among employees with similar responsibilities, functions, competencies and qualifications.

(3) The Commission for the purpose of objective formulation of pay policy, may from time to time establish regular job evaluation and re-grading exercises for individual or several public service organisations and these exercises will be performed with professional objective, integrity and competence.

(4) In arriving at the pay levels to be recommended, the Commission shall be guided by two main criteria:-

- (i) the payment and other benefits would be reasonable to attract and retain a critical mass of appropriately skilled, experienced and responsible personnel in public service organisations;
- (ii) the compensation system should motivate employees to continually improve performance and service to the public of Zanzibar.

(5) In carrying out the exercise, the Commission shall consult with Ministry of Finance and the Central Office so that it can be advised on affordability and feasibility of implementation.

Enforcement. **94.**-(1) The Commission shall present its recommendations for public service pay adjustments to the President.

(2) The President shall then direct the Chief Secretary on framework and manner of adjustments required in public service pay.

(3) Additional level of compensation and other terms of additional compensation and other terms and conditions of employment of the employees of the Public Service may be fixed through collective agreements obtained through collective bargaining between the representatives of the employees and the Public Service collective bargaining agency.

(4) On the instructions of the Chief Secretary, the Central Office will administer the compensation system for the public service approved by the President.

(5) Annual pay adjustments for any employee shall be subject to satisfactory performance appraisal of the employee, which shall be based on evaluation against Personal Annual Performance Target.

PART IX RECORDS AND INFORMATION MANAGEMENT

95.-(1) The Central Office shall be responsible for public service records management and for the application, operation and management of information and communication technology in the public service and shall execute this function for the purpose of ensuring that records management and information and communication technology are key drivers to the efficient and effective public service delivery.

Records
Management.

(2) In executing its functions under subsection (1) of this section, the Central Office shall exercise the following powers:

- (a) to issue guidelines and authorisation on records management, classification, preservation and reproduction which are consistent with National Archives Rules;
- (b) to examine public service records and seek disposal permission from the National Archives Authority;

- (c) to inspect public service records to ensure that public service institutions comply with the requirements of the archives laws on preservation and management of national records;
- (d) to develop policies, operational manuals and record management practices and update the same to the most modern level possible;
- (e) to design or identify relevant trainings for registry staff and record management staff.

(3) Guidelines, rules or instructions issued by the Central Office on public service records management shall be binding and a breach of which shall constitute misconduct.

(4) Heads of public service institutions shall be generally responsible for carrying out of sound public service records management in accordance with the Central Office rules and the records management staff shall be individually responsible to ensure that proper public service records management practices are strictly adhered to.

96.-(1) The Minister shall:-

- (a) promote the use of information and communication technologies in institutions to enhance the efficiency of

their internal and administrative operations;

(b) establish a framework applicable to all institutions to:

- (i) facilitate and co-ordinate the development and enhancement of electronic services and the access of people, who do not have access to electronic services, to those services;
- (ii) facilitate the alignment of the use of staff, information and communication technologies, other resources and internal processes to achieve optimal service delivery;
- (iii) streamline the procurement of Information and Communication Technology hardware and software in the public service for the purpose of interfacing and compatibility;
- (iv) facilitate arrangements of creating a common Information and Communication Technology platform in the public service for the purpose of sharing and exchange of information;
- (v) ensure that public service networks and connectivity are secured from internal and external threats

- (c) provide guidelines on generation, authentication, registering, keeping and transmission of electronic information within the public service electronic system;
- (d) create a conducive environment for the general implementation of electronic government.

(2) The Minister may delegate any of the functions provided under subsection (1) of this section, to any public service authority or officer as he may deem fit.

(3) The Minister shall undertake any of the functions provided under subsection (1) of this section by issuing circulars, guidelines or regulations as he may deem appropriate.

(4) The Head of Institution shall, with due regard to the framework, referred to in subsection (1) of this section.

- (a) acquire and use information and communication technologies in a manner which:-
 - (i) leverage economies of scale;
 - (ii) ensure the interoperability of its information systems with information systems of other institutions if it is so necessary so

that to enhance internal efficiency or service delivery;

- (iii) eliminate unnecessary duplication of information and communication technologies in Public Administration;
- (iv) ensure security of its information systems;
- (b) use of information and communication technologies to develop and enhance the delivery of its services;
- (c) improve the access of people, who do not have access to electronic services, to those services; and
- (d) align the use of its staff, information and communication technologies and other resources and internal processes to achieve optimal service delivery.

97.-(1) There is hereby established a special Information and Communication Technology Department under the Central Office which shall be responsible for all matters relating to Information and Communication Technology policy and operation within the public service and execute all other functions provided or assigned to it by the Minister under this Act.

Establishment of Institution for Information and Communication Technology.

(2) The Public Service Information and Communication Technology Department shall be the government centre of excellence in the promotion of

policy, operations and best practices in the use of Information and Communication Technology by the public service.

(3) The Information and Communication Technology Department shall have powers to issue guidelines and rules on Information and Communication Technology matters relating to Information and Communication Technology in the public service and such guidelines and rules shall be binding to public service institutions.

(4) Where a public service institution is not satisfied with the guidelines or rules issued by the Department, it shall, upon failure to reach a compromise with the Department, seek remedy to the Minister whose decision shall be final.

PART X ACCOUNTABILITY

Account-
ability
Framework.

98.-(1) Besides any other duties and functions that may be assigned or delegated to him by or under any law, it shall be the duty of a head of department:-

- (a) to uphold and promote the public service values and the Code of Ethics;
- (b) to ensure that directives and guidelines issued by the President, the Minister, his Minister, the Chief Secretary or his Principal Secretary are complied with;

- (c) to align the institution's objectives with the strategic and other objectives of the ministry and with Government policy;
- (d) to tender policy and other advice to his minister either directly or through the Principal Secretary, as his minister may direct;
- (e) to draw up and implement a strategic plans and setting out the general goals and objectives, including performance-related goals and objectives in connection with the operations, and to fulfil the functions of the institution;
- (f) to establish performance indicators to measure and assess the relevant outputs, service levels and outcomes of each programme and activity undertaken by the institution;
- (g) to manage the activities and programmes of the institution efficiently, effectively and economically;
- (h) to ensure that the statutory or other functions of the institution are carried out in such manner as to ensure delivery of a quality service;
- (i) to set the annual or other performance targets of officers in his institution and review the performance of such officers at least annually; and

- (j) to provide his Minister, Chief Secretary and his Principal Secretary with such information relevant to the functions and workings of the department as may be necessary.

(2) In executing his role of accountability, the Chief Secretary shall:-

- (a) issue directives and guidelines to ensure that public officers comply with the Code of Ethics;
- (b) issue directives and guidelines to ensure that departments and agencies act in a manner consonant with public service values;
- (c) issue directives and guidelines in relation to the performance of departments and monitor such performance against benchmarks, standards and performance standards and agreements established by such directives and guidelines;
- (d) issue directives and guidelines in relation to the performance of public officers;
- (e) assist ministers in establishing performance targets for their respective Principal Secretaries and in monitoring their respective performance.

PART XI MISCELLANEOUS PROVISIONS

99.-(1) Subject to the public service principles and values, management and operation of public service shall be gender sensitive and as much as it is practicable, be gender balanced. Gender in the Public Service.

(2) The Minister shall make regulations for the purpose of providing for policy, institutional and operational framework of gender mainstreaming in the public service.

(3) The Commission shall ensure that the framework provided by the Minister under subsection (2) of this section is enforced and reported accordingly.

100.-(1) No public service employment authority may require any person seeking employment in the public service to undertake an HIV test in order to ascertain that person's HIV status for purpose of such employment. HIV / Aids.

(2) No public service employer may require any public service employee to undertake HIV test for the purpose of ascertaining that employee fitness for such employment, save that the Minister under special circumstances, may so permits.

(3) The Minister may make regulations to further provide for such other matters relating to handling of HIV issues in public service.

101.-(1) Public service authority shall take appropriate measures to ensure that public service buildings and infrastructure are accessible and are user friendly to persons with disability. Disability.

(2) Public service authority shall take appropriate measures to ensure that persons with disability have access to services rendered by public service institutions.

Motivation and recognition of outstanding performance.

102.-(1) Public service management shall take necessary measures to motivate public service employees including chief executive officers of public service institutions into innovating better methods for public service delivery, improving efficiency and effectiveness and for building a better image of public service delivery.

(2) There shall be established by the Minister, responsible Ministers and Chief Executive Officers, a comprehensive, transparent and competitive mechanism for rewarding public service employees at national, sectoral, ministerial and institutional level for outstanding performance in their duties.

(3) The Commission and Service Commissions shall ensure that the provisions of subsection (2) of this section are enforced by institutions under their respective jurisdictions.

Provisions on Regulations.

103.-(1) The Minister shall make regulations providing for the administration of the service, discipline, regulating the conduct of disciplinary proceedings and ordering of terms and conditions of services of public servants.

(2) The Minister may in the exercise of powers under subsection (1) of this section, make regulations:-

- (a) providing for any matter which by this Act, may be provided for by regulations;

- (b) providing for the regulation of Ethics and Code of Conduct of public servants;
- (c) providing for the administration of the public service, and the discipline and ordering of the terms and conditions of service of public servants;
- (d) providing for the terms and rates of compensation for injuries or death payable under section 79 of this Act.

(3) Without prejudice to the generality of the preceding provisions, regulations made under this Act may:-

- (a) prescribe disciplinary penalties and awards;
- (b) impose duties on delegates and public servants;
- (c) require persons to attend before the Commission to answer questions relating to the exercise of its functions;
- (d) prescribe for professional qualifications;
- (e) describe maintenance of professional standards, professional conduct and professional ethics;
- (f) prescribe in relation to any profession of public servants:-

- (i) the qualifications or conditions in relation to membership and service terms appropriate to such membership;
 - (ii) prescribe registration, suspension and dismissal of members;
 - (iii) prescribe the establishment, management and control of any provident fund, superannuation fund or pension scheme.
- (g) prescribe the duties of employers in relation to service posts, the persons whom they may be appointed thereto and conditions under which such appointments may be made and terms and conditions of services of persons appointed thereto.

(4) All regulations and rules made in pursuance of the provisions of this Act shall be published in the Official Gazette.

(5) Nothing in this section shall detract from any power to issue or make guidelines or administrative instructions or orders in relation to persons in the public services.

Repeal of enactments.

104.-(1) The following Acts and Regulations are hereby repealed:-

- (a) The House of Representatives Services Commission Act, 2004, Act No.2 of 2004;
- (b) The Zanzibar Judicial Service Commission Act No.13 of 2003;
- (c) The Civil Service Commission Act No.14 of 1986.

(2) Section 5 and 6 of the Special Department Service Commission Act No.6 of 2007 are hereby repealed.

105.(1) Notwithstanding the repeal and amendment of laws made under section 104 of this Act, any employment decision or any action taken under the repealed laws shall be deemed to have been done or taken under the provisions of this Act. Transitional provisions.

(2) Any matter or legal proceedings pending before any relevant authority which was instituted, commenced or referred under the repealed laws, may be continued and completed under the repealed laws.

SCHEDULES

FIRST SCHEDULE

Disciplinary offences and penalties within the jurisdiction of the Head of Department

[Under section 82(1) (a)]

(a) Category	Nature of Offence	1 st Offence	2 nd Offence	3 rd Offence	4 th Offence
Absenteeism & Timekeeping	1. Late for work or Leaving work early without good reason	Verbal warning	Written warning	Final Written warning	Suspension pending inquiry
	2. Unwarranted absence from place of work without good reason.	Verbal warning	Written warning	Final Written warning	
	3. Desertion - away from work for more than 5 days	Suspension pending inquiry			
	4. Fraudulent time keeping, metering or recording	Verbal warning			
	5. Extended breaks, late arrivals or early departures (without permission)	Suspension pending inquiry	Written warning	Final Written warning	Suspension pending inquiry
Confidentiality of information	6. Disclosing of confidential information where it is proved that the disclosure was intentional	Suspension pending inquiry			
Dishonesty	7. Theft of any nature	Suspension pending inquiry			
	8. Dishonesty of any nature	Suspension pending inquiry			

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	9. Fraud	Suspension pending inquiry			
(b) Category	10. Lying or misrepresentation or CV or application form or failure to disclose reviews involvement in disciplinary or criminal proceedings relating to theft dishonesty or fraud.	Suspension pending inquiry			
	11. Failure to advise the Public service officer by using fraudulent profession inquiry	Suspension pending inquiry			
	12. Deliberate falsification of or altering of any documents.	Suspension pending inquiry			
	13. Claiming wages not due or signing for or accepting wage for which you are not entitled.	Suspension pending inquiry			
Disrespect or insolence	14. Insolence or using insulting or abusive language	Written warning	Final Written warning	Suspension pending inquiry	

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	15. Extreme profanity verbal abuse immoral or indecent conduct whilst on duty	Final written warning	Suspending Pending inquiry		
Emergency and Safety Procedure	16. Injury to others through poor work or negligence.	Written warning	Final written warning	Suspending Pending inquiry	
	17. Proven personal negligence resulting in inability to work.	Written warning	Final written warning	Suspending Pending inquiry	
	18. Proven contravention of any rules prescribed for discipline or health (creating or contributing to unsanitary / poor housing keeping conditions)	Written warning	Final written warning	Suspending Pending inquiry	
	19. Carelessness, willfully or failure to observe security and safety rules.	Written warning	Final written warning	Suspending Pending inquiry	
	20 Sleeping on duty.	Written warning	Final written warning	Suspending Pending inquiry	
Firearms and offensive weapons.	21. Using or being in possession of firearms or offensive weapons where	Final written warning	Suspending Pending inquiry		

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	it has been confirmed that authorization has not been obtained (Offensive weapons may constitute any normal work tool used in a threatening manner) - Minor serious.				
Insubordination	22. Refusing or failing to carry out lawful and legitimate instruction	Written warning	Final written warning	Suspending Pending inquiry	
	23. Cross insubordination	Suspending Pending inquiry			
	24. Neglecting to perform any assigned task	Written warning	Final written warning	Suspending Pending inquiry	
	25. Refusing to work overtime where the instructions is lawful and the conditions/ contract of Employment have been adhered to.	Written warning	Final written warning	Suspending Pending inquiry	
	26. Disrespect, insolence and disrespect to any manager,	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry

Nature of Offence	1 st Offence	2 nd Offence	3 rd Offence	4 th Offence
supervisor, client or supplier (whether actively or passively)				
27. Under the influence or alcohol or drugs at work (where such drugs have not been prescribed by a medical practitioner) or unauthorized possession of alcohol or drugs on public service premises.	Final written warning	Suspending Pending inquiry		
28. Smelling of alcohol	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
Riotous Behaviour 29. Actual physical assault other than self-defence.	Suspending Pending inquiry			
30. Minor physical or verbal assault.	Final written warning	Suspending Pending inquiry		
31. Intimidation subversion active, unlawful agitation, incitement to violence general creation or futherance of unrsset at work	Suspending Pending inquiry			

Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
32. Adopting a theating attitude	Final written warning			
33. Injury to others through negligence or carelessness.	Final written warning			
34. Committing unsanitary acts	Final written warning	Suspending Pending inquiry		
35. Unacceptable behaviour to clients or suppliers which includes discourtesy, rudeness uncooperativeness, discreet, whether on or beyond public service premises	Written warning	Final written warning	Suspending Pending inquiry	
36. Breach of employee's duty of good faith and resulting gross damage to the public service relationship and image	Written warning	Final written warning	Suspending Pending inquiry	
37. Unacceptable behaviour that reflects discredit on the public service, whether on or off public service premises	Written warning	Final written warning	Suspending Pending inquiry	

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	and which shall also include interracial abuse, insolence, insulting behaviour, disrespect, horse-play.				
	38. Bringing or attempting to bring the image of the public service into disrepute.	Suspending Pending inquiry			
	39. Withholding important information from superiors	Suspending Pending inquiry			
	40. Sexual harassment	Final written warning	Suspending Pending inquiry		
	41. Victimization or any form of harassment including but not limited to racial discrimination	Final written warning	Suspending Pending inquiry		
	42. Being convicted of a serious criminal offence	Suspending Pending inquiry			
	43. Failure to check reference	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	44. Unauthorised use of public service property (other than motor vehicles)	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	45. Participation in un-procedural industrial action or gross refusal to work	Suspending Pending inquiry			
Unacceptable performance	46. Confirmed poor quality and/or quantity of work	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	47. Improper use of tools and failure to report damage to product or public service property.	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	48. Failure to keep equipment or workplace in proper order.	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	49. Wilful damage to Public service property.	Suspending Pending inquiry			
	50. Damage to public service property through negligence	Final written warning	Suspending Pending inquiry		
	51. Failing to report an accident or damage to public service property	Final written warning	Suspending Pending inquiry		
	52. Wastage of material	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	53. Poor maintenace of vehicle or machine for which employee is responsible	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	54. Cross incompleteness	Suspending Pending inquiry			
	55. Causing loss or damage to the public service through disregarding of public service rules procedures or authority levels.	Suspending Pending inquiry			
	56. Exceeding authority level in relation to public service/client mandates.	Suspending Pending inquiry			
General	57. Proven non-compliance with Public service rules and regulations: Unauthorised admittance to premises and/or work areas	Final written warning	Suspending Pending inquiry		
	58. With holding information regarding change of address/personal details	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	59. Performing or undertaking unauthorised external work which conflicts with and/or is				

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	likely to conflict with or negatively influence the individual's duty to the public service				
	60. Refusing to allow one's person/lock/ possessions or vehicle to be searched/ inspected.	Final written warning	Suspending Pending inquiry		
	61. Elaborate non-compliance with statutory Acts and Regulations.	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	62. Unauthorised trading on Public Service premises.	Final written warning	Suspending Pending inquiry		
	63. Deliberate contravention of the Public Service rules and Regulations regarding vehicles/ equipment including negligent driving of Public Service vehicle.	Written warning	Final written warning	Suspending Pending inquiry	
	64. Using alcohol/ mind-altering substance while on stand-by shift	Final written warning	Suspending Pending inquiry		

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	65. Use of software in a Public Service owned PC which has not been cleared for viruses by IS international department	Final written warning	Suspending Pending inquiry		
	66. Stealing computer software/for use on Public Service computer	Final written warning	Suspending Pending inquiry		
	67. Unauthorised using of another employee's personal password or failure to ensure the secrecy of one's password.	Final written warning	Suspending Pending inquiry		
	68. Tampering with Public Service software systems or hardware without authorisation.	Final written warning	Suspending Pending inquiry		
	69. Any acts of discrimination and breach of the public service employment equity, Aids and other discrimination pr equity related policies.	Suspending Pending inquiry			

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	70. Receiving gifts from client, suppliers, or business associates in breach of the Public Service procedure.	Suspension Pending inquiry			
	71. Unauthorised use of public property or funds for unauthorized private purposes.	Deduction of Salary or Demotion or Suspension Pending inquiry			
	72. Abuse of Public Service's	Deduction of Salary or Demotion or Suspension Pending inquiry			
Other offences.	73. Any other reason recognized in law as being sufficient grounds for dismissal.	Deduction of Salary or Demotion or Suspension Pending inquiry			

SCHEDULES

FIRST SCHEDULE

Disciplinary offences and penalties within the jurisdiction of the Head of Department

[Under section 82(1) (b)]

(b) Category	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
Absenteeism & Timekeeping	1. Late for work or Leaving work early without good reason.	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	2. Unwarranted absence from place of work without good reason.	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	3. Desertion - away from work for more than 5 days.	Deduction of Salary or Demotion or Suspension Pending inquiry			
	5. Extended breaks, late arrivals or early departures (without permission)	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
Confidentiality of information	6. Desclosing of confidential information where it is proved that the disclosure was intentional.	Deduction of Salary or Demotion or Suspension Pending inquiry			

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
Dishonesty.	7. Theft of any nature	Deduction of Salary or Demotion or Suspension Pending inquiry			
	8. Dishonesty of any nature	Deduction of Salary or Demotion or Suspension Pending inquiry			
	9. Fraud	Deduction of Salary or Demotion or Suspension Pending inquiry			
	10. Lying or misrepresentation on CV or application form or failure to disclose reviews involvement in discipline - nary or criminal proceeding relating to theft dishonesty	Deduction of Salary or Demotion or Suspension Pending inquiry			

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	11. Failure to advise the Public service officer by using fraudulent profession	Deduction of Salary or Demotion or Suspension Pending inquiry			
	12. Deliberate falsification of or altering of any documents	Deduction of Salary or Demotion or Suspension Pending inquiry			
Disrespect or insolence	13. Insolence or using insulting or abusive language	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry	
	14. Extreme profanity, verbal abuse or signs and immoral or indecent conduct whilst on duty	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
Emergency and Safety Procedure	15. Injury of others through poor work or negligence	Written warning	Final written warning	Deduction of Salary or Demotion	Suspension Pending inquiry

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	16. Proven personal negligence resulting in inability to work	Written warning	Final written warning	Deduction of Salary or Demotion	Suspension Pending inquiry
	17. Proven contravention of any rule prescribed for discipline or health (creating or contributing to unsanitary/ poor housing keeping conditions)	Written warning	Final written warning	Deduction of Salary or Demotion	Suspension Pending inquiry
	18. Carelessness, wilfully or failure to observe security and safety rules.	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry	
	19. Sleeping on duty	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry	
	20. Using or being in possession of firearms or offensive weapons, where it has been confirmed that				

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	authorization has not been obtained (Offensive weapons may constitute any normal work tool used in a threatening manner) - Minor - serious.	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
Firearms and offensive weapons	21. Refusing or failing to carry out lawful and legitimate instruction	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry	
Insubordination	22. Cross insubordination	Deduction of Salary or Demotion or Suspension Pending inquiry			
	23. Neglecting to perform any assigned task	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry	

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	24. Refusing to work overtime where the instruction is lawful and the conditions/ contract of Employment have been adhered to.	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry	
	25. Disrespect, insolence and disrespect to any manager, supervisor, client or supplier (whether actively or passive.	Verbal warning	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry
Intoxicants.	26. Under the influence of alcohol or drugs at work (where such drugs have not been prescribed by a medical practitioner or unauthorized possession of alcohol or drugs on public service premises	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	27. Smelling of alcohol	Verbal warning	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry
Riotous Behaviour	28. Actual physical assault other than self-defence	Deduction of Salary or Demotion or Suspension Pending inquiry			
	29. Minor physical or verbal assault.	Final written warning			
	30. Intimidation, subversion, active, unlawful agitation, incitement to violence, general creation or furtherance of unrest at work	Deduction of Salary or Demotion or Suspension Pending inquiry			
	31. Adopting a threatening attitude.	Deduction of Salary or Demotion or Suspension Pending inquiry			

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	32. Injury to others through negligence or carelessness	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
	33. Committing unsanitary acts	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
Behaviour towards clients or suppliers and general unacceptable behaviour	34. Unacceptable behaviour to clients or suppliers which include discourtesy, rudeness, uncooperativeness, disrespect, unfriendliness, whether on or beyond public service premises	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry	
	35. Breach of employee's duty of good faith and resulting gross damage to the public service	Deduction of Salary or Demotion or Suspension Pending inquiry			

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	36. Unacceptable behaviour that reflects discredit on the public services, whether on or off public service premises and which shall also include interracial abuse, insolence, insulting behaviour, disrespect, horse-play	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry	
	37. Bringing or attempting to bring the image of the public service into disrepute.	Deduction of Salary or Demotion or Suspension Pending inquiry			
	38. Withholding important information from superiors	Deduction of Salary or Demotion or Suspension Pending inquiry			

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	39. Sexual harassment	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
	40. Victimization or any form of harassment including but not limited to racial discrimination	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
	41. Being convicted of a serious criminal offence	Deduction of Salary or Demotion or Suspension Pending inquiry			
	42. Failure to check reference.	Verbal warning	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	43. Unauthorised use of public service property (other than motor vehicles)	Verbal warning	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry
	44. Participation in un - procedural industrial action or gross refusal to work	Deduction of Salary or Demotion or Suspension Pending inquiry			
Unacceptable performance	45. Confirmed poor quality/and/or quantity of work	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	46. Improper use of tools and failure to report damage to product or public service property	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	47. Failure to keep equipment or work place in proper order	Verbal warning	Written warning	Final written warning	Suspending Pending inquiry
	48. Wilful damage or public service property	Deduction of Salary or Demotion or Suspension Pending inquiry			

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	49. Damage of public service property through negligence	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
	50. Failing to report an accident or damage to public service property	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
	51. Wastage of material	Verbal warning	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry
	52. Poor maintenance of vehicle or machine for which employee is responsible	Verbal warning	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	53. Gross incompetence	Deduction of Salary or Demotion or Suspension Pending inquiry			
	54. Causing loss or damage to the public service through disregarding of public service rules, Procedures or authority levels.	Deduction of Salary or Demotion or Suspension Pending inquiry			
	55. Exceeding authority level in relation to public service/client mandates.	Deduction of Salary or Demotion or Suspension Pending inquiry			
	56. Proven non-compliance with Public service rules and regulations Unauthorised admittance to premises and/or work areas	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	57. Withholding information regarding change of address/personal details	Verbal warning	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry
	58. Performing or undertaking unauthorised external work which conflicts with and/or is likely to conflict with or negatively influence the individual's duty to the public service.	Require that work is stopped or issue final written	Deduction of Salary or Demotion or Suspension Pending inquiry		
	59. Refusing to allow one's person/locker/ possessions or vehicle to be searched/ inspected	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
	60. Elaborate non-compliance with statutory Acts and Regulations	Verbal warning	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry

	Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
	61. Unauthorised trading on Public service premises	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry		
	62. Deliberate contravention of the Public service rules and Regulations regarding vehicles/ equipment including negligent driving of public service vehicle.	Written warning	Final written warning	Deduction of Salary or Demotion or Suspension Pending inquiry	

THIRD SCHEDULE
JURISDICTION OF THE DISCIPLINARY COMMITTEE
(Under section 82(1)(c))

Nature of Offence/Cause	Penalty/Relief
Appeal from Relevant Disciplinary Authority	(a) Refer back the matter to disciplinary authority for further consideration as per specific direction of the Committee (ii) Dismissal/Granting of Appeal
Disciplinary offence attracting dismissal referred to the Committee	Dismissal of employee upon finding the accused employee guilty, Dismissal of the case and order reinstatement upon expiry if accused employee found not guilty

FOURTH SCHEDULE
HIERARCHY OF APPELLATE AUTHORITIES
(Under section 88(2))

ORIGINATION DISCIPLINARY AUTHORITY	APPELATE AUTHORITY
HEAD OF DEPARTMENT	HEAD OF INSTITUTION/ PRINCIPAL SECRETARY
HEAD OF INSTITUTION/PRINCIPAL SECRETARY	DISCIPLINARY COMMITTEE
DISCIPLINARY COMMITTEE	PUBLIC SERVICE COMMISSION
PUBLIC SERVICE COMMISSION	INDUSTRIAL COURT

PASSED in the House of Representatives of Zanzibar
on 27th day of January, 2011.

{IBRAHIM MZEE IBRAHIM}
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR.

THE PUBLIC SERVICE ACT, 2011

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ACT NO. 5 OF 2012

I ASSENT

**{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL**

26th May, 2012

**AN ACT TO AMEND THE PUBLIC SERVICE
ACT, NO. 2 OF 2011**

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

1. This Act may be cited as the Public Service (Amendment) Act, 2012 and shall come into operation immediately after being assented to by the President.

Short title and commencement.

2. This Act shall be read as one with the Public Service Act No. 2 of 2011 in this Act referred to as the “Principal Act”.

Construction.

PART II
AMENDMENT PROVISIONS

Amendment
of section 3.

3. Section 3 of the Principal Act is amended by:

- (a) deleting the interpretation of the word “Central Office” and substituting by the following:

“Central Office for Public Service” means the Central Office for Public Service Management established under section 47 of this Act;

- (b) adding new interpretation of the following word at its alphabetical order:

“special service” means a service in the public service as provided under section 60 of this Act where its expertise is very rare or needs very special skilled and experienced personnel or in the opinion of Minister such position require a specialist from Zanzibar or out side Zanzibar.

Amendment
of section
25.

4. Section 25 of the Principal Act is amended by:

- (a) deleting paragraphs (l) and (n); and
- (b) re-naming paragraphs (m), (o), (p) and (q) as (l), (m), (n), (o) and (p).

Repeal and
replacement
of section
29.

5. Section 29 of the Principal Act is repealed and replaced as follows:

Annual
Report on
the Status
of Public
Service.

29.(1) The Commission shall not later than three months after the end of each financial year prepare and submit to the Minister an annual report on condition and efficiency of the Public Service and the Minister within thirty days shall submit that report to the President, and if the Minister fails to submit the report within thirty days, the Commission shall submit the same to the President.

(2) The President shall, as soon as practicable after the report submitted to him, direct the Minister to lay the report before the House of Representatives.

(3) The report shall among other things contain matters specified under section 15(2) of this Act.

6. Section 47 of the Principal Act is repealed and replaced as follows:

Repeal and
replacement
of section
47.

Establishment
of Central
Office for
Public
Service.

47.-(1) There is hereby established an Office to be known as the Central Office for Public Service which shall be under the Principal Secretary's Office who shall be a Chief Assistant to the Chief Secretary in all matters relating to public service.

(2) The Central Office for Public Service shall be implementing, coordinating and facilitating agency in the execution of the directives of the Chief Secretary in the public service.

Amendment
of section
49.

7. Section 49 of the Principal Act is amended by:

- (a) deleting the opening words and substituting with “The Central Office for Public Service shall be a coordinating and monitoring agency of public service management and shall, without prejudice to other functions vested to it by this Act or any other law, exercise the following responsibilities”;
- (b) adding new paragraphs (i), (j) and (k) as follows:

“(i) to investigate and inspect the human resource management from time to time;

(j) to ensure that operation, management, relationship and effectiveness of public service structures are evaluated time to time and recommend to the Minister the appropriate changes;

(k) to issue and review from time to time the public service staff guideline;”

Amendment
of section
60.

8. Section 60 of the Principal Act is amended by:

- (a) adding the following words at the end of sub section (1)(b) “except for those

special posts as may be prescribed by the Minister in the Official Gazette”;

- (b) adding new sub section (5) immediately after sub section (4) as follows:

“(5) The Chief Secretary may, after consultation with the respective Service Commission, approve the employment, on special contract, of a person with special profession, skill and experience in such post as prescribed by the Minister under sub section (1)(b) of this section”.

9. Section 65 of the Principal Act is amended by:

Amendment
of section
65.

- (a) repealing sub section (3) and substituting the following:

“(3) Deployment of public service staff from one Ministry or agency to another within the public service shall be made by the Principal Secretary of Public Service after consultation with the chief executive officers of the institutions involved in the deployment.”

- (b) by adding a new subsection (7) as follows:

“(7) Notwithstanding any provision in this Act, special government agencies responsible for control and deployment of specific cadre or profession of public service employees may deploy such employees within the public service institutions in accordance with their procedure of deployment.

Save that such deployment powers under this provision shall be exercised only if authorized by a specific law or in the absence of such law, by the authority of the Minister made by special notice published in the official gazette”.

PASSED in the House of Representatives of Zanzibar on 2nd day of April, 2012.

{YAHYA KHAMIS HAMAD}
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR

**THE PUBLIC SERVICE (AMENDMENT) ACT,
NO. 5 OF 2012**

ARRANGEMENT OF SECTIONS

SECTIONS	TITLE
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**PART I
PRELIMINARY PROVISIONS**

- | | |
|----|-------------------------------|
| 1. | Short title and commencement. |
| 2. | Construction. |

**PART II
AMENDMENT PROVISIONS**

- | | |
|----|---------------------------------------|
| 3. | Amendment of section 3. |
| 4. | Amendment of section 25. |
| 5. | Repeal and replacement of section 29. |
| 6. | Repeal and replacement of section 47. |
| 7. | Amendment of section 49. |
| 8. | Amendment of section 60. |
| 9. | Amendment of section 65. |