

MANAGING PEOPLE IN A TRANSFORMED PUBLIC SERVICE

White Paper on a New Employment Policy for the Public Service

2nd Draft

Department of Public Service and Administration

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CHAPTER 1:

INTRODUCTION

Purpose of the White Paper

1.1 A professional, impartial Public Service which is representative of all sections of society is essential to efficient and effective government and the achievement of South Africa's democratic, economic and social goals. Transforming the Public Service into an instrument capable of fulfilling its role in bringing about the new South Africa depends on many things but, above all, it depends on the commitment and effectiveness of its public servants, which in turn depends on the way in which those public servants are managed.

1.2 South Africa's first democratically elected Government inherited a Public Service whose role in bringing about economic and social equity is pivotal, but whose capacity to do so is severely limited by outmoded and inappropriate human resource management practices. Transforming the way that human resources are managed is, therefore, the catalyst for the transformation of the Public Service itself.

1.3 The purpose of this White Paper is to provide a policy framework to enable the Public Service to develop human resource management practices which support the development of a professional Public Service that is capable of and committed to South Africa's democratic, economic and social transformation goals.

Context and background

1.4 The Constitution sets out nine principles which should govern the Public Service. These are:

- A high standard of professional ethics should be promoted and maintained.

- Efficient, economic and effective use of resources should be promoted.
- Public administration should be development oriented.
- Services should be provided impartially, fairly, equitably and without bias.
- Peoples' needs should be responded to, and the public should be encouraged to participate in policy-making.
- Public administration should be accountable.
- Transparency should be fostered by providing the public with timely, accessible and accurate information.
- Good human resource management and career-development practices, to maximise human potential, should be cultivated.
- Public administration should be broadly representative of the South African people, with employment and personnel practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

1.5 The White Paper on the Transformation of the Public Service sets out a comprehensive framework for change, in line with these constitutional principles. Its vision is of a Public Service which is "... representative, coherent, transparent, efficient, effective, accountable and responsive to the needs of all". The White Paper identifies nine priority areas which are key to the transformation process:

- Rationalisation and restructuring the Public Service.
- Institution building and management.
- Representativeness and affirmative action.
- Transforming service delivery.
- Democratising the state.
- Human resource management and training.
- Employment conditions and labour relations.
- The promotion of a professional service ethos
- Maximising the use of information technology

1.6 The transformation agenda is being taken forward on all fronts through a series of policy initiatives, such as the White Paper on Education and Training in the Public Service, the White Paper on Service Delivery, the development of a White Paper on Affirmative Action, and the development of new remuneration arrangements and the introduction of a job evaluation system. These developments are underpinned by a programme of Public Service legislation which is progressively clarifying the roles and responsibilities of the Minister and Department of Public Service and Administration, the Public Service Commission, and national departments and provincial administrations, with the aim of delegating and in some cases devolving responsibility and accountability for public service management to national and provincial departments. The transfer of responsibility to national and provincial departments will be undertaken within a framework of national norms and standards which will ensure that the Public Service remains unified.

1.7 The White Paper has been developed in the light of responses to the Department of Public Service and Administration's Green Paper, published in May 1997 on a New Employment Policy for a New Public Service.

The need for change

1.8 The Department of Public Service and Administration knows, from its own involvement in administering the existing personnel management practices, that these practices are ineffective, discriminatory and inefficient. For example:

- it takes around 3 months, and in extreme cases up to 12 months to recruit a new entrant;
- some 79% of public servants are black¹; however only 38% of staff at Director level and above are black;
- the Public Service Staff Code and Regulations comprise a total of approximately 1700 pages; the Personnel Administration Standards around a further 3600 pages.

1.9 The responses to the Green Paper make clear that national and provincial departments are overwhelmingly dissatisfied with human resource management in the Public Service, which is perceived to be over-centralised; excessively bureaucratic and rule-bound; and focused on process at the expense of results. Human resource planning barely exists; post-filling and promotion criteria place too much emphasis on educational qualifications and seniority, and too little on the requirements of the job to be done. Performance management is under-developed.

1.10 Moreover, while the formal barriers to advancement for previously disadvantaged groups have been removed, many levels of the Public Service are still effectively closed to external applicants; and there is still a long way to go in creating a genuine culture of diversity within the Public Service.

1.11 In short, the Public Service's capacity to predict and meet its human resource capacity requirements, and to manage its human resources effectively and efficiently is wholly inadequate. The Public Service is facing the immense challenges of transformation with human resource management tools designed in a different era for different purposes. The transformation of these tools is an essential prerequisite to enable the Public Service to fulfill its transformation role.

Scope and structure of the White Paper

1.12 The scope of this White Paper is confined to those aspects of employment which relate to the Human Resource Planning, Career Management, Personnel Provisioning and Utilisation, Human Resource Management Culture, Performance management and Termination of Services. It does not cover remuneration, human resource development, service benefits or labour relations, which are the subject of separate, linked initiatives.

1.13 Although the policies set out in this White Paper will apply directly only to national departments and provincial administrations, and to other organisations covered by the Public Service Act 1996 and amendments thereto, it is expected that all public sector organisations will adopt the principles which underpin these policies when transforming their own human resource management practices. The mandatory aspects of the policies set out in this White Paper will be incorporated into the new Public Service Regulations which will replace the existing Staff Code and, where this

is necessary, will be incorporated in further Public Service legislation. Other aspects will inform the new management guidelines which will be developed following publication of the new Regulations.

1.14 Chapter 2 of the White Paper sets out the vision, mission and values which will underpin human resource management in the Public Service. Chapter 3 describes the need for a fundamental change in the human resource management culture within the Public Service. Chapter 4 provides the framework within which national and provincial departments should develop their human resource policies and procedures, while Chapters 5 and 6 give guidance on how this framework will operate in practice. Finally, Chapter 7 describe how the policies in this White Paper will be implemented.

Terminology

1.15 A number of terms are used throughout this White Paper which are defined as follows:

- **Manager:** A manager is anyone whose duties involve responsibility for the work of others. Thus, the term includes not only those who are usually referred to as managers because they are members of the so-called 'management echelon', but also all first-line supervisors.
- **Employer:** The word employer is used to cover both the individual person who may be the employer in legal terms, as well as the organisation which is responsible for implementing Public Service employment policies on his or her behalf.
- **Employee:** An employee is any person employed in the Public Service, irrespective of rank or position.

1. The term black also covers Coloured and Indian people

CHAPTER 2:

VISION, MISSION AND VALUES

Vision

2.1 The vision is that human resource management in the Public Service will result in a diverse, competent and well-managed workforce, capable of and committed to delivering high quality services to the people of South Africa.

Mission

2.2 The mission of human resource management in the Public Service is that it should become a model of excellence, in which the management of people is seen as everyone's responsibility and is conducted in a professional manner.

Values

2.3 The values which will underpin human resource management in the Public Service are:

Fairness

All public servants will be treated fairly, without favouritism or bias, on the

basis of their performance of their duties and with due regard for their personal career aspirations.

Equity

The South African Government as an employer is committed to employment equity and will provide equal opportunities to all employees and applicants for employment. Its human resource management practices will comply with the laws of the land and be free from all forms of unfair discrimination. Public servants will have the right to appeal against human resource management decisions or actions which they believe are unlawful, unfair or discriminatory.

Diversity

The Public Service will be broadly representative of the people of South Africa. Previously disadvantaged groups will be affirmed within the Public Service, and human resources practices will promote benefits of a culture of diversity.

Accessibility

The Public Service will be open and accessible to all citizens of South Africa.

Transparency

Human resource management practices will be open to internal and external scrutiny.

Accountability

Responsibilities for human resource management within the Public Service will be clearly defined, and individual public servants will be held accountable for discharging their responsibilities conscientiously and with probity and integrity.

Efficiency

Human resources will be managed with a minimum of waste and in a manner which provides maximum value for money.

Effectiveness

Human resources will be managed in a manner which is focused on the delivery of results, specified in terms of quality and quantity.

Flexibility

Human resources will be managed flexibly, taking account of both the operational needs of the organisation and the needs of employees.

Decentralisation

Human resources will, to the greatest extent possible, be managed by those closest to the point of delivery. Where appropriate, functions will be devolved from the centre and become wholly the responsibility of departments. Where devolution is inappropriate, the centre will delegate maximum authority and responsibility for management of human resources.

Participation

Human resources will be managed, as defined in the Labour Relations Act 1995, on the basis of a co-operative relationship with organised labour.

Individual employees will be consulted on all matters affecting their careers and working environment.

Professionalism

Human resource management will be promoted as a core competence. All public servants will be encouraged to continuously develop their individual skills and abilities to the highest professional standards.

CHAPTER 3:

CHANGING THE HUMAN RESOURCE MANAGEMENT CULTURE

Managing human resources in the new Public Service

3.1 Turning the vision of a diverse, competent and well-managed workforce, capable of and committed to delivering high quality services to the people of South Africa into reality will require something close to a managerial revolution within the Public Service. Central to this revolution will be a shift from administering personnel to managing people. This shift from administration to management underlies the entire Public Service transformation programme. This shift is intended to achieve greater efficiency, effectiveness and value for money, and its objectives are, among other things, that:

- the main focus of Public Service activities should be the outcomes achieved in terms of service delivery;
- responsibility for taking decisions should be delegated to the lowest practicable level;
- management responsibility should be matched with authority over the use of resources;
- individual public servants should be held accountable for achieving specified results and for obtaining value for money in resources consumed in achieving them
- government business should be transacted transparently and ethically.

3.2 The implication of these principles when applied to the management of human resources is significant. It will mean that organisation structures will need to be far more closely aligned to the strategic service delivery goals of the organisation; and will have to be flexible enough to adjust as these goals change in line with the changing needs and priorities of the public and of government policy. Flowing from this, employees will have to become more multi-skilled, and their skills will need to be continuously updated to keep pace with new policy demands and new, more economical and efficient working processes such as those offered by information technology. Multi-skilling and continuous development should provide for greater job-enrichment for many public servants.

3.3 Delegating responsibility for results and resources will require all Public Service managers, at every level, to develop skills which have hitherto been required only of a few, such as objective setting and measurement, and financial management. Above all, since human resources comprise the major component of their resources, a Public Service manager, whether a Director-General or an Assistant Director, will have to be

skilled in managing people. Human resource management will therefore cease to be the function solely of personnel administration specialists, but will become a core competency for all Public Service managers. The shift of responsibility for human resource management to line managers has important implications for human resource practitioners, who will have a vital role to play in providing line managers with professional advice and guidance, and for ensuring that human resource systems and procedures are focused on the organisation's strategic objectives.

Roles and responsibilities

3.4 In essence, the policies set out in this White Paper will bring about a fundamental shift in roles and responsibilities for human resource management within the Public Service. In future, it will be for national and provincial departments to determine, within nationally defined parameters, their human resource management policies and practices, in order to meet their own particular strategic and operational objectives and organisational needs, within the financial resources which have been allocated to them. Ultimate responsibility for the economical, efficient and effective management of departments, and for their human resources rests with elected politicians as the legally appointed executing authorities. However for all practical purposes, these responsibilities will be carried out by the head of the department, who is accountable to the executing authority for putting policies into practice. The head of department will therefore need to ensure that there are adequate institutional and managerial mechanisms in place, and that the department's policies and practices are communicated, understood and observed.

3.5 Within departments, day-to-day responsibility for managing human resources, will become primarily the responsibility of individual line managers. As delegated management becomes the norm, line managers will have increasing freedom, within the limits of their budgets, to determine the number of staff and the levels and skills they need to deliver the required results. They will also, however, have greater responsibility for the performance management, conduct and career development of their staff.

3.6 Human resource practitioners will develop a more professional role, providing policy advice to management, as well as guidance on such matters as employment legislation, and Public Service-wide policies and norms; labour market trends, and employee development issues. They will also continue to administer many of the day-to-day personnel management activities, such as organising recruitment competitions, and administering entry and termination of services. However, these activities will be undertaken as services to managers, and performed on the basis of agreed standards which meet line managers' needs. It is to be expected, for example, that standards will be set for the length of time it should take to recruit new entrants, or to process expenses claims.

3.7 Even the major changes outlined above, however, will not bring about the managerial revolution which is required, unless the Public Service genuinely reflects the cultural diversity of the people whom it serves.

Valuing diversity

3.8 South Africa is a country of rich cultural diversity. In choosing to ignore that cultural diversity, the pre-1994 Public Service deprived itself of experience and talent

which is sorely needed to achieve the social and economic goals of the new, democratic South Africa.

3.9 At first sight, the Public Service would appear to be making good progress towards representation of the main previously disadvantaged groups. Black people account for 79 per cent of the Public Service. Women account for 49 per cent. Fifty six per cent of managers at Chief Director level and above are black. Closer scrutiny, however, reveals that there is some way to go to achieve meaningful representation. For example: only 38 per cent of managers at Director level and above are black; and only 11 per cent are women. There are only 4 women Directors-General. And there are very few disabled people in the Public Service.

3.10 Improved human resource management practices, combined with effective affirmative action, should redress these imbalances within a relatively short period of time. However, achieving numerical balance will not, alone, be enough to create a multi-cultural workforce, not least because cultural diversity goes wider than race, gender and disability. Other cultural differences also need to be taken into account. For example: the differences between people of different age groups; between those who are married and those who are single; between those who have children and those who do not; between those who live in rural areas and small towns, and those who are city-dwellers. Maximising the positive benefits of these differences is also important for the development of diverse corporate culture.

3.11 All organisations have a corporate culture, reflecting attitudes to the way work is done and to the way the people within the organisation are expected to behave. For the most part, the Public Service still reflects the culture developed in the years before 1994, some of whose characteristics are:

- An emphasis on regulation and adherence to centrally-determined processes
- The rigid classification of tasks and lack of workforce mobility
- A strong sense of hierarchy and a reluctance to question those in higher authority
- Formality in inter-personal working relationships
- The valuing of formal qualifications and seniority over other skills and experience
- Lack of workforce and 'customer' participation
- A tendency to exclude and discount the views and values of those outside the dominant group

3.12 Despite the genuine attempts currently being made by many public servants brought up in the pre-1994 regime, these characteristics are still prominent in the present-day Public Service culture. Anyone entering the post-1994 Public Service from outside the previously dominant group are therefore likely to find themselves in a culture which is unresponsive to and unsupportive of their skills and talents. Cultural diversity is, therefore, not a matter of encouraging people from different cultural backgrounds to become assimilated into the prevailing corporate culture; rather it requires the existing corporate culture to change in response to the differing cultures of those who are employed within the organisation. Unless positive steps are taken to create a genuinely diverse management culture, many of the people whom the Public Service most needs may leave after a short time; while others, whose skills and talents would be invaluable to the Public Service, may be deterred from joining.

The case for diversity

3.13 The need to develop a culture of diversity goes well beyond simply maintaining a representative workforce. There are strong business arguments in favour of developing a more diverse culture within the Public Service. First and foremost is the contribution it can make to improved service delivery. As set out in the *Batho Pele* White Paper on Transforming Service Delivery, developing a more responsive, customer-focused approach to the recipients of public services will require public servants to be able to relate closely to every section of South Africa's diverse society; public servants who are familiar with citizens' needs, can communicate in their languages, and can respond to their concerns.

3.14 Second, the Public Service faces immense challenges as it attempts to increase efficiency and effectiveness, and reduce costs, at the same time as improving the quality and extending the benefits of public services to the whole of society. These challenges are not short-term; they will remain at the top of the agenda in South Africa for the foreseeable future, as for all other countries world-wide. Meeting the challenges will require fresh thinking and innovative approaches which are outside the experience of the traditional Public Service culture. Encouraging a diversity of culture can help to generate new ideas and get them adopted. Moreover, a culture in which differing cultures are valued is likely to improve employee morale and contribute to increased increase job satisfaction and thus to increased productivity.

3.15 Developing a culture of diversity is therefore not only necessary to legitimise the Public Service, but is also an essential and powerful tool to develop an efficient, effective and stable Public Service. National and provincial departments should therefore learn to manage diversity just as systematically and effectively as they seek to manage all other aspect of their human resource responsibilities.

Managing diversity

3.16 Managing diversity amounts to more than paying lip-service to cultural and gender differences. It requires active steps to identify and maximise the positive advantages of having a multi-cultural workforce, as well as to be aware of and respond sensitively to some of challenges involved. A diversity management strategy will therefore be needed, of which the main aims will be to:

- Identify and raise awareness of cultural differences within the workforce
- Analyse the existing corporate culture and identify practices and behaviour which a) support and b) undermine cultural diversity
- Develop processes and behavioural norms to manage diversity which strengthen the positive and redress the negative aspects of the existing culture
- Institutionalise diversity management by integrating it with the organisation's management practices.

3.17 Developing a diversity management strategy is a consensual activity, in which all employees should share. Likewise, implementation of the strategy will depend on the active support and participation of everyone throughout the organisation. Critical to success will be the support and leadership of those at the top, and openness and continuous communication with employees at every level. Introducing diversity

management is not a once-for-all activity, but a continuous process aimed at progressive improvement.

3.18 While diversity programmes will vary, depending on individual circumstances, they should be developed in line with the following principles:

- A policy statement should be issued, setting out the principles of diversity, and committing the organisation as a whole to a culture of diversity.
 - Ultimate responsibility for providing leadership in developing a diversity management culture should rest with the head of department, but responsibility for developing a diversity management programme and for its day-to-day management should be clearly assigned to a nominated person within the department.
 - Before embarking on a programme of change, a 'diversity audit' should be carried out to identify and acknowledge the feelings and perceptions of the workforce about the ways in which they believe that the organisation a) supports or b) undermines their cultural values, needs and aspirations. The audit should address not only issues of race, gender and disability, but other factors such as age; and it should probe both organisational and behavioural issues.
 - The findings of the diversity audit should be measured against the organisation's existing management practices, working culture and behavioural norms, in order to identify 'gaps' which need to be filled.
 - Ideas for filling the 'gap' between the existing organisational culture and employees' needs and aspirations as revealed by the diversity audit should be developed participatively, involving the entire workforce.
 - A diversity management programme should be drawn up and launched to give practical effect to the ideas which have been developed, with the aim of recognising, valuing and building positively on cultural differences.
 - The objectives and desired outcomes of the programme should be energetically and clearly communicated throughout the organisation, as well as the role that individuals at every level will be expected to play in ensuring its success.
 - The diversity management programme should be regularly evaluated and improved in the light of experience.
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CHAPTER 4:

A NEW FRAMEWORK FOR HUMAN RESOURCE MANAGEMENT

Introduction

4.1 The Public Service, like all other employers, is bound by the Labour Relations Act, 1995. The Act establishes the principle of employment justice, which protects employees (and applicants for employment) from any unfair act of commission or omission in their relationship with their employer, such as unfair discrimination, unfair conduct, and unfair suspension. The policies set out in the following chapters are based on compliance with these statutes. The Public Service will also comply with all other employment statutes, such as the Occupational Health and Safety Act, 1995, and, when it comes into force, the Employment Equity Act.

4.2 Implementation of the policies set out in the paragraphs below, will have a profound impact on the management of people within the Public Service, and on the careers of individual public servants. The Public Service will continue to be staffed mainly by career public servants who will be provided with opportunities for professional advancement and personal development. However, the old idea of the Public Service as a closed shop providing a job for life will disappear. Open competition and more innovative recruitment practices will open the Public Service up to a far wider pool of talent and ensure the inclusion of all sections of society. Fresh skills will be more easily absorbed, and operational requirements more efficiently and effectively managed through the use of fixed-term contracts, and the increased use of part-time employment and more flexible working patterns.

4.3 Competition will also increase the opportunities for those from previously disadvantaged groups both to join and to advance within the Public Service. This will be underpinned by transparent human resource strategies based on sound planning which includes targets for the achievement of employment equity goals.

4.4 In future, promotion will be achieved only by those who can demonstrate, in competition with others, that they are the most suitable person for the position in question. On the other hand, employees will have more control over their own career development: there will be no barriers to applying for jobs at higher levels, or in other occupational groups. Multi-skilling will enrich the jobs of many employees. Improved career and performance management will mean that good performance is recognised and rewarded, and that poor performance is identified and dealt with.

4.5 Greater transparency and more competent and accountable management of human resources will mean that it will no longer be possible to manipulate human resource management procedures, such as qualifications, health requirements, probation, temporary employment, and ill-health retirements, to restrict the careers of those from disadvantaged groups, and to avoid dealing with poor performers.

Human Resource Planning

4.6 Human resource planning is essential in order to ensure that an organisation's human resources are capable of meeting its operational objectives. Human resource planning ensures that an organisation:

- Obtains the quality and quantity of staff it requires
- Makes the optimum use of its human resources
- Is able to anticipate and manage surpluses and shortages of staff
- Develops a multi-skilled, representative and flexible workforce, which enables the organisation to adapt rapidly to a changing operational environment.

4.7 Human resource planning consists of three main steps:

- An assessment of the human resources which will be required to deliver the operational objectives in the organisation's strategic plan.
- An assessment of the organisation's existing human resource capacity.
- A plan for how the gap between existing human resource capacity and the future human resource requirement will be filled, within the financial resources available.

Assessing human resource requirements

4.8 Based on the department's short-, medium- and long-term operational objectives as set out in its strategic plan, the assessment of human resource requirements will identify not only the numbers of staff and skills required, but also targets within these for meeting the goals of broad representation in relation to race, gender and disability. The assessment should also take account of the department's future organisational and management structure, and other factors such as geographical disposition.

Assessing existing human resource capacity

4.9 The human resource capacity assessment will identify the numbers and skills of staff currently employed, and their potential for meeting future requirements through, for example, development and training. It will also identify the gaps in numbers and skills and employment equity targets which need to be filled. On the basis of this information, together with information about likely future retirements, staff turn-over etc., the department will be able to identify the extent to which existing human resource capacity matches the requirement.

Succession planning for key positions

4.10 Particular attention should be paid to the need to plan for the filling of positions which, by virtue of their specialist nature, or their importance within the organisation, are key to the organisation's effectiveness. These positions should be identified separately, and measures should be taken to ascertain likely future vacancy patterns and potential sources of labour supply, both within and outside the Public Service, which can be tapped quickly when the need arises.

Drawing up a human resource strategy

4.11 Having identified the 'gap' between future requirements and existing capacity, a strategy will then be devised to enable the organisation to meet its human resource needs. A critical factor in devising the strategy will be the financial resources available. Strategies will therefore be developed within the overall budgeting process and are likely to be wide-ranging, including, for example, organisational redesign, process re-engineering and outsourcing, as well as standard human resource management instruments such as recruitment, training, promotion, redeployment, career management and, where necessary, staff reductions. The strategy will also have to take account of prevailing labour market conditions.

4.12 Once drawn up, the human resource strategy will drive all human resource management activities. Its effectiveness will depend, however, on its continuing relevance in the light of experience, and it will therefore need to be supported by human resource management information systems which provide accurate and timely information on how the strategy is operating in practice.

Employment Contracts

4.13 The human resource strategy will determine not only the numbers and types which are to be filled through how positions will be filled, but the contractual capacity in which staff are to be employed. The Public Service operates in an increasingly fast-moving operational environment, in which the demands placed upon it can vary greatly in nature and volume over short periods of time. Although some operational

trends can be predicted in advance, others may arise quite suddenly. The Public Service therefore requires flexible contractual options which enable numbers and skills to be adjusted as requirements change. To meet this need, public servants will in future be employed on one of three types of employment contract: continuous; fixed-term; or temporary.

Continuous employment

4.14 A continuous contract is one in which the employee is engaged for an unspecified period for as long as the Public Service has need of his or her services. Continuous contracts will most often be used for staffing core activities of an on-going nature. Most employees on continuous contracts can expect to remain in the Public Service until retirement age; however, continued employment will depend not only on the employee's performance, but also on the extent to which his or her skills and potential match the organisation's operational requirements.

Fixed-term employment

4.15 Fixed-term contracts are the primary means of engaging public servants for work of limited duration, and are thus an important method of managing fluctuating or rapidly changing operational requirements. Fixed-term can also be used for:

- Supporting the achievement of racial, gender and disability balance.
- Obtaining particular and urgently-needed skills that are temporarily or more permanently unavailable from within the Public Service.
- Ensuring the regular rotation of staff in positions where the injection of fresh experience is essential.
- Activities whose long-term nature is uncertain.

4.16 Fixed-term contracts will normally be for periods of 1 - 3 years, and may not be longer than 5 years. The terms of such contracts will be individually negotiated, but may not be used either to deny the employee a fair level of remuneration or to award an excessive remuneration package.

Temporary contracts

4.17 Temporary contracts are the means of meeting very short-term ad hoc work requirements, for example, seasonal employment. Temporary contracts may not extend beyond 12 months.

Written contracts

4.18 All public servants should have a written contract, which sets out the period of employment, and the terms and conditions on which he or she is employed. Where the terms and conditions are laid down in regulations, codes, collective agreements etc., it will be sufficient to make reference to these, and not to spell them out in full, but the contract should inform the employee where and how these documents can be accessed. The contract should also specify the period of notice required on either side to terminate the contract. This will normally be one month, although a longer period, up to 3 months, may be specified where exceptional operational circumstances make this necessary. All employees, whether on continuous, fixed-term or temporary

contracts, are public servants, although their conditions of service may vary, depending on the terms of their contract.

Flexible working patterns

4.19 Employees may be engaged on a full- or part-time basis, whether employed on continuous, fixed-term or temporary contracts. The use of part-time work and more flexible working patterns, such as job-sharing and annual hours contracts is to be encouraged in order to organise and manage work more efficiently and effectively, as well as to provide increased employment opportunities, for example to enable women with young children to combine a career with their family responsibilities more easily.

4.20 Part-time workers and others who may wish to combine work in the Public Service with other employment should nevertheless abide by the following principles:

- Permission to engage in work outside the Public Service should be sought from the employee's immediate manager.
- Employment outside the Public Service should not conflict with their duties and responsibilities as public servants, nor should privileged information received in the course of public duty be used to financial or other advantage in outside employment.

A career service

4.21 The Public Service will continue to be a career service, and most positions will continue to be filled by career public servants. However, it is essential to make the Public Service more accessible to external applicants, in order to include all sections of society and to inject fresh ideas and skills to assist the Public Service to achieve its transformation goals. The aim in filling posts is therefore to achieve a balance between the need to increase accessibility for external applicants and to maintain a worthwhile career structure for serving public servants.

4.22 In the past, the closed career system, together with restrictive position requirements, preferential promotion arrangements and a sub-optimal reporting system, have combined to restrict not only the opportunities of outside candidates, but also many people within the Public Service. In order to redress these failings, the principle of competition will be introduced for the filling of positions within the Public Service. Competition will help to:

- Identify the most suitable person for the job from the widest possible pool of talent from within and outside the Public Service.
- Make the Public Service more accessible to all sections of society.
- Achieve employment equity.
- Provide equal opportunities for advancement for people within the Public Service.

Increased competition

4.23 For practical purposes, competition may be divided into three categories:

Open: Positions advertised nationally and open both to public servants and external applicants.

Targeted: Positions advertised within a defined target area or group and open to both public servants and external applicants.

Internal: Positions advertised within the Public Service or sectors thereof.

4.24 National and provincial departments' human resource policies should define clearly which positions will be filled by open, targeted and internal competition, and the rationale for this, expressed in terms of the aims set out in paragraph 4.22.

4.25 The criteria for determining which category of competition to adopt may include:

[Criteria to be developed]

Selection on merit

4.26 Selection on merit is fundamental to ensuring that the Public Service recruits and promotes people of the highest calibre. The aim is to ensure that the person selected is, of the available applicants, the person best suited for the position, on the basis of his or her skills, experience, abilities, personal attributes and future potential. Unfortunately, the principle of selection on merit has been eroded and misused in the past by drawing up narrow, exclusive position requirements which discriminated both against external candidates and against certain groups of internal candidates, to the detriment of the quality of human resource capacity within the Public Service. The time has come to restore to the word merit its true meaning, and to ensure that the principle of selection on merit underpins the filling of all posts within the Public Service.

4.27 In drawing up their selection procedures, whether for recruitment or for promotion, departments should apply the following principles:

Job-related selection criteria

The criteria on which selection is made should relate only to the inherent requirements of the duties to be undertaken. They should, however, take account of the wide variety of ways in which suitability can be assessed including, for example, competencies acquired through previous experience or training, and demonstrable interpersonal skills, decision-making capacity and learning potential are all equally important. Educational qualifications should not, alone, predetermine suitability. The criteria should not be used to undermine the goal of achieving representation and advancement of previously disadvantaged groups.

Fairness

The process of selection should not discriminate against external applicants, nor against any applicant on the grounds of race, colour, gender, disability, age, religion, belief, culture, marital status, sexual orientation, pregnancy, or domestic circumstances.

Equity

Merit should be defined in the context of equity, which aims to advance persons who have been disadvantaged by unfair discrimination. All candidates should be measured against the same objective criteria, which should be drawn up in writing in advance of the selection process. A minimum of three people should undertake the selection, including a chairperson who is responsible for

ensuring fairness and objectivity. All applicants for a particular post should be assessed by the same selection group. The normal selection procedure should comprise of an interview, on the basis of a written application. If the number of applicants is so great as to require pre-interview shortlisting, written criteria should be drawn up in advance.

Transparency

A written record should be kept of the criteria used in selecting interviewers, as well as the selection criteria, and of the assessment markings of individual candidates, in order to be able to demonstrate that the process was fair and open.

CHAPTER 5:

HUMAN RESOURCE MANAGEMENT IN PRACTICE

Recruitment

5.1 Recruitment is not only one of the most important ways in which the Public Service meets its human resource capacity requirements; it is also the prime instrument for achieving employment equity, by opening up the Public Service to all sections of society. In drawing up their recruitment policies and procedures, targets should therefore be set for achieving specified employment equity objectives, and in particular for achieving race, gender and disability balance, as well as for achieving the skills necessary to meet the department's operational needs.

5.2 Identifying and attracting suitable applicants depends on the effectiveness of departmental advertising, both in terms of the substance of the advertisement and the extent to which it reaches the target audience. In drawing up advertisements, the following principles should be applied:

- The advertisement should include an accurate description of the duties to be undertaken, and the criteria which will be applied in selection.
- Qualifications should not be defined primarily or solely in terms of educational attainment, but should include skills, relevant experience, and other criteria. If educational requirements are considered to be essential, these should be set at the minimum level. Where, however, qualifications are statutorily required, for example in the case of medical practitioners, these should be clearly stated in the advertisement.
- The advertisement should make clear that the Public Service is committed to employment equity, and that applications from people from - e.g. - black people, women and the disabled will be welcomed.
- The language and style of the advertisement should be clear and simple, and designed to attract candidates from all sections of the target audience, particularly those whom the Public Service wishes to attract in order to achieve employment equity.
- The method or methods of advertising should be designed to reach the widest possible number of people within all the target groups in the most cost-effective manner. New and innovative

methods of advertising should be explored to reach those unlikely to be able to respond to traditional methods such as newspaper insertions.

- The effectiveness of advertising campaigns should be reviewed from time to time in order to improve future recruitment efforts.
- The requirement for additional health or security clearances, where these are justified by the inherent nature of the work, should be clearly stated in the advertisement.

5.3 Skills search, often known as 'head-hunting' may be used to identify candidates where, exceptionally, it can be demonstrated that the special requirements of the position in question are likely to render more traditional advertising methods ineffective. Once candidates have been identified, however, the principles of selection on merit should be applied as for any other method of recruitment.

5.4 Psychometric and similar tests as a means of recruitment should be carefully designed in order to ensure that they are free from overt or unintended bias, particularly in relation to disadvantaged groups.

Entry Requirements

5.5 In addition to suitability for the job, there are certain minimum requirements for employment in the Public Service. These are:

Citizenship

Employment in the Public Service will normally be restricted to South African citizens, including those who have legally acquired citizenship. Exceptionally, non-South African citizens may be employed on fixed-term contracts for up to a maximum of five years. Extensions of contract beyond 5 years may be mutually agreed by the employer and employee on the merits of the individual case.

Age

Employment in the Public Service is open to anyone between the ages of sixteen and sixty-five.

Health

Health requirements should relate solely to the inherent nature of the duties to be undertaken. This means that employees who are in normal health will be eligible for most positions in the Public Service, and no pre-entry health check will be required. In the interests of good management and employee welfare, however, employees may nevertheless be required to provide health details when they join the Public Service. Particular care should be exercised, however, to ensure disabled applicants are not discriminated against simply because the organisation lacks facilities to accommodate them. Where particular health or physical requirements are essential for performance of the job, these should be clearly stated in the job advertisement.

Good character

Employment in the Public Service is open to all persons of good character, that is, persons who are law-abiding and prepared to conform with the high standards of conduct required by the Code of Conduct for Public Servants. This is essential to protect the public interest. Potential employees may therefore be asked to provide information about past convictions or

misdemeanours which could have a bearing on their suitability for employment in the Public Service. However such incidents will not necessarily be a bar to employment, if it can be demonstrated that the nature of the incident poses no threat to the public interest, or the incident was sufficiently long ago, and the person's subsequent behaviour indicates that he or she is now rehabilitated.

Security clearance

Candidates for certain positions which deal with sensitive information which needs to be protected in the interests of the security of the state may be subjected to security clearance. Where security clearance is a requirement of the position, this should be clearly stated in the job advertisement.

Probation

5.6 All new employees on continuous contracts may be required to undergo a period of probation which will be determined by the nature of the position and the time required to determine the employee's suitability for continued employment. The probationary period may vary from position to position but will normally be not more than three, nor more than 12 months. The exceptions are positions, such as student nurses and cadet technicians, whose contracts require completion of an extended probationary training period before appointment. During probation the employee should undergo an orientation programme which should provide the basic information that he or she will need in order to be able to function in the organisation. On-the-job and induction training should also be provided to enable the employee to become productive as rapidly as possible. The employee should receive counselling and evaluation throughout the probationary period to deal with any problems which may arise.

5.7 Clear criteria should be laid down for how the probationary period will be assessed. These should be made clear to the employee in writing on commencement of the probationary period and should include arrangements for the possible extension of probation, and for the discharge of an employee who fails to complete his or her probationary period satisfactorily. A decision to discharge an employee will take account of :

- Whether the employee was given appropriate training, instruction, orientation, guidance, evaluation and counselling.
- Whether the employee was given a reasonable period of time in which to improve his or her performance.

The employee will have the right to appeal against a decision to discharge him or her.

Promotion

5.8 Promotion is defined as the progression from one position to another position at a higher level, and not to incremental advancement within the current grade. In line with the principle of competition, an employee will be promoted only if he or she applies successfully for a vacant position at a higher level in competition with others. Seniority should not be a factor in promotion. Performance reports will be relevant in so far as they demonstrate whether or not the employee may be capable of doing the job for which he or she has applied. Promotion should not be confused with

incremental advancement within a grade, which can be earned on the basis of increased skills and experience.

Lateral Transfers

5.9 It is in the interests of good management, in terms both of the organisation's operational effectiveness and the employee's development, that staff should, from time to time, be rotated between different jobs within his or her department and within the wider Public Service. Transfers of staff at the same level may therefore be instigated by both the employer and the employee. However, in transferring staff, the following principles should be applied:

- The operational requirements of the organisation should be paramount.
- Transfers may not be used to avoid dealing with staff whose performance or conduct is unsatisfactory, neither may they be used to move staff on the basis of personal prejudice.
- Transfers may not be used to avoid filling a vacant post through competition.
- Employees should be consulted and their personal circumstances taken into account.

Secondments, Loans and Exchanges

5.10 It is in the public interest to encourage greater mobility between the Public Service and the private sector and other external organisations. Secondments, loans or exchanges may therefore be instigated either by the employer or the employee, provided that there is a clear and specific public interest in the additional experience to be gained, over and above the individual's personal development, and subject to the following principles:

- No additional public expenditure costs may be incurred.
- The public servant remains subject to Public Service regulations and to the Code of Conduct.
- The employee's existing financial position will be maintained.
- The terms of the loan, exchange or secondment should be set out in a written agreement between the parent and recipient organisation.

Re-Employment

5.11 Former employees who have resigned or retired may be re-employed if they successfully apply for a post through competition, other than employees whose services were terminated subject to restrictions on their further employment in the Public Service. Previous service will be taken into account in selection only in as far as it demonstrates their suitability to undertake the duties of the post for which they are applying. Since former employees are no longer public servants they may not compete for posts which are restricted to serving public servants, even if they are currently working within the Public Service as an external contractor.

Performance Management

5.12 The success of the Public Service in delivering its operational and development goals depends primarily on the efficiency and effectiveness with which public servants carry out their duties. Managing performance is therefore a key human resource management tool to ensure that:

- Employees know what is expected of them.
- Managers know whether the employee's performance is delivering the required objectives.
- Poor performance is identified and improved.
- Good performance is recognised and rewarded.

5.13 Performance management is therefore an integral part of an effective human resource management and development strategy. It is an ongoing process, in which the employee and employer, together, strive constantly to improve the employee's individual performance and his or her contribution to the organisation's wider objectives. Since the performance of every employee contributes to the overall delivery of the organisation's objectives, it follows that the performance of every employee should be managed. The performance management procedures may vary from one group or level of employees to another, depending on the nature of their work. For example, the procedures may include group assessments and peer reviews, as well as the more traditional annual written report. Whatever the chosen methods, however, the following principles should be applied:

Results orientation

The employee's performance should be assessed on the basis of a work plan covering a specified period, setting out clearly his or her responsibilities and the objectives to be achieved. These objectives should be expressed in terms of outputs to be delivered within a given timescale, and should include personal development as well as operational objectives. The work plan should be mutually agreed between the employee and his or her manager. The assessment process should include both a written assessment completed at no less yearly intervals, and regular discussions during this period to monitor progress and take remedial action where necessary. Where performance has not matched the requirements in the work plan, the assessment, both written and verbal, should be focused on identifying the reasons for this, and on reaching mutual agreement on the steps which need to be taken to effect improvement.

Training and development

The performance assessment process will help to identify strengths and weaknesses, and the interventions which are needed to deal with these, including the employee's future training and needs, and other developmental interventions such as career counselling, coaching and mentoring.

Rewarding good performance

It is important to recognise and reward employees who perform exceptionally well, and whose skills are particularly valued, in order to encourage them to maintain the high standard they have achieved, and to encourage others to strive for improved performance. The most obvious way of achieving this is by awarding incremental increases in pay. The development of new remuneration systems within the Public Service will include provision for systematic pay increments based on performance.

Openness, fairness and objectivity

The employee should be given a copy of the written assessment, and be given the opportunity to comment on it. The employee has the right to appeal against

an assessment that he or she believes to be unfair. The reporting officer's written assessment should be reviewed by his or her own supervisor in order to ensure that reporting standards are objective and uniform.

Career Management

5.14 The Public Service values employees who are willing to devote themselves to a career in the service of the public, and there will be opportunities to develop their individual skills and abilities, provided these are in line with the Public Service's operational requirements. Career management is the process by which the career aspirations of the individual employee are reconciled with the operational objectives of the organisation. Effective career management: .14 The Public Service values employees who are willing to devote themselves to a career in the service of the public, and there will be opportunities to develop their individual skills and abilities, provided these are in line with the Public Service's operational requirements. Career management is the process by which the career aspirations of the individual employee are reconciled with the operational objectives of the organisation. Effective career management

- Enables employees to maximise their career potential by availing themselves of job opportunities, training and development.
- Enables employers to develop the organisation's human resource capacity while supporting, as far as possible, employees' career aspirations.

5.15 Primary responsibility for career management rests with the employee. It is for individuals to determine, in the light of their personal aspirations, the direction in which they wish their careers to advance, whether within or outside the Public Service. Departments also have a responsibility for career management, given its importance in developing the organisation's human resource capacity to meet its operational and organisational objectives. Provincial administrations and departments should therefore develop career management procedures, linked to their performance management system, which comply with the following principles:

- The individual employee is responsible for his or her own career management. Employees therefore have a duty to inform themselves of job, training and development opportunities, and to avail themselves of such opportunities as they occur.
- The employee's immediate manager is responsible for informing him or herself at regular intervals about the employee's career aspirations, and for reaching an understanding with him or her about how these can best be met within the organisation's future operational objectives.
- The manager should keep up to date with job, training and development opportunities which are likely to assist in meeting both the employee's career aspirations and the organisation's operational objectives, and to inform the employee of these and support his or her efforts to avail him or herself of them.
- Managers have a particular duty in respect of staff whose careers have been or are still hampered through no fault of their own, such as employees who have been educationally disadvantaged, or women who are trying to combine a career with child-rearing responsibilities, or employees who are disabled.
- The manager's own performance should include an assessment of the extent to which they have carried out their career management responsibilities.

Managing Conduct

5.16 All public servants are required to comply with the law, and to abide by the Code of Conduct for Public Servants. Failure to do so constitutes a breach of discipline for which an employee can be penalised. It is therefore the duty of national and provincial departments to ensure that every employee is aware of the legislation which impacts on their area of work, and is provided with a personal copy of the Code of Conduct for Public Servants when they take up their duties.

5.17 The Code of Conduct sets general norms for the behaviour required of public servants in respect of the public, the legislature, and their professional colleagues. However departments should also draw up their own codes to guide employees in relation to their particular tasks. For example, staff who deal directly with the public should be given clear guidance about the standards of courtesy and behaviour which is expected. These departmental /provincial administrations codes should be agreed with the appropriate employee representative bodies and promulgated in writing to every employee.

5.18 The key to ensuring good conduct on the part of employees is to create an environment where a high standard of professional behaviour is the norm. While every employee is responsible for his or her own conduct, most employees will take their cue from their seniors. Managers therefore have a particular duty to set and maintain high standards of honesty, responsible use of resources, courtesy, punctuality, and conscientious performance of their duties. This applies above all to top managers, who are ultimately accountable for their employees' conduct.

5.19 When cases of misconduct occur, they should be identified and dealt with swiftly. It is the duty of every employee to report to their superior officer any incident which they suspect to be a breach of conduct, whether or not the incident is related to their own area of work. Unlawful or criminal activity should be referred to the Police immediately to be dealt with under due legal process.

5.20 Breaches of conduct falling short of illegal activity should be dealt with by departmental measures which are appropriate to the seriousness of the offence, and which are focused on correcting the employee's conduct while also protecting the public interest. Departments/Provincial administrations disciplinary procedures should therefore contain a range of measures which can be applied flexibly to meet the circumstances of the case. Minor infringements should be dealt with on the spot by means of a verbal warning from the employee's supervisor. More serious infringements, or repeated minor infringements may be dealt with by means of a written warning or formal reprimand, or a more substantial measure such as demotion, or withholding a pay increase. Serious cases of misconduct may result in dismissal, which may be instantly imposed in the most serious circumstances.

5.21 Whatever the nature of breach of conduct, procedures for dealing with them should be swift, fair, equitable and effective. The following principles should be observed:

- The breach of conduct should be objectively substantiated.
- The employee should be informed of the charges against him or her, and be given adequate opportunity to respond.
- Action as a result of misconduct should be appropriate and implemented swiftly.

Managing Grievances

5.22 From time to time, an employee may feel that he or she has been treated unfairly as a result of management's actions. Good managers will normally resolve such problems in the course of their day-to-day interaction with their staff. Where the situation is more serious, however, for example if an employee believes that his or her conditions of service have been infringed, or that management has acted in a discriminatory manner, the employee is entitled to raise a grievance and to have it dealt with by means of prompt, fair and objective procedures.

5.23 Grievance systems should be focused on promoting the amicable settlement of problems, rather than on legalistic, confrontational procedures. In developing grievance procedures the following principles should be observed:

- **Fairness and objectivity:** The facts of the case should be objectively determined, and the resolution of the problem should take account of all the circumstances in a fair and impartial manner.
 - **Transparency:** The aggrieved employee and his or her relevant manager should be fully informed of the procedures, and kept informed as the case progresses.
 - **Independence:** There should be an independent avenue through which the grievance can be lodged, outside the aggrieved employee's direct line management.
 - **Timeliness:** A grievance should be dealt with swiftly, in order to avoid disrupting the good management of the department and spreading discontent more widely in the organisation.
 - **Participation and representation:** The aggrieved employee should be given full opportunity to participate in the presentation of his or her own case, and to be assisted in doing so by a representative of his or her own choice.
 - **Statutory rights:** The grievance procedure may not undermine any statutory provisions that are in force.
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CHAPTER 6:

TERMINATION OF SERVICE

Introduction

6.1 Employees who have served loyally and well should be treated with consideration when they leave; equally, employees for whom there is no further operational requirement, or who can no longer serve competently and effectively, or whose conduct falls below the high standards required of public servants, should not be permitted to remain within the Public Service.

6.2 A public servant's service can be terminated in one of three ways:

- Termination initiated by the employee
- Termination by mutual agreement
- Termination initiated by the employer

Termination initiated by the employee

Resignation

6.3 An employee may resign from the Public Service of his or her free will at any time by giving the employer notice in writing as stipulated in his or her contract of employment. The two exceptions to this are:

- An employee should resign from the Public Service if he or she: accepts a nomination or stands as a candidate as a member for parliament at national or provincial level; or accepts employment elsewhere in the public sector, for example in a parastatal organisation, or in local government. An employee who fails to offer his or her resignation in these circumstances will be deemed to have resigned.
- An employee may not resign in order to avoid the consequences of disciplinary action. The resignation of an employee who has been suspended or who has been accused of misconduct may not be accepted until disciplinary procedures have been completed and a decision reached.

Retirement at own request

6.4 An employee may request to retire from the Public Service at any time between the age of 55 and 65 years.

Abscondment

6.5 An employee who absents him or herself from duty for a period of [21] days or more without prior authority will be deemed to have resigned. Procedures to implement termination in cases of abscondment should comply with the following principles:

- All reasonable attempts to contact the employee should be exhausted prior to implementation.
- Adequate opportunity should be provided for the employee to present his or her case why termination should not be proceeded with.
- The case should be speedily and objectively considered.
- The return to work and remuneration of employees who are, after a period of absence, deemed not to have absconded, should be dealt with in a fair and dignified manner.

Termination by mutual agreement

Early retirement

6.5 An employee between the ages of 45 and 55 can request to be retired early, and the employer may agree, provided early retirement is in the interests of the organisation.

Voluntary severance

6.6 From time to time, voluntary severance may be offered to individuals or groups of employees for whom there is no further operational requirement. Voluntary severance schemes will be designed case by case to meet the particular operational needs of the organisation concerned. In devising voluntary severance schemes, the following principles should be applied:

- All eligible employees (i.e. employees within the specified target group) wishing to take voluntary severance should be given an equal opportunity to apply.

- Objective selection criteria should be drawn up which set out clearly for the benefit of employees the basis on which applications will be accepted. These criteria should be focused firmly on operational requirements and be consistent with the principles of employment equity.
- The final decision to accept an application will rest with the employer.

Termination initiated by the employer

Age retirement

6.7 The normal retirement age for all public servants is their 65th birthday. All contracts of employment should make clear that employment will automatically cease on this date. Wherever possible, employees should be assisted to make the transition from employment to retirement, for example by means of a pre-retirement preparation programme.

6.8 Employment beyond the age of 65 will only be permitted only in exceptional circumstances where the employer can clearly demonstrate that the employee in question is the only person who can carry out the duties in question, and the employee is willing to extend his or her service. Extensions of service beyond the age of 65 should be on the basis of a fixed-term contract for a specified period of not more than 12 months at a time, and for a maximum of [2] years.

Completion of fixed-term contract

6.9 The service of employees on fixed-term contracts will automatically cease at the end of the contract period. Extensions to fixed-term contracts may be instigated by the employer in line with the following principles:

- The extension is required because of additional operational requirements in relation to the original contract, and does not constitute a completely new requirement.
- The extension is not required because the employee has failed, through his or her own shortcomings, to deliver the required outcomes in the original timescale.
- There are clear operational grounds for extending the contract rather than creating a new contract filling the position through competition.
- The employee's performance during the period of the original contract has been wholly satisfactory.
- The period of extension does not exceed [2] years.

Compulsory severance

6.10 From time to time the Public Service may find it necessary to dispense with the services of individuals or groups of employees for whom there is no further operational requirement. In these circumstances, the services of the employees concerned will be terminated in accordance with a compulsory severance scheme negotiated with the relevant staff representative body. Such schemes should be drawn up in accordance with the following principles:

- Selection criteria should be objective, consistent with the principles of employment equity, and focused firmly on operational requirements. Wherever possible, preference in selection should be given to those who wish to volunteer over those who wish to remain.

- The employer should take active steps to redeploy employees to other positions within the Public Service before implementing severance.
- The financial compensation package should provide fair compensation for the loss of employment, taking account of the employee's age, length of service, and future employment prospects.
- Adequate notice of severance should be given to employees.
- Severance arrangements should include measures to assist employees to make a successful transition from the Public Service to other fields of employment or early retirement.

Termination due to ill-health

6.11 Most employees suffer occasional bouts of ill-health which prevent their attendance at work, or diminish their performance of their duties. These are covered by the normal sick leave provisions. Where, however, an employee's health deteriorates so seriously as to render him or her permanently unfit for duty for the foreseeable future, his or her services may be terminated on grounds of ill-health. In terminating service on ill-health grounds the following principles should be applied:

- The degree of incapacity and confirmation that there is no early prospect of recovery should be established by a professional medical authority acting independently of the interests of either the employee or employer.
- The employer should demonstrate that there is no other suitable job which the employee can perform elsewhere in the organisation, even given his or her current state of health.

6.12 An employee who has been retired on ill-health grounds may be considered for re-employment only on the basis of independent medical evidence that he or she is now fit to resume the duties required of him or her.

Termination due to incapacity

6.13 From time to time, most employees go through a 'bad patch', during which the standard of their work drops, perhaps because of domestic or health reasons, or because the nature of their duties or the working environment fail to bring out the best in them. Such lapses are usually temporary, and should be dealt with through normal performance management practices. Sometimes, however, an employee's performance deteriorates so seriously and permanently, that the Public Service can no longer justify employing him or her. In such circumstances, an employee's service may be terminated. Procedures for terminating service in these circumstances should comply with the following principles:

- The employer can demonstrate that the employee has consistently failed to perform to the required standard, notwithstanding the application of all possible remedial measures, including opportunities for improvement provided by the performance management system.
- The employer can demonstrate that the employee is incapable of improving or unwilling to improve his or her performance.
- There is no other job within the organisation which the employee is capable of filling within his or her capacity and willingness to perform to a satisfactory standard.
- The employee is given an opportunity to make representations against the decision to terminate his or her services, with the assistance of a personal representative of his or her choice.

Dismissal for misconduct

6.14 Public servants are required to uphold the highest standards of professional and personal behaviour, as laid down in the Code of Conduct for Public Servants. An employee who is guilty of misconduct so serious as to render him or her unsuitable for employment in the Public Service is, in effect, in breach of his or her contract and may be dismissed. Procedures for dismissing an employee on grounds of misconduct should comply with the following principles:

- There should be proven evidence of the alleged misconduct.
- Disciplinary action short of dismissal should be considered before a decision to dismiss is taken.
- The employee should be given written notice of the intention to dismiss him or her, and adequate opportunity to make representations, with the assistance of a personal representative of his or her choice.

Dismissal due to industrial action

6.15 Dismissal of public servants as a result of industrial action will be governed, as for all employees, by the provisions of the Labour Relations Act, 1995, whose key provisions in this area as follows. Industrial action, including 'protected', i.e. legally constituted strikes, are deemed to be 'functional' to the collective bargaining process. Participation in a protected strike, or for any conduct in contemplation or furtherance of such a strike, is therefore not regarded as a breach of contract, and does not constitute grounds for dismissal. However if, in the course of a protected strike, an employee is guilty of misconduct, for example by carrying out acts of violence or intimidation, this may provide grounds for dismissal.

6.16 Employees who participate in unprotected strikes may be dismissed, but may also have recourse to redress if, for example, it is proved that the employer caused the strike through its own actions. Procedures for dismissing employees as a result of unprotected strike action should comply with the following principles:

- The intended action should be discussed with the relevant trade union or unions.
- Employees should be given a clear ultimatum advising them to return to work and informing them of the intention to dismiss them if they fail to do so.
- Employees should be given a reasonable period of time within which to consider and respond to the ultimatum.

CHAPTER 7:

IMPLEMENTATION

The challenge

7.1 Implementing the White Paper poses a number of challenges, both for national and provincial departments, and for the Department of Public Service and Administration.

National and provincial departments

7.2 National and provincial departments will, among other things, need to:

- Transform the management culture of their organisations to adopt new approaches to human resource management
- Create or develop infrastructure and systems to support new human resource management practices
- Transform their personnel administration components into human resource management units
- Ensure that the managing people becomes the responsibility of all line managers, and that they have the requisite skills to fulfill this responsibility, for example in human resource planning, diversity management, the drawing up of job-related recruitment criteria, and objectives-based performance management
- Consult and, as necessary, negotiate new human resource management practices with local representatives of organised labour

Department of Public Service and Administration

7.3 The Department of Public Service and Administration will, among other things, need to:

- Ensure that the new human resource policies are supported by key stakeholders.
- Consult and, as necessary, reach agreement on human resource policy with representatives of organised labour at national level.
- Ensure that the statutory framework supports the practical application of new human resource management policies.
- Ensure that human resource management policies are aligned with other transformation initiatives.
- Seek to ensure that centrally-controlled systems, such as PERSAL are developed to support national and provincial departments' implementation of the new human resource management policies.
- Assist national and provincial departments to implement the new human resource management policies by providing guidance and, in conjunction with training suppliers, help to develop capacity.

Communication

7.3 The successful implementation of the policies contained in this White Paper will depend, first and foremost on making sure that their purpose and objectives are understood and accepted by people at all levels within the Public Service. This means more than simply issuing copies of the White Paper. It will require a well-managed communication campaign in which employees at all levels to are able participate and have their questions answered and their concerns taken into account. The Department of Public Service and Administration, in conjunction with national and provincial departments, will develop and help to deliver a communications campaign which will serve this purpose. The Department of Public Service and Administration will also work with national and provincial departments to develop user-friendly guidelines to implementation, and will provide policy guidance to national and provincial departments during the initial stages of implementation.

Institutional mechanisms

7.4 [Most of the policies contained in this White Paper can be implemented within the existing Public Service regulatory framework. The schedule attached to this White Paper identifies those aspects which fall within existing legislation, which will be incorporated into the new Public Service Regulations due to be published in [April 1998], and those which will be the subject of further legislation. **NB: amend in the light of legal advice**]

The new Regulations will provide a minimum of mandatory norms with which all national and provincial departments will be expected to comply, and will also contain national agreements with organised labour on matters of mutual interest. National and provincial departments will then need to develop their own human resource management practices within the parameters of these national norms and agreements.

From personnel administration to human resource management

7.5 Managing people in the Public Service has traditionally been seen as the task of personnel administration components whose main task has been to ensure compliance with centrally-determined regulations and prescripts. These activities have sometimes, perhaps unfairly, been perceived as controlling and inhibiting the effective management of human resources. Managing people in future will require the transformation of personnel administration components into full-fledged human resource management units whose role will be to provide professional support and guidance to management.

7.6 The difference between the old and new approaches can be illustrated as follows.

| Old-style personnel administration | New style human resource management |
|---|---|
| <ul style="list-style-type: none"> ◦ Uniformly applied central rules and prescripts ◦ Personnel administrators ensure compliance with central rules ◦ Line managers have no responsibility for human resource management | <ul style="list-style-type: none"> ◦ Locally developed management practices within Public Service-wide principles ◦ Local human resource management units provide professional advice and guidance on application of locally-developed practices ◦ Line managers are primarily responsible for the management and development of their human resources |

7.7 The transformation of personnel administration components into fully-fledged human resource management units will require, among other things, the retraining and reorientation of staff to undertake their new roles; and the abolition of narrow distinctions between previous personnel administration functional specialisms and their replacement with a single human resource management professional group.

Capacity building

7.8 Many national and provincial departments lack highly developed human resource management skills, as well as the capacity to develop policy and devise practices for their implementation, and to negotiate and reach agreement on human resource management issues with representatives of organised labour. Building capacity will therefore be a priority, both for national and provincial departments. The Department of Public Service and Administration will, in conjunction with key players such as the

South African Management Development Institute and other institutions, assist departments to develop capacity-building programmes.

7.9 As a first step, the Department of Public Service and Administration will assist national and provincial departments to carry out a capacity assessment which will determine, among other things:

- the existing level of human resource management skills and capacity
- whether sound human and financial resource management systems exist
- the institutional capacity to exercise devolved powers and delegated responsibilities.

7.10 The capacity assessment will be followed by a capacity-building programme to develop human resource management skills among practitioners and line managers. The programme may be expected to cover, for example:

- human resource policy development
- human resource planning
- diversity management
- competition, recruitment and selection
- performance management
- career management and development
- conduct and grievance management
- flexible working patterns
- termination of services
- labour relations

Transforming human resource management - the key steps

7.11 The policies set out in this White Paper cannot be implemented overnight. Achieving fundamental, enduring changes of the kind which are needed will require concerted effort by many people over a protracted period. Nevertheless implementation will be achieved more quickly and effectively if it is approached in a systematic manner. The key steps to implementation include:

Driving the policy

The head of department should issue a clear human resources policy statement on behalf of the executive authority (who is ultimately responsible for the efficiency and effectiveness of the organisation), and provide strong leadership to ensure that the policy is put into practice.

Clarifying roles and responsibilities

All line managers and human resource practitioners should be fully informed of their respective human resource management responsibilities; and of how their performance will be assessed in relation to these. Employees at every level should be informed about how the new approach to human resource management will affect them, and the roles they are expected to play.

Establishing the baseline

A comprehensive human resources audit should be undertaken to identify the gap between current human resource policies and practices and those which will be introduced by this White Paper. The audit should cover, among other things:

- Human resource planning and information systems
- Human resource management organisation and structures
- Human resource management skills

Developing a human resources strategy

A comprehensive strategy should then be drawn up to close the gap between existing policies, practices and capacity and the department's and provincial administration's future requirements. The strategy should include:

- Clearly articulated objectives, aligned to the organisation's strategic and operational goals
- Time-bound targets for the transformation of individual human resource management practices, such as planning, recruitment, selection, career management, performance management and termination
- Assignment of responsibilities and resources for implementation

Monitoring and evaluation

Implementation of the strategy should be continuously monitored and evaluated, in order to ensure that targets are met and that policies and practices are improved in the light of experience

Conclusion

7.12 The need to reform human resource management is urgent, because of its central role in the transformation of the Public Service. The aim is to make significant progress in implementing the policies set out in this White Paper within [2] years. National departments/provincial administrations should not, therefore, wait for the commencement of the capacity-building programme before embarking on reform, but should begin on their implementation programmes as soon as possible within their current capacity.

7.13 National departments and provincial administrations' progress in implementing the White Paper will be monitored by the Public Service Commission, as part of their regular monitoring activities. The Department of Public Service and Administration will evaluate the policies in the White Paper and submit a report to Parliament on overall progress [12 months] after the official launch of the White Paper.